
Appeal Decision

Site visit made on 30 September 2019

by B.S.Rogers BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 October 2019

Appeal A Ref: APP/Y2003/C/19/3224025

Appeal B Ref: APP/Y2003/C/19/3224026

Land rear of Conway, 4 Cherry Lane, Barrow-upon-Humber, DN19 7AX

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - Appeal A is made by Mrs Malgorzata Golata and Appeal B by Mr Jakub Golata against an enforcement notice issued by North Lincolnshire Council.
 - The enforcement notice was issued on 7 February 2019.
 - The breach of planning control as alleged in the notice is without planning permission the making of a material change of use of agricultural land to domestic garden.
 - The requirements of the notice are:- i. cease the use of the land as domestic garden land; and ii. remove all items of domestic paraphernalia from the land; and iii. remove the fencing running between points A-B-C shown as an unbroken line on the plan annotated PLAN 2; and iv. erect a fence, wall or other means of enclosure not exceeding 2 metres in height between points A and D shown as a dashed line on the plan annotated PLAN 2.
 - The period for compliance with the requirements is 28 days.
 - The appeals are proceeding on the ground set out in section 174(2)[f] of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.
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Decision

1. Both appeals A and B are dismissed and the enforcement notice is upheld.

The appeals on ground (f)

2. The appeal property is one of a row of five detached dwellings which back onto a grassed field on the edge of Barrow-upon-Humber. With the agreement of the farmer who still owns the land, the appellants have erected a timber fence around that part of the field immediately to the rear of their dwelling and brought the land into use as an extended domestic garden.
3. The appellants do not dispute the requirements of the notice, save for the requirement to remove the fencing from around that part of the field in question. This is argued to be excessive as the land will no longer be used as a garden and the fencing will help keep cattle off the land to permit other agricultural uses, such as keeping bees.
4. There is no indication of any present agricultural activity on the appeal site, which is presently closely mown grass, and no indication that the appellants have any agricultural expertise to undertake such activity in the future. They

do not own the land. The fence in question therefore appears to have little purpose, other than for residential use. Although of modest height, it is of a distinctly domestic style and appears out of character in this rural setting. If permitted to become established, there remains the possibility that it could lead to further adverse impacts. It could be replaced by a fence of up to 2m in height, without the need for planning permission, further eroding the countryside character of the area. It could also encourage neighbouring residents to seek to enclose parts of the field in a similar manner.

5. I find that the steps required to comply with the requirements of the notice are not excessive. They are no more than is required to address the breach. The appeals on ground (f) fail.

B.S. Rogers

Inspector