



Appeal Decision

Site visit made on 4 December 2019

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 17 December 2019

Appeal Ref: APP/M2325/C/19/3233259

5 Woodlands Road, Ansdell, Lytham St Annes, FY8 4EP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Martin Andrew Wragg against an enforcement notice issued by Fylde Borough Council.
 - The enforcement notice was issued on 28 June 2019.
 - The breach of planning control as alleged in the notice is: without planning permission, a fence, gates and gate piers the height of which exceeds one metre above ground level, have been erected to the entire boundary of the land shared with Woodlands Road and Ripon Road.
 - The requirements of the notice are: remove any fence, gate or pillar over one metre in height, when measured from ground level, measured from the adjacent pavement, or reduce their height so that they no longer exceed one metre above that ground level.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

The appeal on ground (f)

2. The appeal on ground (f) is that the requirements of the notice exceed what is necessary. As there is no injury to amenity in this case, the purpose of the notice is to remedy any breach of planning control.
3. The development in question comprises fencing, a gate and gate piers on the boundary of the appeal site facing the highway, which exceed 1m in height. The appellant does not dispute that planning permission is required for the development.
4. In his submissions, the appellant indicates that he is willing to compromise, and make alterations to the fence. He states that the work is not finished, and that it is intended to stain the fence mahogany, with the aim of making it blend in better with the colour of the brick wall. Reference is also made to putting tops on the gate posts.
5. However, these changes would not negate the need for planning permission for the development. Although my attention has been drawn to other examples of fences in the area, it is not open to me to consider the planning merits of the development in this particular case.

6. In the absence of any convincing evidence to the contrary, I am therefore satisfied that the requirements to remove the development, or to reduce it to a height that brings it within the relevant permitted development limits, are commensurate with the purposes of remedying the breach of planning control.
7. The appeal on ground (f) therefore fails.

Conclusion

8. For the reasons given above, I conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR