



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 9 June 2022

Appeal ref: APP/Z5060/C/22/3295683
Land at 106 Longbridge Road, Essex, 1G11 8SF

- 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 brought by Mr Shujaat Ali against an enforcement notice issued by the London Borough of Barking & Dagenham.
- The notice was issued on 1 March 2022.
- The breach of planning control as alleged in the notice is "Without planning permission, the erection of a fence at the rear of the property exceeding two metres in height".
- The requirements of the notice are: "Lower the fence to no more than two metres in height or remove the fence in its entirety. Remove all subsequent waste material from the property".
- The time period for compliance with Step 1 is "1 Month to comply with the two requirements listed in section 5 after this notice takes effect".
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. It appears clear from the appellant's supporting arguments that the main purpose for appealing is to keep the unauthorised fence in place at its current height in order to provide privacy from his neighbours' CCTV. However, as an appeal on ground (a) has not been made, this is not something before me to consider. I can only consider the appeal on ground (g), which is whether or not the time to comply with the notice is too short. With that in mind, the appellant has not provided any compelling reasons why the time period of 1 month is too short to reduce the height of the fence to no more than two metres in height. I am also mindful that nearly 3 months have elapsed since the appeal was submitted with enforcement action effectively suspended. As the compliance period will begin again from the date of this decision, the appellant will effectively have had some 4 months in which to carry out the necessary works to comply with the requirements of the notice.
2. In these circumstances, there does not appear to be any good reason to justify extending the compliance period further and the stated harm caused by the unauthorised development to residents in the immediate vicinity should be brought to an end as soon as possible. The ground (g) appeal fails accordingly.

Formal decision

3. For the reasons given above, the appeal is dismissed and the enforcement notice is upheld without variation.

K McEntee