



Appeal Decision

Site visit made on 23 July 2024

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2024

Appeal Ref: APP/P0119/C/24/3339576

3 Jubilee Drive, Thornbury, Bristol, South Gloucestershire, BS35 2YG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr M Chacko against an enforcement notice issued by South Gloucestershire Council.
 - The notice was issued on 30 January 2024.
 - The breach of planning control as alleged in the notice is, without planning permission, the erection of a front and side boundary wall.
 - The requirements of the notice are to:
 1. Permanently remove the wall and constituent materials from the land.
 2. Restore the land to the condition before the breach took place.
 - The period for compliance with the requirements is: One month.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the enforcement notice is varied by:
 - the deletion of 1 month and its substitution with 2 months as the time for compliance.
2. Subject to the variation, the appeal is dismissed and the enforcement notice is upheld.

Ground (f)

3. This ground of appeal is that the requirements of the notice are excessive and that lesser steps would overcome the objections. The enforcement notice seeks the removal of the entirety of the wall, to the front and side boundary and as such the purpose is clearly to remedy the breach, as stated in Paragraph 4 of the notice.
4. The appellant asserts that the retention of the side boundary wall would not have any harmful effect on the character of the area. There is also reference to painting the side wall and reducing it in height. However, these measures would not remedy the entire breach of planning control, as the notice requires and are matters relating to the planning merits of the wall which, in the absence of a ground (a) appeal, are not something which I am able to consider.
5. In the absence of any lesser steps being put before me that would remedy the breach of planning control which refers to both the side and front boundaries, the appeal on ground (f) fails.

Ground (g)

6. The ground of appeal is that the time given to comply with the notice is too short. The notice requires the removal of all the wall and the clearance of all constituent materials from the site within one month. The appellant argues that a period of four months would be more reasonable and practical, to make arrangements. However, given the relatively straightforward nature of the works to remove the wall, I consider that a period of four months would be excessive and that a period of two months would be reasonable to allow for the works to be undertaken, striking the appropriate balance between the need to secure a contractor to undertake the works and the legitimate aim of remedying the breach of planning control.
7. Accordingly, the appeal on ground (g) succeeds to this extent.

Other Matters

8. The appellant has provided examples of other side boundary walls and fences that have been erected on the wider residential estate around the appeal site. However, no further details have been provided in respect of the specific circumstances that have led to these being erected. As such, they have little bearing on my decision.

Conclusion

9. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on ground (g) succeeds to that extent.

Martin Allen

INSPECTOR