



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 16 July 2025

Appeal ref: APP/V1260/C/25/3361178

Land and premises at 2 Jellicoe Drive, Christchurch, Dorset, BH23 3SL

- 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 Miss Samantha Osborne against an enforcement notice issued by Bournemouth, Christchurch and Poole Council.
- The notice was issued on 21 January 2025.
- The breach of planning control as alleged in the notice is: "In the approximate position marked with a green line, the erection of a means of enclosure and access gate over a height of one (1) metre, adjacent to a highway used by vehicular traffic".
- The requirements of the notice are: "a) The removal of the close boarded fencing and pedestrian gate indicated by the green line on the attached plan, including all respective posts, cross rails, fixtures, and fittings from the approximate position indicated by the solid blue line on the attached plan; b) Ensure all the resulting materials from the compliance with a) above are removed from the land affected, **OR** c) carry out remedial works to the close boarded fencing and pedestrian gate, indicated by the green line by reducing it in height to no more than 1m when measured from the surface of the adjacent ground level, d) Ensure all the resulting materials from the compliance with c) above are removed from the land affected".
- The time period for compliance with the notice is: "three (3) months 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. The main basis for the appeal is that the appellant would like the period of time to comply with the requirements of the notice to be extended to nine months to allow for a decision on appeal (APP/V1260/D/25/3361180) for retrospective planning permission to be made. She also contends that if the appeal is unsuccessful, she will have to replace the fence with hedging and is concerned about having to do so outside of the planting season.
2. I note that while the Council considers the three-month compliance period (although they refer to one month in error) to be sufficient, they accept that the outcome of the planning appeal will potentially have an impact on whether the requirements of the notice will be necessary. With that in mind, the Council state that they would not enforce the requirements of the notice until the planning appeal is determined. They explain that should the planning appeal remain undetermined, and the appellant were to request an extension of time to the Council, they would be prepared to use their powers under section 173A(1)(b) of the 1990 Act to extend the compliance period themselves.

3. In view of the relevance of the outcome of the planning appeal, I consider the Council's suggestion is to be a fair and reasonable solution. Therefore, I do not consider there is no good reason for me to extend the compliance period with the requirements of the notice. The appeal fails accordingly.

Formal decision

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

K McEntee