



Appeal Decisions

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date 10 October 2025

Appeal Refs: APP/K0425/C/24/3352775 and 3352776

57 Dukes Wood Drive, Gerrards Cross, Buckinghamshire SL9 7LJ

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeals are made by Mr K Kakel and Mrs R Gardy against an enforcement notice issued by Buckinghamshire Council - West Area (Wycombe).
 - The notice was issued on 20 August 2024.
 - The breach of planning control as alleged in the notice is the erection of a front boundary enclosure and gates.
 - The requirements of the notice are: 1. Remove the front boundary enclosure and gates; and 2. Remove all materials and debris resulting from complying with step 1.
 - The period for compliance with the requirements is three months.
 - The appeals are proceeding on the grounds set out in section 174(2)(c) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeals are dismissed and the enforcement notice is upheld.

Preliminary Matters

2. The appeals have been made under ground (c) only. To succeed under ground (c) the development that is the subject of the enforcement notice must either benefit from planning permission or it is development permitted under the provisions of The Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO). In these circumstances and given that the appeals must be determined on the basis of the situation that prevailed on the date that the notice was issued, visiting the site is unnecessary. The appeals have been determined without undertaking a site visit.

3. The appeal form indicates the principal Appellant to be Mr Y Abdalla, but he is also indicated to be the Agent. It is clear from evidence that the principal Appellant is Mr K Kakel, who lives at the appeal property, and not Mr Y Abdalla.

Reasons

4. Planning permission PL/22/3567/FA was granted on 13 July 2023 for 'erection of new brick wall with metal railings above and relocation of front gates'. The permission is subject to six conditions; condition 6 requires the development to be carried out in accordance with four drawings. One of the drawings is no. 82/1207/04 Rev A and is an elevation of the new front garden wall. The Appellants maintain that "The works undertaken on site adhered strictly to those approved plans" and that "...the development was carried out within the bounds of the planning permission granted".

5. The photograph attached to the enforcement notice clearly shows that the front boundary wall and gates that have been erected do not accord with the approved drawing. The two sections of wall are higher than approved and do not curve up to the

pillars at either end as shown on the elevation drawing. The pillars as built do not have projecting bands below their cappings as shown on the drawing, and the gates and railings are virtually solid panels with a horizontal emphasis rather than metal railings with a vertical emphasis that would not close off views into the property.

6. Evidence indicates that the boundary wall was commenced before the planning permission was granted and that it resembles the wall that was the subject of a previous withdrawn planning application. However it came to be as it is, the front boundary enclosure and gates are not in accordance with the drawings approved under planning permission PL/22/3567/FA. The boundary enclosure and gates do not benefit from planning permission and they do not comply with the limitations for gates and walls permitted under Class A of Part 2 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).

7. The Appellants have referred to other front boundary walls and gates in the area but comparison of the walls and gates at the appeal property with these other examples, and the merits of the development that has been carried out, can only be considered under a ground (a) appeal, which has not been made.

8. The erection of a front boundary enclosure and gates at the appeal property does not benefit from planning permission and is not development permitted under the GPDO. The ground (c) appeals thus fail.

John Braithwaite

Inspector