



Appeal Decision

Site visit made on 7 October 2025

by **Peter Willows BA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 October 2025

Appeal Ref: APP/P1940/C/23/3333635

37 Creasy Close, Abbots Langley, Hertfordshire WD5 0HS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Gary Wallace against an enforcement notice issued by Three Rivers District Council.
- The enforcement notice is dated 9 October 2023.
- The breach of planning control as alleged in the notice is failure to comply with a condition imposed on a planning permission ref 8/307/88 granted on 16 June 1988.
- The development to which the permission relates is: The erection of 47 houses with roads, garages and ancillary works.
- The condition in question is number 8, which states that: 'Notwithstanding the provisions of Classes I and II of Schedule 1 to the Town And Country Planning General Development Order 1977 (as amended), no enlargement, improvement or other alterations (including the erection of a garage, stable, loose-box or coach house within the curtilage) of or to any dwellinghouse the subject of this permission shall be carried out without the previous express permission in writing of the local planning authority, nor shall any building or enclosure required for a purpose incidental to the enjoyment of any of the said dwellinghouses as such, nor shall any gates, fences, walls or other means of enclosure be erected, constructed, or placed on any part of the land covered by this permission without such consent as aforesaid'.
- The notice alleges that the condition has not been complied with in that:
The following operational development has been undertaken without the express grant of planning permission in breach of condition 8:
 - 1) *the erection of slatted timber fencing (the length and location of which is shown marked between a "X" - "X" on the attached "Site Map 2" attached to this Enforcement Notice), and*
 - 2) *the material alteration and extension by raising in height of a timber picket fence incorporating upright timber posts and netting (the length and location of which is shown marked between a "Y" - "Y" on the attached "Site Map 2" attached to this Enforcement Notice).*
- The requirements of the notice are:
 1. *Remove the slatted timber fencing (the approximate position and extent of which is shown by a green line between points X - X on the attached "Site Map 2") from the Land.*
 2. *Remove the following materials used in the erection of the altered and extended timber picket fence (the approximate position and extent of which is shown by a blue line between points Y - Y on the attached "Site Map 2" and as shown in Appendix A") from the Land, namely the netting and the associated structural fixtures and fittings used to secure the netting in place including the timber posts supporting it.*
 3. *Following compliance with the requirements in paragraphs 1 and 2 above, remove from the Land all debris and waste materials resulting from the carrying out of these requirements.*
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c) and (f) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. It is directed that the enforcement notice is corrected by the deletion of 'paragraph (a)' at section 1 of the notice, and its replacement with 'paragraph (b)'.

2. Subject to that change, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

3. Section 1 of the notice identifies the breach of planning control as falling within paragraph (a) of section 171A(1) of the Act. However, the notice states that it is concerned with the failure to comply with a condition, and that relates to paragraph (b) of section 171A(1). I can correct this minor error without causing injustice to either party.
4. The appellant raises the prospect of reducing one of the fence panels in height. Section 177(1)(a) of the Act provides that, on appeal, planning permission may be granted in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters. In this instance, a reduced fence would amount to essentially the same breach of planning control, but in a reduced form, and would thus amount to part of the matters alleged. Consequently, I am satisfied that it falls within the scope of s177(1)(a) and I have had regard to the proposal in considering the appeal.

Background

5. The appeal property has a garden to the front and side. A pathway runs next to the side of the garden, serving the neighbouring No 36 and allotment gardens to the rear. A low picket fence already defined the edge of the garden before the additional fencing was added, and the wooden fencing targeted by the enforcement notice has been erected a small distance behind that. The screen constructed of posts and netting has now been removed, but previously continued along the side boundary, alongside the path, before completing a return back to the house, so as to enclose the side of the garden. This is shown in a photograph attached to the enforcement notice.

Ground (c)

6. In a ground (c) appeal, the appellant must show, on the balance of probability, that the matters stated in the notice do not amount to a breach of planning control.
7. There is no clear explanation from the appellant as to why there was no breach of planning control in this instance.
8. Certain types of minor development are granted permission *en masse* by article 3(1) and Class A of Part 2 of Schedule 2 to *The Town and Country Planning (General Permitted Development) (England) Order 2015* (as amended), which permits 'The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure'. However, such general permitted development rights can be removed by a planning condition. In this instance, the planning permission for 37 Creasy Close, which was part of a development of 47 houses, included Condition 8, which removes development rights relating to fences and other means of enclosure. There is nothing before me to suggest that the condition is no longer applicable. The wording of the condition leaves no doubt that fences and other means of enclosure cannot be erected on any part of the land covered by the planning permission.

9. The appellant refers to advice he says he was given by individuals from the parish and district councils, but any such advice cannot override the documented position that the erection of fencing and other means of enclosure at the property is controlled by a planning condition.
10. I conclude that it is clear that the works targeted by the notice are of the kind prohibited by Condition 8. Accordingly, there has been a breach of the condition as alleged in the notice and that is a breach of planning control. The appeal on ground (c) therefore fails.

Ground (a)

11. The appellant advises that the fencing formed of timber posts and netting was temporary, and there is no suggestion that planning permission should be granted for it. Consequently, I consider only the slatted wooden fencing below. The main issue is the effect of the wooden slatted fencing on the character and appearance of the area.
12. The houses within Creasy Close generally address the road at fairly close quarters, with limited boundary treatment to the front, so that the front elevations of the houses tend to be in clear view. This is an important aspect of the character of the Close, giving it an open feel.
13. The wooden fencing adjoins the front corner of the house, screening the side garden from views from the front. The fence is about 1.8m high and is constructed with narrow slats, horizontally laid. Although there are narrow gaps between the slats, the fence provides a fairly effective screen.
14. Although the fence is set back from the front boundary, it juts forward in relation to the front corner of the house, resulting in an unduly prominent structure, which competes with the front bay window for attention. While only a fairly short section of fencing, its height and siting forward of the main front wall of the house results in an over-dominant addition to the property. Fencing such as this to the front of dwellings is not a characteristic of the locality and, consequently, the fencing at the appeal property looks out of place.
15. I have considered the appellant's suggestion of stepping down the height of one of the panels, but conclude that this would give it a rather awkward, lopsided appearance, which would be more harmful still. I am not persuaded that planting would significantly improve the appearance of the fence. Although No 37 is not the most prominent house on the Close, due to its corner location, the size and siting of the fence means that it is very noticeable within the street scene. While the appellant suggests that planting could be introduced in place of the fencing if it is required to be removed, that would have a different, softer, visual effect and I am not persuaded that the prospect of such planting is a reason to permit the fence.
16. For these reasons I conclude that the fencing harms the character and appearance of the area. This brings it into conflict with Policy CP12 of the Council's Core Strategy, which seeks to protect the character and quality of the area. This leads me to the view that there is conflict with the development plan as a whole. The Council refers to other policies as well, but I regard CP12 as the most relevant to this issue.

17. I appreciate that the fence screens views of the garden from Creasy Close, but that benefit does not outweigh the harm I have found. I am not persuaded that there are significant security benefits arising from the fencing to the front of the property, since there is now only low picket fencing along the side boundary, next to the adjacent path. There is no argument made that the (now removed) netting screen to the side should have been retained.
18. I am not persuaded that the fence harms living conditions at the neighbouring 36 Creasy Close or that it has a significant harmful impact in terms of natural surveillance, but those findings do not alter or outweigh my view that there is harm to the character and appearance of the area.
19. I have noted the Council's reference to a previous appeal decision relating to the property, but that decision relates to a different scheme and was taken against a different policy background, and so is of little relevance.
20. Nevertheless, for the reasons given above, I conclude that the appeal on ground (a) should not succeed.

Ground (f)

21. Ground (f) appeals are concerned with whether or not the requirements of an enforcement notice are excessive.
22. Section 173 of the Act indicates that there are two purposes which the requirements of an enforcement notice can seek to achieve. The first (s173(4)(a)) is to remedy the breach of planning control which has occurred. The second (s173(4)(b)) is to remedy any injury to amenity which has been caused by the breach. In this case, the breach of condition alleged in the notice arises from the construction of the fences and the notice requires their removal. Consequently, the requirements are consistent with remedying the breach of planning control in accordance with s173(4)(a), and I do not regard them as excessive.
23. The appellant suggests that the fence panel furthest from the house could be reduced in height as an alternative to removing the fence or that planting could be added to it. However, neither of those measures would remedy the breach of planning control. Nor would they address the visual harm I have found.
24. For these reasons, the appeal on ground (f) fails.

Conclusion

25. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Peter Willows

INSPECTOR