



Appeal Decisions

Site visit made on 21 October 2025

By S A Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 27 October 2025

Appeal A Ref: APP/D1835/C/24/3357498

Appeal C Ref: APP/D1835/C/24/3357499

9 Whitehorse Close, Worcester WR2 4EB

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - Appeal A is made by Mrs Elizabeth Whitman and Appeal C is made by Mr Mark Whitman against an enforcement notice issued by Worcester City Council.
 - The notice was issued on 26 November 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a timber close board fence (fencing) adjacent to the highway (Toronto Close) measuring over 1.0m in height at 9 Whitehorse Close WR2 4EB.
 - The requirements of the notice are to:
 1. Resite the fence alongside the footway on the northern side of Toronto Close (marked blue on the attached Location Plan) so that it is at least 2 metres from the nearest edge of the highway, or
 2. Reduce the height of the fence where it is within 2 metres of the highway along Toronto Close (marked blue on the attached Location Plan) to a maximum of 1 metre measured from ground level, or
 3. Resite the fence alongside the footway on the northern side of Toronto Close (marked blue on the attached Location Plan) so that it is at least 1.7 metres from the footway and provide planting between the resited fence and the edge of the footway, in accordance with the following planting specification:
 - (A) i) Plant a hedgerow of one of the following species: Photinia Red Robin, or Ligustrum ovalifolium, or Elaeagnus eb. Compacta
 - ii) The chosen species shall be planted 500mm from the back of pavement edge and at least 500mm from the newly erected fence.
 - iii) The hedge plants shall be 1.5m metres tall at the time of planting and be planted at 25cm spacings (4 plants per linear metre). Single stakes for each plant may be required to provide support.
 - (B) Maintenance: The Hedge shall be watered weekly from April until October, unless there has been significant rainfall that week, their bases should be kept clear of weed growth until they are successfully established (up to 5 years). Any hedge plants that, within a period of five years after planting, are removed, die, or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter. (NOTE: Measurements are from the nearside edge of the footway, which falls within the definition of the 'highway')
 - The period for compliance with the requirements 1 and 2 is two months and requirement 3 is nine months.
 - The appeals are proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended).
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Appeal B Ref: APP/D1835/W/24/3357493

9 Whitehorse Close, Worcester WR2 4EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Elizabeth Whitman against the decision of Worcester City Council.
 - The application Ref is 24/00650/HP.
 - The development proposed is Retrospective planning for a 6ft fence at 9 Whitehorse Close WR24EB. Planning application WJ10/8356. Reference 24/00650/HP.
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Decisions

Appeals A and C

1. The appeal is dismissed the enforcement notice is upheld.

Appeal B

2. The appeal is allowed, and planning permission is granted for retrospective planning for a 6ft fence at 9 Whitehorse Close, Worcester WR24EB in accordance with the terms of the application, Ref 24/00650/HP, and the plans submitted with it.

Appeal B – s78 appeal against the refusal for planning permission

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area in terms of visual impact.

Reasons

4. The appeal concerns the erection of a fence approximately 1.8 metres in height, enclosing the private side garden of No. 9 Whitehorse Close, a semi-detached bungalow. The site lies within a well-established residential area characterised by a variety of dwelling types and layouts. Properties are arranged along spine roads and within cul-de-sacs of differing scales, creating a diverse urban grain. Whitehorse Close itself is a small, L-shaped cul-de-sac, with the appeal property situated on the inner corner. A pedestrian walkway runs adjacent to the side garden, providing a link between Whitehorse Close and Toronto Close, another nearby cul-de-sac. This configuration gives the appeal site a distinctive context within the wider estate layout.
5. A defining characteristic of the wider estate is its generally open-plan layout, with most dwellings set back from the road behind open frontages, often incorporating lawns and driveways, with some enclosed by low-level walls, fences, or hedges. Additionally, there are examples of more enclosed private spaces where taller boundary treatments, such as fences, hedges, or walls, define the front or side boundaries of properties. The planning status of these features is not known; however, their presence contributes to a varied streetscape and demonstrates a degree of flexibility in how boundaries are treated across the estate.
6. Due to the appeal property's position on the inner corner of the cul-de-sac, views of the fence from within Whitehorse Close are limited. While the front elevation of the dwelling remains visible from the public realm, this aspect of the property retains an open character consistent with other dwellings in the area. As such, the development does not detract from the prevailing open-plan appearance when viewed from within Whitehorse Close.
7. The section of fence running alongside the footpath to Toronto Close is visually modest when compared to the tall evergreen hedge directly opposite, which forms a more dominant feature in the streetscape. The Council has deemed this section, along with the portion adjacent to the property's frontage, to be acceptable, and I see no reason to disagree with that assessment. The Council's concern relates specifically to the 14-metre section of fence that runs along the back edge of the pavement on Toronto Close. While I acknowledge that this element is more

prominent due to its length and siting, it is viewed in the context of other similar boundary treatments in the vicinity.

8. The appeal fence is viewed primarily from one side, where it is seen against the backdrop of a tall evergreen hedge that runs along the opposite side of the footpath. This hedge forms a strong visual boundary and significantly reduces the prominence of the fence. Beyond the hedge, the boundary treatment transitions to a brick wall topped with trellis, which is of a similar overall height to the appeal fence. This wall forms the rear boundary to five properties fronting Whitehorse Close and extends to the point where the roadway meets an area of public open space. In this context, the appeal fence does not appear out of place and sits comfortably within an established pattern of varied boundary treatments.
9. On the opposite side of the appeal fence is a National Grid enclosure, which is set back from the road behind a deep grassed verge. The appeal fence extends from the roadside edge back towards this enclosure, following the line of the boundary. Its height is consistent with the existing fencing it adjoins, and it continues the visual rhythm established by the adjacent brick wall that encloses the rear gardens of properties fronting onto Columbia Drive. As such, the fence integrates with the surrounding boundary treatments and does not appear visually intrusive or out of keeping with the local context.
10. The Planning Enforcement Expediency Report describes the surrounding area as being characterised by open-plan front gardens, with boundary treatments to side and rear gardens that front the highway typically comprising well-designed walls, that formed part of the original development, or hedging. It raises concern that the appeal fence encloses the garden and reduces the openness of the plot, which is said to contribute significantly to the estate's open character. However, photographic evidence within the Council's own statement of case shows that the garden was previously enclosed by a conifer hedge of similar height. As such, the fence has not resulted in the loss of previously open land and I do not consider that the fence has introduced any greater sense of enclosure than existed before.
11. While I recognise the importance of preserving the open character of the original estate layout, the appeal fence occupies a position that is clearly distinct from the typical frontage arrangement. In this case, the neighbouring dwellings front onto Whitehorse Close and back onto Toronto Close, where the rear gardens are enclosed by taller boundary treatments directly adjacent to the highway. Given its location and the existing backdrop of similar boundary treatments, the fence has a limited visual impact and does not materially harm the character or appearance of the surrounding area. In this context, the development represents a proportionate and appropriate response to the site's specific circumstances.
12. The Council has provided an appeal decision for a fence of a similar height in Columbia Drive. Although I am not aware of the full circumstances of that case, it seems to me that the property was on a prominent corner plot where it was plainly visible within the public realm and thus it was a particularly incongruous feature in its setting. Moreover, it enclosed previously open land that formed an important part of the original layout of the estate. Thus, the circumstances of the two cases are not so similar for me to draw a direct comparison.
13. Overall, I consider that the height, siting, length and appearance of the fence do not detract from the openness of the estate road in a manner that is visually

harmful to the character or appearance of the street scene or the wider area. Accordingly, I consider that in these particular circumstances, the development complies with Policy SWDP.21 of the South Worcestershire Development Plan, and the Design Guide SPD which require development to integrate well within the existing street scene and for development proposals to be designed to reflect the local landscape and appearance of the area.

Conditions

14. The Council has not provided any suggested conditions, and none are considered necessary.

Conclusion on Appeal B

15. For the reasons given and taking into consideration all other matters that have been raised, I conclude that the appeal should be allowed.

Appeals A and C on ground (g)

16. An appeal on ground (g) is that the period specified in the notice falls short of what should be reasonably allowed. Section 180(1) of the 1990 Act provides that the enforcement notice shall cease to have effect so far as inconsistent with the planning permission granted. Accordingly, there is no requirement for me to proceed further with the appeal against the enforcement notice on ground (g).

S A Hanson

INSPECTOR