



Appeal Decisions

Site visit made on 29 October 2025

by **Sarah Dyer BA BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31st October 2025

Appeal A Ref: APP/Y2620/C/23/3332273

Appeal B Ref: APP/Y2620/C/23/3332274

Land at Homewood, Mill Lane, East Runton, Cromer, Norfolk NR27 9PH (the Land) shown edged red on the attached plan (the Plan)

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - Appeal A is made by Mr Calvin Pigott and Appeal B by Mrs Stephanie Pigott against an enforcement notice issued by North Norfolk District Council.
 - The notice was issued on 6 October 2023.
 - The breach of planning control as alleged in the notice is without planning permission operational development consisting of erection of a boundary wall above 1 meter in height.
 - The requirements of the notice are to:
 - (i) Permanently remove the white rendered boundary wall on the north and west elevation in its entirety.
 - (ii) Permanently remove the gate (set within the boundary wall) on the north elevation from the land.
 - (iii) Remove all subsequent waste material relating to the demolished wall from the property.
 - The period for compliance with the requirements is 4 months.
 - Appeal A is proceeding on the grounds set out in section 174(2)(a) 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.
 - Appeal B is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).
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Decisions

Appeal A

1. It is directed that the enforcement notice is corrected by:
 - The deletion of the words 'erection of a boundary wall above 1 meter in height' and their substitution with the words 'erection of a rendered and painted boundary wall with slate inset panels above 1 metre in height' in section 3.
 - The deletion of the words 'white rendered boundary wall' and their substitution with the words 'rendered and painted boundary wall with slate inset panels above 1 metre in height' in section 5 Requirement (i).
 - The deletion of requirement (ii)
2. Subject to the corrections, Appeal A is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the erection of a rendered and painted boundary wall with slate inset panels above 1 metre in height at Land at Homewood, Mill Lane, East Runton, Cromer, Norfolk NR27 9PH as shown on the plan attached to the notice and subject to the following condition:

- Within three months of the date of this decision full details of soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include native plants and the means by which they are to be attached to the approved wall, an implementation programme and maintenance schedule, including provision for replacement planting should establishment fail. Thereafter the soft landscaping shall be carried out and maintained in accordance with the approved details.

Appeal B

3. I take no further action in respect of Appeal B.

Preliminary Matters

4. In its reasons for serving the enforcement notice the Council refers to the development being in breach of a planning condition attached to a planning permission granted under its reference PF/181302. However, the enforcement notice has been issued in respect of a breach of planning control within paragraph (a) of section 171A(1) of the Planning Act 1990. Moreover, the breach is described as operational development without planning permission and not as a failure to comply with a condition which falls under paragraph (b). I have determined the appeal on the basis of the allegation as set out in the enforcement notice and a correction or variation is not required.
5. The second requirement of the enforcement notice is to remove the gate which is set within the boundary wall. However, the allegation refers only to the erection of the boundary wall not the gate. Also the third requirement relating to the removal of waste material refers only to the wall and not to the gate. Thus, the requirements do not align with the allegation. If I were to correct the allegation to include the gate this would result in injustice because the appellant has not had the opportunity to address the gate in their appeal. Therefore I shall correct the enforcement notice by removing the second requirement, which will not give rise to injustice in respect of either the appellant or the Council.
6. There is also an inconsistency between the allegation which refers to 'a boundary wall above 1 meter in height' and the first requirement which references 'the white rendered boundary wall on the north and west elevation'. There is no dispute between the parties in respect of the wall to which the enforcement notice relates, albeit that the appellant describes the wall as rendered and painted white/grey with slate inset panels. Therefore, I shall correct the notice so that the allegation and the first requirement accurately describe the boundary wall and are consistent with each other. Such a correction will not give rise to injustice to either party.

Appeal A - Ground A and the Deemed Planning Application

7. The appeal on ground (a) is on the basis that in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted.

Main Issues

8. The main issues are the effect of the wall on the character and appearance of the site and the surrounding area and on the safety of users of Mill Lane.

Reasons

Character and Appearance

9. Mill Lane has the character of a quiet country lane. Close to its junction with Felbrigg Road it is fronted by a number of houses set back short distances from the lane. There are a variety of boundary features associated with these houses including hedges, fencing and red brick walls of varying height.
10. Development is more sporadic along the lane towards the appeal site and roadside hedges with mature shrubs and trees predominate. There is another grouping of buildings close to the appeal site which includes a commercial site bounded by fencing and hedges and a house with a low wall and extensive planting. Beyond the appeal site before Mill Lane turns into a bridleway there are houses set back from the lane with fencing and low walling.
11. Whilst there is no precedent for a rendered and painted boundary wall in the vicinity of the site, it does not appear out of character given the mixed styles along Mill Lane and in particular in the context of the new dwelling on the site which has been constructed of similar materials. A house on the opposite side of Mill Lane adopts a consistent approach of matching the material of the house to the material of the boundary wall, which in both cases is red brick. A red brick boundary wall at the appeal site would be at odds with the appearance of the dwelling and would have been a jarring element in the street scene.
12. In comparison with other boundary treatment along Mill Lane, the wall has a stark appearance as a consequence of the lack of any planting between it and the edge of the highway. This combined with its height has a negative impact on the character of the lane. However, the suggestion by the appellant that landscaping could be introduced has the potential to soften the appearance of the wall to the extent that this adverse effect could be satisfactorily mitigated. Whilst there are no details of such planting this could be secured by the imposition of a suitably worded planning condition.
13. Subject to a planning condition to secure landscaping, the wall will not harm the character and appearance of the site or the surrounding area. Therefore, the development accords with Policies EN2 and EN4 of the North Norfolk Local Development Framework Core Strategy incorporating Development Control Policies (the Core Strategy). These policies jointly require that development protects and conserves the local distinctiveness of the area, and that it is suitably designed for its context.

Safety of access to Mill Lane

14. The appellant refers to their intention to undertake a survey and to provide plans to demonstrate that sufficient visibility splays can be achieved. However, this information has not been provided. Nevertheless, I was able to observe traffic using Mill Lane during my site visit and whilst this was only a 'snapshot in time' it appeared to me that traffic levels and speeds were generally low.
15. As Mill Lane does not form part of a wider road network, and beyond the appeal site only serves a small number of dwellings, it is reasonable to assume that there will be limited through traffic or users of the lane who are unfamiliar with the access driveways which are served by it. In this context a restricted level of

visibility is unlikely to lead to any significant adverse interactions between the users of the access and drivers, pedestrians and others using Mill Lane.

Furthermore, there is adequate space within the wider site to enable vehicles to be turned so as to allow egress in forward gear.

16. During my site visit I observed that a range of types of vehicle use Mill Lane for access. There were also a significant number of pedestrians, including dog walkers, using the lane. There are no footpaths on Mill Lane and, given its narrow width, in order for opposing vehicles to pass it is necessary to pull into residential access points. In this context users of Mill Lane generally appeared to approach it as a shared space, and thus it provides an appropriate, safe environment. The use of the access serving the appeal site would not compromise this to any significant degree.
17. Visibility from the access to the site is limited by the position of the wall and its height and it is likely that a driver leaving the site would need to edge out into the carriageway in order to see clearly along Mill Lane. Given traffic speeds and likely driver behaviour such actions would not have a significant impact on the safety of users of the lane.
18. For the reasons set out above the height and position of the wall does not result in a harmful reduction in visibility for vehicles exiting the site and the safety of users of Mill Lane is not compromised. The development accords with Policy CT5 of the Core Strategy which requires that in respect of development the expected nature and volume of traffic generated can be accommodated without detriment to highway safety.

Conditions

19. A soft landscaping condition is necessary to ensure that the wall has a satisfactory visual impact on the street scene.

Conclusion

20. For the reasons given above, Appeal A succeeds on ground (a) and the deemed planning application is approved for the operations as described in the enforcement notice, as corrected. The enforcement notice will be corrected and quashed, and it follows that the appeals on ground (f) do not fall to be considered.

Sarah Dyer

INSPECTOR