



Appeal Decision

Site visit made on 28 October 2025

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th November 2025

Appeal Ref: APP/R3650/C/25/3370074

11 Broomwood Way, Lower Bourne, Farnham GU10 3LP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr P McMillan against an enforcement notice issued by Waverley Borough Council.
 - The notice was issued on 1 July 2025.
 - The breach of planning control as alleged in the notice is without planning permission:
 1. The carrying out of an engineering operation being the erection of a retaining wall.
 - The requirements of the notice are to: 1. Remove the retaining wall from the land. 2. Remove from the land all materials resulting from the removal of the retaining wall detailed in step 1 above.
 - The period for compliance with the requirements is three months.
 - The appeal 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.
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Decision

1. 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.

Ground (a) appeal

Main Issues

2. The main issues in this ground of appeal are:
 - The effect of the development on the character and appearance of the surrounding area.
 - The effect on the living conditions of existing and future occupiers of the dwellings at 11 and 11a Broomwood Way (Nos 11 and 11a), having regard to the provision of private outdoor amenity space.

Reasons

Character and appearance

3. The appeal property contains a pair of recently formed three-bedroomed, semi-detached dwellings, Nos 11 and 11a. The dwellings are located on the corner of a residential street, at a point where the ground levels generally fall away in a northerly and westerly direction. Development in the vicinity largely consists of detached and semi-detached dwellings of varying scale and appearance, occupying comfortably sized plots. Local frontage boundary treatments are mostly tall maturing hedges, or low timber fences or walls with taller planting behind.

These factors all contribute to the pleasantly spacious and leafy suburban residential character and appearance of the surroundings.

4. The enforcement notice attacks a brick faced retaining wall erected at the property, with a timber picket fence atop. Standing up to around 3.8 metres above the ground level adjacent to the street, the wall is of considerable height. The wall is also lengthy, spanning from the front corner of No 11a along the northern boundary to curve around and extend across the width of the property.
5. The wall is markedly higher, as well as significantly lengthier, than most built frontage boundary treatments in the vicinity. The overall height and length of the wall, along with the vertical, hard-edged profiles, contribute to it having a harsh, 'engineered' appearance, its substantial visual presence in the street scene being further emphasised by the corner plot location. This does not compare favourably with the more subdued visual qualities of most other built frontage boundary treatments in the vicinity, also differing markedly from the softer shapes and naturalistic forms of the local frontage planting and the gentler angled slopes of the local landform. As a result, the wall is entirely at odds with the prevailing pattern of local development and is viewed as an assertive, alien feature, significantly eroding the spacious, verdant visual qualities of the surroundings and creating an appreciably more built-up feel in the vicinity.
6. The frontage structure at 10 Broomwood Way does not have similar adverse visual consequences to those identified above, being much lower and shorter than the wall, nor does it reflect the majority of frontage boundary treatments in the surrounding area. Moreover, the circumstances in which that structure was erected are unclear. For example, there is no indication that it benefits from a recent grant of planning permission. Therefore, the neighbouring structure provides little support for the appellant's case.
7. The appellant suggested that the wall could be reduced in height, and/or a different external finish applied and/or that additional landscape planting along the northern boundary could be undertaken. Although made under the ground (f) heading, these suggestions are more relevant to the planning merits of the wall. Even so, based on the limited details supplied I am not persuaded that such modifications would sufficiently mitigate the visual harm caused by the wall.
8. Therefore, the wall causes unacceptable harm to the character and appearance of the surrounding area. This is in conflict with Policy TD1 of the Waverley Local Plan Part 1: Strategic Policies and Sites (LP1), which seeks to protect local character and amenity by requiring new development to, amongst other things, be of high quality and inclusive design that responds to the distinctive character of the area. It is also in conflict with Policy DM4 of the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies (LP2), which has similar requirements. Furthermore, the wall conflicts with Policy FNP1 of the Farnham Neighbourhood Plan, which requires new development to, amongst other things, be designed to a high quality which responds to the heritage and distinctive character of the area, including by way of the boundary treatment. LP1 Policy ST1- sustainable transport-has limited relevance to this or the other main issue.

Living conditions

9. My understanding is that ample-sized rear gardens extending up to the western boundary of the property were to have been provided in the approved scheme for

Nos 11 and 11a. However, erecting the wall across the width of the property has created what is, for the most part, an abrupt and substantial difference in the ground levels between the flat areas of rear garden adjacent to the dwellings and sloping land to the west of the wall, with little obvious means of convenient access between the respective areas. The difficulty for occupiers of the dwellings to conveniently access and utilise the full extent of their rear gardens is perhaps illustrated by the currently neglected appearance of the land west of the wall. The rear garden areas adjacent to the dwellings have a depth of around 6.5 metres. Accordingly, in practice the depth of the rear gardens for Nos 11 and 11a falls well below the 10-metre minimum required for new dwellings by LP Policy DM5.

10. The limited depth and consequent overall size of the rear gardens significantly restricts the opportunities for occupiers of Nos 11 and 11a to undertake the range of activities normally associated with private outdoor amenity spaces at dwellings of a similar size. This could include for example informal relaxation, cultivating plants, drying washing and children's play. The rear gardens are also likely to be more awkward to utilise effectively, having a congested feel at times, on account of their limited dimensions. By itself, installing a pedestrian gate in the picket fence would do little to improve the convenient accessibility and useability of the full extent of the rear gardens, given the significant differences in ground levels.
11. Erecting the wall has therefore created a restrictive living environment for existing and future occupiers of Nos 11 and 11a. This is in conflict with LP2 Policy DM5, which requires the provision of adequate external space for new dwellings, including an external amenity space which is private and useable, to ensure an appropriate living environment for future occupiers. It also conflicts with LP1 Policy TD1, which amongst other things requires new development to maximise opportunities to improve the quality of life and well-being of future residents, including by the provision of private amenity space.

Other matters

12. The wall has a structural function which includes retaining the ground at the side and rear of the dwellings. However, it is highly likely that an alternative scheme of works could provide equivalent levels of structural safety and ground stability, whilst avoiding the harmful consequences identified above. There is no firm evidence to suggest otherwise. As works to remove the wall would be relatively limited in terms of their scale and duration, so would any disruption caused to occupiers of Nos 11 and 11a and neighbouring residential property.

Conclusion-Ground (a) appeal

13. The wall harms the character and appearance of the surrounding area and the living conditions of existing and future occupiers of Nos 11 and 11a, in conflict with the Development Plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the Development Plan. Therefore, the ground (a) appeal does not succeed.

Ground (f) appeal

14. The ground of appeal is that the notice requirements are excessive.
15. An enforcement notice can have the purpose of remedying the breach, including by restoring the land to its condition before the breach took place, and/or it can have

the purpose of remedying any injury to amenity caused by the breach. The notice requires removal of the wall and its associated materials. This would restore the property to its condition prior to erection of the wall. The notice does not require lesser works, such as reducing the wall in height to an extent that amenity is no longer affected. Therefore, whilst the notice does not state as such, its sole purpose must be to remedy the breach.

16. The suggestion that the wall could be modified has been considered under the ground (a) heading. In the context of ground (f), any step which stopped short of requiring the wall to be removed would sustain the breach and so would not achieve the purpose of the notice. Moreover, given the limited details supplied any variation made to the notice requiring the wall to be modified would be in uncertain terms. No other alternative to the requirements set out in the notice was suggested and to my mind, nothing else would remedy the breach. It will be a matter for the appellant to seek planning permission from the Council for any further works required at the property following removal of the wall.
17. Therefore, the notice requirements are proportionate, being the minimum necessary to remedy the breach. The ground (f) appeal fails.

Conclusion

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

Stephen Hawkins

INSPECTOR