



Appeal Decisions

Site visit made on 11 November 2025

by **Stephen Hawkins MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 November 2025

Appeal A Ref: APP/P0119/C/24/3348023

Appeal B Ref: APP/P0119/C/24/3348024

12 Cherry Gardens, Bitton, South Gloucestershire BS30 6JD

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeals are made by Mr Richard Wright (Appeal A) and Mrs Samantha Wright (Appeal B) against an enforcement notice issued by South Gloucestershire Council.
 - The notice was issued on 4 June 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a timber garage, concrete base and fence to the front of the property.
 - The requirements of the notice are: 1. Permanently remove the fence and constituent materials from the land. 2. Permanently remove the timber garage and constituent materials from the land. 3. Permanently remove the concrete base and constituent materials from the land. 4. Restore the land to the condition before the breach took place.
 - The period for compliance with the requirements is two months.
 - Appeal A is proceeding on the grounds set out in section 174(2)(a), (f) and (g) 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 grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended). Since the prescribed fee has not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act has lapsed.
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Decisions

1. Appeal A is allowed insofar as it relates to the concrete base shown highlighted in green on the plan attached to the enforcement notice 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 concrete base at 12 Cherry Gardens, Bitton, South Gloucestershire BS30 6JD, subject to the condition in the Schedule at the end of these Decisions.
2. Appeals A and B are dismissed, the enforcement notice is upheld and planning permission is refused insofar as it relates to the erection of a timber garage marked X on the plan attached to the enforcement notice and the fencing to the front of the property highlighted in blue on that plan on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matter

3. My Decisions take the revised National Planning Policy Framework (the Framework), which came into force during the course of the appeals, into account.

Appeal A

Ground (a) appeal

Main Issue

4. The main issue in this ground of appeal is the effect of the development on the character and appearance of the surrounding area.

Reasons

Character and appearance

5. The appeal property contains an enlarged two storey, semi-detached dwelling, with a generously sized front garden. A traditional stone wall runs along the frontage boundary, either side of the vehicle entrance. The enforcement notice attacks a timber garage and the concrete base it is stood on, positioned forward of the dwelling, along with a close board timber fence adjacent to and above the front boundary wall.
6. The property is located within what the Inspector who determined the recent planning appeal concerning the erection of a garage at the property¹ described as *'a discrete enclave of two storey semi-detached properties, situated on a wide sweeping convex bend in the road. Indeed, by reason of their general alignment, form and relatively large front gardens, the area has a spacious and harmonious appearance.'* From my own observations, there is little to add to that description. The general lack of substantial buildings in front gardens, along with the frontage boundary treatments, most of which are low timber or chain link fencing or walls, often with maturing planting behind, or maturing boundary hedges, further contribute to the sense of cohesion and spaciousness in the surroundings.
7. The garage is positioned adjacent to the front boundary and the neighbouring attached property. Occupying a significant portion of the front garden, due to its overall size and positioning the garage is a visible, substantial built feature in the vicinity of the property entrance, adjacent to the bend in the road. These factors contribute to a considerable erosion in the previous sense of spaciousness at the front of the property and do not compare favourably with the generally more open and spacious qualities of neighbouring front gardens.
8. The shallow roof profile, minimising the overall height and the neutral finish of the timber walls, which would weather further over time, are not sufficient to make the garage sit comfortably in its surroundings visually. Without the fence protruding above the front boundary wall, the garage would be more conspicuous. Accordingly, the garage is viewed as an alien feature, entirely at odds with the prevailing pattern of local development and creating an appreciably more built-up feel in the environs. In dismissing the recent appeal, the Inspector reached similar conclusions concerning a garage of comparable size and position.
9. Undertaking screen planting on the frontage would not overcome the visual harm caused by the garage, particularly as the retention of such planting could not be secured in the longer term. In any event, that the garage could be screened is not a sound reason for approving a development which is otherwise unacceptable. The garage is subservient in scale and character to the dwelling. However, by not

¹ Appeal Ref: APP/P0119/D/22/3309584

responding constructively to the characteristics of the prevailing street scene which make a positive contribution to the distinctiveness of the locality, it does not reflect one of the general principles for residential extensions and alterations set out in the Council's Householder Design Guide Supplementary Planning Document. The visual harm identified above can be distinguished from the '*small shed screened effectively by established vegetation*' and the small cycle shed in the appeal decisions referred to.² Besides, from what I can gather those properties occupy more built-up settings compared to the property in this appeal.

10. A short section of the fence to the left of the entrance (as viewed from the road) has been removed since the notice was issued. Even so, the fence is still of significant length. Having an overall height in excess of two metres, the fence protrudes well above the front boundary wall as well as being considerably and appreciably taller than most built frontage boundary treatments in the immediate and wider vicinity. Additionally, the solid vertical profiles of the fence differ substantially from the softer contours and more natural shapes of local frontage planting. As a result, the fence is also viewed as an alien feature, being entirely at odds with the typically more subdued visual qualities of frontage boundary treatments in the environs and having a 'defensive' appearance which accentuates the greater built-up feel in the vicinity. Whilst further weathering would no doubt occur over time, that would not diminish the harmful visual impact of the fence.
11. The other tall, solid frontage boundary treatments in the immediate and wider surroundings are generally isolated and do not reflect the prevailing pattern of local development. Some of those structures illustrate the visually harmful effects of such development. Moreover, the circumstances in which those structures originated, for example whether any benefit from a recent grant of planning permission, are unclear. The existence of other tall, solid front boundary treatments in the surrounding area thus adds little weight to the appellant's case.
12. Therefore, the garage and fence cause unacceptable harm to the character and appearance of the surrounding area. This conflicts with criterion in Policy CS1 of the South Gloucestershire Local Plan: Core Strategy, which requires new development to demonstrate that the siting, form, scale, height, massing, detailing colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context. It is also in conflict with Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (LP), which requires new development to demonstrate an understanding of and respond constructively to the buildings and characteristics that make a particularly positive contribution to the distinctiveness of the area.
13. Furthermore, the garage and fence conflict with criterion in LP Policy PSP38, which requires new development within residential curtilages to, amongst other things, respect the building line, form, scale, proportions, window and door shape and reveals, alignment of openings, architectural style/detailing and external materials and boundary treatments and hard and soft landscaping of the street and surrounding area. Additionally, by not achieving a well-designed place, the development is inconsistent with the Framework.
14. The concrete base can clearly be separated from the garage. In isolation, the concrete base has limited visual consequences on its surroundings, being

² Appeal Refs: APP/N1920/C/18/3201468 & APP/N1920/C/18/3201469, APP/C5690/C/19/3220883, 3220884, 3220886

positioned behind the front boundary wall and standing only slightly above the adjacent ground level. Also, there is a 'fallback' position of laying a hard surface of a similar size at the front of the property, having regard to the planning permission granted by GPDO³ at Article 3(1), Schedule 2, Part 1, Class F. It is not unreasonable to expect that, following removal of the garage, the appellant would still have a requirement to park a similar number of vehicles on hard surfacing at their property. The limitations and conditions of Class F include a hard surface of comparable size and position to the concrete base being either made of porous materials or draining to a permeable or porous area or surface within the curtilage. The adjacent porous surface is capable of providing drainage for surface water run-off from the concrete base.

15. At s177(1)(a), the Act provides for granting planning permission in respect of the matters stated in the notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters or in relation to the whole or part of any of the land to which the notice relates. The concrete base is part of the matters stated in the notice as being in breach. In the absence of harm to the character and appearance of the surrounding area, the concrete base does not conflict with the Development Plan policies referred to above, also having regard to what could otherwise be achieved at the property relying on the rights in Class F.
16. Moreover, the purpose of the enforcement regime is remedial, not punitive. Granting permission for the concrete base would overcome the planning difficulties at less cost and disruption compared to total removal of the development. Permission could be granted for the concrete base with the required degree of clarity and precision so as to avoid uncertainty. Provision and maintenance of a scheme of surface water drainage could be secured through a suitable planning condition.

Other matters

17. The property fronts onto a busy main road, with public open space and bus stops used by frequent local services opposite. The increased privacy afforded by the development enables the appellant to make greater use of their previously under-utilised front garden. Even so, it is not uncommon for occupiers to experience lower levels of privacy at the front of residential property, such areas generally being subject to overlooking from passers-by as well as being accessible by visitors. The appellant also has access to a rear garden providing a good standard of privacy. Therefore, this matter carries limited weight.
18. The garage provides safe and secure storage for a classic car, along with equipment and tools for the appellant's business. I am given to understand that local crime rates have increased recently, a significant number of those incidences having involved theft from property. However, based on the evidence before me I am not persuaded that there are no other ways in which the interests of security and preventing crime could be ensured at the property. Accordingly, these matters carry only moderate weight.
19. The development does not harm the living conditions of occupiers of neighbouring residential property or highway safety. The absence of such harm is a neutral factor which weighs neither for nor against granting permission. I have also taken into account the representations from interested parties and the petition signed by a

³ The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)

substantial number of people supporting the development. Even so, such support by itself cannot outweigh the harm caused.

Conditions

20. After seeking the views of both main parties, I shall impose a planning condition requiring the submission to and approval by the Council of a scheme of surface water drainage for the concrete base within a defined timescale, along with the implementation and maintenance of that scheme. This is necessary to ensure there is no increased risk of flooding. The condition is drafted in the form set out below because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure removal of the damaged structure. The purpose and effect of the condition is therefore to ensure that the concrete base may only remain if the appellant complies with its requirements.

Conclusion-Ground (a) appeal

21. The garage and fence harm the character and appearance of the surrounding area, in conflict with the Development Plan taken as a whole. However, the concrete base causes no such harm and there is no conflict with the Development Plan in that respect. There are no material considerations that indicate the decision should be made other than in accordance with the Development Plan. Therefore, I conclude that the ground (a) appeal should succeed in part only.

Appeals A & B

Ground (f) appeals

22. The ground of appeal is that the requirements of the notice are excessive.
23. 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 states that its purpose is to remedy the breach. That purpose is reflected in the requirements. Complying with those requirements would achieve the purpose of the notice, as by removing the development the property would be restored to its condition before the breach took place.
24. The written submissions made on the appellants' behalf under the ground (f) heading have largely been considered in the ground (a) appeal, as they involve matters more pertinent to the planning merits of the development. In the context of ground (f), a requirement to undertake screen planting would sustain part of the breach, as the garage would remain in situ. Part of the breach would also be sustained if the notice were to be varied so removal of the concrete base was not required. In both scenarios, the property would not be restored to its condition before the breach took place and the purpose of the notice would not be achieved. No other alternative to the notice requirements was suggested and to my mind, nothing other than those requirements would achieve the purpose of the notice.
25. Therefore, the notice requirements are not excessive; they are proportionate, being the minimum steps necessary to remedy the breach. The ground (f) appeals fail.

Ground (g) appeals

26. The ground of appeal is that the time allowed for complying with the notice requirements is too short.
27. Removing the garage and fence would be a small-scale and straightforward task for a suitably experienced building contractor. Both structures are largely formed from prefabricated components. No specialist plant or equipment would be required for the remedial works, which would be unlikely to take more than a couple of weeks at most to complete. There are probably a substantial number of suitable contractors who would be available to undertake the works at relatively short notice. The time of year is not likely to have any significant implications for the availability of contractors or for undertaking the works and the costs involved would probably not be unusually great. Also, making alternative arrangements for securely storing the items currently in the garage is unlikely to be a particularly difficult or time-consuming task.
28. Accordingly, two months is a reasonable compliance period. An appropriate balance is struck between remedying the breach as soon as practicable whilst also not placing a disproportionate burden on the appellants. Extending that period on the other hand would achieve little more than perpetuating the breach. The ground (g) appeals also fail.

Conclusions

29. For the reasons given above I conclude that the ground (a) appeal in Appeal A should succeed in part only, and I will grant planning permission for the concrete base, but otherwise I will uphold the notice and refuse to grant planning permission in respect of the garage and fence. The requirements of the notice will cease to have effect so far as inconsistent with the planning permission which I will grant by virtue of section 180 of the 1990 Act (as amended). Also, for the reasons set out above I conclude that the ground (f) and (g) appeals in Appeals A and B should not succeed.

Stephen Hawkins

INSPECTOR

PLANNING CONDITIONS SCHEDULE

Appeal A:

- 1) Unless within two months of the date of this decision a scheme for the drainage of surface water run-off from the concrete base to a permeable or porous area or surface within the curtilage of the dwelling is submitted in writing to the Local Planning Authority for approval and; unless the approved scheme is implemented in full within two months of the Local Planning Authority's approval, the concrete base along with its constituent materials shall be removed from the site until such time as the scheme has been approved and fully implemented.

If no scheme in accordance with this condition is approved by the Local Planning Authority within four months of the date of this decision, the concrete base along with its constituent materials shall be removed from the site until such time as the scheme approved by the Local Planning Authority is fully implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained in accordance with the approved details.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.