



Appeal Decisions

Site visit made on 14 October 2025

by **R Curnow MA(TCP), BSC(Hons), CMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 December 2025

Appeal A Ref: APP/D0121/C/24/3344917

Appeal B Ref: APP/D0121/C/24/3344918

72 Walton Road, Clevedon, Somerset, BS21 6AN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - Appeal A is made by Miss Jennie Hammond against an enforcement notice issued by North Somerset Council ('the Notice').
 - Appeal B is made by Mr Chris Giles against an enforcement notice issued by North Somerset Council ('the Notice').
 - The notice was issued on 16 April 2024.
 - The breach of planning control as alleged in the notice is Without planning permission, the erection of a fence, fence and gate posts, and gates on the east boundary of the property on Walton Road and fence on the north boundary of the property on Valley Road. The location of the fence, posts and gates on the east boundary and fence on the north boundary are shown edged blue on the attached plan, on the Land edged red, also on the attached plan.
 - The requirements of the notice are to: Remove the fence, fence and gate posts, and gates (shown as edged blue on the attached plan) and all resulting materials from the Land (shown as edged red on the attached plan).
 - The period for compliance with the requirements is: 3 months.
 - Appeal A is proceeding on the grounds set out in section 174(2)(a), (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

1. Appeal A: The appeal is dismissed.
2. Appeal B: The appeal is dismissed.

Ground (a)

3. An appeal made under Ground (a) is that planning permission should be granted for the breach of planning control alleged in the Notice. The main issue is the effect of the development on the character and appearance of the area.
4. 72 Walton Road ('No 72') is a detached property that sits on the junction of the busy Walton Road and Valley Road, a residential road leading to a large school. At the time of my visit the house was undergoing considerable extension and alteration. Walton Road and its footway lie at a markedly higher level than the front garden to No 72. That garden slopes gently down to the house, which is set quite well back from Walton Road, but fairly close to Valley Road.
5. The fence that forms the subject of this Notice has been erected along the property's boundary with Walton Road, with a short section along the Valley Road frontage. It is a high fence; the Council suggests its height to be 2.1m. It is formed

from upright timber supports, between which are horizontal timber boards. There is a timber gate towards its southern end. It sits tight behind the property's original boundary, which is a low stone wall at the rear of the footways on the two roads.

6. A planning application to retain the fence, (Council reference 23/P/0449/FUH), was refused by the Council in May 2023. That decision was the subject of an appeal (Planning Inspectorate reference APP/D0121/D/23/3325534) ('the recent appeal'). This was dismissed by way of a decision letter dated 6 September 2023. The appeal decision has to form the start point for this appeal and is a material consideration that carries considerable weight in my assessment.
7. The Appellant acknowledges that the site is in a prominent location, as identified by the Inspector in the recent appeal. He found the fence to be a "very visible incongruent feature" and, by reason of its height and prominence, it was contrary to Policy CS12 of the North Somerset Core Strategy ('CS') and Policy DM32 of the North Somerset Development Management Policies Sites and Policies Plan ('DMP') that both seek to achieve high quality design and place making.
8. That the Inspector used various terms to describe the geographical area in which he assessed the effects of the fence does not undermine his findings. Those descriptions, and his assessment and findings followed the court's decision in *Kazalbash v SSLUHC and LB Hillingdon* [2023] EWCA Civ 904 and are, to my mind, common and interchangeable terms that are readily understandable to persons reading the decision.
9. In it, the Inspector had regard to other fences in the area, which were referred to by the Appellant. Whether these were the 8 properties where fences have been erected along their road frontages, which the Appellant drew my attention to in this appeal, I cannot be sure. These are located around 150m either side of the site along Walton Road. They are either visible from the footway in front of No 72 or are after a very short walk along the road, so I would be very surprised if they are not. The Council says that, save for a portion of one, none was granted planning permission. The one, it says, which was permitted was considerably lower, at 1.2m. Of the others, four are likely breaches of planning control that could be enforced against and three were immune due to the passage of time. As this has not been countered by the Appellant, I take it to be the case.
10. The Inspector said that he only had "minimal details" of the fences in the area. He went on to find them not directly comparable, due to their siting, design or scale. As a result of the Council's submissions, above, I would seem to have more information and, taking the evidence as a whole, including that of my site visit, I find no compelling reasons to find his assessment to be flawed.
11. My attention has been drawn to four planning permissions¹ granted by the Council, which I am told were specifically for, or included, boundary fences. I was not given full details of these fences, but the Appellant has included a paragraph entitled 'character and appearance' for each. Whether those paragraphs are quotes from an assessment made by the Council's officers or are the Appellant's take on the circumstances is unclear. However, as three of the sites are some distance away in Clevedon and the fourth is in another town, they have no relevance to the case before me, which relates to the character and appearance near to No 72.

¹ 22/P/2433/FUH - 113 Chipping Cross, Clevedon; 16/P/2500/F - 7 Coleridge Vale Road West, Clevedon; 15/P/2257/F - 53A Dial Hill Road, Clevedon; and 24/P/1669/FUH - 14 Bleadon Hill, Weston-super-Mare

12. For the reasons given above, I find that rather than being a high-quality development, as required by CS Policy CS12 and DMP Policy DM32, by reason of its height and prominent position it causes harm to the character and appearance of the area. This harm is not outweighed by the matters of privacy and security raised by the Appellant. Its erection is, therefore, contrary to the terms of those policies and, therefore, the Ground (a) case fails.

Ground (f)

13. An appeal made under this ground is that the steps required by the notice to be taken exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. Here, the purpose of the Notice is to remedy the breach of planning control.
14. The Appellants investigated alternative options that might have achieved their aim to provide privacy and security at the site, but these were ruled out for the following reasons. Moving the fence into the garden would divide the property and fail to deter people getting in. Installing metal railings on the wall would not provide screening against privacy or noise. Raising the height of the wall would be unlikely to be feasible or permitted by the Council.
15. In the light of this, the Appellants propose mitigation measures that they feel would address the Council's concerns. In the recent appeal, the Inspector stated that painting the fence green would not address the height of the fence, which was the principal reason for his dismissing the appeal. By the time of my visit, the whole of the fence had been painted green, but this did not mitigate the adverse effect of its height. I also found this to be the case in terms of the manner in which shrubs and trees behind the fence have been allowed to grow. From the evidence of my site visit, I similarly find that allowing climbing plants to grow up the fence would not mitigate the harm. Adding two matching panels along the boundary with 70 Walton Road might overcome the abrupt end to the fence that the Inspector in the earlier appeal referred to. However, adding further high panels would to my mind simply exacerbate the visual harm.
16. The Council referred to discussions that had taken place to reduce the height of the fence. These came to nought, as the parties could not agree the level of reduction. This is not, however, a matter that the Appellants put forward as part of their Ground (f) case.
17. Therefore, I have not been provided with an alternative scheme or lesser step that might achieve the purposes of the Notice. I therefore dismiss the Ground (f) appeal.

Conclusion

18. For the reasons given above, I conclude that the appeals 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.

R Curnow

INSPECTOR