
Appeal Decisions

Site visit made on 2 December 2025

by Paul Freer BA (Hons) LLM PhD MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 15 December 2025

Appeal Ref: APP/X0415/C/24/3355825 and 3355826

Land at 21 Roundwood Road, Amersham HP6 6NA

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Mrs Resmi Sankar Raj and Mr Sankar Raj Chellappan against an enforcement notice issued by Buckinghamshire Council.
 - The enforcement notice was issued on 14 October 2024.
 - The breach of planning control as alleged in the notice is, without planning permission, the erection of a front boundary treatment.
 - The requirements of the notice are:
 1. Remove the front boundary treatment or reduce the front boundary treatment to 1m in height.
 2. Remove all materials and debris resulting from complying with steps 1 of this Notice from the Land.
 - The period for compliance with the requirements is three months.
 - The appeals are proceeding on the grounds set out in section 174(2) (f) and (g) of the Town and Country Planning Act 1990 as amended.
-

Summary Decision: the appeal is dismissed and the enforcement notice is upheld

Procedural Matters

1. The appellants explain that their youngest son suffers from a medical condition because of which he requires constant attention. The appellants have provided reports from medical practitioners that confirm the severity and implications of their son's medical condition. The appellants go on to explain that, despite their constant attention, there was a particular occasion when their son opened the front door of the house and rushed onto the road, narrowly avoiding a serious accident. The fence¹ was erected to protect their son and to provide a safe space outside their house.
2. Whilst I fully understand the motives behind the erection of the fence, this is a matter should properly be considered in an appeal on ground (a) as set out in section 174(2) of the Town and Country Planning Act 1990 (the 1990 Act) namely 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. The appellants have not made an appeal on ground (a) or paid the requisite fee for the deemed planning application to be considered.
3. Planning merits may only be considered pursuant to ground (a), where that is pleaded and the fee is paid for the deemed planning application. If an appeal is not brought on ground (a), as in this case, it is not appropriate for appellants

¹ The boundary treatment as described in the notice.

to introduce arguments on the merits in the context of an appeal on ground (f). The power to vary the terms of the notice under s176(1) of the 1990 Act cannot be used to attack the substance of the enforcement notice, which is what the appellants are seeking to do in this case. Consequently, I cannot consider the circumstances surrounding the appellant's son or the reasons for erecting the fence as part of this appeal.

The appeal on ground (f)

4. The appeal on ground (f) is that the steps required by the notice to be taken, or the activities required by the notice to cease, 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 requirements of the notice exceed what is necessary. When an appeal is made on ground (f), it is essential to understand the purpose of the notice. Section 173(4) of the 1990 Act sets out the purposes which an enforcement notice may seek to achieve, either wholly or in part.
5. These purposes are, in summary, (a) the remedying of the breach of planning control by discontinuing any use of the land or by restoring the land to its condition before the breach took place or (b) remedying any injury to amenity which has been caused by the breach. In this case, the requirements of notice include to remove the front boundary treatment or reduce the front boundary to 1m in height. The purpose of the notice must therefore be to remedy the injury to amenity which has been caused by the breach of planning control.
6. The appellants explain that they propose to replace the fence subject to the notice with a close boarded fence of 1m height but with a trellis of 800mm height on top of that. The gate would comprise a 'closed area' of 1m height above which would be a 500mm trellis.
7. The difficulty is that the fence/gate with trellis above would each constitute a single structure of a total height of 1.8m and 1.5m respectively. Neither would comply the requirement at paragraph 5(1) of the notice. It follows that neither the fence nor the gate would achieve the purpose of the notice. Furthermore, for the reasons set out above, I cannot consider whether planning permission ought to be granted for the revised fence and gate with the trellis above.
8. I noted at my visit that the front boundary treatment as existing is not that which existed on the date the notice was issued. The main difference, it appears to me, is that the top half of the front boundary treatment has been replaced with a trellis, as previously indicated by the appellants. The overall height appears to be the same: if anything, the new front boundary treatment is fractionally higher. The salient point, however, is that the new front boundary treatment still exceeds 1 metre in height. Consequently, the new front boundary treatment does not achieve the purpose of the notice. It follows that, at the time of my site visit, the enforcement notice had not been complied with.
9. I have considered whether there are any other suitable alternatives to the requirements stated in the notice which would achieve the purpose of the notice with less cost or disruption to the appellant, but none are obvious to me.
10. Accordingly, the appeal on ground (f) fails.

The appeal on ground (g)

11. The ground of appeal is that the period for compliance specified in the notice falls short of what should reasonably be allowed. The period for compliance specified in the notice is three months.
12. The appellants contend that the compliance period is insufficient to make the necessary adjustments, which I take to mean reducing the fence to 1m in height. The appellants contend that more time is needed to ensure compliance with the notice without compromising their son's safety.
13. However, the appellants have provided no evidence in support of that. The requirements of the notice are quite straightforward: either remove the fence completely or reduce its height to 1 metre. Neither option requires any particular expertise or specialist equipment. If the option was taken to reduce the height of the fence to 1 metre, that would be sufficient to prevent a repeat of the occasion when their son rushed onto the road. I do therefore do not perceive the appellant's son would be placed at any risk by complying with the notice within the period stated in the notice. For that reason, I am not persuaded that there is any need to extend the period of compliance stated in the notice.
14. Accordingly, the appeal on ground (g) fails.

Conclusion

15. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

Formal Decision

16. The appeal is dismissed and the enforcement notice is upheld.

Paul Freer
INSPECTOR