
Appeal Decision

Site visit made on 16 December 2025

by **M Ollerenshaw BSc (Hons) MTPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd January 2026

Appeal Ref: APP/X4725/C/25/3359582

Land at 87 Chevet Lane, Sandal, Wakefield, WF2 6JE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Y Hou against an enforcement notice issued by Wakefield Metropolitan District Council.
 - The notice was issued on 19 December 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a boundary fence and entrance gate, both above 1 metre from ground level, on the Land.
 - The requirements of the notice are to:
 - a) Demolish the timber fence on the Land, shown blue on the attached plan.
 - b) Reduce the height of the gates shown green on the attached plan, to no more than the height of the original gates or 1m from above natural ground level at any point, whichever is higher.
 - c) Once steps a and b are complied with, remove all materials and debris resulting from the Land.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed, and the enforcement notice is upheld.

Ground (f) appeal

2. An 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.
3. When an appeal is made on ground (f), it is necessary 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. These purposes are either (a) the remedying of the breach of planning control or (b) remedying any injury to amenity which has been caused by the breach.
4. The appellant's ground (f) appeal relates specifically to the solid timber fence which has been erected above the pre-existing front boundary wall. The notice requires the removal of the fence in its entirety which would therefore remedy the breach of planning control. The appellant suggests that an alternative picket style fence would avoid the harm alleged by the Council. However, as there is no ground (a) appeal and deemed planning application before me, I am unable to consider the merits of an alternative design of fence which would not remedy the breach of planning control. Furthermore, no detailed alternative scheme has been provided for further consideration in any event.

5. I conclude that the requirements of the notice do not exceed what is reasonably required in order to remedy the breach of planning control. The appeal on ground (f) therefore fails.

Ground (g) appeal

6. An appeal on ground (g) is that the period given for compliance with the notice falls short of what should reasonably be allowed. In this case the compliance period is three months. The appellant considers that this is insufficient and has suggested a six month compliance period.
7. Although the appellant may not be able to undertake the required works themselves, they would be a relatively straightforward matter for a contractor. There is no substantive evidence before me to suggest that it would be difficult to obtain quotations, appoint a contractor and undertake the works within the three month compliance period.
8. I have already found that the ground (f) appeal should not succeed for the reasons given. Therefore, additional time is not required to allow for the erection of a replacement fence of the alternative design suggested by the appellant.
9. I am also mindful that the appeal has already delayed the notice from coming into effect and the breach of planning control should therefore be remedied as soon as possible.
10. Accordingly, I consider the period of three months to comply with the requirements of the notice to be reasonable and proportionate to the breach of planning control. Therefore, the appeal on ground (g) fails.

Conclusion

11. For the reasons given above, I conclude that the appeal does not succeed, and I shall uphold the enforcement notice.

M Offerenshaw

INSPECTOR