



Appeal Decisions

Site visit made on 5 January 2026

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2026

Appeal Refs: APP/N4720/C/25/3366660 and 3366661

Field at corner of Rhodes Lane, Clifford, Wetherby LS23 6LQ

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Mr Ryan and Mrs Jordanna Bray against an enforcement notice issued by Leeds City Council.
- The notice was issued on 30 April 2025.
- The breach of planning control as alleged in the notice is change of use of an equestrian field/paddock to form dog walking and training area; associated works including new fencing, gate, parking, dog wash facility and access.
- The requirements of the notice are; Step One (1) Cease the use of land for dog walking and training facilities; Step Two (2) Permanently remove from the site all items and debris associated with the use; Step Three (3) Remove any fences that were erected in order to facilitate the unauthorised use of the land and remove the redundant fence and posts from the land; and Step Four (4) Remove any hardstanding that were provided in order to facilitate the unauthorised use of the land.
- The periods for compliance with the requirements are: One month for Step One (1) and Three months for Step Two (2), Step Three (3) and Step Four (4).
- The appeals are proceeding on the grounds set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).

Decision

1. The enforcement notice is varied by the insertion of “, except for perimeter fences,” between ‘land’ and ‘and’ in Step Three (3) in section 5 of the notice.
2. Subject to the variation the enforcement notice is upheld.

Reasons

3. A ground (f) appeal is made when it is claimed that the requirements of an enforcement notice are excessive and that lesser steps would overcome the objections. The Appellants maintain that Step Three (3) of the requirements of the notice, which requires the removal of all fencing, is excessive.
4. The paddock land that is the subject of the enforcement notice has Rhodes Lane along its north boundary and an access track along its east boundary. To the south and west are other parcels of paddock land. Fencing has been erected along all four boundaries of the land and to enclose a small area at its north-east corner. The fencing has been erected to facilitate the unauthorised use of the land and the *Murfitt* legal principle dictates that the Council may seek removal of the fencing.
5. Any future use of the land would require perimeter fencing to provide enclosure and security. The perimeter fencing that has been erected fulfils these functions and is typical of fencing that subdivides paddock land in rural areas. It is unreasonable, as a matter of planning judgement, for the enforcement notice to require the removal of perimeter fencing that would need to be replaced by similar fencing if the land is to be

used in the future for any purpose. The ground (f) appeals therefore succeed and Step Three (3) of the requirements of the notice has been varied to require the removal of fences except for perimeter fences.

6. All other matters mentioned by the Appellants are not relevant to consideration of the ground (f) appeals.

John Braithwaite

Inspector