



Appeal Decisions

Site visit made on 6 January 2026

by **A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 January 2026

Appeal A Ref: APP/W1905/D/24/3357465

204 High Road, Broxbourne, Hertfordshire EN10 6QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act") against a refusal to grant planning permission.
 - The appeal is made by Mr Bertan Keso against the decision of Broxbourne Borough Council.
 - The application Ref is 07/24/0624/HF.
 - The development proposed is: New gates at front
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Appeal B Ref: APP/W1905/C/25/3361335

204 High Road, Broxbourne, Hertfordshire EN10 6QF

- The appeal is made under section 174 of the 1990 Act.
 - The appeal is made by Mr Mehmet Bertan Keso against an enforcement notice ("EN") issued by Broxbourne Borough Council.
 - The EN was issued on 28 January 2025.
 - The breach of planning control as alleged in the EN is: Without planning permission, the erection of front access gates, pillars and supporting posts and boundary wall with fencing.
 - The requirements of the EN are to:
 - (i) Remove in its entirety the development on the front boundary of 204 High Road Broxbourne, marked between points A and B on the attached plan. This includes the front access gates, pillars and supporting posts and boundary wall with fencing
 - (ii) Remove any debris resulting from compliance with the above step
 - (iii) OR lower in its entirety the development on the front boundary of 204 High Road Broxbourne, marked between points A and B on the attached plan. This includes the front access gates, pillars and supporting posts and boundary wall with fencing so that it does not exceed 1metre above natural ground level at any point
 - (iv) Remove any debris resulting from compliance with the above step
 - The periods for compliance with the requirements are:
 - Step (i) – Two (2) month from the date this Notice takes effect
 - Step (ii) – Three (3) months from the date this Notice takes effect
 - Step (iii) – Two (2) month from the date this Notice takes effect
 - Step (iv) – Three (3) months from the date this Notice takes effect
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the 1990 Act.
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Decision

1. **Appeal A:** The appeal is dismissed.
2. **Appeal B:** It is directed that the EN is varied by:
 - *the deletion of the words "...so that it does not exceed 1metre above natural ground level at any point"; and their substitution with the words "...so it does not exceed 1 metre above ground level." in criterion (iii) of the EN's requirements.*

Subject to the variation, the appeal is dismissed and the EN is upheld.

Appeal A – “The s78 Appeal”

3. The main issues are the effect of the development on the character and appearance of the surrounding area and highway safety.

Reasons

Character and Appearance

4. The appeal site comprises a two-storey, semi-detached dwelling that is set back from the highway by a paved frontage that is used for off-road parking. The appeal site is located on an A-road which, in the immediate vicinity, is predominantly residential in character.
5. Several properties in the vicinity of the appeal site have an absence of a front boundary treatment along the back edge of the pavement. Where front boundary treatments are present, they are predominantly low in height and consist of either brick walls or unstained/naturally stained close boarded fences. Boundary treatments between the frontages of dwellings typically consist of either hedgerows or unstained/naturally stained close boarded fences that are of a greater height than the boundary treatments along the frontages. Consequently, this part of the road has an open and verdant character and appearance.
6. The front boundary treatment at the appeal site comprises a dwarf rendered wall with 2m high rendered pillars that are robust in scale. “Hit and miss” horizontal fence panels have been erected in between the pillars. A 2m high rendered pillar, also robust in scale, has been constructed on the boundary with 206 High Road and a sliding gate (constructed in a similar material as the fence panels) operates across the entrance. The render, fence panels and sliding gate are all painted/stained dark grey/black.
7. The front boundary treatment, due to its height, scale, design, materials and colour, is incongruous and unduly prominent when compared to the predominant character and appearance of front boundary treatments along this part of the road. Although the fence panels and gate are constructed of “hit and miss” horizontal boarding, they have a solid appearance which, together with the height of the front boundary treatment, creates an undue sense of enclosure and appears dominant when viewed from the road. Consequently, the front boundary treatment detracts from the open and verdant character and appearance of the surrounding area.
8. The appellant has directed me to various addresses within the surrounding area which they assert have similar front boundary treatments. I was able to see some of these during my site visit. I have not been provided with the planning history of all these examples and therefore it is unclear whether planning permission was granted or even required. However, the Council has stated that three of the examples at No’s 207, 208 and 215 High Road did not obtain planning permission. Even if planning permission had been granted, none of the examples I saw are directly comparable to the appeal development. In any event, I must determine each case on its own merits.
9. I acknowledge that a gate/wall/fence could be erected along the front boundary of the appeal site as permitted development whereby materials and colour are not restricted. However, its height would be limited to 1m which would significantly reduce the overall scale and prominence of the structure and be more akin to other

boundary treatments in the surrounding area. Consequently, the fallback position would be less detrimental to the character and appearance of the surrounding area than the appeal development.

10. It is for these reasons that the development harms the character and appearance of the surrounding area. It conflicts with Policy DSC1 of The Broxbourne Local Plan 2018-2033, adopted 2020 ("LP") which, amongst other things, seeks to ensure that development proposals enhance local character and distinctiveness taking into account existing patterns of development, height and materials.

Highway Safety

11. I acknowledge the Local Highways Authority's objection to the development included concern regarding vehicles waiting on the highway for the sliding gate to open. However, the Council's reason for refusal is the development's effect on a driver's visibility when entering/exiting both the appeal site and No 206. Accordingly, I must determine the appeal on this basis.
12. The boundary treatment is positioned along the back edge of the pavement. A robust pillar of 2m in height and a close boarded fence of 1.5m in height are positioned on the boundary shared with No 206. Adjacent to the shared boundary treatment is No 206's driveway that leads to an integral garage. There is no space within the frontage of the appeal site or No 206 for vehicles to turn around. Therefore, vehicles must reverse onto the frontages and leave in a forward gear, or vice versa.
13. The appellant asserts that sufficient visibility splays have been achieved and are depicted on Block Plan (Ref ELA14 Rev A). However, the drawing shows a pedestrian visibility splay measured 1.2m from the back edge of the pavement, rather than the common 2m requirement, and no measurement is included for the depicted "y" line. No pedestrian visibility splay is shown for No 206's driveway and no vehicle visibility splays are shown for either the appeal site or No 206.
14. The frontage boundary treatment has an overall height of 2m and although the fence panels and gate are constructed of "hit and miss" horizontal boarding, they significantly impede intervisibility between the pavement and the dwellings' frontages. From the information before me and my observations during my site visit, the frontage boundary treatment impedes pedestrian visibility splays and results in a highway safety issue. However, I am unable to determine whether the frontage boundary treatment impedes vehicle visibility splays.
15. The appellant asserts there has been no change in visibility as the 1.5m high close boarded fence along the shared boundary with No 206 existed prior to the frontage boundary treatment being constructed. However, this does not account for the substantial pillar that has been constructed at the end of the fence adjacent to the pavement, or the boundary treatment that has been erected along the frontage.
16. It is for these reasons that the development has an adverse effect on highway safety. It conflicts with Policy TM2 of the LP which, amongst other things, seeks to ensure that development proposals do not compromise the safety of all movement corridor users.

Appeal A Conclusion

17. For the reasons given above, the appeal should be dismissed.

Appeal B on Ground (f)

18. An appeal under ground (f) is that the steps required by the EN to be taken, or the activities required by the EN to cease, exceed what is necessary to remedy any breach of planning control or any injury to amenity which has been caused.
19. Requirement (iii) of the EN seeks to reduce the development to a height not exceeding “*one metre above natural ground level at any point*”. This is to allow the appellant to amend the development so that it complies with Class A, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the GPDO”).
20. The wording used within requirement (iii) however, does not align with the GPDO. Consequently, I shall vary the requirement to omit reference to “*natural*” and “*at any point*”. I am satisfied this would not cause injustice to either party as it is for clarification purposes.
21. The appellant asserts that requirement (i) of the EN that seeks to remove the entirety of the development is excessive and is unnecessary when requirement (iii) seeks the reduction in the development’s height.
22. The purpose of the EN is to remedy the breach of planning control. The development was unlawful as a whole, not just the part that exceeds the GPDO. Therefore, any step lesser than the removal of the development would not remedy the breach under ground (f). Consequently, requirement (i) of the EN is not excessive.
23. I am mindful that the GPDO does not grant retrospective planning permission. However, the reduction in the development’s height to comply with the GPDO is an obvious alternative that could be achieved with less cost and disruption to the appellant. Therefore, including requirement (iii) in the EN equates to the provision of a lesser step that the appellant could choose to implement.
24. The appellant has advanced planning merits within their evidence, such as directing me to examples of other walls and fences in the surrounding area. However, these are matters that fall outside the scope of ground (f).
25. The appellant has also suggested that the development could be reduced to a height that exceeds 1m. However, I do not have a ground (a) appeal before me and as such, I am unable to determine whether planning permission could be granted for an alternative scheme.

Conclusion on Appeal B, Ground (f)

26. Consequently, the steps required by the EN are not excessive to remedy the breach of planning control. The appeal on ground (f) therefore fails.

Appeal B on Ground (g)

27. An appeal under ground (g) is that the period specified for compliance with the EN falls short of what should reasonably be allowed. The period for compliance specified in the EN is two months.
28. The appellant asserts that it took a total of six months to procure, fabricate and install the existing gate. Therefore, it is reasonable to assume a similar timeframe

would be required for a high-quality replacement sliding gate. They therefore request a period of six months.

29. The appellant also suggests that the development is required for security purposes as they have experienced many occasions of attempted theft of vehicles parked on the frontage. Therefore, they do not want to remove the existing gate until the new gate is ready to be installed.
30. The Council state that 6 months is an excessive period of time, particularly as the development is causing highway safety issues.
31. I appreciate the time taken to procure a replacement sliding gate of the same quality may take longer than the two months afforded by the EN. However, I am not persuaded that an alternative means of achieving the necessary security, such as a temporary gate or demountable bollards, could not be installed until the replacement gate can be fitted.
32. Consequently, I agree with the Council that two months is an appropriate timeframe to remedy the planning harm identified in the EN, particularly when it poses a highway safety issue

Conclusion on Appeal B, Ground (g)

33. For these reasons I find that the two month compliance period afforded by the EN does not fall short of what is reasonable.

Overall Conclusions

34. **Appeal A** - For the reasons given above the appeal should be dismissed.
35. **Appeal B** - For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the EN with a variation.

A Berry

INSPECTOR