



Appeal Decision

Site visit made on 13 January 2026

by **M Madge Dip TP MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 January 2026

Appeal Ref: APP/Q4625/C/25/3370200

6 Rowthorn Drive, Monkspath, Solihull, B90 4ST

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Susan Athwal against an enforcement notice issued by Solihull Metropolitan Borough Council.
- The notice was issued on 2 July 2025.
- The breach of planning control as alleged in the notice is "Without planning permission, the erection of a rendered wall around 2 metres in height adjacent to a highway, thereby exceeding the limits of permitted development."
- The requirements of the notice are either:
 - (i) Undertake works to demolish the entire unauthorised boundary treatment and remove all associated materials and equipment from the property; or
 - (ii) Undertake works to reduce the maximum height of the boundary treatment to no more than one metre; and
 - (iii) Remove all materials created by the taking of either step (i) or (ii) above from the land.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the ground set out in section 174(2)(a) 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.

Decision

1. It is directed that the enforcement notice is corrected and varied by:

- *the deletion of the words "rendered wall around 2 m high, adjacent to a highway, thereby exceeding the limits of permitted development" and their substitution with the words "boundary wall" in paragraph 3; and*
- *the deletion of the words "unauthorised boundary treatment and remove all associated materials and equipment from the property" and their substitution with the words "boundary wall" in paragraph 5.(i);*

Subject to the correction and variation, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the erection of a boundary wall at 6 Rowthorn Drive, Monkspath, Solihull B90 4ST as shown on the plan attached to the notice and subject to the following condition:

- (1) The boundary wall hereby permitted shall be demolished to ground level or reduced to no more than 1 metre in height and all materials resulting from the demolition shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a scheme for an alternative colour finish of the boundary wall shall have been submitted for the

written approval of the local planning authority and the scheme shall include a timetable for its implementation.

- ii) If within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Matters Concerning the Notice

- 2. The allegation need only identify the matter which constitutes the breach of planning control. It does not need to describe where the matter is or why the breach has occurred. The allegation set out in paragraph 3 of the notice therefore includes superfluous words that shall be deleted. The wording of the relevant requirement shall be varied to reflect the corrected allegation. There is no dispute that a boundary wall has been erected and accordingly my corrections will not cause injustice to either the appellant or Council.

Reasons

- 3. The **main issue** is whether the development has a harmful effect on the character and appearance of the street scene and local area.
- 4. Properties fronting on to Rowthorn Drive are set back from the road by relatively deep front gardens. Dwellings on Rowthorn Drive are constructed in a mix of red/orange bricks, and many are half rendered with a variety of colour finishes to the render. Some front garden boundaries are delineated by low brick walls, low fences or low hedges, using a variety of materials, designs and plants.
- 5. The appeal property is at odds with other properties in the local area as it is sited side on to Rowthorn Drive. Its private garden therefore abuts the pavement running along Rowthorn Drive. There is therefore need for a high boundary feature to preserve privacy for the occupiers of the appeal property.
- 6. An interested party has referred to a previous boundary wall being set back with planting between it and the pavement. The photograph of that wall and planting is however undated. While the Council's Delegated Enforcement Report refers to *"The breach in this case comprises the extension of the residential curtilage and the erection of a boundary treatment..."* no further mention of the extension of the residential curtilage is made in the report nor does it feature in the enforcement

notice. As such, the breach of planning control relates only to the erected boundary wall.

7. The appellant confirms that the boundary wall has replaced a fence of the same height, located in the same position. As the notice does not allege that additional land has been taken into the appellant's garden, and in fact presents the option to lower the boundary wall, I shall proceed on the basis that the siting of the wall is acceptable in planning terms. Given that there has been a boundary treatment of a similar height in this location, I find the height of the boundary wall is also acceptable, in principle.
8. While the boundary wall matches the rendered colour finish of the host dwelling, the dwelling is set back somewhat from the road, reducing its visual prominence in the street scene. The white colour finish gives the boundary wall a stark and utilitarian appearance at odds with other boundary treatments in the local area. It is therefore harmful to the character and appearance of the street scene and local area.
9. The appellant has offered to remove the painted finish and "*return the wall to its original brick appearance*". Details of how the painted finish would be removed, and the colour finish of the original bricks has not however been provided.
10. Securing a suitable alternative colour finish would require the submission of details to be agreed with the Council. Appropriate timescales for the submission and approval of the scheme and a sanction would need to be imposed given the development has already occurred. These are matters that can be adequately addressed through the imposition of a suitably worded condition.
11. Subject to the implementation of an appropriate colour finish for the boundary wall, in keeping with the colour pallet of the local area, the harm to the character and appearance of the street scene and local area would be resolved. The development would then comply with policy P14 of the Solihull Local Plan (December 2013), which seeks amongst other things to protect and enhance amenity for neighbouring residents.

Conclusion

12. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice as corrected. The enforcement notice will be corrected and quashed.

M Madge

INSPECTOR