



Appeal Decision

Site visit made on 14 February 2026

by **A U Ghafoor BSc (Hons) MA MRTPI FCMi fCMgr**

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2026

Appeal Ref: APP/Y0435/C/24/3341572

1 Mendelssohn Grove, Browns Wood, Milton Keynes, MK7 8DH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the “1990 Act”).
 - The appeal is made by Mr Rahmatullah Hossiany against an enforcement notice issued by Milton Keynes City Council.
 - The enforcement notice was issued on 4 March 2024.
 - The breach of planning control as alleged is the operational development comprising of the erection of a front and side boundary wall with brick piers.
 - The requirements of the enforcement notice are to: 1) Reduce the front and side boundary wall that are adjacent to the highway to measure no more than 1 metre in total height 2) Reduce the height of all the brick piers to measure no more than 1 metre in total height and 3) permanently remove from site the materials and debris that arise from complying with step (i) and (ii) above.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the 1990 Act.
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Decision

1. It is directed that the enforcement notice be varied by the deletion of the text and number “six (6) months” in section 6, time for compliance, and the substitution therefor by number and text “9 months”. Subject to this variation, the appeal is dismissed, and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act.

Ground (a)

2. The terms of the deemed application are directly derived from the allegation. The **main issue** is the effect of the development upon the character and appearance of the host dwelling and street scene.
3. The appeal property is in a residential area characterised by a mix of dwelling types, set back from the highway. There are a mix of boundary treatments of varying designs and heights. Nevertheless, means of enclosure located to the front and sides appear low in height and scale, and they reinforce the overall suburban and green quality of the locality.
4. In contrast and contrary to the appellant’s arguments the front and side boundary wall with brick piers at no. 1, which sits on a junction, are intrusive and intrusive and form obtrusive features given their overall height and scale. The material used in the construction appears similar to the host dwelling, nonetheless, the overall location of the wall and piers has a materially harmful visual effect on the external appearance of the appeal property, especially when seen in the suburban context.

5. The wall is linked to an existing rear wall, which the appellant says already existed before the unauthorised wall. The boundary treatment provides safety and privacy to the appellant and family but has resulted in loss of low scale soft landscaping, which reinforces the suburban quality of the street scene. That said, the wall and piers are sited adjacent to the footpath and there is little, if any, opportunity for soft landscaping.
6. In my planning judgment, the walls and piers, as built, are not visually attractive features and do not represent good design, layout and appropriate and effective landscaping. I find that the development has a materially harmful visual effect on the host dwelling and that of the street scene. Accordingly, there is conflict with the Council's local plan policies D1, D2 and D3, and policy WNP 15 - Design Principles of the Walton Neighbourhood Plan. The development also fails to meet with the aims and objectives of the New Residential Design Guide (2012) supplementary planning guidance. The development fails to meet with guidance found in paragraph 135 to the National Planning Policy Framework (2024).
7. Retrospective planning permission has also been refused. The appellant advances a case on personal circumstances, but all these considerations do not outweigh the visual harm caused by the development and imposing conditions will not sufficiently address the harm caused. Refusal of planning permission has implications and interferes with the appellant's right to private and family rights, but these rights are qualified. Interference must be balanced against the wider public interest in pursuing the legitimate aims. The reasons for taking enforcement action clearly set out the harm caused by the development and I have found the development conflicts with local and national planning policy. There is a need for development management policies to be applied, and this restriction is an appropriate proportional response to that need. The other considerations advanced, individually or cumulatively, do not outweigh my findings on the main issue above.

Ground (f)

8. The appellant says the steps required by the notice are excessive, but they seek to remedy the breach or injury to amenity given the potential permitted development fallback. The purposes of the notice can only be achieved by reducing the front and side boundary wall and piers adjacent to the highway to measure no more than 1 m metre in total height.
9. The Council concede no official plan was provided with the issued notice although photographs with large red arrows indicating the relevant walls to be reduced in height accompanied the official document. It does not necessarily follow that the requirements are ambiguous because the notice enables the recipient to grasp what must be done to remedy the breach. Additionally, it should be kept in mind that the landowner or developer is best placed to know the condition of the land prior to the breach and there is no evidence to suggest the appellant is unaware of the existing rear wall's height and location.
10. For all the above reasons, I find that the steps required achieve the purpose of remedying the breach of planning control and are not excessive. No lesser step will achieve that purpose and ground (f) must fail.

Ground (g)

11. The appellant says that the period of compliance is too short: a reasonable period being nine months. An extended period should also afford the appellant sufficient time to arrange the work. Given the reasons for issuing the notice, the breach of planning control should not be allowed to continue more than necessary, but, having regard to the implications on human rights set out above, I too agree that a period of 9 months would be reasonable and proportionate. Ground (g) succeeds.

Overall conclusions

12. For all the above reasons and having considered all other matters raised, I conclude that the appeal against the enforcement notice should fail on ground (a) and (f) and planning permission should be refused. Ground (g) succeeds to the limited extent set out above.

A U Ghafoor

INSPECTOR