



Appeal Decision

Site visit made on 5 February 2026

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 19 March 2026

Appeal Ref: APP/E2001/C/24/3357569

Land South of The Hollies, Main Street, Roos, East Riding of Yorkshire HU12 0HB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Nick Brooks against an enforcement notice issued by East Riding of Yorkshire Council.
- The notice was issued on 13 November 2024.
- The breach of planning control as alleged in the notice is without planning permission the erection of a fence and gates adjacent to the highway used by vehicular traffic.
- The requirements of the notice are to:
 1. remove the unauthorised close boarded fence and gates, including associated steelwork from the Land and shown on Photo 1 attached to this notice OR alter the gates and fencing so that they accord with the terms and approved plans of planning permission 22/01745/PLF dated 12/8/2022 AND
 2. remove all waste resulting from step 1 from the Land AND
 3. permit the hedge which is situated along the frontage of Main Street, Roos (and shown on the land edged red and on Photo 2 to grow to 3.5 metres in height and thereafter retain this hedgerow at a height no less than 3.5 metres in height.
- The period for compliance with the requirements is: 1 month.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990, as amended, (the 1990 Act). 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 1990 Act.

Decision

1. 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 for the development already carried out, namely the erection of a fence and gates adjacent to the highway used by vehicular traffic at Land South of the Hollies, Main Street, Roos, East Riding of Yorkshire HU12 0HB as shown on the plan attached to the notice.

Preliminary Matters

2. The Council adopted the East Riding Local Plan Update Strategy Document Update (LPSU) on 2 April 2025, and this post-dates the issuing of the enforcement notice. This adopted document and its suite of policies now form part of the statutory development plan for the Council's administrative area. This has resulted some slight revisions to the wording of Policies S4, ENV1, and ENV2, which were cited in the enforcement notice. However, the main thrust of these policies and what they seek to achieve, for the purposes of this appeal, remains the same. The parties were invited to comment on the implications of this for the appeal, and I have taken their comments into account.

The Appeal on Ground (a) and the Deemed Planning Application

3. The appeal on ground (a) is that planning permission ought to be granted for the matters alleged in the notice. Therefore, in making an appeal on ground (a), the appellant seeks to retain the fence and gates as currently erected. From a review of the evidence in this case, the main issue is the effect of the development on the character and appearance of the area.
4. The appeal site is in a rural location and within an area identified as LCT19D within the Council's Landscape Character Assessment. The key characteristics of this area are a very open landscape with hedgerow boundaries and few trees.
5. The appeal site is bound by a tall and dense hedge. Whilst the density of the hedge will change throughout the year, I visited the site in early February and there were very limited views through it. Furthermore, the hedge is likely to be denser during summer months and a separate grant of planning permission¹ includes a condition requiring the hedge to be retained at a height of at least 3.5m. Other boundary treatments on properties on the same side of Main Street include tall brick walls and close boarded fences. Most of the gates on this side of the road are post and rail or allow views through them. However, in general the land on this side of the road is characterised by tall boundary treatments, which do not offer views across an open landscape.
6. The erected gates are set back from the hedge and are approximately half the height of the hedge. The fence either side of the gates is positioned perpendicular to the hedge and leads into the appeal site. As such, neither the fence nor the gates are prominent in the street scene as they are largely screened by the hedge until you are near to the entrance of the site.
7. The fence and gates are smaller than other boundary treatments to nearby properties and their design is similar to nearby close boarded fences. Unlike other gates in the area, the erected gates screen views of the land behind. Nonetheless, there are views over the gates and the effect of the gates on the landscape character is negligible when assessed alongside the tall hedge and other nearby boundary treatments which front most of this side of Main Street. As such the development, is not overly dominant or unduly urban in appearance, and it assimilates with other development in the area.
8. I acknowledge that a 1.5m tall post and rail fence and gates would have a lightweight appearance and offer views through it. This type of design would be more characteristic of the wider LCT19D landscape character area. Nevertheless, the development is not harmful for the reasons given above.
9. Consequently, bringing all these points together the development does not have a harmful effect on the character and appearance of the area. The development complies with LPSU policies S4, ENV1, and ENV2. These policies indicate that all development proposals will contribute to respecting the diverse character and appearance of the area, amongst other matters. The proposal would also be in accordance with the East Riding Design Code where it states that if boundary treatments are required, the character of the surrounding area should be considered. It also complies with paragraph 135 of the Framework where it

¹ Planning permission Ref. 22/02903/PLF

advises that planning decisions should ensure that developments are sympathetic to local character.

Conclusion

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

J Hobbs

INSPECTOR