

Appeal Decision

Site visit made on 26 March 2026

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th April 2026

Appeal Ref: APP/P4415/C/25/3364556

Land and property at 169 Doncaster Road, East Dene, Rotherham, S65 2DQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Miss Ayesha Rafiq against an enforcement notice issued by Rotherham Metropolitan Borough Council.
 - The notice was issued on 2 April 2025.
 - The breach of planning control as alleged in the notice is: without the required planning permission, the erection of fencing, posts and gate over 1m in height and adjacent to the highway.
 - The requirements of the notice are: i) demolish the 3 fence panels, posts and gate fronting Doncaster Road and remove all materials used in its construction permanently from the site; or ii) reduce the height of the 3 fence panels, posts and gate fronting Doncaster Road to a maximum 1m in height.
 - The period for compliance with the requirements is: 3 months from the date that the notice takes effect.
 - 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.
-

Summary Decision: the appeal is dismissed and the enforcement notice is upheld with the variation set out below in the Formal Decision.

The Enforcement Notice

1. The requirement at paragraph 5(i) of the notice includes the word 'permanently.' This is unnecessary having regard to the provisions of Section 181(1) of the 1990 Act, which states that compliance with an enforcement notice shall not discharge that notice. I shall therefore delete this word.

The appeal on ground (a)

2. An appeal on ground (a) is made on the basis that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. Buildings along this part of Doncaster Road are set back from the footpaths on either side. Whilst most properties are enclosed by low boundary walls to the front, some are enclosed by low fences or hedge planting, and some boundary structures have been increased in height by adding railings above walls. As a result, the street scene has a strong sense of openness, and there is natural surveillance between properties and the street.

5. Although there is some high-level planting within front gardens and along front boundaries, this does not require planning permission and softens the appearance of buildings and structures, making a positive contribution to the appearance of the area.
6. The modern composite fencing and sliding gate erected on the appeal site are approximately 1.8 metres high. They are of solid construction, allowing no views through, particularly when the gate is closed. Whilst I consider the fencing and gate to be of good quality, easy to maintain, and of acceptable colour and material in principle, given the variety of front boundary treatments in the area, their combined height and solid nature starkly contrast with the other more traditional forms of front boundary treatments that are present in the locality.
7. I therefore conclude that the unauthorised development harmfully detracts from the open character and appearance of the area and is contrary to policy CS28 of the Rotherham local plan Core Strategy (2014) and policy SP55 of the Rotherham local plan Sites and Policies (2018). These policies seek to ensure, amongst other things, that development is well designed, responsive to its context and contributes positively to the local character and distinctiveness of the area.

Other Matters

8. I have considered the letters of support and the personal circumstances of the appellant. I acknowledge that the fencing and gate were installed to protect the appellant, her family and her property from crime, and to prevent her dog from escaping the site or causing harm to members of the public. However, at the time of my visit the gate was open, and I was able to see that the whole of the front garden is block paved, appearing to primarily facilitate parking and bin storage. The plan attached to the notice indicates that the property has a good size rear garden, which could easily be enclosed by a gate or fencing between the house and garage, or between the house and the side boundary fence. This would secure the rear of the property and would keep dogs and children safe and separated from passers-by on the street frontage. The removal or reduction in height of the solid fencing and gate to the front would improve natural visual surveillance between the front of the property, other properties nearby and the street.
9. I do not consider that painting the fencing and gates a softer colour would reduce the effect of their height and solid construction. As the fencing is not set back from the boundary, planting in front of it would not be possible to soften its appearance in the street. Planting behind the fence would be of little benefit given its height and solid construction, and planting adjacent to the wide gate would be unpractical for obvious reasons.
10. Whilst the appellant fears other forms of enclosure would be less secure, in the absence of any substantive evidence to the contrary, it is my view that a more sympathetic form of enclosure to the front, combined with other measures such as prickly planting or CCTV, would provide adequate security without harming the wider street scene.
11. Consequently, the points raised by the appellant do not lead me to a different view or indicate that planning permission should be granted contrary to the development plan.

Conclusion

12. For the reasons given above, I conclude that the appeal should not succeed. I will uphold the notice with a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Formal Decision

13. It is directed that the notice is varied by deleting the word 'permanently' from paragraph 5(i). Subject to the variation, the appeal is dismissed and the enforcement notice is upheld.

R Bartlett

INSPECTOR