



Appeal Decisions

Site visit made on 24 March 2026

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 April 2026

Appeal A Ref: APP/D0121/C/25/3373063

Appeal B Ref: APP/D0121/C/25/3373064

7 Spring Valley, Weston-Super-Mare, North Somerset

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - Appeal A is made by Mrs Vivienne Jones and Appeal B is made by Mr Ian Jones against an enforcement notice issued by North Somerset Council.
 - The notice was issued on 11 August 2025.
 - The breach of planning control as alleged in the notice is, without planning permission, the erection of a fence.
 - The requirement of the notice is to: Remove the fence and all resulting materials from the land.
 - The period for compliance with the requirement is: Three months.
 - The appeals are proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).
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Decisions

1. The appeals are dismissed and the enforcement notice is upheld.

Ground (f)

2. An appeal on ground (f) is that the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections. It is firstly essential to understand the purpose of the notice.
3. Under s173(4) of the Act, the purpose of a Notice can be: (a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place, or (b) to remedy any injury to amenity which has been caused by the breach.
4. On reading the enforcement notice as a whole, it is clear that the purpose of the notice is to remedy the breach of planning control that has occurred, in that it requires the fence to be removed in its entirety. The Council confirm this in its statement of case.
5. The appellants set out that it is not necessary to remove the fence, that it can be covered with vegetation thereby rendering it barely visible and the boundary would have the appearance of a blockwork wall with mature hedge. It is therefore contended that it is not necessary to remove the fence in order to remedy the injury to local amenity. However, the purpose of the notice is not to remedy injury to amenity, it is to remedy the breach. This can only be achieved by the removal of the fence.

6. Thus, the step required to comply with the notice is not excessive and is reasonable to achieve its stated purpose. As such, the appeal on ground (f) fails.

Ground (g)

7. An appeal under ground (g) is that the period for compliance with the requirements of the notice falls short of what is reasonable. The notice provides a period of 3 months for compliance.
8. The appellants request that a longer period of time be allowed to install planting to cover the fence. However, as I have found above that the requirement to remove the fence is reasonable, it is the timeframe for this action that is relevant. It appears to me that the period of three months is both reasonable and realistic to allow for the fence to be removed. No case has been made to demonstrate otherwise.
9. Therefore, the appeal on ground (g) also fails.

Other Matters

10. I note comments made in respect of the variety of boundary treatments in the local vicinity, the effect of the fencing on local and longer distance views, as well as the purpose of the fence to increase security for the appellants, to prevent children walking along the top of the wall, and to protect against anti-social behaviour. I also note that there have been thefts from the rear of the property. However, these are matters relating to the planning merits of the fencing and are, in the absence of any appeal under ground (a) for a deemed planning application, not issues that alter my findings on the above grounds of appeal. Furthermore, I note that these matters were addressed within the previous appeal decision¹ on this site against the refusal of planning permission for the fencing.

Conclusion

11. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice.

Martin Allen

INSPECTOR

¹ APP/D0121/D/24/3349834