



Appeal Decision

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 Ref: APP/Z0116/C/25/3372744

4 Wingfield Road, Bristol BS3 5EH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Stefan Brugger against an enforcement notice issued by Bristol City Council.
 - The notice was issued on 7 August 2025.
 - The breach of planning control as alleged in the notice is, without the grant of planning permission, the erection of decking, balcony and fences to the rear of the property.
 - The requirement of the notice is to: Demolish the decking, balcony and the fences adjoining 2 Wingfield Road and 6 Wingfield Road and remove all construction material from the site.
 - The period for compliance with the requirement is: Two months
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) 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.
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Decision

1. The enforcement notice is quashed.

The Notice

2. S173(2) of the 1990 Act as amended states that an enforcement notice complies with s173(1)(a) if it 'enables any person on whom a copy of it is served to know what those matters are' being the matters alleged to constitute the breach. The test established in case law is whether the enforcement notice tells the recipient fairly what they have done wrong and must do to remedy it (the '*Miller-Mead*' test).
3. The allegation within the notice refers to the erection of fences to the rear of the property. At the time of my site visit I observed that there were fences along each of the two garden side boundaries. To one side and along the boundary with 2 Wingfield Road, the fence extended only to the depth of the decking element of the development. To the other side and along the boundary with 6 Wingfield Road, there is a fence that extends the entirety of the length of the boundary between the two properties. A fence also extends along the rear boundary of the property.
4. The reasons for issuing the notice refer to the height of the boundary fences having an overbearing and overshadowing effect, while the notice requires the demolition of the fences "adjoining 2 Wingfield Road and 6 Wingfield Road."
5. It is unclear to me the extent of the fencing that the notice is directed at, and what extent of it is required to be removed. The use of the term "adjoining" within the requirement is imprecise. It could be interpreted that, given the reason for issuing the notice, that only the portions of fence extending to the depth of the decking, and closest to the dwellings, are attacked by the notice. However, the entirety of

the boundary fence stretching the property boundary “adjoins” 6 Wingfield Road, and thus it could also be interpreted that this entire fence should be removed. The plan attached to the notice does not indicate the extent of fencing that is required to be removed. These issues, in my view, create an unacceptable degree of ambiguity as to what the appellant must remove from the site in order to comply with the notice.

6. Therefore, adopting the *Miller-Mead* test, the notice does not fairly tell the recipient what part of the fencing, or if it is the whole of the fencing, the notice is directed at and what extent of fencing must be removed to remedy the alleged breach.
7. I have the power to vary or correct the terms of the notice, but in doing so must cause no injustice. I am unable to do so, as I am not certain as to the extent of the fence that is attacked and that is considered to comprise a breach of planning control.

Conclusion

8. For the reasons given above, I conclude that the enforcement notice does not specify with sufficient clarity the alleged breach of planning control and its requirements. Furthermore, I am unable to understand what corrections might be appropriate without them resulting in injustice to any party. As such, I am unable to correct the notice in accordance with my powers under section 176(1)(a) of the 1990 Act as amended. The enforcement notice is invalid and will be quashed.
9. In these circumstances, the appeals on the ground set out in section 174(2)(a), (f) and (g) of the 1990 Act (as amended) do not fall to be considered.

Martin Allen

INSPECTOR