



Appeal Decision

Site visit made on 6 May 2026

by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th May 2026

Appeal Ref: APP/P0240/C/24/3344699

Meadowside, Limbersey Lane, Maulden, BEDFORD, MK45 2EA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Hock Choo against an enforcement notice issued by Central Bedfordshire Council.
 - The notice was issued on 25 April 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of brick walls and wooden gates along the front of the property.
 - The requirements of the notice are to:
 1. Demolish the brick walls and wooden gates in the approximate location shown in green on the attached Location Plan; or
 2. Lower the height of the brick walls and wooden gates in the approximate location shown in green on the attached Location Plan so that no part of them exceed one metre in height above ground level.
 - The period for compliance with the requirements is three months from the date the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2) (c) & (f) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

2. The appeal was initially made under grounds (a) and (c) of s174(2) of the Town and Country Planning Act 1990 (the Act). However, the appellant subsequently withdrew the appeal on ground (a) and introduced a new ground (f) appeal. In any event, a planning application has previously been refused for the development in question, within 2 years of the date of the service of the enforcement notice. Thus, any ground (a) appeal would have been barred from consideration, having regard to the terms of s174(2A) of the Act.

The Appeal on Ground (c)

3. An appeal on ground (c) is made on the basis that the matters alleged do not amount to a breach of planning control. The appellant contends that the existing gate is not immediately adjacent to the highway such that it amounts to permitted development under the terms of Class A, Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
4. Under that Class, the erection, construction, maintenance or improvement or alteration of a gate, fence, wall or other means of enclosure is permitted subject to a number of limitations. Under paragraph A.1 development is not permitted if the

height of any gate, fence, wall or means of enclosure constructed adjacent to a highway used by vehicular traffic would be over 1m or, in any other case, more than 2m above ground level.

5. The appellant contends that the gate is permitted development on the basis that it is not adjacent to the highway and no greater than 2m in height. It is not readily apparent but those comments would appear to refer specifically to the wooden gate as opposed to the associated wall which also forms part of the enforcement notice.
6. Whilst the gate may be set back from the highway edge, it could not stand alone, without the associated wall. That wall to which it is attached extends directly alongside the highway edge before splaying inwards at the entrance. It is over a metre in height along its length, the piers are higher still and the height then tapers upwards to the brick pillars aside the entrance gate which are just under 2m. The whole of the structure serves the purpose of forming a means of enclosure along the front of the site. The wall and gate were constructed as a single operation and are effectively a single entity.
7. If any part of the structure contravenes the limitations of paragraph A.1, as set out above, it will not amount to permitted development and would constitute a breach of planning control. That is clearly the case in this instance and it would be artificial to try and separate the gate from consideration of the remainder of the enclosure. Accordingly, the wall and gates do not amount to permitted development and represent a breach of planning control in the absence of planning permission granted by the Council. Therefore, the appeal on ground (c) must fail.

The Appeal on Ground (f)

8. An appeal on this ground is made on the basis that lesser steps than those specified in the notice would remedy the breach of planning control or the injury to amenity as the case may be. However, the appellant does not put forward any lesser steps. Rather, his case is that the requirements are ambiguous and unclear in that the notice refers to an approximate location and does not have a scale bar.
9. There is no requirement for a plan attached to an enforcement notice to be drawn to scale. The plan in question is clearly sufficient to identify the location of the unauthorised wall and gates, as indicated in green. There is no other wall in the vicinity. The appellant constructed it, or paid for its construction and will be in no doubt as to its location.
10. The requirement to remove it or reduce in height to no greater than 1m from ground level is also clear and can be easily measured against existing ground levels. The topography is flat such that no difficulty exists in determining land level. Accordingly, the requirements do not go beyond what is necessary to remedy the breach and the appeal on ground (f) must fail.

Conclusion

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

Chris Preston

INSPECTOR