



Appeal Decision

Site visit made on 28 April 2026

by **Peter Willows BA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 May 2026

Appeal Ref: APP/T2405/C/24/3351863

39 Unity Road, Glenfield, Leicestershire LE3 8FU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr John Derry against an enforcement notice issued by Blaby District Council.
 - The notice was issued on 15 August 2024.
 - The breach of planning control as alleged in the notice is the unauthorised erection of a fence exceeding one metre in height adjacent to a highway.
 - The requirements of the notice are:
Either:
 - (i) *Remove the fence in its entirety; or*
 - (ii) *Reduce the fence including concrete posts to a height of not more than one metre along its southern elevation where it fronts the highway 'Glenfield Crescent', Glenfield; and reduce the fence including concrete posts to a height of not more than one metre along its western and eastern returns to a point level with the principal (front) elevation of the property '1 Glenfield Crescent', Glenfield; or*
 - (iii) *Reposition the fence such that no part of it is located forward of the principal (front) elevation of the property '1 Glenfield Crescent', Glenfield.*
 - The period for compliance with the requirements is 28 days
 - 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. It is directed that the enforcement notice is varied by the deletion of 28 days as the compliance period and its replacement with 2 months. Subject to that change, the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Ground (a)

Main issues

2. The main issues are the effect of the development on:
 - i) The character and appearance of the area; and
 - ii) Road and pedestrian safety.

Character and appearance

3. The development comprises tall wooden fence panels with concrete posts. It encloses an area of garden to the side of 39 Unity Road, which is in a corner location and angled in relation to the road. The fencing juts out significantly in relation to the appeal property and the neighbouring 1 Glenfield Crescent, with a

section of it abutting the edge of the footway. In my view, the combination of its height and positioning results in a stark, highly prominent and visually intrusive form of boundary treatment, which appears incongruous in the street scene. The appellant's suggestion of staining the fence to a different colour would not overcome the harm.

4. I appreciate that there are other high fences in the area. In particular, I saw a similar fence along the boundary of a house on the opposite corner of Unity Road. Nevertheless, such fencing did not strike me as an especially common feature of the immediate locality. Rather, I formed the view that front boundaries tend in the main to be defined by low walls and planting. Thus, the examples the appellant cites do not alter my view that this fence is out of character in its setting.
5. For these reasons I conclude that the fence is an incongruous, visually intrusive feature, which has harmed the character and appearance of the area. Consequently, there is conflict with the aims for design and character set out in Policy DM1 of the Blaby District Local Plan (Delivery) Development Plan Document (the delivery DPD), Policy CS2 of the Local Plan Core Strategy and Policy H5 of the Glenfield Neighbourhood Plan. There is conflict too with the aims for good design set out in the National Planning Policy Framework.

Road and Pedestrian Safety

6. The Council is concerned at the effect of the fencing on standards of visibility for vehicles emerging from both the appeal property and the adjacent 1 Glenfield Crescent. In the case of the appeal property, the fencing is positioned well away from the point of access, such that I am not persuaded that visibility is compromised.
7. However, the fencing runs alongside the driveway of the neighbouring 1 Glenfield Crescent, where it continues right up to the edge of the footway. Consequently, it will severely restrict intervisibility between vehicles emerging from that property and pedestrians. In my judgement, this arrangement has the clear potential to compromise the safety of pedestrians. The Local Highway Authority indicates a requirement for a 1m x 1m pedestrian visibility splay, and I see no reason to take a different view. While requirements for pedestrian visibility splays are not referenced in Policy DM8 of the Delivery DPD or the extract from the Leicestershire Highway Design Guide I have been provided with, the safety of pedestrians is an aspect of good design, and I find conflict with Policy CS2, which aims to have places that are well designed and safe.
8. I am not persuaded that visibility of the carriageway has been unduly compromised. The footway is of a good width, and vehicles emerging from the neighbouring property would have an adequate view of approaching vehicles before reaching the carriageway in my judgement. I have not been provided with any calculation of the actual splay that is required, which is dependent on vehicle speeds. Consequently, it has not been shown that there is conflict with Policy DM8, which is concerned with highway design standards. This does not, however, alter my view that pedestrian intervisibility has been unacceptably compromised.

Other considerations

9. I am told that the appellant has a young family and that the fence is required for security and privacy. However, the enforcement notice includes provision to

relocate the fence such that a secured area could be retained, albeit one of a reduced size. Consequently, I do not consider that the development is justified on the basis that it is necessary for designing out crime or for privacy.

10. I have had regard to the appellant's proposal to realign the fence. While that proposal is raised in relation to ground (f), it is essentially a modified version of the scheme enforced against, and I am satisfied that it falls within the scope of section 177(1)(a) of the 1990 Act¹. The modifications suggested by the appellant could be the subject of a planning condition. However, as set out below in relation to ground (f), while realigning the fence as proposed would address my road safety concerns, it would bring about only a limited visual improvement. Overall, the development would remain unacceptable in my view.

Conclusion

11. My findings above lead me to conclude that there is conflict with the development plan as a whole. Nothing raised in support of the development outweighs the harm arising from it, and I therefore conclude that planning permission should not be granted. Accordingly, the appeal on ground (a) fails.

Ground (f)

12. The appellant describes the ground (f) proposal in the following terms:

the lesser steps would be to retain the enclosed garden area but to move the fence back 1 metre AND the appellant has indeed offered to then plant some low planting, possibly evergreen Laurel or other native planting, to afford a green finish to the enclosed fence/garden.

13. Moving the fence back a metre as proposed would allow a degree of intervisibility between pedestrians and vehicles emerging from the neighbouring drive, and would consequently address my safety concerns. However, the fence would remain significantly forward of both the appeal property and the neighbouring 1 Glenfield Crescent. Consequently, given its height, it would continue to be a prominent and intrusive feature, even with additional planting. Thus, the proposal would not fully address my concerns. The notice already contains other options, short of complete removal, which would be more effective in my view.
14. The appellant also suggests that the fence be stained to a darker colour, but the harm arises from its size and siting rather than its colour.
15. For these reasons, the appeal on ground (f) fails.

Ground (g)

16. The works are straightforward and the appellant has not set out in any detail why a longer compliance period is required. That said, it seems to me that it could prove difficult to schedule a professional to carry out the work in just 28 days, and the Council does not object in principle to a longer compliance period. On the other hand, it is desirable that the breach of planning control is remedied without undue delay, and I cannot see any justification for the 3 month period the appellant seeks, given the modest nature of the work required. In my judgement, 2 months

¹ Section 177(1)(a) of the 1990 Act allows the decision maker to consider granting planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters. Thus, modified/reduced schemes can sometimes be considered.

would be an appropriate period, and I will vary the notice accordingly. To that extent, the appeal succeeds on ground (g).

Conclusion

17. For the reasons given above, I shall uphold the enforcement 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).

Peter Willows

INSPECTOR