



Appeal Decision

Site visit made on 12 May 2026

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 22nd May 2026

Appeal Ref: APP/D5120/C/25/3370053

55 Parkhurst Road, Bexley, Kent DA5 1BA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Duncan Stannett against an enforcement notice issued by the Council of the London Borough of Bexley.
 - The notice was issued on 26 June 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised erection of a front and side boundary fence and sliding gate shown in the approximate location outlined in blue on the attached plan, and shown in photographs in Appendix 1 attached to this Notice; on Land at 55 Parkhurst Road Bexley Kent DAS 1BA, ("the Land"), shown outlined in red on the attached plan.
 - The requirements of the notice are to:
 1. Reduce the height of the front and side boundary fence and sliding gate as shown in photographs in Appendix 1, attached to this Notice and in the approximate location shown outlined in blue on the attached plan, to a height of no more than 1 metre as measured from the ground immediately adjacent to the development; or
 2. Remove the front and side boundary fence and sliding gate as shown in photographs in Appendix 1, attached to this Notice and in the approximate location shown outlined in blue on the attached plan, from the Land; and
 3. Remove all resultant materials from the Land.
 - The period for compliance with the requirements is: 4 months
 - The appeal is proceeding on the grounds set out in section 174(2)(f), (g) 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.

Appeal on ground (f)

2. Section 173 of the Act states there are two purposes which the requirements of an enforcement notice can seek to achieve. The first (s173(4)(a)) is to remedy the breach of planning control which has occurred. The second (s173(4)(b)) is to remedy any injury to amenity which has been caused by the breach. Hence, an appeal on ground (f) is a claim that the requirements of the notice exceed what is necessary to remedy the breach of planning control, or, as the case may be, to remedy any harm to amenity resulting from the breach.
3. The notice requires the reduction in height of the fence and sliding gate (the development) to a height of no more than 1 metre, or alternatively the complete removal of the development. Having regard to the Council's reasons for issuing the notice and to the fact that full compliance with the notice can be achieved by a reduction in height to 1 metre, it is clear that the purpose of the notice is to remedy injury to amenity resulting from the breach; s173(4)(b).

4. The height of the development appears incongruous when compared with the generally modest scale of neighbouring boundary treatments. Furthermore, the narrow spacing of the slats gives the fencing and gate a largely solid appearance, resulting in an imposing and visually harsh form. Taken together, these elements harm the amenity of the area.
5. Having regard to the evidence before me, and my own observations during the site visit, I am satisfied that reducing the height to 1 metre would not exceed what is necessary to remedy this injury to amenity. This reduction would also bring the development within the limits of permitted development, subject to compliance with the relevant provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). While permitted development rights cannot be applied retrospectively, this requirement effectively “under-enforces” the breach of planning control and, if complied with, planning permission would be deemed to have been granted for the reduced height fence through the provisions of sections 173(11) and 73A of the Act.
6. The alternative requirement of the complete removal of the development would also remedy the injury to amenity and would not be excessive, as it simply provides the appellant with a choice as to how compliance may be achieved.
7. The appellant has suggested retaining the development at 1.5 metres height. However, no appeal has been made on ground (a) that planning permission ought to be granted to retain any part of the development. Consequently, the planning merits of retaining a 1.5 metre high fence are not a matter before me. This ground (f) appeal is solely restricted to whether the requirements of the notice exceed what is necessary to remedy the breach of planning control.
8. The appeal on ground (f) therefore fails.

Appeal on ground (g)

9. An appeal on ground (g) is that the period of time for compliance with the notice requirements falls short of what should reasonably be allowed. The Council has set a compliance period of 4 months, whereas the appellant seeks an extended compliance period of 6 months.
10. While I accept that there may be some delay associated with scheduling works and arranging finance, no substantive evidence, such as quotes from contractors or details of the works, have been provided to justify the need for a longer compliance period. I am mindful that the harm arising from the breach of planning control should be remedied as soon as reasonably practicable. Accordingly, an extended compliance period of 6 months appears excessive given the nature and scale of the works involved.
11. On the basis of the available evidence, I am satisfied that 4 months represents a reasonable and proportionate timeframe for compliance.
12. Although human rights considerations do not arise in ground (f), they may be of relevance in the context of ground (g). I have considered the appeal and the appellant’s submissions in the context of Article 8 of the Human Rights Act 1998, which protects the right to respect for private and family life. I recognise that the dismissal of the appeal may have implications for the homeowners, particularly in relation to their preferred height of the fence and sliding gate. However, Article 8 is

a qualified right, and interference may be justified where it is in the public interest and proportionate.

13. In this case, I consider the interference arising from my decision to not allow an extended period for compliance to 6 months is a necessary and proportionate remedy in the pursuit of legitimate planning objectives. I am satisfied that these objectives could not be achieved by less intrusive means without undermining the public interest. Consequently, the dismissal of this appeal would not amount to a breach of Article 8.
14. The appeal on ground (g) therefore fails.

Conclusion

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

S Lo

INSPECTOR