



Appeal Decisions

Site visit made on 21 May 2026

by Andy Harwood CMS MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2026

Appeal A Ref: APP/K0425/C/25/3362995

Appeal B Ref: APP/N0410/C/25/3362997

165 Amersham Road, High Wycombe, Buckinghamshire HP13 5AE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
 - The appeals are made by Mr Trevor Bravington (Appeal A) and Mrs Kuryan Bravington (Appeal B) against an enforcement notice issued by Buckinghamshire Council - West Area (Wycombe).
 - The notice was issued on 20 February 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a fence and a gate.
 - The requirements of the notice are to:
 - 1 Remove the fence and gate shown marked as a dotted line on the attached plan and shown circled in photo 1.
 - 2 Remove all materials and debris resulting from complying with step 1 of this Notice from the Land.
 - The period for compliance with the requirements is: two months.
 - The appeal is proceeding on the grounds set out in section 174(2)(c) and (f) of the Town and Country Planning Act 1990 (as amended).
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Appeals A and B Decisions

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

Preliminary Matters

2. Although an appeal on ground (f) was not initially pleaded, it was added subsequently and accepted. Some of the submissions made by the appellant relate to the planning merits of the development but ground (a) is not pleaded and no fee for the deemed planning application has been paid. I cannot therefore consider the planning merits of the development as alleged.

The Appeal on ground (c)

3. The appeal against the notice on ground (c) is that what is alleged does not constitute a breach of planning control.
4. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) at schedule 2, part 2, class A, relates to minor developments in the form of the erection, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure. That defines the limitations of what constitutes permitted development under Article 3 of that order.
5. Class A.1.(a)(ii) limits such development to 1m above ground level where it is adjacent to a highway used by vehicular traffic. There is no dispute that the fence and gate in this case, which are directly adjacent to the footway which therefore forms part of the highway, is higher than 1m. It does not constitute permitted

development under the above terms in the GPDO and so requires planning permission. As planning permission has not been granted for the development, a breach of planning control therefore exists. The GPDO does not grant retrospective planning permission and so a reduction in height could not make this fence and gate become permitted development.

6. As such, the appeal under ground (c) fails.

The Appeal on ground (f)

7. The appeal on this ground is that the steps required exceed what is necessary to achieve the purpose of the notice. It is confirmed on the notice that its purpose is to remedy the breach by discontinuing any use of the land and by restoring the land to its condition before the breach took place, therefore s173(4)(a) of the Act. It is not for me to question the expediency of how enforcement action has been taken. The Council has decided not to issue the notice in order to serve the alternative purpose of s173(4)(b) of remedying any injury to amenity caused.
8. It would not achieve the purpose of the notice to seek only a reduction in height of the development to make it fit the limitations of the GPDO. Having said that, an enforcement notice cannot interfere with or remove permitted development rights. I have limited background information and cannot say categorically whether or not a fence and gate no higher than 1m at this property would be permitted development. There can be other factors that affect this such as directions removing GPDO permitted development rights. However, it may well be the case that the development could be removed and then re-erected at the lower permitted development height. I cannot correct or vary the notice to achieve that given the purpose of the notice. These matters may need to be discussed between the appellant and the Council in order to reach a way forward.
9. The appeal under ground (f) however must fail.

Conclusion

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

Andy Harwood

INSPECTOR