



Appeal Decision

Site visit made on 9 June 2026

by D A Hainsworth LL.B(Hons) FRSA Solicitor
an Inspector appointed by the Secretary of State

Decision date: 10 July 2026

Appeal Ref: APP/C3430/C/25/3365688

Land at The Stableyard, Mile Flat, Greensforge, Kingswinford DY6 0AU

- The appeal is made by Paul Round of Harrison Round Ltd under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: 24/00068/BOC) issued by South Staffordshire District Council on 30 April 2025.
- The breach of planning control alleged in the notice is "the construction of close board timber fence along the western site boundary as well as between the dwellings' gardens, on the Land in the approximate position indicated by the solid blue line as shown on Appendix 1 ("the Fence")".
- The requirements of the notice are as follows: -
 - "(i) Remove the Fence in its entirety, including any concrete used to set the fence posts, located in the approximate position indicated by the solid blue line as shown on Appendix 1;
 - (ii) Fill the resulting excavations with compacted topsoil and resurface to match the adjacent land;
 - (iii) Install the post-and-rail fencing in the locations approved within permission 21/00058/COND as noted within the document titled "Notes relating to Planning Conditions 12, 13, 14 and 15 prepared by Camlad Ecology Ltd dated 23rd September 2022, included as Appendix 2; and
 - (iv) Remove from the Land all materials arising from compliance with i), ii) and iii) above."
- The period for compliance with these requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (c). An application for planning permission is deemed to have been made by section 177(5) in respect of the matters stated in the notice.
- The appellant's application for costs against the Council is dealt with by a separate decision.

Appeal decision

1. The appeal is allowed in part and planning permission is granted on the application deemed to be made by section 177(5) of the Town and Country Planning Act 1990 for the construction of close-boarded timber fences at The Stableyard, Mile Flat, Greensforge, Kingswinford DY6 0AU on the remaining parts of the two boundaries between the gardens on the north-western side of the development, subject to the condition that within 1 month of the date of this appeal decision the approved close-boarded fences shall be provided with openings of at least 130mm square in locations to be approved by the Local Planning Authority.

2. The appeal is dismissed as respects the construction of close-boarded timber fences at The Stableyard, Mile Flat, Greensforge, Kingswinford DY6 0AU in the following positions, namely (i) across the garden and returning alongside the roadway at the northern extremity of the development, (ii) on the south-western boundary of the development and (iii) partway between the gardens on the south-eastern side of the development, and the application for planning permission deemed to be made by section 177(5) of the Town and Country Planning Act 1990 in respect of these fences is refused.
3. The enforcement notice ref: 24/00068/BOC is upheld.

Reasons for the appeal decision

Ground (c)

4. The purpose of an appeal on ground (c) is to demonstrate that the matters alleged in the enforcement notice do not constitute a breach of planning control, for example because planning permission has already been granted or they are allowed by the permitted development order.
5. No evidence has been put forward that this could be the case. Permitted development order rights for fences were withdrawn when The Stableyard development was authorised by permission 21/00058/FUL.
6. The ground (c) appeal has therefore failed.

Ground (a) – whether planning permission should be granted

7. It should be recognised at the outset that a significant new residential re-development scheme has been authorised by the Council at The Stableyard. This requires due consideration to be given to the fact that the occupiers of the new development would normally expect to be able to choose the boundary treatment they wanted, up to the permitted development order height limit. The enforcement notice gives some recognition to this matter by allowing some sections of the fences to be retained between dwellings in order to maintain privacy.
8. In permission 21/00058/FUL, the reason given for the condition withdrawing permitted development order rights for fences refers to the presumption against inappropriate development in the Green Belt. There is force in the agent's argument that this reasoning is inconsistent with the fact that the permitted development order does not exclude the erection of fences within the Green Belt and that therefore the erection of these fences should not be restricted by a planning condition imposed on the basis that the fences are inappropriate development in the Green Belt. With that in mind, and taking into account the fact that The Stableyard development was approved by the Council on the basis that it is not inappropriate development in the Green Belt, I have dealt with the ground (a) appeal by focussing on the effect that the fences in question have on the character and appearance of the appeal site and its surroundings and on the application of adopted planning policies relating to this issue.
9. The fences on the parts of the two boundaries between the gardens on the north-western part of The Stableyard development are where the enforcement notice allows the parts nearest the dwellings to be retained in order to provide

privacy in the rear gardens near to windows. They are internal to The Stableyard development and they join up at right angles with the middle of the fence on the adjoining land. Following my decision to grant planning permission for this fence (see appeals references APP/C3430/C/25/3365691 & 3365692), no purpose would be served by refusing planning permission for the remaining parts of the internal fences that join up with it. The appeal has therefore succeeded on ground (a) in this respect and planning permission has been granted for these parts of these fences.

10. The Council have suggested that two planning conditions should be imposed if planning permission is granted. I have not imposed the condition relating to landscaping, since none is called for. The other condition has been imposed in order to provide facilities for the movement of hedgehogs through the fences.
11. Although planning permission has been granted for these fences, I have not varied the enforcement notice by deleting the requirements relating to them, because doing so could give rise to two inconsistent planning permissions, namely the conditional permission granted in this appeal decision and the unconditional permission deemed to be granted by s173(11). Attention is drawn to the provisions of section 180(1), which provide that the enforcement notice shall cease to have effect so far as it is inconsistent with the permission granted in this appeal decision.
12. Different considerations apply to the fences described in the enforcement notice that are on or near to the outer boundaries of The Stableyard development, because these fences are prominent when viewed from open land or from the countryside. Specifically, the fences are (i) the fence across the garden and returning alongside the roadway at the northern extremity of the development, (ii) the fence on the south-western boundary of the development next to the open field and (iii) the fence partway between the gardens on the south-eastern side of the development that projects towards open countryside. In each case they are in locations where the approved development specifies lower post and rail fencing and landscape planting.
13. These fences are damaging to the character and appearance of the development and its surroundings, because they look stark and stockade-like. If the approved fencing and landscaping had been provided, the development would have been better assimilated into this predominantly rural location and the countryside around it. As they stand these fences do not meet the landscaping and design standards called for by Policies EQ4, EQ11 and EQ12 of the South Staffordshire Core Strategy Development Plan Document. The appeal has therefore failed on ground (a) in these respects and planning permission has been refused for these fences.

D.A.Hainsworth

INSPECTOR