



Appeals 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

Appeals Refs: APP/C3430/C/25/3365691 & 3365692

Land at Mile Flat Farm, Mile Flat, Greensforge, Kingswinford DY6 0AU

- The appeals are made by Terrance and Susan Quigley under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: 25/00042/UNDEV) 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 rear property boundary on the Land in the approximate position shaded blue on the Plan ("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, on the Land in the approximate position shaded blue on the Plan;
 - (ii) Fill the resulting excavations with compacted topsoil and resurface to match the adjacent land; and
 - (iii) Remove from the Land all materials arising from compliance with i) and ii) above."
- The period for compliance with these requirements is two months.
- The appeal is proceeding on the grounds set out in section 174(2)(a),(b),(c) and (f).
- 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 appellants' application for costs against the Council is dealt with by a separate decision.

Appeals decision

1. The appeals are allowed, the enforcement notice ref: 25/00042/UNDEV is quashed 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 a close-boarded timber fence along the rear boundary of Mile Flat Farm, Mile Flat, Greensforge, Kingswinford DY6 0AU, subject to the condition that within 1 month of the date of this appeals decision the approved close-boarded fence shall be provided with openings of at least 130mm square in locations to be approved by the Local Planning Authority.

Reasons for the appeals decision

Ground (b)

2. The purpose of an appeal on ground (b) is to demonstrate that the matters alleged in the enforcement notice have not occurred as a matter of fact. It is clear that a close-boarded timber fence as described in the enforcement notice

was in existence when the notice was issued. It was still there when I viewed the site. The appeals on ground (b) have therefore failed.

Ground (c)

3. 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.
4. The agent maintains that the farmhouse was not built in its approved location and that therefore the condition imposed on permission 07/01309/FUL, withdrawing permitted development order rights for fences, does not apply. It appears to me from the available information however that the farmhouse was in fact built in the approved location and that the condition applies to the land where the fence is sited.
5. The ground (c) appeals have therefore failed.

Ground (a) – whether planning permission should be granted

6. It should be recognised at the outset that a significant new residential re-development scheme has been authorised by the Council to the rear of the farmhouse. This has affected the amenities of the occupiers of the farmhouse and requires due consideration to be given to the fact that the occupiers of the farmhouse would normally expect to be able to protect their privacy by choosing the boundary treatment they wanted, up to the permitted development order height limit.
7. In permission 07/01309/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 this fence should not be restricted by a planning condition imposed on the basis that the fence is inappropriate development in the Green Belt. With that in mind, and taking into account the fact that the development to the rear of the farmhouse 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) appeals by focussing on the effect that the fence in question has on the character and appearance of the appeal site and its surroundings and on the application of adopted planning policies relating to this issue.
8. The fence is on the rear boundary of the back garden of the farmhouse and on the rear boundary of the back gardens of the north-western part of the new development. It is a long way back from the road, is partially screened by the farmhouse and by vegetation and other boundary features, and is seen against the background of the dwellings in the new development. It provides privacy for both the occupiers of the farmhouse and the occupiers of the new development, and an element of protection for the poultry and other activities taking place next to it in the garden of the farmhouse. It does not have an adverse impact on the character or appearance of the surrounding countryside and it is compliant with the advice relating to visually intrusive boundaries in

the South Staffordshire District Design Guide, which aims to protect the wider countryside. I have concluded that planning permission should be granted for this fence and the appeals have therefore succeeded on ground (a).

9. 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 fence.

Ground (f)

10. In view of the success of the appeals on ground (a), the enforcement notice has been quashed. Ground (f) no longer falls to be considered.

D.A.Hainsworth

INSPECTOR