



Appeal Decisions

Site visit made on 3 July 2026

by Elizabeth Pleasant BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date 15 July 2026

Appeal A Ref: APP/B3030/C/25/3375307

Appeal B Ref: APP/B3030/C/25/3375308

Land at Lilac Farm Cottage, Water Lane, Oxton, Southwell NG25 0SH

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - Appeal A is made by Mr Lee Szymanski and Appeal B by Hayley McGarry against an enforcement notice issued by Newark & Sherwood District Council.
 - The notice was issued on 3 October 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, operational 'development' consisting of the erection of a brick wall enclosing the Southern garden of the property (as shown by the red markers within photographs 1 and 2; and highlighted in red on the site location plan).
 - The requirements of the notice are to:
 - A. Demolish the brick wall enclosing the Southern garden of the property between points A and B (as shown by the red markers within photographs 1 and 2; and highlighted in red on the site location plan);
 - B. Remove from the land any resultant waste.
 - The periods for compliance with the requirements are:
 - A. 180 days
 - B. 200 days
 - Appeal A is proceeding on the grounds set out in section 174(2)(a) and (f) 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.
 - Appeal B is proceeding on the grounds set out in section 174(2) (f) of the Town and Country Planning Act 1990 (as amended).
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Decision on Appeal A

1. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a brick wall at Land at Lilac Farm Cottage, Water Lane, Oxton, Southwell NG25 0SH as shown on the plan attached to the notice.

Decision on Appeal B

2. The appeal is dismissed but the notice is quashed as set out in the Formal Decision for Appeal A.

Preliminary Matter

3. The Council refer in their reasons for issuing the Enforcement Notice to the wall appearing as a discordant feature in the street scene. However, I understand from their statement of case that they are not alleging that the wall results in harm to the character and appearance of the area, including Oxton Conservation Area (CA). From the evidence before me, including observations on my site visit, the

significance of the CA as a heritage asset is largely derived from the attractive collection of historic farmsteads and cottages, their relationship to the village core, open spaces, agricultural setting and watercourses. The significance is also derived from the consistent use of building materials, including red brick, pantile roofs and brick walls and hedges as means of enclosure. The design and appearance of the wall in this appeal is characteristic of other boundary walls along Water Lane and within the local area and I agree with the Council that it preserves the character and appearance of the CA.

Appeal A on ground (a), deemed planning application

Main Issue

4. The main issue in this case is the effect of the development on highway safety.

Reasons

5. The brick wall has been constructed to enclose the southern garden of Lilac Farm Cottage. It abuts Water Lane and a vehicular access to the south which serves the neighbouring property known as Lilac Farm Barn. The wall is constructed in a red brick and varies between 1.35m and 1.85m in height when measured from the adjoining carriageway.
6. It is the Council's case that the wall has created a hard boundary to the adjoining highway and appears to protrude into the already narrow carriageway, thus posing a risk to vehicle strike. Furthermore, they consider that the wall severely restricts visibility from the driveway of the adjacent property to the south.
7. Water Lane is single vehicle width and serves a number of residential properties. Whilst it is a through road connecting Main Street to New Road, a highway sign at the entrance to the lane advises that the lane should be used for access only and not as a through route. I spent some time on my site visit driving up and down the lane. Whilst I recognise that my visit was only a snapshot in time, having regard to Water Lane's single vehicle width and restricted access, and in the absence of any evidence that would suggest otherwise, from what I saw and the evidence before me, it is reasonable to conclude that Water Lane is only lightly trafficked and that vehicle speeds are likely to be very low.
8. The Highway Authority consider that the wall encroaches onto the highway and is at risk from vehicle strike. Whether or not the wall encroaches onto highway land is a private matter between the Highway Authority and the Appellant, and not a matter for my consideration in this appeal case. Nevertheless, from the photographs submitted by both parties it is clear that prior to the construction of the wall there was a soft verge and hedge planting in this location. From observations on my site visit, whilst I accept that the wall is now a hard boundary to Water Lane, the width of Water Lane adjacent to the wall is a very generous single vehicle width, albeit not so wide that two vehicles would attempt to pass. There is also a soft verge on the opposite side of Water Lane in this location such that the carriageway is not restricted on both sides by a hard boundary. From the evidence before me and my own observations I do not consider that the wall is a highway safety risk to vehicle strike.
9. The vehicle access and driveway to Lilac Farm Barn lies immediately to the south of the wall. The gates to Lilac Farm Barn are set well back from the highway and there

is a wide bell mouth access at the driveway's intersection with Water Lane. The height and position of the wall, which has an established hedgerow planted behind it, may have resulted in some reduction in visibility to the north for vehicles exiting the driveway. However, considering the low frequency and speed of vehicles travelling along Water Lane, coupled with the limited number of daily vehicle movements generated from the private vehicular access to Lilac Farm Barn, I do not find the development has an unacceptable impact on highway safety. I am also mindful that the occupier of Lilac Farm Barn and user of the access has written in support of the appeal. She advises that there has been no compromise to visibility whilst driving in and out of her entrance driveway and, in her view, the overall visibility has improved.

10. For the above reasons, I find that the development has not had an unacceptable impact on highway safety. There is thus no conflict with the access and highway safety requirements of Spatial Policies 7 & 9 of the Council's Amended Core Strategy DPD 2019 and Policies DM5 and DM6 of the Allocations and Development Management DPD 2013, the Householder Development SPD and paragraph 115 of the National Planning Policy Framework. Appeal A on ground (a) succeeds.

Conclusions on Appeal A and Appeal B

11. For the reasons given above, I conclude that Appeal A succeeds on ground (a). I shall grant planning permission for the operations as described in the notice. The enforcement notice will be quashed.
12. In these circumstances Appeal A and Appeal B on ground (f) do not fall to be considered.

Elizabeth Pleasant

INSPECTOR