



Appeal Decision

Site visit made on 7 July 2026

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2026

Appeal Ref: APP/X4725/C/25/3374765

Land at 4 Brookfield, South Kirkby, Pontefract, WF9 3DL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Dan Hall against an enforcement notice issued by Wakefield Metropolitan District Council.
 - The notice was issued on 9 September 2025.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of 1.7m high wall and gate posts, on the Land (as identified in the approximate position shown by the blue line on the attached plan).
 - The requirements of the notice are to: Reduce the height of the brick wall and gate posts (as identified in the approximate position shown by the blue line on the attached plan), to a height of no more than 1 meter from ground level.
 - The period for compliance with the requirements is 8 weeks.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).
-

Decision

1. It is directed that the enforcement notice is varied by the deletion of “8 weeks” and the substitution of “3 months” as the time for compliance in section 6 of the notice. Subject to that variation, the appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

2. The enforcement notice relates to a brick wall and gate posts located to the front and side of the property, as indicated by a blue line on the plan attached to the notice. I note that the appellant sought planning permission for the side wall. However, this was refused and an appeal against that decision subsequently dismissed¹, with the Inspector finding that the development was harmful to the character and appearance of the area, but not unacceptable in respect of highway safety. As there is no appeal on ground (a) before me, I am not considering the planning merits of the development.

The appeal on ground (f)

3. An appeal on ground (f) is that the steps required by the notice exceed what is necessary to remedy any breach of planning control or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
4. When an appeal is made on ground (f), it is necessary to understand the purpose of the notice. Section 173(4) of the Town and Country Planning Act 1990 (as amended) sets out the purposes which an enforcement notice may seek to achieve,

¹ Council Ref. 23/02070/FUL, Appeal Ref. APP/X4725/W/24/3352595

either wholly or in part. These purposes are either (a) the remedying of the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or (b) remedying any injury to amenity which has been caused by the breach.

5. The notice requires a reduction in height of the wall and gate posts to no more than one metre from ground level. This would effectively make the wall and gate posts comply with the planning permission granted by Class A, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which permits walls and gates of up to one metre in height adjacent to a highway subject to certain limitations, albeit it does not grant planning permission retrospectively. Given this, the purpose of the notice must be to remedy the breach of planning control.
6. The appellant contends that the requirements go beyond what is necessary and suggests that any harm could be resolved by reducing the height of a section of the side wall to address the concerns raised in the Council's Highway consultation response. The appellant proposes that the front wall be retained at its current height and railings installed between the brick pillars. However, this alternative scheme cannot be considered in the absence of an appeal on ground (a) and goes beyond the scope of the appeal on ground (f). Moreover, reducing the height of only part of the wall whilst retaining the remainder at its current height and erecting railings, would not remedy the breach of planning control. Therefore, the appellant's proposal does not represent an obvious alternative to the requirements of the notice. There are no obvious lesser steps to achieve the purpose of the notice.
7. For these reasons I conclude that the requirements of the notice are not excessive. The appeal on ground (f) therefore fails.

The appeal on ground (g)

8. An appeal on ground (g) is that the period given for compliance with the notice falls short of what should reasonably be allowed. The notice requires the works to be carry out within eight weeks. The appellant has requested a period of three months.
9. The physical works required by the notice could be undertaken within eight weeks. However, before that it will be necessary to identify and appoint a suitable contractor to undertake the works, which may take longer than usual due to more limited availability at this time of year. There is also a need to ensure that the works are undertaken safely adjacent to the public highway. In these circumstances, I consider that three months would strike an appropriate balance between ensuring that the breach is remedied as soon as practicable and giving the appellant sufficient time to comply with the requirements.
10. Accordingly, I shall vary the compliance period to three months. The appeal on ground (g) therefore succeeds.

M Ollerenshaw

INSPECTOR