



Appeal Decision

Site visit made on 7 September 2026

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2026

Appeal Ref: APP/D1780/C/25/3373218

Land at 17 Vespasian Road, Southampton SO18 1AY

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
 - The appeal is made by Mr Rahim Owji against an enforcement notice issued by Southampton City Council.
 - The notice was issued on 21 August 2025.
 - The breach of planning control as alleged in the notice is 'without planning permission the development of a boundary wall and gates that exceeded the permitted development height of 1m being 1.8m high'.
 - The requirements of the notice are to:
 - (i) Either
 - (a) Remove the unauthorised walls and gates; or
 - (b) Reduce the height of the unauthorised walls and gates to a maximum height of one metre above ground level.
 - (ii) Remove all resulting materials from the Land arising from compliance with requirement (i).
 - The period for compliance with the requirements is: one month.
 - The appeal was made on the ground set out in section 174(2)(a) of the Act.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matter

2. Having regard to section 174(2A) of the Act, ground (a) is barred in this case. As a result, an application for planning permission is not deemed to have been made under section 177(5) of the Act. The appellant's submissions under ground (a) are, anyway, more appropriately dealt with under ground (g). The appellant confirmed in writing that the appeal should proceed on ground (g) alone and I have, therefore, determined the appeal on this basis.

Ground (g)

3. For ground (g) to succeed, the appellant must demonstrate that the one-month period specified in the enforcement notice to take the steps required by it falls short of what should reasonably be allowed.
4. The development pursued by the enforcement notice was refused retrospective planning permission by the Council in May 2025¹. The appellant then made a section 78 appeal seeking to overturn that decision². Meantime, the enforcement notice was issued in August 2025 and the current appeal against it was made in September 2025. In essence, the appellant argues that the time period for

¹ 25/00450/FUL

² APP/D1780/D/25/3371376

compliance in the enforcement notice should be extended until the outcome of the section 78 appeal.

5. However, that is not the matter in hand in ground (g). The appellant does not otherwise dispute that one month is insufficient to comply with the requirements of the notice. Considering also the relatively straightforward nature and limited extent of the unauthorised development, I have no reason to find otherwise. Furthermore, and in any event, the section 78 appeal was dismissed in November 2025.
6. Consequently, on the evidence before me, the one-month compliance period does not fall short of what should reasonably be allowed. Accordingly, ground (g) fails.

Conclusion

7. Ground (g) fails so the appeal does not succeed.

Robin Buchanan

INSPECTOR