



Appeal Decisions

Site visit made on 11 August 2026

by **Mark Caine BSc (Hons) MTPL MRTPI LSRA**

an Inspector appointed by the Secretary of State

Decision date: 14 September 2026

Appeal A Ref: APP/Q4625/C/25/3375301

Appeal B Ref: APP/Q4625/C/25/3375302

10 Park View, Hockley Heath, Solihull B94 6PE

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Mr Julian Brown (Appeal A) and Mrs Harriet Brown (Appeal B) against an enforcement notice issued by Solihull Metropolitan Borough Council.
- The notice was issued on 29 September 2025.
- The breach of planning control as alleged in the notice is Without planning permission, the carrying out of operational development consisting of the erection of a 1.80m high boundary fence at the front of the property/Land in the approximate position marked with a blue line on the attached plan.
- The requirements of the notice are to:
Either
 - (i) Remove the boundary fence in its entirety from the location marked blue on the enclosed plan and
 - (ii) Remove the materials resulting from step (i) from the Land.OR
Reduce the height of the fence in its entirety to not greater than 1.00 metres and remove the resultant materials from the Land.
- The period for compliance with the requirements is: 3 months from the date when the notice takes effect.
- Appeals A and B are proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).

Summary Decision: The appeals are dismissed, and the enforcement notice is upheld.

Preliminary Matters

1. The appeals are made by separate recipients on the same grounds against the same enforcement notice. I shall therefore deal with them together in a single decision letter.
2. The grounds of the appeals originally included ground (a). However, Section 174(2A) of the Town and Country Planning Act 1990, prevents appellants from having multiple attempts at getting planning permission for the same development within a two-year period. In this case, a retrospective application has already been refused planning permission, in April 2024, less than two years before the enforcement notice was served.
3. Consequently, an appeal may not be brought under ground (a) and in determining this appeal, I am unable to take account of any planning merits. My consideration is therefore confined to matters relating to the ground (f) appeals only.

Appeals on ground (f)

4. An appeal on ground (f) is brought on the grounds that the steps required by the notice to be taken exceed what is necessary to remedy any breach of planning

control which may be constituted by those matters stated in the notice or, as the case may be, remedy any injury to amenity which has been caused by such breach.

5. When an appeal is made on ground (f), it is necessary to understand the purpose of the notice. Section 173(4) of the 1990 Act states that the purpose of an enforcement notice is to (a) remedy the breach of planning control, or (b) remedy any injury to amenity which has been caused by the breach. The 1990 Act sets out that the breach may be remedied by making the development comply with the terms of any planning permission 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.
6. In this case, the requirements of the notice are to remove the boundary fence in its entirety or to reduce the height of the fence to not greater than 1 metre and remove resultant materials from the land. In the absence of any convincing evidence to the contrary, I am satisfied that the requirements to either remove the boundary fence or reduce it to a height that brings it within the relevant permitted development limits are commensurate with the purposes of remedying the breach of planning control.
7. The appellants' ground (f) appeals are that the requirements would incur a significant financial burden, and an environmental cost through the potential harm to the planting to both sides of the fence. They consider that a more proportionate response would be to maintain the pleasant, leafy appearance of the neighbourhood through the trimming and upkeep of the photinia hedge and the maintenance of the open front aspect of the property.
8. The appellants state that ground (a) and ground (f) are inextricably linked. However, as previously noted, in the absence of a ground (a) appeal, and a deemed planning application, I am unable to consider the planning merits of the development. These include matters such as security, privacy, visibility splays at the junction, other similar developments in the area, and any effects on the environment and the character and appearance of the site and its surroundings.
9. Both main parties have also referred to a previous planning consent on the site for an approximate 1.8 metre high fence that was granted in 2021. I am informed that this included a 2 metre set back from the boundary. I do not have the full details of this permission before me, but have no reason to question the Council's view that it is no longer extant. As such, amending the fence so as to comply with that planning permission cannot be given as an option to remedy the breach in this case. It would of course be open to the appellant to consider whether they wanted to re-apply for planning permission in such terms.
10. Furthermore, the appellants' frustration regarding the Council's pre-application advice, photographs and lack of communication during the application process has had no bearing on the determination of this case. This is because in a ground (f) appeal I am simply faced with the question of whether the requirements are excessive.
11. Therefore, as the notice does no more than seek remedy of the breach, it is not excessive. There are no other lesser steps drawn to my attention, or any obvious alternatives that could be achieved with less cost and disruption, to remedy the breach of planning control, which is the purpose of the notice.

12. The appeals on ground (f) therefore fail.

Conclusion

13. For the reasons given above, I conclude that the appeals should not succeed.
I shall uphold the enforcement notice.

Formal Decision

14. The appeals are dismissed, and the enforcement notice is upheld.

Mark Caine

INSPECTOR