



Appeal Decision

No Site Visit Made

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2026

Appeal Ref: APP/W1905/C/25/3374736

8 Great Groves, Goffs Oak, Hertfordshire EN7 6SX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Mrs Yvonne Rennie against an enforcement notice ("EN") issued by Broxbourne Borough Council.
 - The EN was issued on 23 September 2025.
 - The breach of planning control as alleged in the EN is: Without planning permission, the material change of use of amenity land to residential garden.
 - The requirement of the EN is: i. Remove, in its entirety, the new boundary wall and all supporting posts between the positions marked A-B, B-C and C-D on the attached plan.
 - The period for compliance with the requirement is: Three calendar months.
 - The appeal is proceeding on the ground set out in section 174(2)(f) of the 1990 Act.
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Decision

1. The EN is quashed.

Matters Concerning the Notice

2. An EN should enable every person who receives a copy to know exactly what, in the Council's view, constitutes the breach of planning control, what steps need to be taken to remedy the breach, and the time for compliance. The recipient of the EN is entitled to find out from within the four corners of the EN what they are required to do or abstain from doing.
3. I can correct any defect, error, or misdescription in an EN using the powers available to me in s176(1)(a) of the 1990 Act, or the terms may be varied, where the correction or variation will not cause injustice to the appellant or Council. However, it may be the case that defects are too fundamental to be corrected or varied without causing injustice, leading to the EN being quashed.
4. The alleged breach of planning control is the material change of use of amenity land to residential garden. However, the EN's requirement does not necessitate the cessation of the material change of use. Consequently, the recipient of the EN does not know what they need to do to remedy the breach.
5. I could vary the EN to require the material change of use to cease. However, this would be more onerous for the appellant, and it may have been the Council's intention to under-enforce. Accordingly, varying the EN in this way could cause injustice to the main appeal parties.
6. The requirement of the EN is for a new boundary wall to be removed in its entirety. However, the alleged breach of planning control does not refer to a boundary wall. Consequently, the recipient of the EN is required to remove a wall that the Council

has not identified as a breach of planning control. Similarly, the reasons for issuing the EN do not mention a wall.

7. I could correct the breach of planning control to include the construction of a wall in the positions identified on the attached plan. However, this would cause injustice to the appellant as they may have appealed under different grounds had the alleged breach of planning control included the wall.
8. The reasons for issuing the EN are vague and imprecise. They refer to two development plan policies but do not state in any detail why the loss of the amenity area and the impact on vehicle sight lines is contrary to these policies. The reasons also state that the alleged breach of planning control does not benefit from permitted development, but it does not explain why. Furthermore, they refer to *“the impact on vehicle sight lines”*, however, it is unclear how the material change of use to residential garden can affect visibility splays. Consequently, the recipient would be unclear from the four corners of the EN the reasons why the EN was issued.
9. The Council’s submissions assert that a strip of land along the front boundary of the property is required to be maintained for highway visibility purposes. They also state that Condition 21 of planning approval 7/302-96 for the housing development prevents any structures, including trees or shrubs over 0.6m high within the visibility splay.
10. The evidence before me indicates that a wall and pillars have been constructed within the visibility splay and therefore, could be in breach of Condition 21 of planning approval 7/302-96. However, the EN does not allege that a breach of condition under paragraph (b) of s171A(1) of the 1990 Act. Instead, it alleges a breach of planning control under paragraph (a) of s171A(1)(a) (sic).
11. I could correct the EN to refer to both paragraphs (a) and (b) of s171A(1) of the 1990 Act. However, to do so would necessitate significant re-drafting of the EN that would go beyond my powers under s176(1) of the same Act. Furthermore, I am not satisfied that significant re-drafting would not cause injustice to the main appeal parties.

Conclusion

12. For the reasons given above, I conclude that the EN does not specify with sufficient clarity the alleged breach of planning control, the reasons for issuing the EN, or the steps required for compliance.
13. It is not open to me to correct the errors in accordance with my powers under s176(1)(a) of the 1990 Act, since injustice would be caused were I to do so. Therefore, the EN is invalid and will be quashed.
14. In these circumstances, the appeal on the ground set out in s174(2)(f) of the 1990 Act does not fall to be considered.

A Berry

INSPECTOR