



Appeal Decision

Site visit made on 15 September 2026

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2026

Appeal Ref: APP/M1595/C/25/3368987

71a Victoria Road, Stanford Le Hope, Essex SS17 0HZ

- 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 S W Pooke of SWD Pooke Ltd against an enforcement notice issued by Thurrock Borough Council.
 - The notice was issued on 2 June 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of fencing and gates adjacent to the highway used by vehicles and pedestrians.
 - The requirements of the notice are: i) Remove the unauthorised fencing and gate. ii) Remove from the Land any materials, waste, rubble, and debris associated with the works carried out to comply the above requirements.
 - The period for compliance with the requirements is within 2 calendar months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (d), (e), (f), and (g) of the Act. 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.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

The appeal on ground (e)

2. To succeed on this ground of appeal the appellant needs to show that copies of the notice were not served as required by section 172 of the Act.
3. It is claimed the notice was sent to the appellant's accountant, which led to a delay in the notice being received by the appellant. Be that as it may, the appellant has not been prevented from lodging an appeal against the notice. They have pursued the appeal on all but one ground and have had the opportunity to present their case in full.
4. Section 176(5) of the Act provides that where it would otherwise be a ground for determining the appeal in favour of the appellant that a person required to be served with a copy of the enforcement notice was not served, I may disregard that fact if neither the appellant nor that person has been substantially prejudiced by the failure to serve them. Even if copies of the notice were not served as required by section 172 of the Act, it has not been shown that any parties have been caused substantial prejudice.
5. The appeal on ground (e) therefore fails.

The appeal on ground (b)

6. To succeed on this ground of appeal the appellant needs to show that the alleged breach of planning control has not taken place.
7. The appellant's case on this ground focuses on the reasons the Council has provided for issuing the notice. That is a separate matter relevant to the appeal on ground (a).
8. Fencing and gates have been erected adjacent to a highway used by vehicles and pedestrians. The alleged breach has taken place, as a matter of fact.
9. The appeal on ground (b) must therefore fail.

The appeal on ground (d)

10. To succeed on this ground of appeal the appellant needs to show that on the date when the notice was issued, no enforcement action could be taken in respect of the fencing and gates.
11. The appellant's case on this ground relates to the delay in receiving a copy of the notice as it was sent to his accountant's address. There is no dispute that the fencing and gates were erected less than 4 years before the notice was issued. The Council was not therefore prevented from taking formal enforcement action by section 171B of the Act.
12. The appeal on ground (d) must therefore fail.

The appeal on ground (a) and the deemed application for planning permission

13. The main issues are the effect of the fencing and gates on the character and appearance of the area and highway safety.

Character and appearance

14. The site is a yard in commercial use, located between an MOT test centre (No. 69 to 71) and an end-of-terrace house (No.73). Victoria Road is a residential street characterised mainly by modest 2-storey dwellings set short distances back from the road behind front gardens and driveways and low-level walls/fences. Coal and cattle yards are said to have existed previously, but the commercial uses at the site and the MOT test centre are visual anomalies in the current street scene.
15. The metal palisade fencing and gates run along the edge of the footway to provide security for the site. They are tall and industrial in appearance. Owing to their overall height, design, and position close to the highway, the fencing and gates form a prominent, harsh and unsympathetic feature compared to the overriding, and more restrained, residential character and appearance of Victoria Road and its immediate surroundings. They are an unattractive addition to the street, notwithstanding the commercial backdrop provided by the active uses at the site and No. 69 to 71.
16. I have been referred to other fencing in the locality, but there are no similar examples on Victoria Road along the edge of the highway. Moreover, I am not aware of the circumstances under which the other fencing referred to was erected. In any case, having seen the length of Victoria Road during my site visit, I reach the view that the fencing and gates are at odds with, and cause harm to, the

overriding residential character and appearance of the area. That harm would not be addressed by reducing the height of the fencing and gates or by painting them on account of their harsh industrial design, and examples of similar fencing elsewhere in Stanford Le Hope do not justify that harm.

17. The fencing and gates are therefore contrary to Policies CSTP22, CSTP23 and PMD2 of the Council's Core Strategy and Policies for Management of Development (2015) (CSPMD). These require, amongst other things, development to respond to the sensitivity of its surroundings and seek to protect, manage and enhance the character of Thurrock to promote high-quality design and ensure improved quality and strengthened sense of place.

Highway safety

18. The gates open inwards. When the gates are closed, there is no space in front of them to allow vehicles entering the site to park off the road while the gates are opened. This also prevents vehicles exiting the site from parking off the road while closing the gates behind them. However, there is a wide dropped kerb in front of the gates and the opening and closing of the gates is unlikely to be a long or complex process.
19. The submissions refer to Victoria Road being a busy route for various vehicles with parking issues and restrictions, but I see no reason why vehicles entering or exiting the site could not be parked safely on the highway immediately outside the site for short periods while the gates are opened or closed. I am also mindful that the same issue would exist if the fencing and gates were to be lawfully replaced with fencing and gates not exceeding 1 metre (m) in height, in accordance with planning permission granted by The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
20. Views from vehicles exiting the driveway to No.73 (shared with 75 Victoria Road) are claimed to be hindered by the fencing and gates. However, even in the absence of the fencing and gates, visibility from that driveway is likely restricted. On the evidence, the fencing and gates do not make it more dangerous for vehicles to exit that driveway.
21. Photographs have been provided of large vehicles having difficulty entering/exiting the site on account of the narrow width of the gates and their proximity to the highway. This could be avoided by the gates being widened. Moreover, this situation would not be addressed if the height of the fencing and gates were reduced to no more than 1m from ground level, consistent with what could be erected lawfully with the benefit of planning permission granted by the GPDO.
22. For the above reasons, I do not find any unacceptable harm caused by the fencing and gates to highway safety. I therefore do not find any conflict with Policies PMD2 or PMD9 of the CSPMD in this regard, which require development to create safe environments without prejudicing road safety, amongst other things.

Other matters

23. There are significant security benefits associated with the fencing and gates, and I have been referred to thefts, vandalism, and illegal and anti-social activities which previously took place on the site before the fencing and gates were erected. The fencing and gates also prevent vehicles being parked on the site without the

consent of the owner or tenant, which is said to have previously been an issue which restricted 24-hour access needed by the tenant's business. Such benefits do not outweigh the harm which is caused to the character and appearance of the area, and there is little to show similar benefits could not be achieved by alternative and more appropriate means. I therefore also give very limited weight to any claims that businesses may have to cease operating from the site if planning permission is not granted for the fencing and gates.

24. The appellant may well have previously been advised that planning permission was not required for the fencing and gates before it was erected, and many local residents and Councillors may be happy with the fencing and gates. I have, however, received representations from local residents showing that support for the development is not universal. Even if the fencing and gates are in the same position as other fencing and gates which previously existed some time ago, none of the above justifies the harm which I have identified.

Conclusion on ground (a) and the deemed application for planning permission

25. The fencing and gates cause harm to the character and appearance of the area, in conflict with the development plan. They do not cause unacceptable harm to highway safety, but they remain contrary to the development plan as a whole and other considerations weighing in favour of the development do not indicate planning permission should be granted.
26. The appeal on ground (a) therefore fails and the deemed application for planning permission is refused.

The appeal on ground (f)

27. To succeed on this ground of appeal the appellant needs to show that the steps required to be taken exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy any injury to amenity which has been caused.
28. The notice requires the fencing and gates to be removed, along with any associated materials, waste, rubble and debris. The purpose of the notice is therefore to remedy the breach of planning control, rather than any injury to amenity.
29. Reducing the height of the fencing and gates to no more than 1m above ground level would not ensure the development benefits from planning permission granted by the GPDO, as such consent is not granted retrospectively. Furthermore, it remains unclear whether this would resolve the appellant's security concerns. This would remain a separate matter for the appellant to discuss with the Council, as would repositioning the fencing and gates further back within the site. Taking all points raised into account, I am not aware of any lesser steps which may achieve the purpose of the notice with less cost and disruption.
30. The appeal on ground (f) therefore fails.

The appeal on ground (g)

31. To succeed on this ground of appeal the appellant needs to show that 2 months from the date of this decision falls short of what should reasonably be allowed for the notice to be complied with.

32. No alternative period has been suggested and there is little to show why 2 months may not be a reasonable period. The works required are not particularly complex or time-consuming and there would be opportunities for the appellant to explore alternative security arrangements. On the evidence, I find that a 2-month period does not fall short of what should reasonably be allowed.
33. The appeal on ground (g) therefore fails.

Overall conclusion

34. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the Act.

L Douglas

INSPECTOR