



Appeal Decision

Site visit made on 14 October 2026

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 October 2026

Appeal Ref: APP/T3725/C/25/3365039

48 Willes Road, Leamington Spa CV31 1BY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Nigel Dixon against an enforcement notice issued by Warwick District Council.
 - The notice was issued on 1 April 2025.
 - The breach of planning control as alleged in the notice is without planning permission, erection of a fence to the front elevation of the land.
 - The requirements of the notice are to: Permanently remove the fencing and all associated materials that result from the works.
 - The period for compliance with the requirement is: ONE calendar month.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). 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 1990 Act as amended.

Preliminary Matter

2. I have determined the appeal in accordance with the current National Planning Policy Framework (the Framework) adopted on 17th August 2026.

Main Issue

3. The effect of the development on the character and appearance of the area having regard to the sites location within the Leamington Spa Conservation Area.

Reasons

4. The Leamington Spa Conservation Area (CA) encompasses most of the built-up area of the town. The appeal site is located in a predominately residential area which has a mix of housing, but rows of terraces and 1930/1940s semi-detached housing is prominent. This part of the CA also has wide streets and a variety of boundary treatments, however, fencing is uncommon, instead iron railings, brickwork and vegetated frontages are most prevalent.
5. The wider area is generally well vegetated with trees lining most streets and many properties have small front gardens or driveways. Given the above, I find that the significance of the CA, insofar as it relates to this appeal, to be primarily associated with its verdant and open character and appearance.

6. The development relates to wooden, trellis style fencing that has been erected to the front of the building. Fencing is not common on frontages within the area and as such, the fencing appears as a stark and incongruous feature that detracts from the open and verdant character and appearance of the area. The appeal site contains a particularly large building which means that the fencing encloses a large area, and it is also on a corner plot which means that the fencing is more prominent and noticeable from several roads.
7. I note that the trellis style fencing has been chosen in order to allow for greenery to grow around the fencing, covering it over time. However, the fencing is still the most prominent feature and while there is some limited vegetation covering the fencing itself, there is no guarantee that this would be retained or increased in the future. As such, it would not mitigate the harm I have identified.
8. I therefore conclude that the development harms the character and appearance of the area and also causes harm to CA causing limited harm to its significance. The development would be contrary Policy BE1 and BE3 of the Warwick District Local Plan 2011-2029 Adopted September 2017. Amongst other things, these seek to ensure development positively contributes to the character and quality of its environment.

Other Matters

9. The appellant refers to several alleged breaches close to the appeal site, it is unclear what these breaches relate to or where they are located. However, this would be a matter for the Council and does not justify the development.
10. I note that the appellant considers the fencing improves security and enables children to play safely in the front garden, however, there is limited evidence before me to suggest that this is necessary or that it is the only way to achieve this.
11. I note that the appellant owns several Victorian properties, repairs original sash windows, ensures external paint colours are appropriate and uses original case iron guttering, however, this does not mitigate the harm as a result of the fencing I have identified.

Heritage Balance

12. Policy HE6 of the Framework advises that when considering the potential effect of development on the significance of a designated heritage asset, substantial weight should be given to the asset's conservation. I have found that the proposed development would harm the significance of a heritage asset, which I have found to be limited, but nevertheless of considerable importance and weight. Under such circumstances, the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal.
13. As the development relates to fencing that encloses private land the benefits are mostly private. The provision of vegetation in the future could result in some biodiversity and ecology enhancements, however, there is no guarantee that the vegetation would grow or be retained and as such, this attracts very limited weight as a public benefit.

14. Given the above, I conclude that, on balance, the development would harm the CA, causing harm to its significance, and no public benefits have been cited that outweigh this harm. The development is contrary to Policy HE2 of the LP and Policy HE6 of the Framework which amongst other things, seek to ensure that measures are taken to restore areas that presently make a negative contribution to the CA.

Conclusion

15. The development would conflict with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. 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 1990 Act (as amended).

D Wilson

INSPECTOR