Appeal Decisions

Site visit made on 16 November 2026

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2026

Appeal A Ref: APP/N5090/C/25/3373050
Appeal B Ref: APP/N5090/C/25/3373052
1 Park Way, London NW11 0EX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended (the Act).
- The appeal is made by Mrs Karen Liss (3373050) and Mr Gary Liss (3373052) against an enforcement notice issued by the Council of the London Borough of Barnet.
- The notice was issued on 5 August 2025.
- The breach of planning control as alleged in the notice is without planning permission the construction of a boundary fence along the Park Way and Cranbourne Gardens frontages.
- The requirements of the notice are to:
  1. Demolish the extent of the timber fence as shown in the attached Block plan submitted with planning application 24/3118/RCU.
  2. Permanently remove all constituent materials resulting from the works in 1. above from the property.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the ground set out in section 174(2)(f) of the Act.

Decision

1. The appeals are dismissed and the enforcement notice is upheld.

Appeals on ground (f)

2. An appeal on ground (f) is that the requirements of the notice exceeds what is necessary in order to remedy the breach of planning control or, as the case may be, the injury to amenity that is caused by the breach. In this case the requirements are to remove the timber fence which seeks to remedy the breach of planning control.

3. The appellants argue that the requirements are excessive and can be amended to allow a lower fence in line with permitted development rights within the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). The GPDO does not grant retrospective planning permission. Varying the requirements of the notice to alter the height of the fence in line with permitted development rights would not serve to remedy the breach of planning control. The fence is unlawful as a whole, not just the parts that do not comply with the permitted development right limits.

4. The appellant has also raised a number of other matters including introducing a planting scheme, design modifications to the fence, examples of other fencing in the area and local support. These are all arguments that would relate to a ground (a) appeal and as this is not before me in this appeal, I cannot comment on these matters.

5. The requirements go no further than remedying the breach of planning control. I therefore conclude that the notice requirements are not excessive and the appeals on ground (f) fail.

Chris Baxter

INSPECTOR