

Appeal Decision

Report of the Interim Chief Executive

APPLICATION NUMBER:	25/00098/ENF
LOCATION:	Park View Cottage Main Street Strelley Nottinghamshire NG8 6PE
PROPOSAL:	1.8m high timber fence including the fence posts

2 X APPEAL AGAINST ENFORCEMENT NOTICE DATED 27 MAY 2025**APPEAL DISMISSED – 25 NOVEMBER 2025**

The Enforcement Notice dated 19 May 2025 required the following:

- (i) Remove in full the 1.8m high timber fence including the fence posts on the eastern boundary of the Land marked with a blue line on the attached plan shown within the attached photos.
- (ii) Reinstate the Land to its previous form.

The period for compliance is within 4 weeks from the date this notice takes effect.

GROUND S OF APPEAL

Ground B - Claiming the alleged breach of control didn't occur.

Within his report the Inspector states:

- The notice relates to the erection of the fence and there is no dispute that development has occurred.

The Inspector concludes that the ground (b) appeals refer to the removal of a previous hedgerow which is not a matter alleged in the enforcement notice. Accordingly, the appeals on ground (b) must fail.

Ground C - No Permission Needed

Within his report the Inspector considers the main issues to be:

- Does the boundary treatment constitute permitted development.
- Does the track in which the boundary treatment is installed constitute a highway.
- Does the Article 4 remove the permitted development rights.

The Inspector concludes that this does not constitute permitted development as it exceeds 1m in height adjoining a highway and in any event the article 4 removes the permitted development rights for the walls and fences, of less than a metre where adjacent to a highway or up to two metres in other cases and as such the appeals on ground (c) must fail.

Ground F - that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.

Within his report the Inspector states:

- In this case, the Council is clearly seeking to remedy the breach of planning control in its entirety.
- The appellant has referred to a need to keep the fence in situ to provide protection for the hedgerow that has been planted adjacent, until such time as it becomes established.

The Inspector concludes that the fence, including associated posts, is unauthorised and the requirement to remove it goes no further than is required to remedy the breach that has taken place. The hedgerows in fields and gardens using common native species appear to have no difficulty in becoming established in the absence of close boarded fencing directly adjacent and it would not be a matter that would alter their decision, even if they could take the matter into account, the appeals on ground (f) must fail.

The Council's Enforcement Team will now be carrying out the relevant measures, to ensure full compliance. As this is a live enforcement case, no detailed discussion can be made during the public and press section of this meeting. If a Councillor wishes to discuss this case in more detail, please contact Mr Matthew Keay.