



Appeal Decisions

by Siobhan Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2025

Appeal A Ref: APP/C3430/C/24/3346818

Appeal B Ref: APP/C3430/C/24/3346819

20 Springhill Park, Lower Penn, Staffordshire, WV4 4TS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). Appeal A is made by Mr Scott Folkes and Appeal B is made by Mrs Debbie Folkes against an enforcement notice issued by South Staffordshire District Council.
- The notice was issued on 6 June 2024.
- The breach of planning control as alleged in the notice is: Construction of a wall and five pillars over 1 metre in height above ground level adjacent to the highway.
- The requirements of the notice are to: 1. Reduce the overall height of the wall and five pillars located on the boundary adjacent to the highway to no more than one metre in height above ground level OR 2. Remove the wall and five pillars located on the boundary adjacent to the highway in their entirety, including any footings. Fill the resulting excavations with compacted topsoil and resurface to match the adjacent land.
- The period for compliance with the requirement is: 3 months.
- The appeals are proceeding on the ground set out in section 174(2)(e) of the Town and Country Planning Act 1990 (as amended).

Decisions

1. Both Appeals A and B are dismissed and the enforcement notice is upheld.

The appeal on ground (e)

2. The appellants' case is that the notice had been previously withdrawn.
3. An enforcement notice in relation to the development was served on 20 September 2023 but was withdrawn on 5th December 2023 due to the wrong address on a covering letter.
4. However, a second notice, the one subject of this appeal, was served on the appellants on 6th June 2024. This second notice is permitted to be served under s.171B(4)(b) of the Act even though a previous notice was withdrawn. The Council says it was served on all interested parties listed on the Land Registry Title Deed. There is no claim from the appellants that the notice was not served as required by s.172 of the Act.
5. The appeal therefore fails on ground (e).

Conclusion

6. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice.

Siobhan Watson

INSPECTOR