



Appeal Decisions

Site visit made on 7 April 2026

by **Andrew Dale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 April 2026

Appeal Refs. APP/K2420/C/25/3365801 (Appeal A) & APP/K2420/C/25/3365802 (Appeal B) 69 Burbage Road, Burbage, Hinckley LE10 2TS

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended.
 - The appeals are made by Mr Mark Lester (Appeal A) and Mrs Marianne Lester (Appeal B) against an enforcement notice issued by Hinckley & Bosworth Borough Council.
 - The notice was issued on 9 April 2025.
 - The breach of planning control as alleged in the notice is: *“Without planning permission, the erection of a timber fence exceeding 1 metre in height fronting a highway on the Land (the “unauthorised development”), the location of which is marked with a blue line on the Plan and shown in the photographs under **Appendix 1** of this notice.”*
 - The requirements of the notice are:
*“a. Reduce the fence and any associated fence posts to a height not exceeding 1 metre from the existing ground level.
or
b. Remove the fence and any associated fence posts in its entirety.”*
 - The period for compliance with either of those requirements is 2 months.
 - Appeals A and B are proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.
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Decisions on Appeals A and B

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

Preliminary matters

2. As noted in the last paragraph of the reasons for issuing this enforcement notice, the Council has already considered and refused a planning application (ref. 24/00125/HOU) made retrospectively for the development the subject of the notice. The decision on that planning application was issued on 24 March 2025. The enforcement notice is dated 9 April 2025.
3. Whilst the appellants refer to receiving conflicting advice from the Council about the appeals procedures in relation to the planning decision notice and the enforcement notice, Mr Lester managed to lodge an appeal under section 78 against the refusal of planning permission. I am aware that that appeal (ref. APP/K2420/D/25/3367680) was subsequently dismissed on 17 October 2025.
4. The Planning Inspectorate confirmed in a letter dated 16 May 2025 that an appeal against the enforcement notice on ground (a) - that planning permission should be granted for what is alleged in the notice – is barred as the restrictions placed by section 174(2A) would be met. Hence, the appeals proceed under ground (g) only.

The appeals on ground (g)

5. For a challenge on this ground to succeed, I would need to be satisfied that the 2-month compliance period set out on the enforcement notice falls short of what should reasonably be allowed.
6. The appellants contended that the compliance period is too short, given that the lead time for booking new projects with the company that originally carried out the work would be a minimum of 4 months. While I note the reasons given by the appellants for wanting the compliance period to be extended, no correspondence with that company has been submitted, I do not know if other companies were approached and it is not clear whether they are referring to removing the fence or reducing its height to 1m. It should be a simpler task to follow either of the alternative requirements in the notice than it was to remove the frontage hedging and erect the fencing in the first place.
7. The appellants acknowledged, in their final comments, that if the appeal under section 78 was unsuccessful, they would undertake to carry out the requirements of the enforcement notice. That appeal was dismissed more than 5 months ago. It is the case that more than 10 months have elapsed since these appeals were submitted with enforcement action effectively suspended. As the compliance period will begin again from the date of this decision, the appellants will effectively have had more than 12 months in which to take the necessary steps in order to comply with the requirements of the notice. I consider this period to be more than reasonable. Therefore, I am not satisfied there is good reason to extend the compliance period further.
8. However, should any genuine and unforeseen difficulties be encountered, it is open to the appellants to submit a request to the Council to use their powers under section 173A(1)(b) of the 1990 Act to extend the compliance period themselves, should they be satisfied there is justification at that time for doing so.
9. The appeals on ground (g) therefore fail.

Conclusion

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

Andrew Dale

INSPECTOR