



Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990

Appeal by

Mr Mark Lester, Mrs Marianne Lester

**The Planning Inspectorate Reference: APP/K2420/C/25/3365801 (linked
appeal: APP/K2420/C/25/3365802)**

Hinckley & Bosworth Borough Council Reference: 24/00004/UNHOUS

**Appeal against Enforcement Notice regarding, without planning permission
the erection of a timber fence exceeding 1 metre fronting a highway on the
land at 69 Burbage Road, Burbage, Leicestershire, LE10 2TS**

Council's Statement

1.0 Introduction

1.1 This Statement relates to planning appeal made pursuant to Section 174(1) of the Town and Country Planning Act 1990 on land at 69 Burbage Road, Burbage, Leicestershire, LE10 2TS (hereafter referred to as the “appeal site”), against the enforcement notice dated the 9th April 2025 in respect of, 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 enforcement notice Plan and shown in the photographs under Appendix 1 of the notice.

1.2 The requirements of the enforcement notice are to:

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 of compliance is:

Two months from the date the enforcement notice takes effect for either option a) or b) unless an appeal is made against the notice before it takes effect.

2.0 Relevant Planning History

2.1 Planning application Ref 24/00125/HOU, dated 7 February 2024 for the erection of a timber fence to the front of the property (the appeal site), was refused by the Council by decision notice dated 24 March 2025. For clarity, the fence is the same fence which is the subject of the enforcement notice and this enforcement appeal.

2.2 The Council’s refusal notice was appealed under section reference APP/K2420/C/25/3365801, and pending the appeal decision.

3.0 The Council’s Case

3.1 This enforcement appeal will only deal with ground g) and therefore the planning merits are not considered in this statement.

3.2 Appeal under Ground (g): *that the time given to comply with the notice is too short*

3.3 The Appellants argue that having spoken to the Company that originally carried out the work to install the fence, they have been advised that more than 2 months’ notice would be required to undergo the work required in the notice. It is not clear in the Appellants statement whether this is to completely remove the fence or just reduce it to 1m. The Appellants state that the Company require at least a 4 month notice to carry out the work; again it is not clear in the Appellants statement whether this is to remove the fence in its entirety or to reduce it.

3.4 However, the Council are happy to extend the period of compliance from 2 months to 4 months if the Inspector is minded to uphold the enforcement notice.

4.0 Conclusion

4.1 For the reasons set out in this Statement of Case, the Council respectfully requests that the appeal be dismissed, and the enforcement notice is upheld.