



Appeal Decision

Site visit made on 5 May 2026

by **Simon Hand MA**

an Inspector appointed by the Secretary of State

Decision date: 11th May 2026

Appeal Ref: APP/B9506/C/24/3345956

153 Woodlands Road, Ashurst, Southampton, Hampshire, SO40 7BH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Miss Alice Burch against an enforcement notice issued by New Forest National Park Authority.
 - The notice was issued on 29 April 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of fencing and gates in the approximate position show in blue on the plan attached to this Notice.
 - The requirements of the notice are i. Permanently dismantle and remove from the Land the fence and gates in the approximate position shown in blue on the plan attached to this Notice. ii. Permanently remove all material and debris resulting from compliance with step (i) above from the Land. iii. Restore the Land to its former level and condition as it existed prior to the occurrence of the breach of planning control identified at paragraph 3 of this Notice.
 - The period for compliance with the requirements is 9 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (e), (f), (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Applications for costs

2. An application for a full award of costs has been made by the appellant and is subject to a separate decision.

The Appeal on Ground (e)

3. This ground is that the notice was not properly served. That courts have held that minor issues are not relevant, and the key test, even if there has been a problem with service is whether those who did not receive a copy have been prejudiced in some way. In this case the appellant argues the notice was served on the National Westminster bank, but they no longer have an interest in the land. I do not think that excessive service prejudices anyone. The only person whom it would seem has an interest in the land is Miss Burch and she is the person who has appealed. The appeal on Ground (e) fails.

The Appeal on Ground (a)

4. No 153 Woodlands Road is a bungalow surrounded by a large garden. It stands at the junction of several roads and tracks which means the garden has three boundaries onto highways. To the east Woodlands Road, to the north Bartley

Road and to the west an access road to the Woodlands Lodge Hotel and to a further property (possibly No 151) which lies to the south.

5. The site lies within the National Park where development is strictly controlled. In particular the NP Authority has a duty¹ to further the purposes of the National Park and the relevant purpose for this appeal is to conserve and enhance its natural beauty. This is reflected in the relevant policies of the local plan, particularly DP2 which requires all development to be appropriate and sympathetic in terms of scale, appearance and form and policy DP18 which requires all development to achieve the highest standards for design.
6. The fence that surrounds the property is over 2m tall and is made of green finished metal. It looks like the sort of fencing found around an industrial or commercial site, not a house in the New Forest. The grounds of No153 are well treed and the boundary inside the fence has been planted up with laurels and conifers, but these serve more to screen the house than to hide the fence. The New Forest verderers have complained that the fence has encroached onto the verge, which is used for grazing. I noticed the fence follows the line of mature trees that grow around the boundary so it is not clear how much, if any verge has been taken. Whatever the truth of the matter, there is little or no space outside the fence to provide screening. I noticed that where there could be views through to the garden a thick green mesh has been attached to the inside for further privacy screening. This simply adds to the impact of the fence.
7. I note that there are several close boarded fences in the vicinity, one around the corner of the Woodland Lodge Hotel and one next to a house opposite, but neither are as tall or out of place as the appeal fence. In any case, other harmful developments in the area do not provide a justification for further harm.
8. The appellant has clearly been concerned for some time to provide adequate privacy, security and to protect her garden from incursions by cattle, horses, donkeys etc that roam freely around the area. An application for a close boarded fence made in 2020 was not registered as it was incomplete and an application² to regularise the appeal fence was refused in 2024. While I can understand her need for a proper boundary treatment she appears to have chosen a particularly harmful and inappropriate style of fencing. In my view the fence is contrary to policies DP2 and DP18 and the appeal on ground (a) fails.
9. The appellant has raised the issue of her human rights. It is clear that back in 2020 she was concerned about suspicious behaviour by a man in her garden and had suffered a break-in about which she informed the police. However, the Authority have never tried to prevent her from installing suitable fencing, only fencing that was harmful. I agree with them the fencing erected is harmful and in my view any interference with the appellant's human rights is proportional.

The Appeal on Ground (f)

10. It would be possible to amend the requirements to enable a 1m fence to remain, but this would still be metal mesh which would still be out of place. The appellant needs to agree a suitable treatment with the Council, and so complete removal is reasonable.

¹ S245 of the Levelling-up and Regeneration Act 2023

² 23/01511FULL

11. The notice only requires the fences on the three sides next to the highways to be removed, not that along the southern boundary with the neighbouring house so the requirements do not need to be altered to allow that to remain.

The Appeal on Ground (g)

12. The notice allows 9 months to remove the fence. This seems a generous allocation to me. It is not the purpose of the compliance period to enable to appellant to sell the house as well as carry out the requirements.

Simon Hand

INSPECTOR

