Planning Inspectorate

Appeal Decision

Site visit made on 27 May 2025

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025

Appeal Ref: APP/Z4718/W/25/3361094
Greengates House, 123 Chickenley Lane, Dewsbury, West Yorkshire WF12 8QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Muhammed Hussain against the decision of Kirklees Council.
- The application reference is 2024/62/93042/E.
- The development proposed is a fence.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. Part of the fence, to the front boundary of the house, has already been partially erected. This clearly demonstrates that a fence of the proposed design, above the existing wall, results in considerable harm to the character and appearance of the area. Any addition to the length of this fence would result in even greater harm. It would conflict with the design objectives of policy LP24a of the Kirklees Local Plan 2019 as it would not respect and enhance the character of the townscape. It would represent particularly poor design and would therefore be contrary to the design expectations of the National Planning Policy Framework 2024 which is clear that development that is not well designed should be refused.

4. The council have suggested that further information would be required to ensure that there was not a concern with regard to visibility from the access. The property already has high gate piers and the wall to the right of the access, when leaving the site, is also relatively high. The proposed changes would not materially alter driver visibility with regard to oncoming vehicles or pedestrians.

5. The appellant advises that a secure boundary is necessary for the use of the property as a child minding business and is required by the Office for Standards in Education, Children's Services and Skills (Ofsted). It would also offer increased safety by preventing children from climbing over the wall, so avoiding the potential for road accidents. It would also reduce the potential for antisocial behaviour such as littering by passers-by, theft and fly tipping. The appellant advises that the fence is supported by the neighbouring resident.

6. It is unclear from the planning history provided or the information presented, what the scope or details of the child minding use would be. It is not evident from the council's report that the use was considered by them. However, I have considered the proposal on the basis of the described use as a child minding business. This is not a determination as to whether such a use would be lawful. No information has been provided with regard to the particular Ofsted requirements referenced but I am aware of the Department for Education requirements for schools. If a high boundary is essential, this proposal represents a particularly poor design for such a feature, particularly as much of the boundary is exposed to public view and is prominent in such views. As security could be achieved by an alternative, less visually detrimental form of enclosure, this adds to my concern that the proposal represents poor design.

7. Whilst I afford considerable weight to the security and amenity issues raised, these are not sufficient to outweigh my concerns, given the particular design details already in place and put forward. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR