
Appeal Decision

Site visit made on 4 November 2025

by **David Smith BA(Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 November 2025

Appeal Ref: APP/U2750/W/25/3373071

Hesley Lane, Rathmell, BD24 0LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Nathan Staveley-Milner against the decision of North Yorkshire Council.
 - The application Ref ZA24/26010/VAR, dated 16 May 2024, was refused by notice dated 9 September 2025.
 - The application sought planning permission for proposed replacement storage building, to include integral workshop without complying with a condition attached to planning permission Ref 2021/22610/FUL, dated 2 November 2021.
 - The condition in dispute is No 2 which states that:
The permission relates to the following plans:
 - Drawing No. 400 Rev B - Site location plan. Received 18th October 2021
 - Drawing No. 200 Rev B - Plans and elevations as proposed. Received 18th October 2021
 - Drawing No. 512 - Site layout as proposed roof plan. Received 28th February 2021
 - Drawing No. 552 - Site sections as proposed. Received 28th February 2021
 - Drawing No. 555 Rev A - Site layout as proposed footprint. Received 18th October 2021
 - Design and Heritage Statement Rev C. Received 22nd October 2021*The development shall be carried out in complete accordance with the approved drawings except where conditions indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.*
 - The reason given for the condition is: *For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with Craven Local Plan policy ENV3 and the National Planning Policy Framework.*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The construction of a wall comprising concrete blocks has taken place along the edge of the carriageway. This does not accord with the original permission which included a new natural stone boundary wall of approximately 1.2m high in front of the permitted building. It is proposed to substitute the drawings accompanying the appeal for those referred to in Condition 2 and to keep the existing blocks. As part of the proposal natural stone would be applied to the front of them and the wall would be extended across the entire site frontage.

Main Issues

3. These are:

- The effect of the proposed wall on the character and appearance of the surrounding area; and
- Its effect on highway safety.

Reasons

Character and appearance

4. The existing blocks have a stark and incongruous appearance in this attractive rural setting. However, the stone facing and the stone topping proposed would conceal them from public view. There is no obvious reason why this device should not give rise to a satisfactory external appearance subject to conditions to ensure that the work is of the requisite quality. The new natural stone wall would be 'at home' in this location given that dry stone walls are important elements within the rolling landscape.
5. It is evident that as part of the operations undertaken a vegetated verge has been removed. Such verges are found elsewhere on both sides of the lane. However, the wall permitted by the Council in 2021 would have had a similar effect although it would have only affected around two-thirds of the front boundary. The additional area lost is at the western end. According to the appellant this was due to the need to stabilise the site following the removal of an ash tree. Regardless, the alignment of the wall accepted previously shows that the retention of the verge is not sacrosanct. Furthermore, a combination of additional planting and the use of a traditional form of enclosure would be sufficient mitigation.
6. The completed wall would be hard up against the carriageway and therefore highly visible. Similar walls in the vicinity are set back a little with greenery in front of them. However, the Council has already accepted a wall in this position and allowing it to be extended further along the roadside would not be harmful.
7. The elevations show that the proposed wall would vary in height. From 0.7m adjoining either side of the access to 1.2m at the eastern end and 1.6m at the western end with a maximum height of 1.8m. The wall would curve in two places. The boundary walls nearby typically follow the slope of the road. However, the proposal would ignore the contours of the land and would rise and fall in an alien and unrelated manner. In its context the form of the wall would therefore appear odd as it would not have the consistent height that is one of the defining features of similar structures.
8. Existing site levels would be reduced by about 0.45m. However, according to the Council, these would increase by approximately 0.5m at the ground level of the building. There is no evidence of how this compares to the permitted scheme or the impact of the replacement building as a result. A change of this magnitude is nevertheless unlikely to lead to an overly dominant structure.
9. Purely due to the design of the proposed wall there would be harm to the character and appearance of the surrounding area. As such, there would be conflict with Policies ENV1 and ENV3 of the Craven Local Plan. These require, amongst other

things, that the quality of the countryside is conserved and that development should respond to its context in order to achieve good design.

Highway safety

10. It is claimed that the wall as built has encroached onto highway land and that this would be exacerbated by the proposed stone facing which would project about another 0.2m. However, it is not within the scope of the appeal to resolve disputes about land ownership.
11. Although Hesley Lane is rural it connects the village of Rathmell with farms, dwellings, tourism sites and the Forest of Bowland National Landscape to the west. It is single track at this point and said to be used by walkers, horse riders and cyclists as well as carrying farm traffic. However, even in its final proposed form, the wall would not obstruct the free movement of vehicles as adequate space would remain for them to travel past the site. Furthermore, the position of the Mill Lane junction opposite would allow all highway users to pass one another. The wall would therefore not increase the scope for conflicts between users and so would be in line with paragraph 117 c) of the National Planning Policy Framework.
12. The highway authority seeks a set back of the finished wall of 0.45m into the site. However, there is no obvious safety reason why walls should not be close to rural roads and this is not an uncommon feature as evidenced by the examples at Long Preston and Coniston Cold. The standard measurement quoted also refers to street furniture rather than means of enclosure. Indeed, it has already been agreed that a wall can be next to the carriageway in Hesley Lane. Furthermore, whilst ensuring adequate vision splays is a reasonable requirement, insisting on a wall height of no more than 1.2m is not justified on safety grounds either.
13. The proposed wall would not comprise pedestrian or vehicular safety. There would therefore be no unacceptable impact as expected by the Framework.

Other Matters

14. There is a requirement to replant a tree in place of the protected ash but that is a separate matter. The proposed planting could also be expected to contribute to the natural environment.

Conclusion

15. There would be no unacceptable impact on highway safety but, due to its design, the proposed wall would harm the character and appearance of the surrounding area. Because of this the proposal does not accord with the development plan and there are no material considerations to outweigh this finding. Therefore, for the reasons given, the appeal should not succeed.

David Smith

INSPECTOR