
Appeal Decision

Site visit made on 2 September 2025 by E Nutman BA (Hons)

Decision by A Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2025

Appeal Ref: APP/U2750/D/25/3368973

Four Winds, Weeland Road, Eggborough DN14 0PW

- 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 Luke Heron against the decision of North Yorkshire Council.
 - The application Ref is ZG2025/0143/HPA.
 - The development proposed is described as 'application for a 1.5m high close board timber fence with metal/composite gate with open railings to top half'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. I have removed the term retrospective from the description as this is not a form of development. Furthermore, I acknowledged during my site visit that the development already in place appeared to be a 1.8m fence, not the 1.5m that has been applied for under this appeal. For the avoidance of doubt, the appeal has been determined on the basis of the details submitted with the planning application, not what has been constructed on site.

Main Issue

4. The main issues are the effect of the proposed development on:
 - i) the character and appearance of the area; and
 - ii) highway safety

Reasons for the Recommendation

Character and Appearance

5. Four Winds is a detached bungalow located on the corner of a junction where Weeland Road meets High Eggborough Lane. There is no distinct building line seen along High Eggborough Lane, of which the appeal site is accessed from. The street scene is characterised by the verdant frontages, and soft, low-level boundary treatments seen to the one side of the road lined with properties. Trees can be seen to line the other side. There are exceptions to this however, as high gates can

be seen to the frontages of several properties. However, these examples have successfully integrated with the character of the street scene, as their walls and fences slope downwards, adjoining to a lower-level wall, or are set within hedging. There are limited examples of boundary treatments that derive from this character due to their solid appearance and height. Four Winds' boundary, which curves along the green area that separates it from the highway, is highly visible due to the openness surrounding the junction.

6. There are several high-level gates seen along High Eggborough Lane, however these do not span the same considerable length in comparison to the appeal proposal. The proposed boundary treatment would span along the entirety of the length of the boundary that sits adjacent to the public highway. Furthermore, it would be highly visible due to its location on a corner plot and the openness of the junction. The prominence of the boundary treatment would be exacerbated by the combination of both its height and the harsh and solid appearance of the closed-board timber fencing. The existing high level boundary treatments are an irregularity within the street scene and do not constitute established features of the area. Nor do they set any positive design precedent. Considering the above concerns, the proposal would not positively contribute to the area's identity.
7. I conclude, the proposal would unacceptably harm the character and appearance of the area. Consequently, the proposal is contrary to Policy SP19 of the Selby District Core Strategy (2013) which, amongst other matters, requires development to positively contribute to an area's identity.

Highway Safety

8. In relation to highway safety, the primary concern is related to the point of access, to, and from the property. Due to the height of the boundary treatment, the width of the footpath, and the site's close proximity to the junction, it appears unlikely that sufficient visibility would remain. Consequently, vehicles exiting the property would need to creep over the footpath in order to gain sufficient views of cars travelling along High Eggborough Lane, which could lead to conflict with pedestrians. The appellant has highlighted the presence of hedges to neighbouring properties' frontages which are of a similar height to the proposal. However, notwithstanding that each case is determined on its own merits, the presence of existing accesses with poor visibility does not justify further unsuitable accesses.
9. I conclude, the proposal would have an unacceptably harmful impact upon highway safety. Accordingly, the proposal would be contrary to saved Policy T1 of the Selby District Core Strategy Local Plan (2005) which, amongst other matters, require development proposals to be well related to the existing highways network.

Other Matters

10. The appellant contends that the height of the proposal is required for safety, however it has not been demonstrated that this could not be achieved through more appropriate means that has a less harmful impact upon the character of the area and highway safety.
11. A suggestion of painting the fence green to match the surrounding hedges has been proposed by the appellant. However this is unlikely to significantly soften the appearance of the solid and dominant structure of the fence to such an extent it would alleviate the harm to the character and appearance of the area that I have

identified. Nevertheless, the above highway issues would continue to be of concern.

12. The appellant contends that the fencing that fronts onto Weeland Road is set back further than 1m from the highway and could benefit from permitted development rights. However, the fence would clearly comprise a single operation. Therefore, if any part of it is not permitted development then the entirety of it is not permitted development. Therefore, this matter does not override the harm that would arise from the issues discussed above.

Conclusion and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

E Nutman

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

A Walker

INSPECTOR