



Appeal Decision

Site visit made on 28 October 2025

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 24 December 2025

Appeal Ref: APP/N4720/W/25/3371987

Oban House, Thorpe Lane, Tingley, Wakefield WF3 1QY

- 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 Ms Noble against the decision of Leeds City Council.
 - The application Ref is 25/02076/FU.
 - The development proposed is alterations to front boundary.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to front boundary wall at Oban House, Thorpe Lane, Tingley, Wakefield WF3 1QY in accordance with the terms of the application, Ref 25/02076/FU, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: Site - OS 6750-00; Site - Existing 6750-05; Site - Proposed 6750-06; and, Boundary Elevation 6750-07.

Background and Main Issues

2. It is agreed by both parties that the appeal site is within the Green Belt. Although the Council's decision notice did not cite the impact on the Green Belt as a reason for refusal, it does reference Policy N33 of the Leeds Unitary Development Plan review, 2006, (UDP). I have invited both parties to comment on whether the proposed development qualifies for any of the exceptions to inappropriate development set out in the National Planning Policy Framework (the Framework). I have taken any comments received into consideration. Accordingly, the main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies, and the effect of the proposed development on the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the area; and,
 - whether or not any harm by reason of inappropriateness, and any other identified harm, would be clearly outweighed by other considerations to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development, and openness

3. The Framework states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
4. Saved Policy N33 of the UDP conforms to the general thrust of national Green Belt policy, confirming that the openness and permanence of the Green Belt will be protected and inappropriate development will not be approved except in very special circumstances. Policy N33 is broadly consistent with the Framework in setting out exceptions to inappropriate development. In this case, and with regard to paragraph 154 of the Framework, no exceptions have been put to me to consider, and therefore, the proposal constitutes inappropriate development in the Green Belt.
5. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The scheme proposes to raise the height of the brick piers along the length of the boundary wall and replace the intervening ornamental metalwork panels, which allow a degree of visual permeability, with solid composite panels. The proposed boundary would maintain the established spatial containment of the property. Furthermore, visibility to land beyond the boundary from the road is partially restricted by trees within the appeal site and the dwelling limits more extensive views. However, in that there would be a continuous, solid boundary feature where one did not previously exist, openness would be reduced even if only by a very limited degree.
6. For the reasons given above, I conclude that the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful as set out at paragraph 153 of the Framework. The proposal would also cause unacceptable harm to the openness of the Green Belt. It would therefore conflict with Policy N33 of the UDP, in so far as it concerns inappropriate development in the Green Belt.

Character and appearance

7. Thorpe Lane is characterised by a variety of boundary treatments and mature landscaping, which together create a visually diverse and verdant streetscape. Hedgerow boundaries to the open fields to the west are typical of the rural setting, while the boundaries to dwellings are more distinctly residential. The appeal site and its neighbour on the north side are distinct from the majority of development to the south, further contributing to the area's varied appearance.
8. The proposal involves replacing existing ornamental railings with a taller, more solid boundary comprising brick piers and composite panels. Although the new boundary will be set against established planting, including several tall and semi-mature trees, it will introduce a more continuous and visually prominent feature along the site's extensive frontage.
9. While the diversity of boundary styles and the presence of mature landscaping help to mitigate the impact, the increased height and solidity of the proposed boundary would nonetheless result in some, albeit limited, harm to the character and

appearance of the area. The development would reduce the sense of openness and introduce a more dominant built feature, which, although limited by the existing vegetation and the proportionate scale of the frontage, would not fully integrate with the established character of the street scene.

10. Therefore, it is concluded that the proposal would result in some, limited, harm to the character and appearance of the area. As such, the scheme would be contrary to Policies P10 and P12 of the Leeds City Council Core Strategy, 2019, (CS) and Policies GP5, BD6 and N25 of the UDP which seek, among other things, to ensure development is appropriate to the character of the area.

Other considerations

11. Family members have protected characteristics under the Equalities Act 2010 (the EA 2010). I have considered the appeal as such, and this is an important matter for consideration. Having regard to the Public Sector Equality Duty (PSED) set out in s149 of the EA 2010, I must have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; and advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. I have regard to the need to minimise the disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
12. I am provided with evidence in respect of the needs of those living at the host dwelling. This includes a detailed letter from a qualified practitioner, which sets out the specific reasons for the proposed alterations to the property boundary. The Council does not dispute the evidence in respect of health matters, and I see no reason not to give this full weight. While alternative security measures, such as lighting and dense planting, have been suggested by the Council the evidence provided demonstrates that these measures may not adequately address the specific needs of the appellant and their family.
13. The evidence, including the professional assessment, demonstrates a clear and compelling need for enhanced boundary treatment to the property. The garden areas are located to the front and side of the property, and the measures suggested would result in limited alterations to the existing boundary treatment, with the aim to achieve certain outcomes identified in the medical evidence. Accordingly, these are matters of a high order in the planning balance.
14. Reference has been made to the boundary treatment at the neighbouring property, which is similar in form and materials to the proposed development. However, it is understood that this neighbouring boundary was erected without the benefit of planning permission. Consequently, I therefore afford this example limited weight at this time in my assessment. In any event, each application must be determined on its own merits, having regard to the specific circumstances and planning policies relevant to the site.

Planning Balance and Conclusion

15. The Framework establishes that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such circumstances will only exist if the harm to the Green Belt, by reason of inappropriateness, is clearly outweighed by other considerations.

16. In this case, the proposal constitutes inappropriate development in the Green Belt and would harm its openness. Therefore, in accordance with the Framework, I must attach substantial weight to this harm. Additionally, I have found that the scheme would cause some, limited, harm to the character and appearance of the area.
17. However, for the reasons set out above, I find that the specific personal circumstances of the appellant and their immediate family create a need and justification for the development that carries very significant weight and clearly outweighs the identified harm. Consequently, and considering the case as a whole, the very special circumstances exist to justify the development.
18. To conclude, although the proposal complies with some policies it conflicts with the development plan as a whole. However, in this instance, the material considerations I outline above, including the Framework, outweigh the conflict with the development plan. Accordingly, the appeal is allowed.

Conditions

19. To meet legislative requirements, a condition shall be imposed to address the period for commencement. For the reasons of certainty and clarity, I have imposed a condition that requires the development to be carried out in accordance with the submitted drawings.

C Mayes

INSPECTOR