



Appeal Decision

Site visit made on 10 February 2026

by **K Williams MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 March 2026

Appeal Ref: APP/X4725/C/25/3360335

Land at and West of 37 Cross Lane, Wakefield WF2 8DA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Miss Stefay Clark against an enforcement notice issued by Wakefield Metropolitan District Council.
 - The notice was issued on 7 January 2025.
 - The breach of planning control as alleged in the notice is: "Without planning permission, the erection of a boundary wall (coloured blue on the attached plan), above 1 meter [sic] from ground level, front and adjacent to a highway on the Land".
 - The requirements of the notice are to:
 1. Demolish the boundary wall (coloured blue on the attached plan)
 2. Remove the demolition materials from the Land.
 - The period for compliance with the requirements is: 16 weeks of the date on which the notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(a) 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.

Preliminary Matter

2. Although highway safety is not cited within the reasons for issuing the enforcement notice, the Council's officer report and appeal statement nevertheless indicate concerns regarding the adequacy of visibility splays at the site access. I am satisfied that the appellant has not been prejudiced by the inclusion of the matter as they had the opportunity to comment on the Council's officer report and statement.

Appeal on Ground (a) and the Deemed Planning Permission

3. An appeal under ground (a) is that planning permission should be granted for the matter alleged. The **main issues** are: (i) the effect of the development on the character and appearance of the area; and (ii) the effect of the development on highway safety.

Reasons

Character and appearance

4. The appeal site is located on an established residential street characterised by a mixture of traditional two-storey brick and rendered dwellings. The appeal property itself is a semi-detached red-brick house set behind a relatively shallow front

driveway. The frontage is now defined by a full-width stone wall comprising coursed stone blocks with large, squared piers. Its scale, construction and detailing give it a solid, engineered appearance that is noticeably more substantial than boundary treatments typically found in the area.

5. In contrast, the adjoining property features no front boundary and the adjacent property has an open driveway and a markedly lower and lighter boundary fence, domestic in scale, and like most of the surrounding homes allows clear views across the driveway and frontage. These are consistent with the majority of front boundary treatments in the area, which are modest, less formal and positively reinforce a sense of openness at the front of properties.
6. Within this context of generally low, vegetated or visually permeable boundary treatments, the appeal site's wall appears distinctly different. Its height, and prominent corner piers introduce a level of enclosure, massing and visual weight not found on adjacent plots. The wall rises substantially above other boundaries, creating a dominant feature at the back of the footway. In near and mid-range views along the street, the wall reads as a conspicuous and assertive structure that interrupts the characteristic openness formed by low walls, fences and hedges elsewhere.
7. The property previously had a stone wall and stone walled boundary treatments exist elsewhere in the wider area, particularly along Horbury Road. I observed that the stone is an attractive and traditional material, and the coursing and main sections of the wall are reflective of residential boundaries found at the front of properties in the area. However, it is the way the stone has been used in a very engineered, continuous form of significant height, with dominating square piers that does not reflect the prevailing pattern and scale of boundary treatments locally.
8. Overall, the wall represents a noticeable departure from the established character, resulting in an incongruous feature with visual dominance that detracts from the appearance of the street scene. The existence of taller stone walls on nearby roads does not alter the fact that a more modest pattern of residential boundaries exist along Cross Lane itself, which informs the immediate character of the area.
9. The appellant has provided reasons for erecting a higher boundary, many of which relate to personal safety, privacy and protection of property. These concerns include previous anti-social behaviour, attempts at theft, vandalism, local crime levels, the safety of pets, and the desire to feel secure when alone in the house. These circumstances are fully acknowledged and understood; experiences of crime and nuisance can be unsettling.
10. However, there is no evidence before me that such concerns necessitate a wall of this particular height, nor that alternative, less visually harmful measures, such as CCTV, lighting or other forms of security or boundary treatments were explored. Indeed, tall solid boundaries can reduce natural surveillance, a recognised crime-prevention principle.
11. Similarly, while neighbour support for the wall is noted, taking all matters into account, the scale, form and appearance of the wall introduces a visually dominant and incongruous feature that fails to integrate with the established pattern of front boundaries.

12. I conclude that the development is harmful to the character and appearance of the area, contrary to Policies SP23 and LP56 of the Wakefield District Local Plan 2036, Volume 1 Development Strategy, Strategic and Local Policies, adopted January 2024 (the Local Plan). Together these policies seek to ensure that new development is of high quality design, is appropriate to its location in terms of scale, protects and enhances local character and distinctiveness, and respects the established form, massing, height and materials of its surroundings and that opportunities for crime are reduced.
13. The Council has not provided or referred to what sections of the Residential Design Guide the proposal is contrary to, and I am therefore unable to conclude against this document. However, this is not determinative.

Highway Safety

14. Cross Lane is subject to a 30mph speed limit. It is relatively straight with generally good forward visibility. During my site visit, I did not observe significant traffic movements or high vehicle speeds within this residential area. I also observed a speed hump near to the site. Notwithstanding this, I observed that the height and solidity of the wall and its piers exceed the height of a typical car. The Council also refers to measured splays of 2.4 metres x 9 metres, and there is no substantive evidence before me to dispute these measurements or demonstrate that alternative splays could be achieved.
15. The footway to the front of the appeal site is narrow, and vehicles exiting it and to a lesser extent, exiting neighbouring properties, would need to edge forward over the pavement to gain adequate visibility beyond the walls. The height and impermeability of the wall increases the likelihood that pedestrians and approaching vehicles would be obscured to the drivers of exiting vehicles and vice-versa. On the basis of the evidence before me and my observations on site, the development creates a heightened risk of conflict between vehicles and pedestrians.
16. In the absence of sufficient technical information to demonstrate that visibility splays are adequate or that harm can be satisfactorily mitigated, I conclude that the development results in an unacceptable impact on highway safety. Accordingly, the development conflicts with Local Plan Policy LP27, which seeks to ensure that development does not prejudice the safe and efficient operation of the highway network.

Conclusion

17. For the reasons given above, I conclude that the appeal development is contrary to the development plan as a whole, and that material considerations do not indicate that the appeal should be determined otherwise than in accordance with it. The ground (a) appeal should not therefore succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

K Williams

INSPECTOR