



Appeal Decision

Site visit made on 18 November 2025

by **A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Appeal Ref: APP/U2750/C/23/3327955

OS Field 4824, Park Lane, Borrowby, Thirsk, North Yorkshire

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Nick Walker of Nick Walker Tree Services against an enforcement notice ("EN") issued by North Yorkshire Council.
 - The EN was issued on 19 July 2023.
 - The breach of planning control as alleged in the EN is: Without planning permission, the laying of hardstanding on the Land (as shown within the photograph attached).
 - The requirements of the EN are: You must: Remove the hardstanding and reinstate the land to its former condition.
 - The period for compliance with the requirements is: Three (3) months after this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the 1990 Act. 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 1990 Act.
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Decision

1. The appeal is allowed, the EN is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act for the development already carried out, namely the laying of hardstanding at OS Field 4824, Park Lane, Borrowby, Thirsk, North Yorkshire as shown on the plan attached to the EN.

Appeal on Ground (a) and the Deemed Planning Permission

2. An appeal under ground (a) is that planning permission should be granted for the matters alleged. The **main issue** is the effect of the development on the character and appearance of the surrounding area.

Reasons

3. The appeal site comprises a rectangular-shaped field to the west of Borrowby. The appeal site is separated from Park Lane by a hedgerow along the southern boundary, while open fields bound it to the north, east and west. The appeal site is accessed from Park Lane towards the southwestern corner of the field.
4. Planning permission¹ was granted to retain the use of the appeal site for the storage of timber in conjunction with the appellant's business. I am unclear if planning permission was granted for the whole or part of the appeal site, but at the time of my site visit the use was contained within the southwestern part of the field. The Council state that planning permission excluded operational development and I have no reason to disagree with the Council's assertion.

¹ Planning Ref 22/00061/FUL

5. An area of hardstanding comprising compacted stone chippings has been laid in a rectangular shape that extends from the access towards the opposite field boundary. At the time of my site visit, the hardstanding and the surrounding area were used to store items such as large tree trunks, pallets and bags of sawn timber, while the hardstanding was also used for the parking and manoeuvring of vehicles. The appeal site had a commercial character and appearance.
6. The roadside boundary hedgerow substantially screens the hardstanding from those travelling along Park Lane, rendering it visible only when in close proximity to the access. Although the surrounding landscape is undulating, I was unable to see the hardstanding in publicly accessible medium to long distance views. Furthermore, I have not been made aware of any Public Rights of Way within the vicinity of the appeal site from which the hardstanding can be seen. As such, the hardstanding is highly inconspicuous in the surrounding area.
7. The appellant asserts that there are several places around Borrowby where hardstanding has been laid. However, the exact locations were not specified, and I did not observe any hardstandings of a comparable size during my site visit. Notwithstanding this, in my experience, compacted stone chippings are commonly used for hardstandings and surfacing in rural areas and I do not find that the area of hardstanding is unduly large. Consequently, I find that the hardstanding does not detract from the area's rural character or appearance or have an overly urbanising effect.
8. The Council state that the appeal site is within a Green Infrastructure Corridor and that the hardstanding harms the verdant nature of the site. I have not been provided with evidence regarding the condition of the appeal site prior to the hardstanding being laid, or whether it contained existing green infrastructure features that required protection. Furthermore, the Council has not suggested any conditions should I be minded to allow the appeal. In the absence of such evidence and given I have found that the hardstanding does not harm the rural character and appearance of the surrounding area, it is my judgement that a landscaping condition would be unreasonable.
9. For these reasons, I find that the hardstanding does not harm the character and appearance of the surrounding area. It complies with Policies E1, E4, S1 and S5 of the LP which, amongst other things, seek to ensure that all development should integrate successfully with its surroundings; facilitate development in a way that respects and strengthens the distinctive character of the landscape; and ensure that development in the countryside does not harm the character, appearance and environmental qualities of the area in which it is located.

Conclusion

10. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the EN. The EN will be quashed. In these circumstances the appeal on ground (g) does not fall to be considered.

A Berry

INSPECTOR