



Appeal Decision

Site visit made on 21 October 2025

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2025

Appeal Ref: APP/U2750/C/24/3346043

Greenlane Kennels off Broch Road, Little Heck, Goole, Selby DN14 0BX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended (the Act).
 - The appeal is made by Mr Graham Durow of One Stop Scaffolding & Netting Services Ltd against an enforcement notice issued by North Yorkshire Council.
 - The notice was issued on 15 April 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the change the use of Land from Dog Kennels (Sui Generis) to General Industrial (B2) for a scaffolding company and the erection of a 1.8 fence and gates, along with the associated laying of hardstanding, siting of storage containers and scaffolding structures on site.
 - The requirements of the notice are to:
 - Step 1 Cease the use of the building and Land for General Industrial Use (B2) for a (scaffolding business)
 - Step 2 Remove all associated items from the site including hardstanding, siting of storage containers and Scaffolding racks along with any other items associated with the Scaffolding Business operating from the site.
 - The periods for compliance with the requirements are six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the 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 Act.
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Decision

1. It is directed that the enforcement notice is corrected and varied by:
 - The deletion of the words “General Industry (B2)” from paragraph 3.
 - The deletion of the word “1.8” from paragraph 3 and substitute with “green wire mesh”.
 - The deletion of the words “General Industrial Use (B2) for a (scaffolding business)” from Step 1 of paragraph 5 and substitute with “for a scaffolding company”.
 - The inclusion of the words “green wire mesh fence and gates” after the word “including” in Step 2 of paragraph 5.
2. Subject to the corrections and variations, 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 Act.

Procedural Matters

3. The appeal form only refers to grounds (a) and (f) being lodged. However, the appellants statement of case describes that the appeal is also lodged on ground

- (b) – that the matters stated in the notice have not occurred as a matter of fact. I have assessed ground (b) as part of this appeal.
4. Section 176(1) of the Act provides a wide-ranging power to correct or vary the terms of a notice provided that it would not result in injustice to the parties.
 5. There is a dispute between the parties as to whether the use class described in the allegation accurately describes the actual use of the scaffolding company. There is no dispute that a scaffolding company is operating from the site, and the appellant describes the operations that take place on the land in their statement of case. For the sake of clarity, I have corrected the allegation and requirements to remove reference to general industrial (B2) use, and I have also varied the requirements in terms of the term “scaffolding company”, so it aligns with the corrected allegation.
 6. The allegation also states, “the erection of a 1.8 fence”, which can be assumed to mean 1.8 metres high fence, particularly as this forms part of the Council’s statement of case. What is clear is that the parties are aware that this is reference to the green wire mesh fencing that has been erected at the site, as both parties reference it in their statements and also provide photographs of sections of this fencing. The appellants detail that the height of the fencing is 2.4 metres and from my site visit, it is apparent that the fencing does likely exceed 1.8 metres. For clarity, I have varied the allegation and removed reference to the height of the fence and detailed it being the green wire mesh fence.
 7. I have also varied the notice by including reference to the green wire mesh fence and gates in Step 2 of the requirements, as these had not been included. Under section 173(3)-(7) of the Act, the requirements of a notice should reflect and follow logically from the allegation, and the variation as described in paragraph one will do this.
 8. Given the matters detailed in both the Council’s and appellant’s statement of cases in terms of the description of the scaffolding company and the fencing and gates, I am satisfied that no injustice to the appellant or the Council would arise by me correcting and varying the notice in terms I have set out in paragraph one above. I have therefore done so using the powers available to me under Section 176(1) of the Act.

Ground (b)

9. An appeal on ground (b) is a claim that the matters stated in the notice (which may give rise to the breach of planning control) have not occurred as a matter of fact. The onus of proof in ground (b) appeals is on the appellant, and the test of the evidence is on the balance of probability.
10. The appellant has indicated that the 10 years stated in the enforcement notice is not relevant as the appellant has only operated from the site since January 2022. Nevertheless, the scaffolding business has been in operation from the site since January 2022 as the appellant states in their statement of case and that there is a change of use from a sui generis use to a use that is the storage of scaffolding.
11. It is clear that there has been a material change of use from dog kennels operation to a use for a scaffolding business, and there is no evidence before me to suggest

that the alleged development had not occurred at the site at the date the enforcement notice was issued.

12. Consequently, the appellant has failed to demonstrate that at the date the notice was issued the matters alleged had not occurred, and the appeal on ground (b) must fail.

Ground (a)

13. Ground (a) is that planning permission ought to be granted for the matters alleged in the notice.

Main Issue

14. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

15. The area surrounding the appeal site is characterised predominantly as open countryside. Whilst the M62 motorway is located to the south of the site, the surrounding locality is made up of mainly open agricultural fields with buildings scattered in the landscape. These scattered buildings, north of the M62, are mostly a mix of modest residential properties and agricultural buildings. It is the mix of modest building forms scattered within a rural countryside context that contributes positively to the character of the surrounding area.
16. The storage of scaffolding materials, along with the containers, and scaffolding structures are features that are not readily found in countryside locations and they are not in keeping with the rural character of the surrounding area. They appear as discordant features, that are visible from the highway to the north and the wider surrounding area and detract from the rural appearance of the locality.
17. I have had regards to the appellants statement of case which explains that some works were undertaken by previous owners, some of the structures are temporary and the majority of scaffolding equipment is stored off site. The hard standing areas and siting of containers were present at my site visit, and whilst I note the appellants intention to remove some of these, they nevertheless are intrusive structures that have a detrimental effect on the appearance of the area. Similarly, whilst the scaffolding structures may be considered temporary, they are however structures that appear incongruous when viewed in this rural setting. I viewed a significant amount of scaffolding equipment at the site during my visit, which are visually intrusive and are at odds with the countryside character of the area.
18. I note vehicle movements to and from the site are staggered and would be reduced. However, they would include HGVs carrying scaffolding equipment, and these types of deliveries are not commonly found in rural locations, and they would appear out of character, particularly as these trips are indicated as being on a regular basis.
19. The fencing and gates although being set back from the perimeter of the site, due to their design, scale and height, does not have a rural or agricultural appearance and has a compromising effect on the character and appearance of the surrounding rural location. I note the fallback position in terms of reducing the

height of the fence in line with permitted development rights, however, this does not alter my findings with regards to the harm the existing fence has on the area.

20. The appellant's intention is to return around 80% of the site back to open countryside and reinstate grassland areas. This however would not overcome the harm that is caused on the character and appearance of the area, by the operations of the scaffolding company on the area centrally within the site.
21. The building on the site is structurally sound, and the submitted evidence indicates that the site employs two members of staff as well as contributing to economic growth in the locality. There are no concerns with regards to parking or effects on highway safety and traffic congestion, and the appellant does indicate that the site has a positive effect in terms of emissions and carbon footprint. These matters, however, would not outweigh the harm I have described with regards to the effect the development has on character and appearance.
22. Accordingly, the development as alleged in the notice, does have a harmful effect on the character and appearance of the surrounding area. It does not accord with Policies ENV1, EMP8 and EMP9 of the Selby District Local Plan and Policies SP13, SP18 and SP19 of the Selby District Core Strategy which seeks, amongst other things, development to take account of the effect upon the character of the area, be appropriate in scale and type to its location, protect and enhance the environment and contribute to high quality design.

Conclusion on ground (a)

23. The development would conflict with the development plan as a whole and there are no other considerations, including the provisions of the National Planning Policy Framework, which outweigh this finding.
24. For the reasons given above, I conclude that the appeal should be dismissed and the appeal fails on ground (a).

Ground (f)

25. An appeal on ground (f) is that the requirements of the notice exceed what is necessary in order to remedy the breach of planning control or, as the case may be, the injury to amenity that is caused by the breach. Since the notice requires the use to cease and the removal of fencing, gates, hardstanding, storage containers, scaffolding racks and other associated items, it is clear that the purpose of the notice is to remedy the breach.
26. The appellant does not specifically comment on how they consider the requirements to be excessive. They do claim that they would reinstate the countryside back on approximately 80% of the site. This would not reinstate the full site and therefore would not remedy the breach of planning control.
27. It is also suggested that the fencing can be reduced to two metres in height in order to comply with permitted development rights. The Town and Country Planning (General Permitted Development) (England) Order 2015 however does not grant retrospective planning permission. Varying the requirements of the notice to alter the fencing in line with permitted development rights would not serve to remedy the breach of planning control. The fencing is unlawful as a whole, not just the parts that do not comply with the permitted development right limits.

28. Accordingly, I conclude that the notice requirements are not excessive and the appeal on ground (f) fails.

Conclusion

29. For the reasons given above, I conclude that the appeal should fail on grounds (b), (a) and (f). Subject to the corrections and variations of the enforcement notice, as detailed in paragraph one, the appeal is dismissed, and the enforcement notice should be upheld.

Chris Baxter

INSPECTOR