



Appeal Decision

Inquiry held on 10 and 11 February 2026

Site visit made on 11 February 2026

by R Merrett BSc(Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2026

Appeal Ref: APP/U2750/C/25/3374035

Land at Bridge House, Oxmoor Lane, Biggin, Leeds LS25 6HJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr M Stevenson against an enforcement notice issued by North Yorkshire Council.
- The notice was issued on 28 August 2025.
- The breach of planning control as alleged in the notice is: A) The unauthorised material change of use of all parts of two buildings and associated hardstanding to a commercial use for the repair and maintenance of vehicles, caravans and campers and associated commercial storage (Use Classes B2 and B8) without planning permission; B) Operational development of unauthorised extensions and alterations to parts of two buildings without the benefit of planning permission.
- The requirements of the notice are to: Step 1 Cease the commercial use of all parts of the buildings and associated hardstanding for the repair and maintenance of vehicles, caravans and campers/camper vans; Step 2 Cease the use of the Land for commercial repair and maintenance of the vehicles, caravans and campers/camper vans and for commercial ancillary storage or related activity; Step 3 Permanently remove from the Land (including Buildings) all tools, equipment, machinery, vehicles, parts, and other items associated with the unauthorised commercial use; Step 4 Demolish and remove the unauthorised extensions to the buildings shown hatched in red on the plan annexed as PLAN A; Step 5 Remove from the Land all materials and debris arising from compliance with the above requirements (steps 1 – 4).
- The periods for compliance with the requirements are: Steps 1 to 3 inclusive: 2 Months and Steps 4 to 5 inclusive: 3 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (d) 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.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld, with corrections and variations, in the terms set out below in the Formal Decision.

Preliminary Matters

1. Prior to the Inquiry, I sought clarification regarding certain matters relating to the appeal site boundary and the wording of the enforcement notice.

Appeal site boundary

2. It was agreed that there is a small degree of overlap between the site boundaries shown on the plans attached to the present enforcement notice and the extant enforcement notice relating to the residential use of the adjacent site. I concur with the Council that this may potentially result in this area being subject to the compliance requirements of both notices. Alternatively, if this appeal was to succeed in relation to the alleged use, it would not be inconsistent with the requirements of the previously upheld notice. Either way, I am satisfied that the slight overlap in the site boundaries does not present a problem and there is no need for me to correct the relevant location plan.

Notice wording

3. There is some duplication in the wording of the requirements as set out within Steps 1 and 2 of the notice. At the Inquiry the parties agreed amended wording to enable these requirements to be consolidated into a single step. Consequently, the notice will be corrected, so as to delete 'Step 2' in its entirety.
4. In addition to requiring that the commercial repair and maintenance of vehicles, caravans and campervans ceases, the wording includes the requirement to cease ancillary storage. For the avoidance of doubt, I have amended the wording of the allegation to reflect this, by deleting reference to Use Class B8, in recognition that the storage alleged is part and parcel of (ancillary to) the B2 use alleged, rather than a primary use in its own right.
5. Prior to the Inquiry, the Council agreed it is withdrawing the allegation of an unauthorised extension in relation to the more southerly of the two buildings targeted by the notice. There is also no dispute that the smaller alleged extension to the more northerly of the targeted buildings has now been demolished.
6. An annotated plan was provided to help differentiate the various buildings within the appeal site boundary. This plan is annexed to my decision letter and will be used to substitute Plan A within the enforcement notice.
7. I am satisfied that that the aforementioned corrections may be made without resulting in injustice to the parties.

Ground (d) appeal

8. The appellant also confirmed their ground (d) appeal relates only to the alleged use (and does not include the alleged extensions to the more northerly of the two buildings targeted).

The Oath

9. Evidence to the Inquiry regarding matters of fact was given on oath.

The appeal on ground (d) in relation to the alleged use

10. The ground of appeal is that at the date when the notice was issued no enforcement action could be taken in relation to the alleged breach of planning control. In order to succeed on this ground, in accordance with s171B(3) of the 1990 Act, it would be necessary for the appellant to show, on the balance of probability, that the alleged commercial repair and maintenance use of the site had commenced at least 10 years before the notice was issued, that is by 28 August 2015, and had continued in such use over a ten year period. It must be shown that there has not been any significant interruption in the use, in order to demonstrate the necessary continuity.
11. In accordance with s171B(3) the immunity period begins with the date of the breach. Therefore any 10-year period of continuous use before the notice date would potentially be sufficient to accrue lawfulness. The onus rests with the appellant to demonstrate, on the balance of probability, that the use has been continuous over this period, with the exception of any non-material breaks in activity.
12. In support of their case the appellant has provided the following information:

- Extracts of a correspondence thread from an online forum entitled 'Yorkshire Classic Campers, Commer Van Fan'. Various messages appear to have been posted there by the previous owner of the appeal site. A 2009 post refers to a bodyshop being up and running, the services offered there and a new full-time employee. The entry also refers to 'camper hire'¹. A post from 2011 refers to the completion of a workshop extension, along with the installation of various equipment and machinery². Subsequently, an entry from later in 2011 indicates the hire business had been given up³.
 - Two press articles dated February and August 2010 respectively, linked to the previous owner of the site. The first article was concerned with three classic camper vans being made available for hire following their restoration. The second relates to the organisation of a classic camper van weekend festival at the site.
 - A building materials delivery note, dated 2011.
 - Aerial photograph images of the site dated 2014; 2016; 2017 and 2023.
 - The registration of 'Yorkshire Classic Campers' as a business with Companies House (over the period March 2016 to August 2023)
 - A Property Information Form – dated October 2023.
 - Statements from two individuals purporting to have visited the site – dated 21 January 2025 and 13 January 2026.
13. It is undisputed the appellant first occupied the site in April 2024, having acquired it from the person responsible for the aforementioned Yorkshire Classic Campers online forum, and subsequently registered business. However, the previous site owner has not made any statement or provided any other information in relation to this appeal.
14. The Council does not say vehicle restoration and maintenance work never occurred on site, prior to the appellant's ownership. However, in its opinion from the evidence, as supported by local residents, this was more likely to have been a low-key and hobby related use, that occurred only from time to time.
15. The aforementioned press articles and delivery note do not indicate the operation of a vehicle repair and maintenance business on the appeal site. The same is true of the aerial images, a number of which are blurry or grainy, and which at best show a number of vehicles or other indistinguishable items present on the hardstanding area, at a particular point in time. The property information form is silent as to any business use.
16. In terms of the supporting statements, the first is from an individual purporting to have been a regular visitor to the site for around 11 years. He refers to the site owner's interest in rebuilding old vehicles, in relation to which he used an outbuilding on the site, and assisted the writer with his own rebuild projects. However, the information provided is vague and is not persuasive regarding the

¹ Dated 29 December 2009.

² Dated 20 February 2011.

³ Dated 20 November 2011.

likelihood of a vehicle restoration use having continued on the site without interruption.

17. The second statement⁴ refers to visits that were made by the writer to the adjacent camp site as a weekend retreat, for a five-year period prior to the appellant's ownership. He refers to the owner as a 'Commer van' enthusiast, who was regularly seen to be working on these vehicles, utilising various items of specialist equipment. However, this does not confirm the operation of a vehicle repair and maintenance use over the requisite period.
18. If one focuses on the period of time when Yorkshire Classic Campers was registered as an incorporated business, this in itself would not cover the requisite period for gaining immunity from enforcement action. Even if a vehicle repair and maintenance business was commenced in 2009, there is no evidence to persuade me, that this continued without significant interruption for the requisite period of time.
19. I have not been provided with any evidence, such as business accounts or customer reviews, corroborating the existence of ongoing business activity. In addition, the Council has no record of such a business being established at the site. It is also notable that the appellant told the Inquiry, when asked about his meetings with the previous owner, prior to acquiring the site, that several Commer vans being worked on there were the previous site owner's own vehicles.
20. I have considered the appellant's case, that the evidence considered in the round, including employment of staff, independent trading name, scale and timing of investment in building extensions and equipment and eventual incorporation of the business, presents a picture that more likely than not a vehicle repair and maintenance business was being run; also that this had continued on the site, albeit on a small scale.
21. However, for the reasons set out above, I do not agree with the proposition that a vehicle repair and maintenance business had probably run continuously for at least 10 years. From the evidence, I do not accept this was more likely than a scenario whereby, in practice for at least part of the requisite 10-year period, the site was being used intermittently for the restoration of classic camper vehicles, associated with an enthusiast's hobby.
22. For the avoidance of doubt, any previous ancillary use of the buildings in connection with the use of the adjacent site to accommodate touring caravans would, in my judgment, be materially different to and therefore not support the continuity of the use alleged in this case.
23. The appellant has not discharged the duty to demonstrate their case on the balance of probabilities. The ground (d) appeal fails.

⁴ Provided as a proof of evidence from Trevor Greaves.

The appeal on ground (a)

Main Issues

24. The ground (a) appeal is that planning permission ought to be granted for the development the subject of the enforcement notice. The main issues are i) the effect of the proposed vehicle repair and maintenance use on the living conditions of nearby residents, with particular regard to noise and disturbance; ii) highway safety considerations and iii) the effect of the development on the character and appearance of the countryside.

Reasons

Living Conditions

25. The Council has raised concerns regarding the effects of noise from maintenance and repair activity. It identifies a key noise receptor as the occupiers of the neighbouring property, Bridge Farm, situated a relatively short distance to the north of the appeal site. The occupiers of that property have objected to the proposed use, citing having previously experienced disturbance from activities such as loud engine revving. The Council also raise concern that the appellant's own house is situated immediately adjacent to the site. It is also possible that the appellant's elderly relatives are residing in a caravan there.
26. The appeal site is situated in a relatively quiet rural location, although the regular flow of vehicles passing along Bishopdyke Road, and to a lesser extent Oxmoor Lane, is a nearby source of noise. The proposal could potentially involve both mechanical and bodywork repairs and maintenance to vehicles. This would reasonably be expected to involve the use of power or compressed air driven tools and equipment for activities such as component replacement, hammering and grinding. It also seems that test running and revving of engines would be likely, and that several vehicles may be worked on at once.
27. The appellant has not submitted a noise assessment in support of their appeal. As such, background noise levels have not been quantified. Nor have noise levels and characteristics, associated with repair and maintenance activities, been considered.
28. I acknowledge the appellant would be agreeable to a planning condition being imposed, requiring that repair and maintenance activity on the site ceased until a noise assessment had been undertaken and agreed with the Council, and any mitigation measures arising from this assessment had been implemented. Whilst, together with other controls such as hours of operation, this might be enough to overcome any harm, I do not have sufficient assurance, based on the evidence before me, that the buildings could be retrofitted with suitable noise attenuation measures, should they be required.
29. Granting planning permission would therefore risk a condition being imposed with requirements that the appellant had no prospect of being able to achieve, and thus the Council would be unable to discharge. Based on the evidence available, such a condition would not therefore be reasonable. Neither could this matter be overcome, through a planning condition limiting the use of the site to the occupier of Bridge House.

30. Consequently, I am unable to conclude, in the absence of a noise assessment, that the development subject to the deemed application would not result in noise disturbance related harm to the living conditions of nearby residents. Accordingly the development would conflict with Policies SP1, SP2, SP13, SP15 and SP19 of the Selby District Core Strategy 2013 (CS) and with Saved Policies ENV1 and ENV2 of the Selby District Local Plan 2005 (LP), insofar as they seek to achieve sustainable development and high quality design, including by avoiding unacceptable levels of noise pollution that result in significant adverse impacts on health and quality of life.

Highway Safety

31. The appeal site is accessible from two openings along Oxmoor Lane, which is subject to the national speed limit, and runs close to the eastern boundary of the site. The Council seeks adequate visibility splays.
32. The Highway Authority confirmed that in the absence of survey information, which might allow for greater flexibility, they would normally seek visibility distances of some 215 metres to the left and right along Oxmoor Lane, as minimum requirements. There was a lack of evidence presented to dispute this requirement.
33. When considering the recently determined appeal, concerning residential development of the adjacent site⁵, I found that driver visibility at the north egress would be significantly compromised. I continue to hold that view; also that from the evidence before me it would not be possible to improve visibility at this junction to an acceptable degree, without significant works to the hedge, which would in turn result in significant visual harm.
34. I am aware the appellant advocates utilising one-way traffic circulation, which would involve leaving the site from the south egress only. With regard to the south egress, it is undisputed that there would be adequate driver visibility southwards to the crossroads. However, visibility is again compromised northwards due to the hedge. Therefore, even if a one-way system were introduced, allowing egress from the south junction only, alterations to the hedge would still be required. Again, I am not persuaded that visual harm would not result from this.
35. I have considered that the appellant favours the use of convex mirrors as an aid to junction visibility. However, from the information before me, I am not satisfied that this would entirely alleviate visibility constraints.
36. I also acknowledge the appellant argues there would be no highway risk over and above the consented touring caravan use⁶. However, in my judgment, the proposed use has the potential to result in noticeably more traffic movements, and I do not agree with the proposition that the proposed use will be acceptable, purely because the holiday use was found to be so.
37. It is possible that an up-to-date traffic speed survey, together with assessment of anticipated vehicle movements in connection with the proposed use, may demonstrate that significant relaxation in the visibility splay requirements at the south egress is justified, and can be achieved without significant modifications to the hedge being necessary.

⁵ Appeal reference APP/U2750/W/25/3361997.

⁶ Decision 2020/1205/COU – Planning permission granted 21 July 2023.

38. However, drawing the above considerations together, from the information before me, I conclude that adequate highway visibility cannot be achieved at this time, without the development resulting in some additional visual harm. The present highway safety position, without modifications to driver visibility, would not therefore be acceptable and would be in conflict with Saved Policies T1 and T2 of the LP and with the National Planning Policy Framework (the Framework) insofar as they seek to protect highway safety. This therefore weighs against the development.

Character and Appearance

39. The site's setting is rural in character, comprising an open and relatively flat agricultural landscape. The appeal site is broadly made up of two buildings, in a loose L-shape, with hardstanding in between. The Council set out at the Inquiry, the public viewpoints with which it is concerned, are the southern part of Oxmoor Lane, together with Bishopdyke Road to the south of the appeal site.
40. With regard to the unauthorised operational development, the notice, as corrected, targets an extension to one of the aforementioned buildings (denoted '1d' on the plan annexed to this decision). From public viewpoints to the south, visibility of the building extension would be from relatively long distances. It would be possible to make out the profile of the structure including its ridged roof. However, the structure does not tend to draw the eye, because of its 'subdued' dark brown colouring and because it is set against a background of vegetation and taller structures associated with the adjacent farm.
41. In addition, the presence of boundary vegetation adjacent to land in the appellant's wider ownership, notably the hedge running along Oxmoor Lane, would help to screen and filter visibility of the extension and the external parts of the appeal site. There would be some visibility of the extension and hardstanding area, from short range, over the top of this hedge. However, these views would predominantly be limited to fleeting glimpses for drivers. It is also important to consider the targeted building is not an isolated structure, and its visual impact is mitigated as part of a cluster of existing built development, which is largely accepted by the Council to be lawful.
42. When drawing the aforementioned considerations together I am satisfied that the proposed building extension would sit relatively comfortably in its surroundings and, together with the use, would not form a visually intrusive or incongruous development. Contrary to the Council, I consider that a Landscape and Visual Impact Assessment is not needed, as this would be a disproportionate requirement in this case.
43. Accordingly, I do not find conflict with Policies SP1, SP2, SP13, SP18 and SP19 of the CS; with Saved Policy ENV1 of the LP or with the Framework insofar as they seek sustainable development and high quality design that avoids harm to, and where possible enhances, the landscape character.

Other Matters

44. The Council considers the absence of a flood risk assessment weighs against the development. There is no dispute that the appeal site lies within Flood Zones 2 and 3, as shown on Environment Agency mapping.

45. I have had regard to relevant policies, as set out in the Framework. These include that applications for changes of use and some types of minor development should not be subject to the so called sequential and exception tests⁷. The Council accepted that the development targeted by the notice would be covered by this provision.
46. However, I am also mindful the Framework advises that a site-specific flood risk assessment should still be provided for development in Flood Zones 2 and 3. The absence of such an assessment must weigh against the development in this case, including the retention of the extension for tourism or non-commercial related purposes, as alternative uses suggested by the appellant.
47. Policies SP2 and SP13 of the CS allow for development in the countryside subject to certain criteria. This includes the re-use and extension of existing buildings for employment purposes, providing the development is sustainable and allows for a good standard of amenity. This would include safeguarding the living conditions of residents.
48. For the reasons set out above, I am not persuaded the proposed development would be sustainable. This therefore tempers the weight I give to any economic development benefits arising from the re-use and extension of buildings in this case; also to any operational advantages that may be claimed from the appellant's place of residence being in close proximity.
49. It was suggested that the proposed use would provide a useful service to persons taking a camping holiday on the adjacent site. However, in this respect I concur with the Council that it would be most unlikely a holidaymaker would seek to have their caravan repaired at the same time as wanting to use it. This consideration does not therefore attract weight in favour of the development.

Planning Balance

50. I have found that, in the absence of evidence to the contrary, the alleged development would result in harm to the living conditions of residents and to highway safety. I attach significant weight to both of these considerations. The absence of a flood risk assessment also weighs against the development.
51. I have not found harm in terms of the character and appearance of the countryside. However, this absence of harm is neutral in the planning balance and does not weigh in favour of the appeal.
52. I attach limited weight both to the economic benefits, including supplementary income, arising from the development and to the operational advantages in terms of security, accessibility and financial savings, arising from the development being close to the appellant's place of residence.
53. For the above reasons I conclude the proposed development is in conflict with the development plan when read as a whole. The resulting harm would outweigh the benefits. For the avoidance of doubt, I would reach the same conclusion regarding the proposed use, even if the highway safety concerns identified could be resolved and this led to no visual harm; also if a satisfactory flood risk assessment was provided; and thus the impact on living conditions was the only remaining harm.

⁷ Paragraph 176 and Footnote 62 of the Framework.

54. Having arrived at this conclusion, I am mindful that with further assessment of the noise impact, and highway and flood risk issues, it may be possible to present a case for an acceptable development that includes robust mitigation measures.
55. Accordingly, with the exception of the requirement to cease the use of the site, I consider there is justification for varying the compliance period in relation to the other requirements, to seven months. This would provide an opportunity to submit a revised planning application for the proposed development, for mitigation works to be carried out, should they be deemed necessary, if such an application were to prove successful, and in the alternative to make the necessary arrangements for compliance with the notice. I consider this to be a proportionate response. In the meantime the compliance period for ceasing the alleged use would remain unchanged.

Overall Conclusion

56. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and variations and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Formal Decision

57. It is directed that the enforcement notice is corrected by:

The deletion of the wording describing the alleged breach of planning control at Section 3 in its entirety, and the substitution of the following wording instead:

“A) The unauthorised material change of use of all parts of two buildings and associated hardstanding to a commercial use for the repair and maintenance of vehicles, caravans and campers and associated commercial storage (Use Class B2) without planning permission.

B) Operational development comprising unauthorised extension and alterations to part of a building without the benefit of planning permission.”; and

The deletion of the wording describing the requirements at Step 1 and Step 2 of Section 5 in its entirety and the substitution of the following wording instead:

“Step 1 Cease the use of the Land (including all parts of the buildings and associated hardstanding) for commercial repair and maintenance of the vehicles, caravans and campers / camper vans and for commercial ancillary storage or related activity.”; and

The deletion of the wording describing the requirement at Step 4 of Section 5 in its entirety and the substitution of the following wording instead:

“Step 4 Demolish and remove the unauthorised extension to the building, denoted as ‘1d’ on the plan annexed as ‘ANNOTATED PLAN’”; and

The substitution of the plan entitled ‘ANNOTATED PLAN’ annexed to this decision, for the plan entitled ‘PLAN A’ attached to the enforcement notice.

58. It is directed that the enforcement notice is varied by:

The deletion of the wording at Section 6, describing the time periods for compliance, in its entirety and substitution of the following wording instead:

“Step 1: 2 months

Steps 3, 4 and 5: 7 months”

59. 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 1990 Act as amended.

R Merrett

INSPECTOR



Plan

This is the plan referred to in my decision dated: 03 March 2026

by R Merrett BSc(Hons), DipTP, MRTPI

Land at Bridge House, Oxmoor Lane, Biggin, Leeds LS25 6HJ

Reference: APP/U2750/C/25/3374035

Scale: Not to scale



APPEARANCES

FOR THE APPELLANT:

Rebecca Hawksley	Solicitor Advocate
Mark Simmonds	Agent
Matthew Stevenson	Appellant
Steven Windass	Highway consultant

FOR THE LOCAL PLANNING AUTHORITY:

Shemuel Sheikh	Barrister
Daniel Hampton	Environmental Health Officer
Ryan King	Senior Planning Officer
Sophie King	Senior Planning Enforcement Officer
James Welsh	Enforcement Team Manager

INTERESTED PARTIES:

Georgina Ashton	Biggin Parish Council
Tom Bowey	Local resident
Victoria Earle	Local resident
Graham Gilbertson	Local resident
Shirley Hill	Local resident
Cornelius Kaiper-Holmes	Local resident

Documents submitted at the Inquiry:

1. Council's written opening submissions.
2. Online forum thread.
3. Parish Council statement.
4. Amended enforcement notice location plan.
5. Appellant's and Council's written closing submissions.