

Appeal Decisions

Hearing held on 6 and 7 December 2016

Site visit made on 6 December 2016

by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 January 2017

Appeal A Ref: APP/E2734/C/16/3147091

Land at Wood Hill Farm, Wood Hill Lane, Clifton, Otley LS21 2HE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Myles Nicholson.
- The enforcement notice was issued on 12 February 2016.
- The breach of planning control as alleged in the notice is stated in the attached Annex.
- The requirements of the notice are stated in the attached Annex:
- The period for compliance is stated in the attached Annex.
- The appeal is proceeding on the grounds set out in section 174(2) (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld, subject to corrections and a variation as set out in the formal decision below.

Appeal B Ref: APP/E2734/W/16/3147110

Land at Wood Hill Farm, Wood Hill Lane, Clifton, Otley LS21 2HE

- 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 Mr and Mrs Myles Nicholson against the decision of Harrogate Borough Council.
- The application ref 15/04471/COU, dated 2 October 2015, was refused by notice dated 10 December 2015.
- The development proposed is temporary planning consent (three years) for a 4-berth static caravan.

Summary of Decision: The appeal is allowed, and temporary planning permission is granted as set out in the formal decision below.

Appeal C Ref: APP/E2734/W/16/3147113

Land at Wood Hill Farm, Wood Hill Lane, Clifton, Otley LS21 2HE

- 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 Mr and Mrs Myles Nicholson against the decision of Harrogate Borough Council.
- The application ref 15/04475/COU, dated 2 October 2015, was refused by notice dated 10 December 2015.
- The development proposed is for temporary planning consent (three years) for a 1-berth static caravan.

Summary of Decision: The appeal is dismissed.

Preliminary matters

1. For reasons that will become clearer later, I will evaluate Appeal B and C first, and then Appeal A. At the Hearing, the Council as well as Mr and Mrs Nicholson made separate application for costs. These are the subject of separate decisions.

Appeal B and C – The s78 appeals

The appeal site and development

2. The site is located within the Green Belt and Nidderdale Area of Outstanding Natural Beauty (AONB). It is accessible via a track. It extends some 18 hectares. Mr and Mrs Nicholson own 14 ha. It is a working farm and includes a part built agricultural building, which was subject of a prior notification¹. Planning permission for a residential caravan site is sought for a period of three years in connection with a livestock enterprise based on essential agricultural need. They occupy a 4-berth static mobile home. A 1-berth touring caravan is currently occupied by Ms Sally Syms, who assists with the equine-related operations. Both appeals raise identical planning considerations and my assessment will focus on the residential use.

Planning policy

3. The appeal parties refer to Annex A of planning policy statement 7. The National Planning Policy Framework (NPPF) has replaced this document. When preparing their Local Plan, it is for the Council to decide on any detailed policy criteria it considers appropriate to apply to this type of proposal. Relevant to the determination of Appeal B and C are saved policies contained in the Harrogate District Local Plan (LP) adopted 2001 (amended 2004), and Local Development Framework Core Strategy (CS) 2009. Paragraph 215 records that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.
4. There is no specific local planning policy relevant to proposals for permanent or temporary agricultural worker's dwellings. The Council rely on general LP and CS policies. For example, CS policy SG3 that relates to the conservation of the countryside including Green Belt, policy SG4 to settlement growth design and impact, policies EQ1 and EQ2 seek to reduce risks to the environment. These reflect objectives found in LP policies C1, conservation of the Nidderdale AONB, and HD20 design of new development and redevelopment. I find no significant conflict with the NPPF in respect of the Development Plan policies cited in this case and, accordingly, will give them full weight insofar as they are relevant.

Main issues

5. These are:
 - Whether the development amounts to inappropriate development;
 - The effect of the development on the openness of the Green Belt;
 - The effect of the development upon the landscape and scenic beauty of the AONB; and
 - Whether the harm by reason of inappropriateness and any other harm arising from the above issues is clearly outweighed by other considerations including whether there is an essential agricultural need for residential accommodation and, if so, whether there exist very special circumstances that justify the granting of planning permission.

¹ Council ref: 15/03711/PNA, erection of agricultural building, determined prior approval not required on 6 October 2015.

Reasons

Inappropriateness

6. Mr and Mrs Nicholson claim that the stationing of a mobile home and touring caravan for primary residential use is not regarded as inappropriate development inside the Green Belt for planning purposes. They argue that the site's residential use is connection with agriculture. The latter, they contend, is not inappropriate development. I disagree. A change in use of land to residential caravan site does not fall into any type of category of development described in NPPF paragraph 89 and 90 as exceptions. Therefore, the proposals constitute inappropriate development in the Green Belt.

Openness

7. The caravans sit adjacent to a dry-stone wall. Attached to the static caravan is a timber porch and there is an enclosed area that is used for domestic purposes. I consider that the physical presence and location of the caravans and timber porch reduce openness. The change of use introduces all the trappings associated with residential living in this part of the Green Belt for example comings and goings and the display of outdoor furniture. Caravans are moveable structures, but they would be present for a long period and they have a visually urbanising effect. Additionally, the residential use is a form of encroachment into this part of the countryside, and conflicts with one of the purposes of including land in the Green Belt as identified in NPPF paragraph 80.
8. I find that the presence of the caravans combined with the site's residential use erodes considerably the openness of the Green Belt, one of its essential characteristics. This in itself constitutes substantial harm to the Green Belt.

Character and appearance

9. Great weight should be given to conserving landscape and scenic beauty in AONBs. This national policy is echoed in relevant local planning policy cited above. The area in which the site is located falls within the Wharfedale South Facing Valley Side character area in the District Landscape Character Assessment. The locality is characterised by rolling countryside interposed by network of dry-stone walls and tree plantations. Public footpaths traverse the locality and the site is visible from a footpath nearby. There are pockets of built development in the form of a loose scattering of rural dwellings and agricultural buildings; nevertheless, the area is defined by attractive undulating countryside. From higher ground, there is a most beautiful vista of the scenery.
10. The site is not located in or adjacent to an existing settlement and in this countryside location, caravans are not characteristic of the area. The introduction of residential activity coupled with the spread of domestic paraphernalia as well as comings and goings associated with residential living has the potential to cause visual harm to the scenic beauty of the landscape.
11. That said, however, the temporary residential caravans are sited to overlook the agricultural building and fields, and the site is a working farm. The top of the static caravan protrudes above the dry-stone wall, but it is mainly out of sight. The caravans are not intrusive because of their position and location. The development does not have a jarring effect and these structures are perceived as being part of a working farm closely associated with a group of rural buildings. In this setting, the visual impact of the static and touring caravan is modest because of their siting.
12. The siting of the temporary residential caravans does not have a significantly harmful visual effect upon the landscape and scenic beauty of the AONB, given the location of

the site combined with the siting of the caravans. The development does not materially conflict with the purposes of LP policy C1, CS policies SG4 and EQ insofar as they relate to proposals inside the AONB.

Other considerations

13. I turn now to consider other planning matters which, potentially, might be held to weigh in favour of granting planning permission. Principal amongst these is Mr and Mrs Nicholson's claim that the residential accommodation for which planning permission is sought retrospectively would facilitate the establishment of a viable livestock farming and breeding business requiring a constant on-site presence and which could be sustained in the longer term.
14. NPPF paragraph 55 indicates that isolated new homes in the countryside should be avoided. However it identifies a number of special circumstances in which isolated new homes would be justified. One exception is the essential need for a rural worker to live permanently at or near their place of work in the countryside. In this particular location, relevant local and national planning policies would not be satisfied unless a special justification for the residential use can be shown. The evidence needs to show that there is an essential need for a rural worker to live permanently at or near their place of work. Given that the main thrust of the NPPF is to achieve sustainable development, it is reasonable to consider the functional need and financial viability of the rural enterprise. Otherwise, the planning system would potentially be open to abuse, because a rural business may be financially unsustainable yet establish a functional need for a rural worker to live permanently at or near their place of work.
15. Mr and Mrs Nicholson together with a specialist groom, Ms Sally Syms, occupied and tenanted an agricultural holding in Bedale. In May 2015 that land was abruptly sold due to liquidation. The appellants were required to leave the property at short notice, and livestock moved to other farms. At the time, the enterprise comprised 20 cows, 40 sheep and 26 horses. I concur with the Council the appellants have extensive background knowledge and experience in farming. They have the ability and skill to develop a new livestock breeding enterprise.
16. Mr and Mrs Nicholson acquired the site in July 2015. The aim is to establish a livestock rearing and breeding enterprise farm. This will comprise cattle, sheep and pigs, grass cropping and fodder production. Complementary income stream from sale of horses is anticipated. Fences and dry-stone walls have been repaired. I consider that the holding is substantial and acquisition of a further 100 acres in 2017 and 2018 would allow the enterprise to expand.
17. At the time of the Hearing, there were 10 calves, 20 sheep, 14 horses and array of farm machinery. Nevertheless, the intention is to expand animals by acquiring 20 suckler cows. Continental cross breed and Aberdeen Angus will be kept and year round calving will be introduced. Calves will remain on the holding until 12 months old and sold as store cattle or kept for finishing. Mr and Mrs Nicholson intend to purchase 15 calves at 8 weeks old in April each year from a neighbouring farmer and these will be intensively reared in the building throughout the months the suckler cowherd is grazing the land. The calves will be sold as store cattle to allow winter storage of the cows. In addition, there would be 40 breeding ewes plus tups. The flock will comprise woodland ewes crossed with a texel tup. Spring lambing will be introduced by year 2. The lambs will remain on the holding until they are 6–9 months when they will be sold as prime lambs. Any home produced ewe lambs will be retained within the heard for breeding. The sheep will graze the land throughout the year.

18. Grass will be managed to produce hay and haylage for use on the farm and sale. Some 18 acres of low-lying land is not as productive as it could be and a firm, WE Jameson and Sons Ltd, were commissioned to carry out a soil survey. The company analysed samples and discovered problems with soil structure. The recommendation is to introduce fertiliser to this area and organic fertiliser from pigs or chickens. Mr and Mrs Nicholson intend to start a pig rearing business by keeping these animals at Wood Hill on a commercial basis. It is contended that 160 pigs in year 2 will be brought to the site and a further 160 taken on every 10 weeks as and when the agricultural building is ready, though an additional livestock premises might be required.
19. There was much debate about the labour requirement for the enterprise given current level of livestock. Based on information contained in the industry-recognised reference book *John Nix's Farm Management Pocketbook*, the Council's view is that the enterprise has a labour requirement of just 0.5. Mr and Mrs Nicholson's business plan suggests that, assuming 275 standard man days of eight hours; the labour requirement for the proposed business will be 1.00 labour units in year 1, 1.93 and 2.88 in year 2 and 3 respectively using data from *Agro Business Consultants Agricultural Budgeting and Costings* May 2015².
20. The recent change in appellants' circumstances meant most of the livestock has gone to other farms but animals will come to Wood Hill once it is secure. The erection of stock proof barriers has taken some time. Natural England funds some of the dry-stone repair work, which the appellants do themselves. This is required to secure the land before further livestock arrives. In addition, Mr and Mrs Nicholson have put up a new agricultural building. This is a plausible explanation as to why progress has been slow.
21. It should also be borne in mind that the aim is to establish a new agricultural business rather than to expand an existing enterprise. Provided Mr and Mrs Nicholson follow their own business plan, which has been revised to take account of the pig-rearing element, the number of livestock is likely to increase greatly in years 2 and 3, thus generating a need for at least one full-time person. I consider that an experienced stockman would be required to be on hand day or night for the proper functioning of the enterprise, because of the level and scale of the projected livestock.
22. Temporary residential accommodation is principally justified on animal welfare and security grounds given the relatively isolated location. Because of the nature and scale of the breeding and rearing operations, essential care would be required at short notice especially during birthing. Although the latter could be seasonally planned, in this particular location, a residential presence would assist in dealing quickly with the outbreak of disease, other emergencies and security matters. Complications with breeding and rearing may require preventative and pre-emptive intervention at various times of the day or night, especially outside normal working hours, to prevent the failure of this new rural enterprise.
23. The site is accessed via a rural road network and is remote from nearby settlements. Mr and Mrs Nicholson's unchallenged evidence is that there have been security breaches. Although the protection of livestock from theft or injury by intruders carries some weight in support of a temporary agricultural dwelling, these reasons alone would be insufficient. Nevertheless, given the specific undisputed evidence about damage to fences on the holding, a 24-hour residential presence would assist in securing the site from potential intruders.

² Although the appraisal was produced some time ago, year 1 is April 2016 to March 2017, year 2 is April 2017 to March 2018, and year 3 April 2018 to March 2019.

24. Electronic monitoring and surveillance equipment could be considered as an alternative to living on the site, but the animals kept on the holding will tend to spend most of their time outdoors. In my view, covering some 18 ha of land with a closed-circuit television system is likely to be challenging, impractical and very costly let alone the potential visual impact of the associated mounting columns. Electronic warning systems have their place, but in this particular location such a solution is likely to be less effective given the size and rural nature of the site.
25. On the available evidence, I consider that the type and extent of operations generates a need for at least one full-time person to run and manage the enterprise. The extent and scale of activities generate a functional need for at least one full-time worker to be on hand day and night. Currently, Mr Nicholson fulfils this role although his wife would provide additional support when activities generate administrative tasks. The evidence presented does not show the scale of the operations generates a need for two full-time rural workers.
26. Turning to alternative accommodation, there is no existing dwelling on the unit to meet the identified functional need. There is no evidence to make less than credible the claim that there is no affordable suitable alternative accommodation available nearby. On the basis of the available evidence, there is a clear functional need which cannot be fulfilled by another existing dwelling on the unit or any other existing accommodation in the area which is suitable and available for occupation by the worker concerned.
27. Turning to viability the Council say audited accounts of the previous farm business have not been presented, but a new enterprise is being established. Projections have been provided and the business plan appears realistic. Should the enterprise progress according to plan, it will be down to Mr and Mrs Nicholson to produce documentary evidence to support any application for a permanent agricultural dwelling in the future.
28. The assumptions about livestock prices, estimated type and fixed costs associated with a breeding enterprise of this kind are unchallenged. There was debate about change in operating costs due to the proposed pig-rearing element of the livestock enterprise. This creates the need for an additional agricultural building to accommodate livestock numbers.
29. I am aware that Mr and Mrs Nicholson's own funds support the establishment of the enterprise. This includes the sale of horses, though sale from the breeding and rearing of animals at the farm is anticipated in years 2 and 3. The forecast is that income for years 2 and 3 would be £43,460 and £48,320 respectively.
30. There is broad agreement about the estimated type and fixed costs associated with the breeding enterprise. A reasonable return would be expected given the investments made. The agricultural experts agree return should be sufficient to cover rental value of the land, and minimum agricultural worker's wage should be included, capital (2.5%) and financing the construction of the agricultural building and the price of the temporary dwelling. Having regard to all of these factors, the business plan indicates the net profit/loss is as follows: -£18,764 for 2017 (year 1), £5,996 profit in 2018 (year 2), and £12,856 in 2019 (year 3). By significantly increasing the pig rearing element projected net profit in year 3 is £32,856. But there is a need for an additional livestock building because the existing structure would be full. Should this option be pursued, income and expenditure could be affected resulting in net profit of £13,176 in year 3.
31. This shows that in year 1 net profit would be insubstantial and suggests the business would be operating at loss. There would be little financial return but this is understandable, because a new livestock enterprise with intensive pig rearing element

is established. Prospects would significantly improve in years 2 and 3. The prediction is that reasonable and sufficient taxable profits would be generated by the rural enterprise to provide a reasonable return. If the modified business plan projections are adhered to, it seems to me that the enterprise is likely to be viable in the medium to long term.

32. Provided performance of the breeding stock follows reasonably normal and natural patterns, the scale of the enterprise has a good prospect of succeeding in the longer term. On the particular circumstances of this case, in my opinion the evidence presented indicates that a limited trial period ought to be granted so that Mr and Mrs Nicholson can demonstrate viability of this rural enterprise; there is no significant risk that it would cease in the very near future. Clear evidence has now been presented, to my satisfaction, which shows that the breeding enterprise has been planned on a sound, realistic and justified financial basis.
33. I have taken into account Ms Sally Syms' personal circumstances. She is aged 70 and has a medical condition. She is not dependant on the appellants but she has lived with them for a significant period. She would potentially be made homeless should the enforcement notice be upheld. I am afraid that the evidence presented does not show an essential need for two full-time rural workers to be on hand day and night. This is because of the nature and scale of the operations. Furthermore, I consider that the viability of the enterprise would be at risk if it were supporting to agricultural workers.
34. Mr and Mrs Nicholson including best interest of their children, and Ms Syms' rights under Article 8 of the European Convention on Human Rights (ECHR)³ must be taken into consideration. This includes not only respect for their home but also their private and family life. The refusal of planning permission could result in the site's entire occupiers evicted. Interference with their home, private and family life is therefore serious, but must be balanced against the wider public interest in pursuing the legitimate aims stated in Article 8. In this location, the inappropriate nature of the development represents a grave land-use objection. There is a need for restrictive policies to be applied to such areas and this restriction is an appropriate proportional response to that need.

Analysis

35. Substantial weight is given to the inappropriate nature of the development in the Green Belt and harm to openness caused by the residential caravan site facilitated by the static and touring caravan. The proposals conflict with at least one purpose of designating land inside the Green Belt, which is a serious planning objection. There is conflict with Green Belt protection policies in the CS and LP cited above.
36. The site is located in the AONB. However, my finding is that the siting of the caravans has a modest visual effect on the landscape and scenic beauty.
37. On the other side of the scales, there is an essential need for one full-time rural worker to live at the site. I have found that the livestock breeding and rearing enterprise would be sustainable and viable. A trial period of 3 years is justified subject to the imposition of suitably worded conditions to which I shall come to later. Temporary planning permission would give Mr and Mrs Nicholson residential accommodation while proving the viability of their new farm enterprise. I am satisfied that this would be a proportionate approach to the legitimate aim of protecting the environment, and it would have no greater impact on the appellants than would be necessary to address

³ The ECHR protections have been codified into UK law by the Human Rights Act 1998.

the wider public interest. To this finding, I attach very substantial weight. Accordingly, the Appeal B proposal would comply with the main aims and objectives of local and national planning policy cited elsewhere.

38. On balance, I find that the other considerations advanced in support of Appeal B clearly outweigh the harm that I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development in Appeal B only.
39. I am afraid that the evidence presented does not show, to my satisfaction, functional need for two rural workers because of the scale of the operations. My decision will have an impact on Ms Syms because the touring caravan would need to be removed; she would need to leave the site. However, the harm caused by the touring caravan to the Green Belt is such that dismissal is a necessary and proportionate response. I do not consider that the other considerations advanced above, whether taken individually or collectively, justify the presence of the touring caravan. There are no very special circumstances in respect of Appeal C development.

Conditions

40. I have considered suggested conditions in the light of advice contained in the National Planning Practice Guidance. The development is retrospective and a commencement condition is therefore not necessary.
41. There is a proven essential need for one rural worker to live permanently at this site. Planning permission is granted for a temporary period of 3 years to facilitate this residential use, because of the identified agricultural need and to demonstrate viability. It is necessary to impose a time limit condition. A suitably worded stipulation would enable the local planning authority to maintain control over the development, which is temporary in character and reassess the agricultural need for the caravan. Furthermore, a restoration scheme should be required. This satisfactorily addresses the Parish Council's concerns about the need to demonstrate viability in the future.
42. To avoid any doubt, it is necessary to stipulate only one mobile home is allowed. Given the location of the site, a condition stating that the caravan shall only be occupied by a person(s) solely or mainly or last working in agriculture, which is defined in s336(1) of the 1990 Act as amended, is required.
43. Layout drawing of a 4-berth static caravan has been submitted but it is unclear because the timber porch is not shown. There is a trailer used to store agricultural material, but it is not identified in any plan. Mr and Mrs Nicholson prefer not to carry out soft landscaping given the temporary nature of the permission. Nonetheless in the interests of assimilating and screening the caravan into the wider landscape, a scheme would need to be submitted to the Council. It is reasonable to require management and maintenance details. Given the rural location of the site, details of external lighting should also be submitted for approval. The appellants accept a retrospective type condition with strict timescales, which should ensure the details are submitted, given that the caravan is already on site.

Appeal A – The s.174 appeal

44. Before I determine this appeal, there are a few matters relating to the wording of the issued notice, which I raised with the appeal parties. The address, in section 2, is incorrect. The site is however clearly identified in the notice and site plan.

Reference to the word *unauthorised*, in section 3, is superfluous because it clearly alleges a breach of planning control. There is a static and touring caravan stationed in

use for human habitation, but the former has a timber porch. It is apparent to me that the notice should describe the alleged breach as follows: *Without planning permission, the material change of use of the land from agriculture to agriculture and residential caravan site facilitated by the stationing of a static and touring caravan and the construction of a timber porch*. Consistency ensues by correcting the requirements to cessation of the residential use and removal of a static and touring caravan and timber porch.

45. Mr Nicholson confirms the issued notice caused no confusion as it clearly refers to the residential occupation of caravans. The intended correction causes no injustice to any party. I shall therefore correct the notice.

Ground (f)

46. Mr Nicholson needs to show that the steps specified in the corrected notice exceed what is necessary to remedy the breach of planning control or, as the case may be, any injury to amenity caused by the breach. Clearly, the stationing of caravans facilitates the residential caravan site. The requirement to cease the unauthorised use and remove the static and touring caravan is consistent with the corrected allegation. Failure to specify that requirement would not satisfy the notice's purpose, which is to remedy the breach of planning control by restoration. Mr Nicholson could bring back a caravan for use ancillary or incidental to agriculture, but that type of activity would be materially different to the unauthorised use. I find that the steps required to comply with the corrected notice are not excessive. Therefore, ground (f) fails.

Ground (g)

47. It is necessary to consider whether or not a compliance period falls short of what should reasonably be allowed. Initially, this ground was pleaded on the basis that the appeal process would take more than six months to complete⁴. The notice is held in abeyance until the outcome of the appeal.
48. It is unlikely suitable alternative accommodation would be found in six months' time for Ms Syms, given her particular medical needs and the potential involvement of local agencies. Extending the period of compliance would not undermine the urgency of seeking an alternative site, yet it would assist in finding suitable accommodation for Ms Syms without adding undue pressure on this new farm.
49. Therefore, I consider 12 months would be a reasonable period to allow sufficient time for Ms Syms to find alternative accommodation and comply with the notice's terms by removing the touring caravan from the land. This is a proportionate response. This period would strike a fair balance between the competing interests of the wider public and individuals involved in this case. I am content that there would be no violation of the rights of the individuals involved, especially Ms Syms, under Article 8 of the Human Rights Act. Ground (g) succeeds to this extent.

Overall conclusions – Appeals A, B and C

50. Having regard to all other matters, I conclude that Appeal A fails. The notice will remain extant as corrected and varied. To the extent that the planning permission granted by virtue of the s78 (Appeal A) is inconsistent with the terms of the notice, s180 of the Act⁵ will ensure that the former prevails.

⁴ Email communication dated 22 April 2016.

⁵ Where a planning permission is subsequently granted for the same development, or for some part of it, the permission overrides the Notice to the extent that its requirements are inconsistent with the planning permission, but the Notice does not cease to have effect altogether.

51. In Appeal B, I conclude that this s.78 appeal should be allowed for a limited period of three years.

52. In Appeal C, I conclude that this s.78 appeal should be dismissed.

Formal decisions

Appeal A Ref: APP/E2734/C/16/3147091

53. The enforcement notice is corrected by:

- 1) Substitution of the address stated in the enforcement notice header to the following:

Wood Hill Farm, Wood Hill Lane, Clifton, Otley LS21 2HE.

- 2) Deletion of all text in section 3, the matters which appear to constitute the breach of planning control, and the substitution therefor by the following:

Without planning permission, the material change of use of the land from agriculture to agriculture and residential caravan site facilitated by the stationing of a static and touring caravan and the construction of a timber porch.

- 3) Deletion of all text in section 5, what you are required to do, and the substitution therefore by the following requirements:

Cease the use of the land as a residential caravan site and remove the static and touring caravans and the timber porch from the land.

54. It is directed that the enforcement notice be varied by the deletion of the digit '6' in section 5, what you are required to do – time for compliance, and the substitution therefor by the figure '12'.

55. Subject to the corrections and a variation above, the Appeal is dismissed and the enforcement notice is upheld.

Appeal B Ref: APP/E2734/W/16/3147110

56. The appeal is allowed and planning permission is granted for temporary planning consent (three years) for a 4-berth static caravan to facilitate residential caravan site at Wood Hill Farm, Wood Hill Lane, Clifton, Otley LS21 2HE in accordance with the terms of the application, ref 15/04471/COU, dated 2 October 2015 and the plans submitted with it, subject to the following conditions:

- 1) The permission for residential use of the land facilitated by the stationing of a caravan hereby permitted shall be for a limited period being the period of 3 years from the date of this decision. The use hereby permitted shall be discontinued and the land restored to its former condition on or before the expiry of three years from the date of this decision, in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.
- 2) There shall be no more than one caravan (as defined by the Caravan Sites and Control of Development Act 1960 as amended and the Caravan Sites Act 1968 as amended) stationed at any time on the land. The caravan and timber porch hereby permitted shall be occupied together as a single unit of accommodation.
- 3) The occupation of the caravan hereby permitted shall be limited to a person or persons solely or mainly, or last working in agriculture (as defined in section 336

of the Town and Country Planning Act 1990 (as amended), in the locality or to the spouse, widow or widower of such a person and to any resident dependents.

- 4) The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within six months of the date of failure to meet any one of the requirements set out in i) to iv) below:
- i) Within 3 months of the date of this decision a scheme for site layout including full details of hard and soft landscaping works including planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate, existing trees and hedgerows to be retained, external lighting, and the siting and location of the 4-berth static caravan, timber porch entrance and agricultural implement trailer shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 5) All the soft and hard landscaping details and management schemes and timetables approved pursuant to condition (4) shall subsequently be adhered to in the approved manner at all times. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Appeal C Ref: APP/E2734/W/16/3147113

57. The appeal is dismissed.

A U Ghafoor

Inspector

APPEARANCES

FOR THE APPELLANT:

Garry Lupton	Garry Lupton Associates
Myles Nicholson	Appellant
Sarah Nicholson	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

James Cullen	Principal Planning Enforcement Officer, Harrogate Borough Council
Mark Danforth	Senior Planner, Harrogate Borough Council

INTERESTED PERSONS:

Mr H Meggitt	Newall with Clifton parish Council
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DOCUMENTS HANDED IN AT THE HEARING

- 1 Public footpath location plan – handed by the Council on day 1
- 2 Agricultural appraisal update by Mr Garry Lupton on day 1
- 3 Financial appraisal update by Mr Nicholson.

Annex to Appeal A ref APP/E2734/C/16/3147097

The breach of planning control alleged:

Without planning permission, the unauthorised material change of use of the land to a mixed use for:

- (a) Agriculture
- (b) The stationing and residential occupation of 1 touring caravan as indicated approximately on the plan attached to the enforcement notice and
- (c) The stationing and residential occupation of 1 static caravan as indicated approximately on the plan attached to the enforcement notice.

The steps required to comply with the enforcement notice are:

- (1) Cease the residential occupation of the touring caravan.
- (2) Cease the residential occupation of the static caravan.
- (3) Remove from the land the touring caravan.
- (4) Remove from the land the static caravan.

The period for compliance

Six months.

End.