



Appeal Decision

Hearing (Virtual) Held on 14 September 2021

Site Visit made on 15 September 2021

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 November 2021

Appeal Ref: APP/E2734/W/21/3273411

The Secret Garden, Studley Road, Ripon HG4 2QR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs P and V Ramshaw against the decision of Harrogate Borough Council.
 - The application Ref 20/04387/FUL, dated 20 October 2020, was refused by notice dated 17 February 2021.
 - The development proposed was originally described as 'full application for a temporary essential workers dwelling and the siting of 3x camping pitches.'
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Decision

1. The appeal is allowed and planning permission is granted for a temporary essential workers dwelling; toileting and washing facilities and the siting of 3x camping pitches, at The Secret Garden, Studley Road, Ripon HG4 2QR in accordance with the terms of the application, Ref 20/04387/FUL, dated 20 October 2020, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. Since determination of the application, the revised National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have had the opportunity during the appeal process to comment on the relevance to their respective cases of this revision to national policy.
3. The description of development was amended during the course of the application to include consideration of a toilet/shower block already constructed on site. I have considered the appeal on the basis of this revised description.

Main Issues

4. The main issues are:
 - whether the rural enterprise provides justification for the proposed dwelling in this location having regard to the approach of local and national policy to residential development in the countryside;
 - whether the dwelling would be suitably located to access local services and facilities;
 - whether the proposal would represent a suitable location for tourism accommodation;
 - the effect of the proposal on the landscape character of the area, and;
 - whether the proposal would be acceptable in respect of flood risk.

Reasons

Justification for proposed dwelling

5. The Secret Garden is a horticultural nursery located to the western side of Ripon on Studley Road. The site is relatively long and narrow, just over half a hectare in area, lying in an east-west direction and accessed by a single track lane. The northern side of the site is defined by the River Laver and an established band of trees which populate the riverbank. To the southern side is a managed hedgerow, with an open agricultural field and Studley Road beyond.
6. The site at present contains a large area of flower beds to the centre, two polytunnels and a number of smaller structures along the southern boundary, including a timber shower/WC building, timber machinery shed and two metal shipping containers, one converted to provide internal working space and storage. A large static caravan was located to the western end of the site, whilst a smaller Airstream caravan sat behind the polytunnels. The proposal seeks to locate a temporary dwelling on the site, in the area where the static caravan presently sits. The dwelling would comprise a single storey building in a log cabin style, with a low pitched roof. It would stand on a series of low footings which would raise it off the ground level.
7. The appellants have operated a horticultural business from the site for over four years. I was told that the site had been in a poor condition when acquired by the appellants, having been used previously as a builder's yard. The appellants have since developed the horticultural business, with a focus on producing decorative cut flowers for bouquets and events such as weddings.
8. The appellants seek a temporary dwelling on the site, arguing that there is a functional need for a full-time worker. The site lies outside of the development limit for Ripon and in the countryside for planning purposes. Policy HS9 of the Harrogate District Local Plan (March 2020) (the HDLP) states that new isolated dwellings in the countryside intended for occupation by rural workers will not be permitted unless it can be shown that there is an essential need for a rural worker to live permanently at or near their place of work within the countryside. This reflects the approach of the Framework. The policy sets five criteria to be met.
9. The Council accepts that the appellant's evidence shows there to be a sufficient work for a full-time worker. Indeed, the appellants calculate there is work equivalent to 1.9 full-time man hours on the site. I was told that Mrs Ramshaw undertakes the majority of the horticultural work, with Mr Ramshaw assisting with general maintenance and grass cutting. The functional need, it was stated, arises for a number of reasons, including the need to water and harvest flowers early in the morning and late at night; the need to be on site to address sudden changes in weather or temperature, such as sharp frosts, which could be fatal to the fragile flower crop and irretrievable; late night working to fulfil orders for weddings; supervision of plants in polytunnels and repair of polytunnels which are prone to damage in high winds. Pest control, site security and the desire to avoid lone working on the site are also advanced as reasons in support of the appellants' case. During the busiest periods of the year, I was told the working day may last from 0400 hours to 2200 hours, exclusive of travel time.

10. The Council did not dispute the fragility of the flower crop or the need to water at certain times, but questioned whether automated systems could be used for this purpose. It also queried whether pre-emptive action could be taken to address the risk from frost, and whether CCTV could be used for site security. It also pointed to the fact that many jobs require unsociable hours or lone working, but do not require a dwelling on the site. In response, I was told that whilst an automated system exists for the polytunnels, it would be impractical and too expensive to use outdoors given the extent of the flower beds and their dense arrangement. The diverse range of flowers grown have different requirements in terms of watering which could not be accommodated by an automated system more suited to a single, uniform crop. The appellants also advised that CCTV was not practical for security as the site could still be accessed over the gate or by the river. The appellants reside some 3 miles away at a property to the south of Ripon, and I was told that bad weather has prevented the appellants reaching the site in time to secure the crop, and pre-emptive action would be futile if damage is subsequently done before someone can reach the site.
11. Having regard to the evidence put to me at the Hearing, I am satisfied that the appellants are genuine in their description of the requirements of the business and the reasons why alternative approaches suggested by the Council would be insufficient. The small scale of the business means that it is less resilient than a larger operation and a ruined crop would result in significant financial loss for the appellants which would likely be unrecoverable in the same growing season. It is also evident that the volume and hours of work justify a full-time worker presence on the site. I also place weight on the secluded location and risk to a lone worker, particularly late at night. Therefore, I find that the proposal satisfies criteria A and B of Policy HS9.
12. Criterion C requires it to be demonstrated that the unit and the rural employment activity concerned have been established for at least three years, have been financially sound for at least one of them, are currently financially sound, and have a clear prospect of remaining so. I am not presented with a full set of accounts, but the figures provided show a low but steadily increasing profit over the first four years from £1,000 to just over £8,000 in 2020, a year in which Covid-19 restricted sales. It is evident that the business has been run on a subsistence basis, with all profits to date recycled back in the business to fund additional equipment and stock. Clearly, the business is not profitable enough at present to pay the wages of a full-time worker. However, the appellants have persisted for over four years in developing the business from scratch and have managed to create a sizeable and well-functioning operation which, if it continues on the same trajectory, would be capable of reaching long term financial viability. My impression of the appellants is that they are determined to continue with the slow but steady progression already made.
13. It is relevant that Policy HS9 sets out that if a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should for the first three years be provided by a temporary dwelling unless exceptional circumstances can be demonstrated. In 2017, the Council refused permission for a permanent dwelling on the site. The appellants accepted that the previous application was ambitious for a fledgling business. Hence, the appellants have sought a temporary permission to enable them to produce more detailed accounts as the business establishes itself. Compared to a new enterprise which would rely on predicted profits to justify a

temporary dwelling, the appellants' business has already shown itself to be resilient through the Covid-19 pandemic, capable of turning a small but gradually increasing profit and is likely to endure. Consequently, the provision of a temporary dwelling for a period of three years would appear appropriate in this case, at the end of which period the Council would be able to review the longer term viability of the enterprise. Therefore, I am satisfied that the proposal is capable of meeting the requirements of criterion C.

14. Criterion D requires it to be demonstrated that the need could not 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 workers concerned. I was presented with a limited number of properties listed for sale on property websites. However, having established that a functional need exists on the site, it follows that a property located off-site would be no better in terms of addressing this need than the appellants' existing dwelling. Moreover, the dwellings given as examples would have substantial monthly mortgage or rental costs running at least into the hundreds of pounds. Given the low financial level that the business is presently operating at, it would not be realistic that it could fund such costs and also generate sufficient funds to invest in the business or pay wages. Therefore, I am satisfied that the need in this case could not be met by alternative accommodation.
15. I have had regard to a number of appeal decisions put to me by both parties. There are similarities in that some relate to horticultural enterprises, but also differences in terms of the particular location and scale of the operations. Moreover, the nature of such appeals means that Inspectors will be presented with site specific evidence, in particular financial details, which will differ in each case. Consequently, I do not regard these other decisions as determinative, and I have considered this appeal on its own merits..
16. The final criterion of Policy HS9 requires general compliance with other policies of the development plan, which I address below. However, for the reasons set out, I conclude that the specific considerations in this case justify the provision of a temporary dwelling on the site to address an established need for a full-time rural worker, in accordance with Policy HS9 of the HDLP and the related provisions of the Framework.

Location for proposed dwelling

17. Although located in the countryside for the purposes of the HDLP, the appeal site is only a short distance from the development limit for Ripon and there is visible industrial development to the west and dwellings to the south on Studley Road. There are also a number of dwellings visible from the site entrance to the north-east which fall within the development limit. I recognise that the proposed dwelling would be set to the rear of the site and separated from the nearest residential dwellings by the river and agricultural fields. However, it is still proximate to the main built-up area of the city and therefore I am not persuaded that the site is 'isolated' as per the meaning of the Framework, which the courts have held means physical isolation.
18. In terms of accessibility, the centre of Ripon could be reached on foot within around 15 minutes, or by bicycle in 5 minutes. The route is generally flat with a footpath along the entire length and street lighting along all but the short section from the site entrance to the roundabout immediately to the north. I was also told that parking stress in Ripon means walking can be as quick and

preferable to car use. There are also buses running along Studley Road, though these offer limited services, one a circular route around Ripon and others going as far as York. In plain terms, the site is accessible to the many services in Ripon by means other than the private car. Indeed, it is closer to the centre than other outlying parts of the city that fall within the development limit.

19. Moreover, it was stated that the appellants may make as many as six two-way trips to the site during the day from their home. The provision of a dwelling on the site would therefore remove the need for these journeys and would have a small, but positive, effect in terms of reducing reliance on private car use.
20. Therefore, I am satisfied that the proposed dwelling would be suitably located to access local services and facilities. No conflict would arise with the overall aims of the settlement strategy of the HDLP as expressed through Policies GS2 and GS3 which seek to focus growth within the District's main settlements, including Ripon, and resist proposals outside of development limits unless permitted by other policies in the plan, such as Policy HS9.

Location for tourism

21. Alongside the horticultural use, the appellants seek to establish three camping pitches on the land. At the Hearing, I was told that one of the pitches would be occupied by the existing Airstream caravan, with the others occupied by large conical tepees. The pitches would be located to the northern side of the site, close to the riverbank and amid the horticultural facilities. I was told that the intention was to attract like-minded visitors with an interest in horticulture and the natural environment, with stays combined with workshops and other activities related to the use of the site.
22. The Council cited conflict with Policies EC4 and EC7 of the HDLP. The former relates to farm diversification proposals. These are defined in the HDLP as when a farm branches out from traditional farming by adding new money making activities. However, the horticultural use of the site, though defined as agriculture under the Act, does not fit squarely with the definition of 'traditional farming' for the purposes of applying Policy EC4, a point the Council conceded at the Hearing. The nature of the policy's criteria, such as requiring re-use of existing buildings where possible, and that the proposal forms part of a comprehensive diversification scheme, further leads me to the view that the policy is intended to apply to larger, established farm holdings and not small scale operations such as the appellant's business which are still in their infancy. Accordingly, I find Policy EC4 to have limited relevance to the appeal scheme.
23. Policy EC7 relating to sustainable rural tourism is applicable to the proposal and sets several criteria to be met. The first is that the site requires a rural location and cannot be accommodated elsewhere. The appellants point out that no other land is available to them, and that locating elsewhere would not allow proper management of the camping facilities. This aside, the Council's position that the campsite does not necessarily require a rural location is somewhat at odds with reality, as campsites tend, by and large, to be located outside of built-up areas, given their attraction inherently lies in factors such as a quiet environment, proximity to nature and countryside views. As such, I find the nature of the proposal, in and of itself, justifies a rural location.
24. Criteria B relates to the effect on the visual impact of the proposals which I address below, whilst the Council accepted that there would be no adverse

effect on the living conditions of neighbouring occupants, per criterion C. As there are no suitable existing buildings on the site, criterion D is not relevant.

25. The proposal, despite its small scale, would add to the range and quality of attractions and visitor accommodation in the area in accordance with criterion E, and would generate economic activity which would support the local economy and help sustain local services, consistent with criterion F.
26. I have already found that the proposed temporary dwelling would be accessible to local services, and it follows that the camping facilities on the same site would be similarly accessible. Indeed, holidaymakers are more likely to choose walking and cycling for recreational purposes when visiting the area. As a result, and given the small scale of the proposal, it would not generate significant levels of traffic and would not lead to an adverse effect on the operation of the highway network, in accordance with criterion G.
27. Subject to matters of visual impact, I am satisfied that the proposal represents suitable location for tourism accommodation and accords with the relevant criteria of Policy EC7 of the HDLP. The proposal would also accord with the Framework which supports the sustainable growth and expansion of all types of business in rural areas, including sustainable rural tourism.

Effect on Landscape Character

28. The appeal site lies to the outskirts of Ripon as the landscape transitions from urban to rural. Consequently, elements of both are visible in the surroundings of the appeal site, including housing to the north-east and an area of industrial development to the west, alongside open agricultural fields, hedgerows and the extensive treeline along the river. The Council describes the appeal site a 'open meadow land' but I find this somewhat inaccurate, given the numerous structures present on the land and that the flower growth on the site is commercial rather than natural.
29. The surroundings are indicated to fall within a Special Landscape Area (SLA), the focus of which is the path of the River Laver, surrounded by small valley-floor pastures, mature tree belts, hedgerows and dense riverside vegetation. Despite the development which has taken place, the appeal site retains these characteristics to a large extent and is a positive feature of the SLA. The height and density of the boundary hedgerow concealing most of the structures from view from the south, apart from the tops of the polytunnels. The length of the access road also means there is no visibility of structures from the site entrance. I walked to the northern side of the river along the public footpath and saw that the dense vegetation around the river acts as a heavy filter which conceals structures on site from view. Consequently, the extent of activity and development on the site is not readily apparent from outside its boundaries, and it has a limited effect on the character of the landscape as a result.
30. The single storey cabin would be a modest, low level structure that would sit below the height of the boundary hedgerow and would be concealed from view. Even in winter when the screening provided by the hedgerow would be reduced, the log cabin design would not appear out of place in this semi-rural environment. Similarly, the caravan and tepees would be concealed by the dense boundary foliage to the northern side and would have little presence in views from the public footpath on the opposite bank of the river, whilst they would be screened from the south by the hedgerow and polytunnels. The

application description also includes the toilet/shower block already installed, and which it is indicated has been in situ for a period in excess of four years which would render it immune from enforcement action. Nonetheless, it is a modest structure not visible from outside the site, and therefore its retention would not be harmful to the surrounding landscape character.

31. Consequently, I find that the proposals would have limited visual impact and would not detract from the identified characteristics of the SLA. The proposal would therefore preserve the landscape character and appearance of the area. No conflict therefore arises with Policy NE4 of the HDLP which requires that developments protect, enhance or restore the landscape character of Harrogate district for its own intrinsic beauty and for its benefit to the economic, environmental and social well-being of the district. Nor would there be conflict with the aims of the Framework to protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside.
32. My findings on this issue mean there would be overall compliance with Policies HS9 and EC7 in respect of the suitability of location for both the temporary dwelling and the tourism accommodation.

Flood Risk

33. Most of the site is located within Flood Zone (FZ) 2, with a small area to the centre in FZ1 and most of the access drive in FZ3. The Framework and the Planning Practice Guidance (PPG) require a sequential, risk based approach to the location of development in terms of flood risk. The Framework indicates that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. It also indicates that a sequential approach should be used in areas known to be at risk from any form of flooding. The PPG states that for the purposes of applying the Framework the 'areas at risk of flooding' are principally land within FZ2 and FZ3.
34. The PPG advises that, in applying the Sequential Test, the aim is to steer new development to FZ1, these being areas with a low probability of flooding. Only where there are no reasonably available sites in FZ1 should reasonably available sites in FZ2 be considered. If the Sequential Test demonstrates that it is not possible for development to be located in zones with a lower risk of flooding the Exception Test may have to be applied. The PPG adds that when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken, such as where expansion of business premises is proposed it might be impractical to suggest that there are more suitable alternative locations for the development elsewhere.
35. Both the proposed dwelling and the camping pitches would be located in FZ2. The appellant argues that the limited area of the site in FZ1 could not accommodate development as it forms part of the flower growing area and would not be practical from a business standpoint. Based on my site visit, I agree that locating the dwelling here would significantly reduce the growing area for the horticultural use. As such, I am satisfied that no more suitable locations at lower risk of flooding are available within the site.
36. In terms of sites elsewhere, the appellant points to the functional need for the proposed dwelling to be located on the site. Given my findings above on this issue, I agree that locations off-site, even if available, would be impractical to serve the needs of the enterprise. I am satisfied, therefore, that the sequential

test is passed in respect of the dwelling. However, the proposed dwelling is classified as a 'highly vulnerable development' which in FZ2 also requires the Exception Test to be applied.

37. The Exception Test requires the proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reducing flood risk overall. The appellants' Flood Risk Assessment (FRA) indicates that the dwelling is at greatest risk from fluvial flooding from the adjacent river, but that it would be located at sufficiently high ground level to withstand the modelled risk of flooding, including the allowance for climate change. Consequently, I am satisfied that the risk of flooding, in overall terms, is low.
38. The appellants have set out a number of potential benefits associated with the horticultural business, including its economic contribution, social interaction, increasing biodiversity on the site and promoting natural horticultural practices. These are modest, but nevertheless tangible benefits which I am satisfied cumulatively outweigh the flood risk in this case.
39. The appellants' evidence sets out a number of measures to be employed to make the building safe for its lifetime, including raising the floor of the building above the ground level. These measures would be sufficient for the anticipated three year life of the building. Moreover, given the small scale of the proposal, it would not lead to increased flood risk elsewhere. Therefore, the Exception Test is passed in respect of the proposed dwelling.
40. The appellants have not set out other available locations beyond the site for the proposed camping accommodation, and have indicated that they do not have other land available. From the evidence before me, and mindful of the PPG advice on taking a pragmatic approach to the Sequential Test, it is clear that the camping accommodation is intended as an integral part of the appellants' business plans, which would be managed from the proposed dwelling, and a location off-site would not enable this to happen. Moreover, given the small scale of the accommodation proposed, it is very unlikely that another site could be viably acquired for the proposal. The appellants also point out that the caravan and tents are removable from the site during the off-season. Given these considerations, I am satisfied that no sequentially preferable sites are suitable or available for the proposal, and the Sequential Test is passed. As the tourism accommodation is classified as a 'more vulnerable' development, and details of a warning and evacuation plan have been set out in the FRA, it is not necessary to conduct the Exception Test where the proposal is located in FZ2.
41. For these reasons, I conclude that the proposals would be acceptable with respect to flood risk, and no conflict would arise with Policy CC1 of the HDLP, which reflects the aforementioned approach of the Framework to flood risk.

Other Matters

Effect on designated heritage assets

42. The site is located within the Bishopton Conservation Area (BCA), a compact conservation area comprising an enclave of historic village development to the north of Main Street, including several listed buildings, with meadowland to the

south sloping down to the wooded banks of the River Laver. The significance of the BCA stems from the retained rural setting of the village, with key views being those of the meadowland and river woodland from the listed buildings, and of the buildings from Studley Road. The appeal site forms part of the river woodland on the southern side of the river, with no intervisibility between it and the historic core of the BCA. Having regard to my findings above, the extent of development proposed would have limited visual impact and would not demonstrably alter the historic rural setting of the listed buildings or the wider BCA, nor adversely affect any key views into or out of it.

43. The Council also refers to the location of the site adjacent to the buffer zone of the Fountains Abbey and Studley Royal World Heritage Site (WHS). The WHS lies some 1.5 km to the south-west of the appeal site. It is designated for its spectacular 18th century landscape and water garden, integrating the ruins of Fountains Abbey. Studley Royal is considered an outstanding example of 'English' garden style, whilst the abbey ruins date from 1132 and are a scheduled ancient monument. The wider Studley Park is a Grade I asset on Historic England's Register of Parks and Gardens. The buffer zone of the WHS was created to protect the wider visual setting of the WHS, and includes the important vista line from the main deer park avenue east to Ripon Cathedral. The appeal site lies adjacent to, but just outside, the buffer zone north of the vista line. However, given its modest scale and seclusion provided by the perimeter planting on site, the proposal would not intrude in any discernible way with this important vista, or with the wider setting of the WHS.
44. The Council's reasons for refusal do not allege that the proposals would cause harm to the significance of any of these designated heritage assets. For the reasons set out, and having regard to the statutory duties, I am satisfied that the significance of the WHS, BCA and listed buildings would be preserved.

Conditions

45. I have had regard to conditions suggested by the Council. Where necessary, I have amended the wording of the conditions to ensure compliance with the tests for conditions set out in the Framework.
46. Given the acceptability of the dwelling is linked to its temporary nature, it is necessary to impose a condition limiting the duration of the permission to avoid the creation of a permanent dwelling. A standard time limit is suitable for the camping accommodation. To provide certainty, a condition listing the approved plans is also necessary.
47. The acceptability of the dwelling is further dependent on its fulfilling a specific business need. Consequently, it is necessary to limit occupation of the dwelling to those employed in agriculture, to prevent the dwelling being occupied separately on the open market. In a similar vein, it is necessary to restrict the camping accommodation to short term holiday lettings to prevent permanent residential occupation of the site.
48. To protect human health, a condition is required setting out measures to be undertaken in the event that contamination is found on the site during implementation of the development. To mitigate flood risk and drainage issues, it is necessary to secure details of surface water discharge and to require that separate systems of drainage for foul and surface water are employed. It is

also necessary to require development to be carried out in accordance with the submitted Flood Risk Assessment.

49. Conditions are also necessary to ensure the site access is upgraded to the relevant standard specified by the local highway authority, in the interest of highway safety. Details of proposed landscaping and any external lighting scheme are required in the interest of the landscape character of the area. It was agreed at the Hearing that a condition requiring investigations into ground stability was not necessary.

Conclusion

50. For the reasons set out, I conclude that the proposals accord with the development plan, taken as a whole. There are no material considerations that indicate that permission should nevertheless be withheld. Therefore, the appeal should be allowed.

K Savage

INSPECTOR

Schedule of Conditions

- 1) The residential use hereby permitted shall be for a limited period being 3 years from the date of this decision. The building hereby permitted shall be removed and the land restored to its former condition on or before the expiration of this period in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.
- 2) The tourism use hereby permitted shall begin not later than 3 years from the date of this decision.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: PL01 (Site Location Plan); PL05 (Site Plan - As Existing); PL06 Rev A (Site Plan - As Proposed); Teepee Plan & Elevation; PL50 (Junction to Public Highway); Unnumbered Cabin Floorplan (dated 12.1.2016); Unnumbered Cabin Elevations (dated 06.06.2016); Proposed Toiled/Shower Block Plan and Elevations.
- 4) The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
- 5) The tourism accommodation hereby permitted shall be used for short term holiday lettings only. The duration of any stay shall not exceed one month and the operator shall maintain an up to date record of the home addresses of occupiers which shall be made available on request to the local planning authority.
- 6) The development must not be brought into use until the access to the site has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:
 - The crossing of the highway footway must be constructed in accordance with the Standard Detail number E6 and:
 - The final surfacing of any private access within 6 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- 7) A detailed scheme of landscaping, including the planting of trees and or shrubs and the use of surface materials shall be submitted to the Local Planning Authority prior first occupation of the development hereby permitted. The scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, including any earthworks required.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with those details in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 8) The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment and the dwelling shall not be occupied unless and until the proposed flood risk mitigation measures have been implemented in full. These mitigation measure shall thereafter be retained for the lifetime of the development.
- 9) Prior to the installation of any external lighting scheme, details of the proposed lighting shall be provided to the local planning authority for approval. The lighting scheme shall be implemented in accordance with the details approved and maintained as such for the lifetime of the development.
- 10) The site shall be developed with separate systems of drainage for foul and surface water on and off site. In addition, there shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the local planning authority. If discharge to public sewer is proposed, the information shall include , but not be exclusive to:-
 - a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical ;
 - b) evidence of existing positive drainage to public sewer and the current points of connection; and
 - c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.
- 11) In the event that contamination is found at any time when carrying out the development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and approved in writing by the Local Planning Authority.

Where remediation is necessary a remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise approved in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

End of Schedule

APPEARANCES

FOR THE APPELLANTS:

Mr P Ramshaw	Appellant
Mrs V Ramshaw	Appellant
Ms Julie Diamond	Planning Agent, Diamond Planning

FOR THE LOCAL PLANNING AUTHORITY:

Linda Drake	Case Officer
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DOCUMENTS SUBMITTED AT THE HEARING

1. Summary of projected earnings for combined horticultural/tourism enterprise