



Appeal Decision

Hearing held on 3 June 2025

Site visit made on 4 June 2025

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2025

Appeal Ref: APP/U2750/W/25/3362453

Upper Austby, Langbar, Ilkley LS29 0EQ

- 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 H Gray against the decision of North Yorkshire Council.
 - The application Ref is ZC24/03602/FUL.
 - The development proposed is demolition of existing commercial buildings and erection of a bungalow with associated landscaping works.
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Decision

1. The appeal is allowed, and planning permission is granted for demolition of existing commercial buildings and erection of a bungalow with associated landscaping works at Upper Austby, Ilkley LS29 0EQ in accordance with the terms of the application, Ref ZC24/03602/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Applications for costs

2. An application for an award of costs was made by Mr H Gray against North Yorkshire Council. This application will be the subject of a separate decision.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies;
 - the effect of the development on the openness of the Green Belt;
 - the effect of the development on the character and appearance of the Nidderdale National Landscape;
 - whether the appeal site is suitably located in relation to services and facilities;
 - whether the appeal proposal would be inappropriate development of grey belt land; and
 - whether, if the development is inappropriate, any harm by reasons of inappropriateness, and other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. The appeal site forms part of Upper Austby Farm. It is located in the Green Belt. The farm is a clustered group of buildings accessed off the road along a driveway. There are four existing dwellings at the farm which are positioned either side of a long, open ended, hard surfaced courtyard, which also serves as access to a separate dwelling. Existing agricultural and stable buildings are either side of the houses.
5. The appeal site is located between the existing manége and one pair of dwellings. It currently contains a number of storage containers and other units on a hard surfaced yard. The site is enclosed along the access driveway by a well-established hedge.
6. Paragraph 154 of the National Planning Policy Framework (the Framework) sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain criteria. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent partial or complete redevelopment of previously developed land (PDL), which would not cause substantial harm to the openness of the Green Belt. Insofar as it is relevant to the appeal, the Framework defines PDL as land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land. It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed.
7. Policy GS4 of the Harrogate District Local Plan 2014-2035 (the LP) refers to the Framework and that development within the Green Belt would be determined in accordance with National Policy.
8. The Council has granted a certificate of lawfulness on the same area of land as the appeal site for the use of eight containers as a B8 business storage facility. The certificate is unambiguous and precise in that it only permits business use of the eight containers, not the land. The reference to the use as a storage facility, in my judgement, relates to the use of the containers.
9. A number of the containers are fixed to the ground through metal posts. However, these would allow for them to be removed and replaced without having to remove the metal post from the ground. There was no clear evidence of any of the containers being permanently fixed and I saw the areas where the appellant had provided photographs. Some of the containers had electricity and/or water connections though these would also be easily disconnected and reconnected to a new unit. The means of fixing to the ground and the attachment of services would not mean that they are permanent structures. The appeal at Bellman Hanger¹ is materially different as that building was a substantial structure which had been in place since the 1940s and the Inspector observed that it was permanently fixed.
10. Therefore, while the storage containers constitute a lawful development of the site, they are not permanent structures. They would, therefore, not comply with the definition of PDL as set out in Annex 2 of the Framework.

¹ APP/T0355/W/22/3313566

11. There was discussion at the hearing as to whether the land under and around the containers fell within a B8 use. Nevertheless, the use of the land would not alter the fact that the containers are not permanent and, therefore, not PDL. Neither is the site a large area of hard surfacing and it would, therefore, not fall within the definition of PDL.
12. For the above reasons, the proposal would be inappropriate development in the Green Belt when assessed against Policy GS4 of the LP and paragraph 154(g) of the Framework. No other exceptions in the Framework have been highlighted.

Openness

13. The existing containers and other units on the appeal site are all single storey and flat roofed. They are spread across the whole of the appeal site, and I saw that they were prominent in views from the road outside the site and the access driveway, which is also a Public Right of Way (PROW). I also saw that the existing containers are visible from longer distance views from Hardings Lane.
14. Safeguarding the countryside from encroachment is one of the purposes of Green Belt policy, keeping land permanently open is a fundamental aim, and the essential characteristics of Green Belts are their openness and permanence. The concept of openness relates to the lack of development or built form.
15. The existing units, albeit not permanent, have a presence on the appeal site and form part of the existing farm complex. Whilst they could easily be removed, I have no compelling evidence to show that the existing units, or any replacements of a comparable size and appearance, would not remain on the site for some time. They are spread across the site and have both a spatial and visual presence in the Green Belt. Due to the mixed materials, colour and condition, they do not currently contribute positively to either aspects of openness. Moreover, the existing units, or replacements, could remain on site and would continue to have an effect on the openness of the Green Belt.
16. The appeal proposal would reduce the footprint and spread in comparison to the containers, and, in that regard, even with the potential for domestic paraphernalia in the garden, the proposal would have a positive effect on spatial openness. However, even as a single storey dwelling, the greater height from a pitched roof would have a greater spatial effect by being a building of a larger height than any of the existing units. Nevertheless, I find that the harm from this increased height would be limited.
17. The visual presence of the proposed development from the road, access, and PROW, including of any domestic paraphernalia, would be reduced by the proposed landscaping. The proposed planting would not diminish the openness of the site and views above and between the landscaping would be possible. Moreover, the proposed development would rationalise the amount and the location of area covered, which would enhance the visual aspect of openness.
18. Long distance views would be read alongside the existing houses on the farm and in the immediate area. Moreover, the appeal proposal would be more visually cohesive with the surrounding area and the additional mass of the proposal would not be visually conspicuous. The proposed dwelling would, therefore, have less of a visual effect on the openness of the Green Belt than the existing units.

19. Although the proposal would be taller than the containers and other units it would be spread over a smaller area and, for that reasons, the proposal would be beneficial to both the spatial and visual aspect of openness of the Green Belt.
20. Furthermore, the proposal would not fundamentally undermine any of the purposes of the Green Belt, including the purpose of assisting in safeguarding the countryside from encroachment. Neither would the development adversely affect the essential openness and permanence of the Green Belt.

National Landscape

21. The site lies within the Nidderdale National Landscape (the NL) (formerly the Area of Outstanding Natural Beauty). In determining this appeal, I am required to seek to further the purpose of conserving and enhancing the natural beauty of the National Landscape.
22. The strategic objectives of the NL are set out in the Nidderdale Area of Outstanding Natural Beauty Management Plan 2019-2024. These include, amongst other matters, aiming for the area to be a vibrant working landscape, facilitate development that meets the needs of the rural communities where this does not cause harm to natural beauty, and maintain and enhance the area's natural beauty.
23. The special features of the NL have been strongly influenced by farming and industry whilst also including the open moorland and grassland landscape, nationally and locally important wildlife, the diverse and species-rich vegetation and woodland, and cultural heritage. The appeal site lies outside of the higher open access moorland and is in an area of pastureland. Public access is extensive in the area due to the network of PROWs and views across the open moorland are of a high quality.
24. Paragraph 189 of the Framework advises that great weight should be given to conserving and enhancing landscape and scenic beauty in NLs, amongst other areas, and that these have the highest status of protection. The Framework advises that the scale and extent of development within the designated areas should be limited.
25. Policy GS6 of the LP reflects the advice in the Framework in seeking to ensure that the natural beauty and special qualities of the NL are conserved and enhanced. The policy also advises that development would only be supported where it does not detract from the natural beauty and special qualities; contributes to the delivery of the Management Plan objectives; and supports the economic, social, and environmental well-being of the area or supports the understanding and enjoyment of the area.
26. The proposal would result in built development in the NL. However, there are already containers and other units on the appeal site. The site is not open pastureland bounded by a stone wall. Moreover, the existing units interrupt the views over the NL and do not provide a sense of tranquillity or remoteness to people appreciating the NL from near views or further away. The appeal site does not currently have an undeveloped character or contribute positively to the NL. The appeal site does not currently exhibit the essential landscape character of the designated landscape, contrary to the additional comments of the NL Planning Advisor submitted by the Council at the hearing.

27. As with the effect on the openness of the Green Belt, the development would result in the removal of the existing containers and other units. This would be beneficial to the NL. A new permanent dwelling would be visible on the site and would not enable people to fully appreciate this part of the NL. However, even with the potential for domestic paraphernalia around the dwelling, the proposal would open up more views across the site than currently exist, including views from the PROW near the site.
28. Although the proposed dwelling would not follow the building line of the existing houses on the farm, I saw that these, and the other farm buildings, do not follow a consistent line. The farm is laid out along an open-ended yard and the proposed new dwelling would also front a section of this yard. Albeit that the proposed dwelling would be forward of the front elevation of the existing houses next to the site, the new dwelling would provide a frontage to the access road into the yard and continue the built development along this side of the yard.
29. There is also little uniformity in built form at the farm or in the area. Although the existing four houses on the farm are all two-storey properties I saw other single storey dwellings in the immediate area, including the converted stable building near to the site and other low level agricultural buildings. I accept that the other single storey dwellings are on higher ground level and that the proposal would have a lower ridge height than the existing houses and bungalows. Nevertheless, the principle of a single storey dwelling is not out of keeping with the area.
30. As single storey it would be lower than the existing houses but would be similar in height to some of the agricultural buildings around the site. It would not encroach any further into the NL than the current units on the site and would, therefore, not substantially harm the rural character or the special qualities of the NL. It would not be harmful to the open moorland around the farm.
31. Moreover, the proposed dwelling has been designed to reflect the rural features of other housing in the area and would not be uncharacteristic. The removal of the existing unsightly units and the building of a new dwelling, which would be in keeping with the character of other housing in the area, would enhance the NL and would further the purpose of enhancing the natural beauty.
32. For the above reasons, I find that the effect of the development on the character and appearance of the Nidderdale National Landscape would be beneficial and would further the purpose of enhancing the natural beauty and special qualities of the area. The proposal would, therefore, comply with Policies HP3, GS6 and NE4 of the LP. Amongst other matters these policies seek to ensure that development is high quality; responds positively to the characteristics of the context; takes account of the contribution to local distinctiveness; ensures that development conserves, enhances, and does not detract from, the natural beauty and special qualities of the NL; and protects, enhances or restores the landscape character.

Location and access to services and facilities

33. The appeal site lies outside of Ilkley which is the nearest settlement with services and facilities. Policy GS2 of the LP seeks to meet the need for new homes and jobs, as far as possible, by focusing growth within the district's main settlements, those on key public transport corridors, and a new settlement within the Green Hammerton/Cattal area.

34. The appeal site is not within any of the main settlements. It is also not on a key public transport corridor or within the new settlement. The policy advises that places not identified in the settlement hierarchy are considered to be part of the wider countryside where development would only be appropriate if permitted by other policies of the plan, a neighbourhood plan or national policy.
35. Policy GS3 supports policy GS2 in resisting new development outside development limits shown on the policies map. Neither policy GS2 nor GS3 sets location criteria for considering development outside of settlements. However, I accept that the general thrust of both policies is seeking to promote sustainable locations.
36. The distance from the site to Ilkley is over half an hour walk. Moreover, the road from Ilkley to the site is narrow, up a steep bank, with narrow grass verges, no pavement, and no street lighting. Although there are PROWs from the site to Ilkley these would be across fields and would not substantially reduce the distance. The nature of the road and PROWs and the distance would discourage access by foot or cycle, even if cycling on the PROWs is permitted. Even if the occupant of the proposed dwelling is employed at the farm, they are likely to be heavily reliant on the private car to access services and facilities.
37. The appeal site is not in a location where there is good access to services and facilities. It is also not within any of the identified settlements or settlement boundaries. For these reasons, I find that the proposal would not be in a sustainable location or suitably located in relation to services and facilities and would conflict with Policies G2 and G3 of the LP which, taken together, seek to promote new development in sustainable locations.

Grey Belt

38. Paragraph 155 of the Framework advises that the development of homes in the Green Belt should not be regarded as inappropriate subject to compliance with all of the subsequent bullet points. As I have found that the appeal site would not be in a sustainable location the appeal proposal would not comply with the requirement of paragraph 155 c) of the Framework. The appeal proposal would, therefore, be inappropriate development of grey belt land.

Other considerations

39. The certificate of lawfulness is not time limited. Moreover, at the hearing the Council accepted that the appellant could replace the containers and other units with others of the same size and use, or repair them, without any further planning permission. The appellant could continue to replace them in perpetuity, and this would result in a degree of permanence from the use of the land for the siting of storage containers and other units.
40. The proposal would result in the removal of the use of the site for the siting of containers and the replacement with a development that would enhance the openness of the Green Belt and be beneficial to the NL. I give this matter significant weight in favour of the appeal proposal.
41. The established commercial use also has vehicle movements. Although I do not have any data of the number associated with the storage containers, I saw at my visit that the farm as a whole is busy with vehicles regularly coming and going,

including to the containers. There are no conditions restricting how many vehicles can access the current containers or the hours of access. Even if they only contribute a small number of vehicle movements to the area there is nothing preventing the intensification of the storage use and the increase in traffic. Furthermore, there are vehicles associated with the farm, the existing four dwellings, the stables, and other uses.

42. The proposal is for a single dwelling and would have limited traffic movements. Any vehicle movements associated with the dwelling would be indistinguishable from the other vehicles accessing the site, even if the level of vehicle movements would be greater than those associated with the current storage use.
43. Although the appeal site is not well connected to services and facilities by means other than the private car, I give the benefit of removing the business use and its associated vehicles moderate weight.
44. There is no dispute between the two main parties that the Council cannot demonstrate a five-year supply of deliverable housing land. The agreed figure is a supply of only 2.8 years, which is a reasonably substantial shortfall. Paragraph 11d) of the Framework therefore applies.
45. The construction of one dwelling would provide a small contribution towards the housing supply and would accord with the Framework which seeks to significantly boost the supply of housing. Despite the proposed development not being located within any settlement boundary it would nonetheless be well related to existing built form on the farm, rather than be isolated or visually intrusive in the countryside or the NL. It would be well related to the other residential properties and would appear as part of the existing built development.
46. Whilst there would be conflict with the LP in respect of the locational requirements, I find that the other environmental benefits of the proposal and the contribution the proposal would make to housing supply, would outweigh the locational disadvantages of the appeal site.
47. I, therefore, find that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
48. The appellant has also sought to argue that the proposed development is for a rural workers dwelling, given the appellant's connections to the farm and that they would continue to manage the business. However, setting aside the personal circumstances of the appellant, there is limited evidence before me that there is an essential need for a new rural workers dwelling associated with Upper Austby.
49. I was not presented with detailed evidence of the levels of stock, the man hours of work or the land owned by the farm to clearly show that there is a need for another dwelling on the farm instead of in a nearby settlement. The appellant also accepted that they had not provided any financial information, or evidence to show consideration of the occupation of other dwellings or buildings on the farm or in the wider area. Moreover, there was limited evidence that a farm manager needs to live permanently at or near their place of work in the countryside and that this role could not be carried out remotely.

50. I, therefore, find that the appellant has not justified the dwelling for a rural worker under Policy HS9 of the LP, the requirements of the Harrogate Borough Council Rural Workers Dwellings Supplementary Planning Document, adopted June 2021, or paragraph 84 of the Framework. I am sympathetic to the personal circumstances of the appellant and understand his need to live near the support provided by his son and in a single storey dwelling. Nevertheless, this would not amount to evidence of need for a rural workers dwelling, and I have not been provided with any other policies which would support such dwellings.
51. The condition which seeks to secure the proposal as a self-build dwelling, albeit agreed by both parties in writing after the hearing, would not meet the tests within the Framework. The condition is not sufficiently precise nor enforceable. There is a lack of clarity about what is meant by 'constructed as a self-build dwelling' and there is also uncertainty as to how future occupants, who would not have been involved in the initial design and building, would comply with the requirement to not use the property for any other purpose without express permission.
52. A legal agreement would be the most appropriate means to secure the property as a self-build dwelling and I do not have such an agreement before me. I am, therefore, not able to give any weight to the proposal being self-build, even though the Council has a shortage of self-build plots when considered against the requirements of the Housing and Planning Act 2016.
53. Nevertheless, given my findings above, the lack of justification for a rural workers dwelling and the lack of a suitable means to secure the development as self-build is not determinative in my decision.

Green Belt and planning balance

54. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. I have found that the appeal scheme would comprise inappropriate development in the Green Belt. The appeal proposal would also result in harm from being in a location that is not suitably located in relation to services and facilities.
55. However, the other considerations I have identified above, in terms of the enhancement to the openness of the Green Belt and the benefit to the NL, the removal of vehicle movements associated with the containers, and the contribution to housing supply, would, in my judgement, clearly outweigh the harm to the Green Belt and the unsustainable location.

Other matters

56. The Parish Council has raised concerns that the containers and other units should not be relocated elsewhere on the farm. Such development would require planning permission and is not part of the appeal before me.

Conditions

57. The parties have submitted a list of conditions within the Statement of Common Ground. I have considered these in light of the Framework and the Planning Practice Guidance, and I have undertaken some minor editing and rationalisation of the conditions proposed in the interests of precision and clarity.

58. In addition to the standard condition which limits the lifespan of the planning permission I have specified the approved plans for the avoidance of doubt and in the interests of proper planning.
59. Construction noise and traffic can affect the living conditions of neighbouring properties and not all of the properties on the farm and using the same access are not occupied in association with the farm. Nevertheless, the appeal site lies on a working farm and there are no restrictions on the noise or timings of operations on the farm or associated with the storage containers on the appeal site. For these reasons, although farm noise is different to construction noise, I am not convinced that a condition restricting the hours of construction is required. Neither am I convinced that such a condition is justified by any local planning policies, including HP4 of the LP, which seeks to protect the amenities of occupiers and neighbours. I have, therefore, not imposed such a condition.
60. Given the current use of the site and the unknown previous uses it is wholly reasonable and relevant to require the submission of contamination surveys. I do not have a copy of the contamination report provided on the previous application which the appellant referred to. Furthermore, the Council advised that a Phase II report was required. Nevertheless, I have amended the wording to remove the uncertainty around the Phase I and Phase II reports requested by the Council and referred to the British Standard. It is also necessary to ensure that any remediation required is provided and verified and that any unexpected contamination is dealt with appropriately.
61. The submitted drainage details provided in the Design and Access Statement are not sufficient to prove that the proposed package treatment plant is in an appropriate location or that it would be a suitable size for the proposed dwelling. Consequently, to ensure that a satisfactory drainage scheme is provided and maintained, a condition is necessary to require the details of the foul drainage scheme to be submitted.
62. In the interests of the character and appearance of the area, including the NL, I have imposed conditions to require the details of the materials to be used in the construction of the development and a hard and soft landscaping scheme to be submitted. I have amended the proposed conditions so that these details are required prior to any above ground works so that these matters would not prevent the appellant commencing work on site. I have also imposed a condition to require replacement planting within a five year period to ensure that the soft landscaping has an opportunity to establish.
63. I acknowledge the request of the Council Highway team for the upgrading of the access track to the appeal site and other properties to be to adoptable standard. However, the appeal does not include such alterations and, given the existing access serves five dwellings, the storage containers and a working farm, the addition of one further dwelling would not substantially alter the level of vehicle movements. I consider that upgrading of the whole of the access road would not be necessary to make the development acceptable.
64. However, the proposal would include the provision of passing places along the access and I saw that these would be provided on land that is currently at a lower ground level. It is, therefore, necessary that these are provided to an appropriate engineering standard so as to ensure that they are fit for purpose.

65. So that the development is provided with appropriate parking, manoeuvring, and turning areas I have imposed a condition to require that these spaces are provided in accordance with the approved details and retained as such. However, it is not reasonable or necessary for details to be submitted for approval. Neither is it reasonable, or relevant to the development before me, to require the details of parking and turning spaces to be provided for all of the users of the farm.
66. To ensure that the dwelling is provided with appropriate waste collection I have included a condition to require the provision of space and access for collection. However, I have removed the suggestion that waste should not be stored off the premises as this would not be enforceable. I have included a condition to require one electric vehicle charging point for the dwelling to encourage sustainability and the use of electric vehicles but have not included the requirement for a plan to be submitted to show the location of the charging point as the proposed parking spaces are next to the garden and dwelling.
67. Given my findings on the need for a rural workers dwelling I have not imposed a condition to restrict the occupancy of the property to a rural worker. Neither have I imposed a condition to require the dwelling to be self-build as this is not necessary and also not enforceable or precise.
68. The Council suggested a condition to remove permitted development rights, in the interests of the appearance of the building from the PROW, NL and Green Belt. The Planning Practice Guidance advises that conditions should not be used to restrict such rights unless there is clear justification to do so. Such rights have not been removed in the Town and Country Planning (General Permitted Development) (England) Order, 2015, for land in the Green Belt or within the NL, albeit there are limited rights in the NL. Even though the condition has been agreed by the appellant, there is no compelling evidence that alterations and extensions permitted under the rights would harm the NL or the Green Belt. I, therefore, find that there is no compelling reason to remove the permitted development rights from the scheme.

Conclusion

69. The appeal proposal would constitute inappropriate development in the Green Belt and would not be suitably located in relation to services and facilities. However, it would not cause harm to the openness of the Green Belt or harm to the National Landscape or its special qualities. I have found that the harm to the Green Belt, by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations and, consequently, the appeal complies with the development plan and the Framework when considered as a whole. The appeal should, therefore, be allowed.

K Townend

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Unless modified under the conditions below, the development hereby permitted shall be carried out in accordance with drawings; Location Plan 4527-001 Rev C, Proposed Floor Plan and Roof Plan 4527-005, Proposed Elevations 4527-006, and the Proposed Site Plan, Landscape Master Plan and Access Plan included within the Landscape Proposals document pack Revision D.
- 3) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
 - i) a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - ii) the site has been remediated in accordance with the approved measures and timescale; and
 - iii) a verification report has been submitted to and approved in writing by the local planning authority.If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:
 - i) additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
 - ii) a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.
- 4) No development shall take place until a scheme of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved plans.
- 5) No development shall take place above ground level until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.
- 6) No development shall take place above ground level until a scheme of hard and soft landscaping shall have been submitted to and approved in writing by the local planning authority. The scheme shall include details of:
 - proposed tree and shrub planting, including the quantity, size, species, and positions and density of all plants to be planted;
 - position of retained trees and hedges and the measures for their protection throughout the course of the development;
 - boundary treatments; and
 - hard surfacing materials;

The hard landscaping works shall be carried out prior to the first occupation of the dwelling and the soft landscaping works shall be carried out in accordance with the approved details within the first planting season following the first occupation of the development.

- 7) No development shall take place above ground level until full detailed engineering drawings of these aspects of the works shall have been submitted to and approved in writing by the Local Planning Authority. The passing places shall thereafter be provided strictly in accordance with the approved details prior to the first occupation of the dwelling.
- 8) Prior to the first occupation of the development hereby permitted, the access, parking, manoeuvring, and turning areas in relation to the development shall be constructed in accordance with the approved details. Thereafter those spaces shall be retained for the use as approved only.
- 9) Prior to the first occupation of the development hereby permitted suitable and sufficient provision shall be made for the storage and containment of refuse prior to collection and for access for collection of refuse.
- 10) Prior to the first occupation of the development hereby permitted an electric vehicle charging point has been provided. The electric vehicle charging point shall thereafter be maintained for the lifetime of the development.
- 11) If, within a period of five years from the date of planting, any tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, another tree of the same or a similar size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree.

*** END OF CONDITIONS ***

APPEARANCES

FOR THE APPELLANT:

James Suckley – Senior Planner, Rural Solutions

Alexandra Robinson – Rural Solutions

Fiona Tiplady – Associate Director, Rural Solutions

FOR THE LOCAL PLANNING AUTHORITY:

Emma Walsh – Principal Planning Officer, North Yorkshire Council

Emma Howson – Principal Planning Officer, North Yorkshire Council

Lisa Alder – Senior Planning Officer, North Yorkshire Council

DOCUMENTS SUBMITTED AT OR SHORTLY AFTER THE HEARING:

- Additional response from Nidderdale National Landscape Team.