



Appeal Decision

Site visit made on 13 August 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 September 2025

Appeal Ref: APP/N4720/W/25/3363253

Ings Grove, Guiseley, Leeds, LS20 9FR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Matt Brooke of Bankhead Group against the decision of Leeds City Council.
- The application Ref 24/05787/FU, dated 17 October 2024, was refused by notice dated 10 December 2024.
- The application sought planning permission for demolition of existing electricity sub-station and construction of two dwelling houses, without complying with conditions attached to planning permission Ref 22/02476/FU, dated 12 September 2022.
- The conditions in dispute are Nos 2, 12 and 13.
- Condition 2 states that: The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans and Specifications above.
- The reason given for that condition is: For the avoidance of doubt and in the interests of proper planning.
- Condition 12 states that: The development hereby permitted shall not be occupied until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the Local Planning Authority. This shall include buffer planting along the western boundary and a scheme to landscape the land to the north of the access road.

Hard landscape works shall include

- (a) proposed finished levels and/or contours,
- (b) boundary details, means of enclosure and retaining structures,
- (c) car parking layouts,
- (d) other vehicle and pedestrian access and circulation areas,
- (e) hard surfacing areas,
- (f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.),

Soft landscape works shall include

- (h) planting plans
- (i) written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment) and
- (j) schedules of plants noting species, planting sizes and proposed numbers/densities.

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

- The reason given for that condition is: To ensure the provision and establishment of acceptable landscaping.
- Condition 13 states that: A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The Management Plan must conform to Leeds City Council's Landscape Management Plans (Landscape Guidance

No.2) and associated checklist. The landscape management plan shall be for the lifetime of the development and shall be carried out as approved.

- The reason given for that condition is: To ensure successful aftercare of landscaping.
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Decision

1. The appeal is dismissed.

Background

2. Planning permission was granted, subject to conditions, for the demolition of an electricity substation and the erection of two dwellings. The appellant has sought to vary conditions 2 and 12 of this approval and to remove condition 13. During my site visit, it was noted that the two dwellings central to this planning permission had been developed and appeared to be occupied.
3. The applicant seeks to vary Condition 2 by amending the red line boundary of the approved application site (Ref: 22/02476/FU). The original boundary encompassed both the two residential dwellings and an adjacent parcel of land to the north, which was designated to be landscaped. The proposed amendment involves the removal of this northern parcel from the red line boundary.
4. The Council have indicated that, subject to the acceptability of the other proposed amendments and removals, the variation to Condition 2 may be considered acceptable. Accordingly, the focus now turns to the proposed variation of Condition 12 and the removal of Condition 13, which are central to the determination of this appeal.
5. Reference is made to another appeal (APP/N4720/W/25/3363252) relating to the area of land to the north of the previously approved and constructed dwellings associated with the host permission of this appeal. This appeal is concerned with the erection of a dwelling. I am the Inspector appointed to come to a decision on both appeals. Therefore, whilst these appeals are separate to each other and are subject to their own decision, they are somewhat interrelated. Nevertheless, whilst I have had regard to the implication of each appeal to each other throughout both decisions, they are subject to their own independent decisions.

Main Issue

6. It follows that the main issue is whether conditions 12 and 13 are reasonable and necessary to provide landscaping and ensure its aftercare within the appeal site.

Reasons

7. Circular 11/095 and the PPG: Use of Planning Conditions note the tests in the application of planning conditions. These tests are that a condition should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects. The Circular also notes that conditions should be tailored to tackle specific problems. I have had regard to these tests in my decision.

Condition 12

8. The appeal site and the two dwellings which it contains are part of a wider development which makes up Ings Grove. Ings Grove contains a mix of detached and semi-detached dwellings. Except for the area surrounding the two dwellings

which make up the appeal site and the area opposite to the north, Ings Grove presents a complete and finished landscaped development.

9. During the application stage, the appellant submitted alternative wording for Condition 12. This revised wording proposed the removal of the requirement to provide a planting buffer along the western boundary, as well as the removal of a landscaping scheme for the land situated north of the access road. Additionally, the suggested amendment omitted the detailed specifications relating to the hard and soft landscaping elements originally set out in Condition 12.
10. The appeal site lies within the Guiseley Conservation Area (CA), which is characterised by several distinctive features. Foremost among these is the enduring presence of substantial industrial mill buildings that flank the centrally positioned railway line. These mills are generally surrounded by residential development, a spatial configuration that reflects the historic interplay between industrial activity and community life in the evolution of Guiseley. Architectural styles within the CA vary in accordance with building function. However, the consistent use of locally sourced stone, often complemented by landscaping of varying prominence, establishes a cohesive material palette that contributes to the area's overall visual unity.
11. The western and northern parcels of land referenced in Condition 12 occupy prominent positions within the appeal site, owing to their visibility from public vantage points along Ings Lane. Landscaping in these areas would play a critical role in facilitating the site's integration into the surrounding environment and to provide biodiversity improvements. The appellant's proposed revision to Condition 12 would remove the requirement for landscaping in these locations. However, the inclusion of these specific areas within the condition is necessary, as it clearly identifies where planting should be implemented. Furthermore, it also outlines the nature of the landscaping required to ensure full compliance with the condition.
12. I further note that the suggested wording provided notes that the full details of the hard and soft landscape works shall be provided before the occupation of the development. However, during my site visit, I noted that the dwellings had been erected, cars were parked next to each property and curtains were drawn to some of the windows. It therefore appears that these properties were occupied. In following the suggested wording, and the provision of a landscaping scheme cannot therefore be agreed prior to their occupation.
13. To conclude, I consider that condition 12 in its current form is reasonable and necessary to ensure that an appropriate landscaping scheme is undertaken. It would also be relevant to both planning and the development, enforceable and precise. Therefore, the proposal would be in conflict with Policies P10, P11 and G9 of the Leeds Core Strategy 2019 (CS) and Policies GP5, N19, N23, N25 and LD1 of the UDP. These policies seek for development to be designed to provide a visually attractive setting where appropriate to the area, including the surrounding historic environment.

Condition 13

14. Condition 13 was proposed to be removed. This condition required the submission of a landscape management plan, including with it the long-term design objectives, management responsibilities and maintenance schedules.

15. As discussed above, the provision of areas of landscaping can play a critical role in the integration of the site into the wider environment. At current, the western and northern parcels of land to be landscaped appear unfinished, unlike the wider development of Ings Grove. I have therefore found that condition 12, which specifies where the landscaping should be provided and what should be included is necessary. As such, it is important that this landscaping is provided with appropriate aftercare. This would ensure that the landscaping provided would be managed through the lifetime of the development.
16. It is asserted that the western areas designated for landscaping are now under private ownership, and as such, it is considered unreasonable to require the submission of a management plan. However, the details stipulated under Condition 13 were to be provided prior to the occupation of the development. In light of this, it is my view that the landscaping should have been implemented before the land was transferred into private ownership, and that the associated management plan ought to have been communicated to, or agreed with, the incoming occupants.
17. To conclude, I consider that condition 13 in its current form is reasonable and necessary to ensure that a landscape management plan is provided. It would also be relevant to both planning and the development, enforceable and precise. Therefore, the proposal would be in conflict with Policies P10, P11 and G9 of the Leeds Core Strategy 2019 (CS) and Policies GP5, N19, N23, N25 and LD1 of the UDP, of which the requirements of these conditions have been discussed above.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed.

J Smith

INSPECTOR