



Appeal Decision

Site visit made on 4 August 2025

by **L Clark BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 October 2025

Appeal Ref: APP/U2750/W/25/3365904

Pott Bridge Farm, Pot Bridge Farm to Throstle Nest Farm, Beckwithshaw, North Yorkshire HG3 1SF

Easing: 426831, Northing: 454485

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Alex Wytchard against the decision of North Yorkshire Council.
- The application Ref is ZC25/00183/DVCON.
- The application sought planning permission for conversion of 2 No. Barns to form 2 No. Detached Dwellings without complying with conditions attached to planning permission Ref 18/03430/FUL, dated 13 December 2018.
- The conditions in dispute are Nos 3 and 6, which state that:
 - 3. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further windows shall be inserted in the north, south, east and west elevations of the development hereby approved, without the prior written approval of the Local Planning Authority.
 - 6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, garages, roof or dormer windows other than any expressly authorised by this permission shall be erected without the grant of further specific planning permission from the local planning authority.
- The reasons given for the conditions are:
 - 3. In the interests of privacy and residential amenity.
 - 6. In order to protect the visual amenities of the surrounding area in view of the prominence of this site.

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 8 September 2025.

Decision

1. The appeal is allowed in part and the planning permission Ref 18/03430/FUL for the conversion of 2 No. barns to form 2 No. detached dwellings at Pott Bridge Farm, Beckwithshaw, North Yorkshire HG3 1SF, granted on 13 December 2018 by North Yorkshire County Council, is varied by deleting conditions 3 and 6 and substituting them for the following conditions:
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and reenacting that Order with or without modification), no further windows shall be inserted in the north elevation of Barn 4 of the development hereby approved, without the prior written approval of the Local Planning Authority

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions with the exception of the south elevation of Barn 4, roof extensions or dormer windows, other than any expressly authorised by this permission, shall be erected without the grant of further specific planning permission from the local planning authority.

Applications for costs

2. An application for costs was made by Mr Alex Wytchard against the Council of the North Yorkshire Council. This is subject of a separate decision.

Preliminary Matters

3. The site address listed in the banner heading is taken from the application form. The evidence refers to the appeal site being “Pott Bridge” and “Pot Bridge”. Whilst similar for clarity, I have used “Pott Bridge” as used on the Decision Notice (DN). I have also added the grid reference for completeness, as this locates the site as shown on the submitted drawings.
4. The first refusal reason refers to the wording fenestration; however, this is not present in the wording of Condition 3. For consistency, I have assessed the appeal based on the original wording.
5. The second and third refusal reasons relate to Condition 6 and refer specifically to extensions, garages and dormer windows as permitted by Part 2 of The Town and Country Planning (General Permitted Development) Order (the GPDO). I note that Condition 6 of the original application also specifies works to the roof. The description on the application form, however, seeks to vary the condition and specifies that it relates to part Classes A, B, C and E of the GPDO. Class C specifically relates to any other alteration to the roof of a dwellinghouse. Based on the evidence before me, I have determined the appeal on the basis that Condition 6 relates to extensions, garages, roofs and dormer windows.
6. It was apparent during my site visit that there are discrepancies between Barn 3 and the submitted plans. These include a window now replacing a retained door to the ground floor south elevation, two additional rooflights to the northern roof slope, a single-storey lean-to structure to the east elevation, the omission of the window to the first floor west elevation, and the overall height of the roof to the sunroom to the west elevation appearing higher. However, any breaches of planning control do not fall within my assessment of the appeal scheme, which has been decided on the basis of the proposed plans that were submitted with the planning application and consulted upon by the Council.
7. Since the original approval in 2018, the Harrogate District Local Plan 2014-2035 (the Local Plan) has been adopted. The Council have also adopted its Heritage Management Guidance Supplementary Planning Document (Heritage SPD) and Farm Buildings Design Guide (SPG, Dec 2020). In these circumstances, I am required to determine the appeal against the current development plan for the area at the time of my Decision. The main parties have had the opportunity to comment on these during the appeal process.

Background and Main Issues

8. The appeal site comprises two barns (Barns 3 and 4) with Pott Bridge farmhouse to the south and an outbuilding to the north. Barns 3 and 4, together with Pott Bridge farmhouse, all share access from the B6161. Planning permission was granted in December 2018 for the change of use of two barns to form two dwelling houses, subject to 10 conditions.
9. The appellant has appealed against two conditions which they contend do not meet the six tests required, and requests that the conditions in question be deleted.
10. Paragraph 55 of the National Planning Policy Framework (the Framework) states that planning conditions should not be used to restrict national permitted development rights (PD) unless there is clear justification to do so. It further states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions, and that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
11. The appellant contends that paragraph 17 of the Planning Practice Guidance (the PPG) specifically refers to the restriction of PD rights, and these “should only be used in exceptional circumstances.” However, this is no longer the case in the current version ¹. Paragraph 17 (Reference ID: 21a-017-20190723) does state, however, that conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. It also states that the scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the GPDO, so that it is clear exactly which rights have been limited or withdrawn.
12. Neither party have provided me with a full copy of the original officer report relating to planning application Ref 18/03430/FUL. However, the appellant's statement does include extracts. I have therefore dealt with the appeal based on the reasons given by the Council for their imposition alongside the evidence before me, the tests set out in the PPG, and the advice given in the Framework. I have also considered the conditions against the relevant policies set out in the Local Plan.
13. The main issues in this appeal are whether the disputed conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects and, if so, the effect of deleting:
 - Condition 3, on the living conditions of existing and future occupiers of Barns 3 and 4, and Pott Bridge farmhouse, with particular regard to amenity space; and,
 - Condition 6, on the character of the host buildings as NDHA, the Special Landscape Area (SLA) within which it is located, including views from the public highway, or the public right of way (PROW).

Reasons

14. The appeal site comprises two barns set alongside Pott Bridge farmhouse, located in open countryside, within an SLA, and is accessed from the B6161. Ground levels fall gradually from the north towards the appeal site, after which they then fall sharply

¹ Revision date 23 07 2019

towards Oak Beck before rising sharply again towards Beckwithshaw. Views from the north, and the B6161 towards the appeal site, are predominantly open and over fields with mostly low hedges which form field boundaries. Views towards Pott Bridge Farm from the B6161 are therefore largely uninterrupted from a significant distance away.

15. I saw that Pott Bridge Farm was formed from a collection of detached buildings, which include Pott Bridge farmhouse (the farmhouse), two stone barns (Barns 3 and 4) and an agricultural barn. The farmhouse, which is set apart from the other buildings, is two-storey and has chimney stacks and pots on three flank elevations. Its overall height and position, relative to the other buildings on site, result in the farmhouse being the focal point and the dominant building of the Farmstead. I also saw that Barn 3 had been converted and was occupied, and Barn 4 was unoccupied with its roof and walls in a poor state of repair. A PROW also ran from the B6161 through the site directly to the south elevation of Barn 3 and the north elevation of Barn 4, and the current footprints of Barns 3 and 4 were slightly staggered and did not overtly overlap.

Condition 3

16. This condition withdraws permitted development rights relating to windows within the north, south, east and west elevations of Barns 3 and 4. The original DN stated that this was to protect the visual amenities of the surrounding area, given the prominence of this site.
17. As noted above, the Council's original officer report in relation to Ref 18/03430/FUL has not been provided. I note, however, from extracts of the officer's report in the appellant's statement and the original DN, that the reason was in the interests of the visual amenity of the surrounding area. Given that the appeal site is located within an SLA, I am satisfied that the Council had met the necessary tests required by the Framework for its imposition.
18. As I have found the condition to serve a clear planning purpose, and it is reasonable and necessary, I shall now assess whether its removal and the insertion of additional windows would result in a harmful impact upon the living conditions of occupiers of Barns 3 or 4 and the farmhouse when within their amenity spaces, or on the amenity of those using the PROW.

Barn 3

19. The north, east and west elevations of Barn 3 overlook, amongst other things, its garden and the private access track to the farmstead. Given its orientation, together with my observations on site, I do not consider that the insertion of any further windows in these elevations would harm the living conditions of either the existing occupiers of the farmhouse or the future occupiers of Barn 4 when utilising the amenity areas.
20. As noted above, the footprint of Barn 3 does not currently overtly overlap that of Barn 4 on the submitted plans, and the amenity space of Barn 4 is shown to be predominantly to the south. From observations on site, even if there were to be an amenity area to the north or east, given the orientation of the Barn, the south elevation with its larger doors and mainly unobstructed views would more than likely be the main external amenity area for future occupiers to utilise. I therefore do not consider that any additional windows to the south elevation of Barn 3 would harm the

living conditions of the future occupiers of Barn 4 by directly overlooking their amenity area.

21. I saw that the amenity areas of the farmhouse were predominantly to the north, east and south, and separated from Barn 3 by a stone wall. The amenity area closest to Barn 3 was located behind the stone wall, which runs parallel to the PROW. This area was separated from the farmhouse by the drive and screened by a line of tall hedging and contained a number of trees. Taking into account its location, the degree of screening and amount of visible usable space, it is unlikely that this would be the main amenity area for the existing occupants. In my mind, the larger areas to the east and the south, due to their proximity to the farmhouse, would be the main external amenity areas. It is therefore unlikely that the insertion of any additional windows within the southern elevation of Barn 3 would result in a harmful impact on the living conditions of existing occupants of the farmhouse by directly overlooking their amenity area.
22. Barn 3 currently looks directly over, and has direct access onto, a section of the PROW. The area which it currently overlooks spans approximately the length of the Barn and its side garden. Policy HP5 of the Local Plan relates to PROWs and seeks to ensure that development protects the routes and the recreational and amenity value.
23. The Council have drawn my attention to an appeal² which sought a change of use from an agricultural building to holiday accommodation, and a gravel drive for use by guests accessing the holiday let. The Inspector in this case found that the proposal would, through the introduction of vehicular activity within the area of the PROW, harm the tranquillity of the footpath, seriously harming the enjoyment of the PROW by not offering a safe, secure and attractive route. The case before me proposes no changes to the surface. Furthermore, the insertion of additional windows would not result in any additional activity on the PROW to make the route unsafe or, in my mind, less attractive. Therefore, this appeal is significantly different to be comparable to the appeal before me.
24. Whilst the impact on the amenity of the PROW is a material consideration, I do not consider that additional windows to the south elevation of Barn 3 would not impede the passage of any user and nor would they generate any additional activity above and beyond what currently occurs to harm the amenity of its users.

Barn 4

25. I saw that the ground floor western elevation of Barn 3 was predominantly glazed and looked out onto an undeveloped area, which was open and free from any shading. Despite the current condition, the land immediately to the west of Barn 3 appeared to form part of its amenity space. Given this, together with the area being in sunlight during the early afternoon and being situated outwith the PROW route, occupants of Barn 3 would likely use this area once formalised. As I have no details from either party to demonstrate whether this area would have a formal boundary treatment, I have assessed the proposal based on my observations on site, that the area is open.
26. Submitted plans show that the approved north elevation of Barn 4 would contain a number of windows associated with, amongst other things, a living room and separate dining room, with the window of the dining room spanning from the ground

² APP/P1615/W/24/3348930.

to the upper floor. These windows would likely provide future occupants with an outlook over the western amenity area of Barn 3. From my observations on site and the evidence before me, any additional windows above those approved in the north elevation could exacerbate the perceived level at which the occupants are overlooked. As such, additional windows to the north elevation would result in a harmful impact on the living conditions of the existing occupants of Barn 3 by directly overlooking their amenity area.

27. I have already found that the amenity space of Barn 4 would be predominantly to the south, and that of the Farmhouse was mainly to the south and east. I saw that ground levels fell towards the south and that the Farmhouse was separated from Barn 4 by a stone wall. Given the level change and solid boundary, there were no direct views from ground level into its amenity area. Submitted plans show the approved south elevation to contain a number of windows associated with, amongst other matters, bedrooms and a bathroom. Given my findings, together with the distance from these windows to the boundary, it is unlikely that the insertion of any additional windows within the southern elevation of Barn 4 would result in a harmful impact on the living conditions of the existing occupants of the farmhouse by directly overlooking their amenity area.
28. Submitted plans show that there would be a boundary between the north elevation and the PROW. Whilst I have no details of the boundary from either main party to demonstrate its height or material, the upper floor would likely provide an outlook over the PROW.
29. Even if there were additional windows within the north elevation, which overlook the PROW, given the above findings, these would not bring any additional activity to the PROW to change its character or diminish the enjoyment for its users.
30. For the above reasons, I conclude that Condition 3 should be deleted and reimposed in a modified form as set out above, consistent with Policies HP4 and HP5 of the Local Plan, insofar as they seek to ensure development does not result in adverse impacts on the amenity of occupiers and neighbours, and the tests set out in the Framework.

Condition 6

31. This condition withdraws permitted development rights relating to extensions, garages, roof and dormer extensions in order to protect the visual amenities of the surrounding area in view of the prominence of the site.
32. As noted above, extracts of the officer's report in the appellant's statement and the original DN state the reason for its imposition. I am therefore satisfied, based on the evidence, that the Council had met the necessary tests required by the Framework.
33. There is dispute between the parties with regard to whether the appeal site is a non-designated heritage asset (NDHA). There is, however, no dispute that their historic interest and relationship as a farmstead was outlined by the Council in the original planning application. I am mindful that the Council contend that its status was not disputed by the appellant at the time, and that not all NDHAs form part of a formal list. The Council has provided Chapter 5 of its Heritage Management Guidance SPD, 2014 (the SPD) in support of the appeal. This outlines the Council's criteria for identifying NDHA (buildings, structures, places and designed landscapes).

34. I have found that the appeal site can be seen from various vantage points, something which the appellant does not dispute. I also found that even with Barn 3 being occupied as a dwelling and having domestic paraphernalia largely to the south elevation, the farmhouse remained the focal point of the former farmstead. I also saw that the Barns, despite their proximity to the farmhouse, currently retain a subservient appearance. I acknowledge that aerial photographs in the appellant's statement show that there have been a number of buildings removed since 2009. Whilst the appeal site may no longer operate as a working farm, the remaining buildings, to my mind, still retain the appearance of a farmstead. From the evidence before me, I am satisfied that they are an NDHA as defined by the Council.
35. The significance of this NDHA is therefore largely derived from the relationship between the farmhouse and the Barns in their surroundings, and the architectural merit depicted between them. Their relationship can be appreciated not only from close up, but also from the B6161.
36. I am conscious that the Council states, in its second refusal reason, that the harm of removing condition 6 would be less than substantial on the NDHA and that there are no public benefits that would outweigh the harm. However, the Framework's approach in considering proposals relating to designated and non-designated assets is different. Paragraph 216 states that when considering NDHA outside of a Conservation Area, a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset. As such, there is no requirement to consider public benefits.
37. The Council contend that the appeal site is set within the Crimple Valley SLA, identified as such in Local Plan Policy NE4. I acknowledge SLA's may not have the same level of protection as other sensitive areas, such as Green Belt; their local designation is protected by, amongst other things, Policy NE4 of the Local Plan. This states that SLA's are valued locally for their high-quality landscape and their importance to the settings of Harrogate, Knaresborough and Ripon. It goes on to state that their designation reinforces the importance of these landscapes and their high sensitivity to inappropriate development, which would adversely impact the quality of the area designated. The Council have drawn my attention to criterion F. This states that development proposals within these areas should avoid significant loss of key characteristics that contribute to the quality of the special landscape area and the setting of Harrogate, Knaresborough and Ripon.

Extensions

38. I have found the subservient character of both Barns assists in retaining their relationship with the farmhouse, which maintains the significance as a former farmstead. I saw that all elevations of Barn 3 were visible from both the B6161 and PROW, however, only the north, east and western elevations of Barn 4 were visible from the B6161 and PROW and that any potential extension to the south would be largely obscured by the Barn, the garage associated with the farmhouse or the mature landscaping and rising landform to the south. Therefore, even if extensions to the front elevations of the Barns are excluded from PD given the prominence of Barn 3, and the north, east and western elevations of Barn 4, extensions which could be undertaken as a result of removing the PD rights could potentially have a considerable harmful effect on the significance of the NDHA and the SLA, and this weighs heavily against the appeal. I therefore conclude that it is reasonable and

necessary to restrict extensions to Barn 3 and restrict extension to the north, east and western elevations of Barn 4.

39. With regard to the south elevation of Barn 4, this is largely obscured and as such any extension to the ground floor would unlikely result in significant harm to either the NDHA, SLA or PROW. It is therefore unreasonable to restrict extensions to its south elevation.

Roof or dormers

40. I have already found that Barn 3 is visible from within the SLA and PROW. Given this, roof and dormer extensions, which could be undertaken under PD rights, could potentially have a considerably harmful effect on the prominence of the roof and thus erode the NDHA. It would also detract from the character of the SLA and PROW. I therefore conclude that it is reasonable and necessary to restrict roof and dormer extensions to Barn 3.
41. The roof of Barn 4 is visible from within the SLA and PROW. Whilst I acknowledge that the southern roof slope is obscured by the Barn when viewed directly from the north, I saw that the western flank elevation and the southern roof profile were visible from the SLA and PROW. Roof and dormer extensions, which could be undertaken as PD, could therefore significantly change the external appearance of the roof. This would result in the Barn losing its subservient nature and thus harm the farmstead's character. I therefore conclude that it is reasonable and necessary to restrict roof and dormer extensions to Barn 4.

Garages

42. At the time the Council considered the original planning application as NHDA the farmstead had a number of outbuildings. I acknowledge that the outbuildings have largely been demolished and that the Re-Use & Adoption of Rural Buildings – A Design Guide SPD states that new garages would not be acceptable unless unavoidable. I am mindful, however, that buildings incidental to the enjoyment of a dwelling, subject to PD, are restricted in size, and that there were a number of outbuildings present at the time of its NHDA status. The Council has had the opportunity during the appeal to justify its reasons for restriction, but has failed to demonstrate that any garage would result in harm to either the NDHA or the character of the SLA or PROW. It is not, in my mind, reasonable or necessary to restrict garages.
43. The appellant has drawn my attention to a number of appeals³ and a planning application⁴ in support of their appeal. Limited information has been submitted with regard to these decisions; however, from the evidence before me, even if the Inspector found that some conditions did not meet the relevant tests, I have found, for the above reasons, that it is reasonable and necessary in the case before me to restrict PD rights. Those appeals outlined are therefore not comparable to that before me, which has been considered on its own merits.
44. I therefore conclude that condition 6 should be deleted and reimposed in a modified form as set out above, consistent with Policies HP2, HP3 and NE4 of the Local Plan.

³ APP/W4223/W/15/3100603, APP/R0660/W/21/3275257, APP/H1515/W/16/3165798, APP/TO355/A/ 01/1071185, APP/TO355/W/16/3156065, APP/M2270/W/15/3137428 and APP/X4725/D/18/3201609.

⁴ ZC24/02560/DVCON

These policies collectively seek to protect and enhance the character of the SLA within the Harrogate district.

Other Matters

45. With regard to Condition 6, the appellant contends (paragraph 3.31, Part 2) that the DN refers to the removal of Classes A, B, C, D and E of the GPDO; however, the description on the representation received in relation to their S73 application states Classes A, B, C and E. This corresponds with their application form. Therefore, there is little convincing evidence brought to my attention to demonstrate that the Council has incorrectly referred to additional Classes.
46. Whether or not the PROW is safer and more appealing than the former farmyard is not determinative to my assessment.
47. The Council has also drawn my attention to appeal⁵, which relates to a section 73 application. I note that whilst the appeal site is also an NDHA, it is also in a Conservation Area. Notwithstanding my findings above on the main issue, this case is different to the appeal before me to be comparable.

Conclusion

48. I have considered each of the conditions imposed by the Council and concluded that conditions 3 and 6 should be deleted and reimposed in modified form.
49. For the reasons given above, I conclude that the appeal should be allowed in part, and the planning permission varied, as set out in the formal decision.

L Clark

INSPECTOR

⁵ APP/E2734/W/21/3280843