
Appeal Decision

Site visit made on 20 October 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 November 2025

Appeal Ref: APP/U2750/W/25/3370188

Smithy Farm, Elm Tree House, West Lane, Askwith, LS21 2HX

- 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 C Ure, Wharfedale Holdings against the decision of North Yorkshire Council.
 - The application Ref is ZC25/00558/FUL.
 - The development proposed is construction of 2 detached houses with attached garages, conversion of outbuilding to self-contained dwelling, single storey rear extension, detached garage, front porch, re-configured side 'lean-to' and garden pavilion to Elmtree House, including new shared vehicular access and associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Accompanying the appeal is an updated Biodiversity Gain Assessment¹, which does not make a substantive or fundamental change to the appeal proposal. The Council has had the opportunity to comment, and other parties have also had that same opportunity. Therefore, there would be no procedural unfairness in accepting these submissions and I proceed on that basis.
3. During the course of the appeal a recent planning decision² was brought to my attention. This grants planning permission for various extensions and alterations to the property known as 'Elm Tree House' and a detached garden/pool room. The application was made in the public domain such that interested parties could comment on it, and the Council has had the opportunity to comment on the implications of this decision in relation to the appeal. The planning permission does not amount to a change to the appeal proposal, and I have taken account of it, insofar as it is material to my decision.
4. There is some dispute as to whether the outbuilding (hereafter 'The Mews'), was used as one or two self-contained dwellings or as an outbuilding/annexe. It is not my role to determine whether the use of a building is lawful, this can only be determined by a lawful certificate application. I note that a lawful development certificate to establish the existing use of The Mews as a single dwelling was refused³. Even so, an application to convert the entire building to a single dwelling has been made, and I have determined the appeal on that basis.

¹ 218-04-04 Smithy Farm – Askwith – SBM – 2025 – 2025-06-01 - 02

² 25/02111/FUL: Construction of single storey rear extension, part demolition and re-building of single storey side addition, front canopy porch, detached garden/pool room and fenestration alterations.

³ ZC24/02459/CLEUD

5. Since the proposal relates to the setting of a listed building, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Background and Main Issues

6. Askwith is within the Nidderdale National Landscape and is within the Green Belt. The appeal site lies opposite the grade II listed Manor House. In 1998, planning permission⁴ was granted for the renewal of an unimplemented planning permission for the erection of 2 detached houses with garages to the side of Elm Tree House (the permitted scheme). In 2017, a certificate of lawfulness was granted for the lawful commencement of this development by way of the site access⁵. There is no dispute that the permitted scheme is extant.
7. The main issues are:
- the effect of the development on the character and appearance of the area, including heritage assets and the Nidderdale National Landscape;
 - whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework), and relevant development plan policies, including the effect upon the openness of the Green Belt;
 - whether the development provides a suitable housing mix;
 - whether the development would make adequate provision for Biodiversity Net Gain (BNG); and
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Character and appearance

8. The village comprises vernacular stone cottages, interspersed with other buildings of varying eras, including modern dwellings. They are generally harmonious in their scale and materials. There is a sense of spaciousness around each building, or group of buildings, with a roadside edge strongly defined by drystone walling set behind modest grass verges. Glimpses and views towards the wider rural landscape beyond the village envelope are also prevalent.
9. The grade II listed Manor House, opposite the appeal site, is late 17th Century with mid-late 18th Century and late 20th Century alterations. Its traditional form and detailing including its two main phases of build are characteristics that contribute to the listed building's significance. The drystone wall that defines the front garden, is set behind a well-managed grass verge, which is much wider than other verges in the vicinity. This frames the building frontage and differentiates the Manor House from other buildings, thus increasing its prominence within this part of the village. It

⁴ 98/02929/RENEW

⁵ 16/04759/CLOPUD.

is also appreciated through its proximate link with open countryside by way of the gap between buildings on the opposite side of the lane.

10. Disregarding the temporary construction hoardings, the appeal site contributes to the character and appearance of the area. This is by way of the siting and general form of Elm Tree House and The Mews, together with the spacious gap between dwellings, opposite the Manor House, and the tightly defined length of roadside boundary wall with narrow grass verge. This knits the site with the established pattern of development in the street scene.
11. The development would see the frontage drystone wall re-positioned behind a wide grass verge, which would also emphasise the splayed vehicular access positioned approximately centrally between the new dwellings and Elm Tree House. This arrangement would erode the tightly defined roadside walling within the street scene and harmfully dilute the uniqueness of the grass verge opposite that serves to frame the listed building.
12. The proposed dwellings would be set back behind the front building line of Elm Tree House, providing a degree of space around the proposed development. However, even though they would be positioned on a lowered ground level, they would be discernibly bulkier, and discordant with surrounding buildings due to the substantial roof volume over both the host dwelling, and the garage elements. The dwellings would also be aligned with the proposed detached garage, which in turn would close the space afforded to the side of Elm Tree House, even though it is single storey. Together with the domestic hard-surfaced driveways and sub-division of plots, this would amount to a suburban and intensified arrangement that would be harmfully discordant with the street scene and would erode the relationship between the Manor House and its rural setting. Whilst the proposed landscaping would provide a softer edge to the site frontage, it would not screen it or alter the alignment of the roadside walling. Therefore the harm to the character and appearance of the area would not be offset or mitigated by it.
13. The proposal would not preserve the setting of the grade II listed building, and the harm to its significance would be less than substantial at the lower end of the scale of harm, due to the siting of the development on the opposite side of the road. I consider whether the less than substantial harm would be outweighed by public benefits in the heritage balance later in the decision.
14. The Framework is clear that great weight should be given to conserving and enhancing landscape and scenic beauty in a National Landscape. The historic environment, including settlements and their position in the landscape, are a key feature of natural beauty⁶. The Landscape Character Assessment Area 18, notes Askwith as a main settlement in landscape terms on the Wharfedale south-facing valley side, and it highlights the need to ensure development fits with settlement patterns and vernacular. For the reasons outlined above, the proposal would fail to conserve or enhance the settlement pattern and vernacular of Askwith.
15. There would be large, glazed openings to the rear of the new dwellings, the extension to Elm Tree House and The Mews. However, they are of a domestic scale and primarily at ground floor level in a site that benefits from a rear boundary treatment. It is also within the context of an existing village where several dwellings have aspects facing south that would be lit internally at night. Furthermore,

⁶ Nidderdale Area of Outstanding Natural Beauty Management Plan 2019-2024.

Askwith is within Dark Sky Zone E2, as set out in the Protecting Dark Skies in the Nidderdale Area of Outstanding Natural Beauty Supplementary Planning Document (SPD). This was adopted in May 2024, and Zone E2 is described as being affected by skyglow associated with the Leeds and Bradford conurbation. In the absence of evidence to the contrary therefore, I am not persuaded that the proposal, including rooflights, would lead to harmful light-spill.

16. Nevertheless, as harm is not avoided in respect of the effect of the development on the settlement of Askwith, it follows that having regard to my statutory duty set out in Section 245 of the Levelling-up and Regeneration Act 2023 (LURA), the appeal proposal would not further the purposes of the Nidderdale National Landscape.
17. The permitted scheme would comprise smaller dwellings more akin to the scale of nearby modern dwellings in the vicinity and set further back within their plots, retaining more space to the front. Even though the frontage boundary wall height would be reduced, its position would be retained behind a modest grass verge, and the access point would allow for a longer stretch of walling to be retained. Thus, I consider that the permitted scheme would have a less deleterious effect on the character and appearance of the area, and the setting of the Manor House.
18. The Mews is perceived within the street scene as a subservient outbuilding associated with Elm Tree House. The element of the building fronting the road has a modest workshop appearance and form, which contributes positively to the historic character of the village. The remainder of the building has been altered over time, and has an overtly domestic appearance, although its overall form and materials retain a traditional character.
19. There is no evidence that the building has been included within a local list, and the appellant contends that its heritage status has not been questioned in the past. Even so, this does not mean it is not worthy to be considered as a non-designated heritage asset, nor does it directly reflect its heritage value. The Planning Practice Guidance states that such assets can be identified as part of the application process on planning applications⁷. Furthermore, the Framework defines a heritage asset as, amongst other things, a building having a degree of significance meriting consideration in planning decisions because of its heritage interest.
20. Taking these factors together, I consider the building to be a non-designated heritage asset for the purpose of local and national policy. Its significance is derived primarily from its simple workshop frontage element, set behind a small forecourt.
21. The proposed alterations to its frontage would, by way of making use of existing modest openings, retain the essential qualities and unassuming form of the workshop element. Its internal configuration would still be discernible, as the plan form and roof void of this part of the building would be largely retained. The alterations to window and door openings, flue and roof modification, would be in keeping with the domestic element of the building, without detracting from its traditional character, and would not be prominent within the street scene of the village.

⁷ Planning Practice Guidance: Paragraph: 040 Reference ID: 18a-040-20190723

22. The proposed extensions and alterations to Elm Tree House, and the pool building would be largely contained to the rear, with the exception of the proposed porch, and are of a very similar scale and nature to the recently granted planning permission and would not harm the character and appearance of the area. The Council has also stated that these elements of the wider appeal did not form part of the reason for refusal.
23. Nevertheless, I conclude that the proposed new dwellings and detached garage, would harm the character and appearance of the area, including the setting of the grade II listed Manor House and the Nidderdale National Landscape. As such, the development would conflict with the Framework and the relevant provisions of Policies HP2 and HP3, GS6 and NE4 of the Harrogate District Local Plan 2014-2035 (Local Plan). Amongst other things, these policies require new development to protect or enhance features of special architectural or historic interest, and the characteristics and qualities of the area.

Whether inappropriate development

24. The site is within the Green Belt. Inappropriate development, is by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Whilst not referenced in the reason for refusal, Policy GS4 of the Local Plan states that proposals for development in the Green Belt will be determined in accordance with relevant national policy.
25. Paragraph 154 of the Framework sets out that development in the Green Belt should be regarded as inappropriate, subject to a number of specific exceptions. There is no dispute that the conversion of The Mews, the extensions to Elm Tree House, and the pool room building, meet exceptions within the Framework and are not inappropriate development in Green Belt terms.
26. Paragraph 154 e) of the Framework allows for limited infilling in villages. Paragraph 154 g), allows limited infilling or partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings). This providing it would not cause substantial harm to the openness of the Green Belt.
27. It is not disputed that the site is within a village location. The Framework does not provide a definition of what constitutes 'limited infilling,' and therefore a planning judgment is required, but it is commonly understood to be the development of a small gap within an otherwise built-up frontage.
28. There is an absence of built form on the site of the proposed dwellings and detached garage, and there is an extended site frontage. This represents a definite visual break between Elm Tree House and the next dwelling to the west, which is not relatively small. Whilst the buildings would be set back within the site, the quantum of development including the scale of the two dwellings, access splay and areas of hard-surfacing, vehicle parking and subdivided areas would be a dominant form of development occupying a large space within the village. For these reasons I would not describe the development as limited infilling.
29. The appellant's stance is that the site is previously developed land (PDL). 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, amongst other criteria.

30. The extent of development associated with the permitted scheme, is limited to the partial construction of the site access and includes splayed curb stones. During my site visit I observed that the rest of the area adjacent to Elm Tree House, which is the vast majority, is unmanaged grass. There is no other evidence before me of any permanent structures or fixed infrastructure on the site proposed for the siting of the garage and two dwellings. Accordingly, I do not consider the site to be PDL. Even if it were, there remains a requirement to ensure the proposed development would not cause substantial harm to the Green Belt.
31. Openness can be characterised as the absence of built form. The Planning Practice Guidance states that openness is capable of having both spatial and visual aspects. A fundamental aim of Green Belt policy is to keep land permanently open.
32. The construction of two new dwellings on the site would result in built development where there is currently none. The footprint of the dwellings their bulk and accompanying domestic accoutrements including garaging, walls and fencing, would lead to a loss of spatial and visual openness. The development would also result in a marked increase in activity on the site with the comings and goings associated with two separate residential dwellings. I am told that the volume of the detached garage is the same as the garage that has been demolished. However, that garage was less visually prominent and not in close proximity to the built form of the new dwellings. Thus, visual and spatial openness would be further eroded.
33. Consequently, whilst some aspects of the development would not be inappropriate development in the Green Belt, the proposed dwellings and detached garage would not meet the exceptions listed in paragraph 154 of the Framework. The development would therefore amount to inappropriate development in the Green Belt, which is by definition harmful. It would therefore conflict with the requirements of Policy GS4 of the Local Plan, and the Framework.

Housing mix

34. Policy HS1 of the Local Plan seeks to ensure housing developments deliver a range of house types and sizes which reflect and respond to the identified housing needs and demands of the district's households. It states that the proposed mix should make reference to the latest Housing and Economic Needs Assessment (HEDNA) and be informed by local assessments of housing need; detailed local market assessments and the ability of the site to accommodate a mix of housing. The Council states that the latest HEDNA indicates a particular need for 2 and 3 bedroom houses.
35. The proposed floor plans for the two new dwellings indicate five bedrooms, and a home office that is capable of being used as a sixth bedroom, due to its size. Even if they were retained as five bedroomed dwellings, I have not been presented with evidence of a local assessment of housing need or local market assessment to justify dwellings of the type and size proposed. This is particularly significant in the context of the need outlined in the HEDNA, or relating to the ability of the site to accommodate a mix of housing. The Mews would provide a 3 bedroom house; however the bulk of the proposal would introduce substantially larger dwellings, and the proposed mix has not been supported with evidence.

36. The appellant, in support of their case compares the proposal to the permitted scheme. That scheme indicates four bedrooms, and the overall scale of the approved dwellings is substantively smaller than the proposed development, including its roof volume. It has also not been shown that additional accommodation in their roof spaces would amount to an equal or greater dwelling type and size, when compared with the appeal proposal. Accordingly, I afford limited weight to this factor.
37. The appellant references the Council's shortfall in meeting the 5 year housing land supply (5YRHLS). I will return to the 5YRHLS later in my decision. However in the context of an appropriate housing mix, paragraph 61 of the Framework is clear that to support the Government's objective of boosting housing supply, the overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.
38. Consequently, I conclude that the proposal would not provide an appropriate mix of housing contrary to Policy HS1 of the Local Plan.

Biodiversity Net Gain (BNG)

39. Policy NE3 of the Local Plan seeks to protect and enhance biodiversity and provide net gains in biodiversity. However, the Council's sixth reason for refusal relates to the more up-to-date mandatory BNG regime. This requires development to provide a minimum of 10% BNG, unless it meets an exception set out in the Act⁸.
40. It is common ground that the development would be required to provide the statutory BNG. Therefore, if the appeal were to succeed, it would be subject to the statutory pre-commencement biodiversity gain condition ('the condition'). Guidance contained within the Planning Practice Guidance (PPG) states that it would generally be inappropriate, when determining a planning application for a development subject to BNG, to be refused on the grounds that BNG will not be met. The PPG also advises that consideration may be required as to whether 'the condition' is capable of being successfully discharged.
41. The Council cite insufficient information on the pre-development biodiversity value of the site as only part of the site was covered by the calculation. The revised Biodiversity Gain Assessment covers the entirety of the appeal site and includes the degraded biodiversity resulting from the vegetation clearance after 2022. I am satisfied that the appellant has provided sufficient minimum information in this regard. It is also clear that BNG is unlikely to be met on site, and that land in the appellant's ownership, and as shown in the blue edged area on the site location plan, would need to be utilised for off-site BNG provision.
42. Whilst not directly commenting on the above, the Council recommends conditions relating to the submission of a Habitat Management and Monitoring Plan (HMMP), its implementation, and ongoing management and monitoring. 'The condition' sets out that development cannot begin until the Biodiversity Gain Plan (BGP) has been approved. It would be for the Council to consider the BGP, and whether the measures set out at that time are acceptable and secured.

⁸ Schedule 7A of the Town and Country Planning Act 1990 (as amended)

43. On-site gains could be secured through a HMMP if necessary, and off-site provision could be secured through the provision of a conservation covenant or S106 legal agreement, something the appellant has confirmed a willingness to provide. As such, I am satisfied that 'the condition' is capable of being discharged.
44. Therefore, I find the development is capable of meeting the mandatory requirements for BNG.

Other Considerations

45. The proposal would make efficient use of the land, would contribute to housing supply and would meet Nationally Described Space Standards. These are benefits of the development that weigh in its favour. The appellant also states that the dwellings would be energy efficient and easily adapted to facilitate life time accommodation in the form of single level living. There is little evidence before me to substantiate these points, which limits the weight I attribute to them.
46. The permitted scheme for reasons I have set out, would be less harmful than the development before me. It has not been shown that 'permissible extensions' to that scheme would be of a comparable scale, massing and siting as the proposal. It is also not adequately demonstrated a detached garage of comparable size could or would, be constructed under permitted development, and there is no compelling evidence before me pertaining to the curtilage of Elm Tree House to support the appellant's stance in this regard. Furthermore, it has not been adequately demonstrated that the development would represent an improvement to highway safety compared with the permitted scheme, since that scheme was deemed to be acceptable under these terms at the time. This is evidenced by way of a condition of planning permission requiring splays with clear visibility of 2.4m by 70m to be set out and retained, as indicated on the approved site plan.
47. The proposal would not harm the living conditions of neighbouring occupiers and would utilise materials that would be in keeping with the local area. I am mindful of concerns raised by interested parties in respect of cars parked on the highway in the vicinity of the appeal site during busy times, and the number of vehicles that may be associated with the development. However, the proposal meets visibility splay and car parking provision requirements and has been subject to traffic speed surveys. Therefore, and in common with the Council's conclusions I am satisfied that with appropriate planning conditions, safe access can be achieved. There is limited evidence before me in respect of surface water flood risks, and a detailed drainage scheme condition would have been required, had the appeal succeeded. These are however neutral factors that do not outweigh the harm that I have found on the first three main issues.
48. It is acknowledged that the appellant has sought to amend the design during various application processes. However this is not a matter that I can consider under a Section 78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.

Heritage Balance

49. Paragraph 215 of the Framework states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. For the reasons set out above, I find that the proposal would harm the setting of the grade II listed Manor House. I have

found this to be at the lower end of the scale of less than substantial harm, but nevertheless of considerable importance and weight. Under such circumstances, the Framework and Policy HP2 of the Local Plan advises that this harm should be weighed against the public benefits of the proposal.

50. As I have set out above, the appellant has identified benefits of the scheme which could be deemed as public benefits. In particular, the delivery of housing to meet a supply need. I am mindful of the associated social and economic benefits that would arise from this. However, taken together, these public benefits would be relatively modest and would not outweigh the harm that I have identified, and the great weight attached to the conservation of heritage assets. The proposal would therefore conflict with the historic environment policies of the Framework, and Policy HP2 of the Local Plan.

Green Belt Balance

51. The development, in particular regard to the proposed new building dwellings and detached garage, would be inappropriate development in the Green Belt that does not fall under any of the listed exceptions and would result in harm to openness of the Green Belt. The Framework, and Policy GS4 of the Local Plan, establish that substantial weight be given to any harm to the Green Belt and the development should not be approved except in very special circumstances.
52. In addition, I have concluded that the development would result in harm to the character and appearance of the area and setting of a grade II listed building. This harm renders the development contrary to the requirements of the Council's aforementioned development plan policies and in conflict with the Framework where it seeks the creation of well-designed places and the conservation of heritage assets. Consequently, these other additional harms carry significant weight.
53. Very special circumstances will not exist unless the harm to the Green Belt and any other harms are clearly outweighed by other considerations.
54. Overall, when taken together and in the context of the small number of proposed dwellings, the benefits of the development attract limited weight in favour of the proposal. Therefore, the other considerations in this case are not sufficient to clearly outweigh the totality of harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal conflicts with Policy GS4 of the Local Plan and the Framework.

Planning Balance and Conclusion

55. It is common ground that the Council is unable to demonstrate the necessary 5YRHLS in accordance with the Framework. Whilst different figures are presented by the main parties, the Council, in its Statement of Case, advises that the figure now stands at 2.2 years as of April 2025. This represents a significant shortfall.
56. In such circumstances, paragraph 11 d) of the Framework indicates that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the proposed development. Footnote 7 of the Framework lists land

designated as Green Belt, designated heritage assets and National Landscapes, as such assets of importance.

57. I have concluded that the development would harm the setting of a designated heritage asset which would not be outweighed by public benefits and would harm the character and appearance of a National Landscape. I have also found that the development would be inappropriate in the Green Belt and the very special circumstances necessary to justify the development do not exist. These matters provide a strong reason for refusing the development. Consequently, paragraph 11 d) ii. is not engaged and the proposal does not benefit from the presumption in favour of sustainable development.
58. For the above reasons, I conclude that the proposal conflicts with the development plan when read as a whole and the material considerations do not indicate a decision should be made other than in accordance with it. Therefore, the appeal is dismissed.

E Heron

INSPECTOR