



Appeal Decision

Site visit made on 8 October 2025

by **Paul Martinson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25th November 2025

Appeal Ref: APP/U2750/W/25/3362184

Middle Farm, South Lane, Warsill, North Yorkshire HG3 3LH

- 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 & Mrs D Cockburn against the decision of North Yorkshire Council.
 - The application Ref is ZC24/04043/DVCON.
 - The application sought planning permission for erection of agricultural workers dwelling without complying with a condition attached to planning permission Ref 19/00465/FUL, dated 21 March 2019.
 - The condition in dispute is No 2 which states that: *'The development hereby permitted shall not be carried out otherwise than in strict accordance with the approved details: Location Plan submitted 1st February 2019; Elevations and Floorplans submitted 19th March 2019'*.
 - The reason given for the condition is: *'In order to ensure compliance with the approved drawings'*.
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Decision

1. The appeal is allowed and planning permission is granted for erection of agricultural workers dwelling at Middle Farm, South Lane, Warsill, North Yorkshire HG3 3LH in accordance with the application Ref ZC24/04043/DVCON, without compliance with condition number 2 previously imposed on planning permission Ref 19/00465/FUL dated 21 March 2019 and subject to the conditions set out in the attached schedule.

Preliminary Matters

2. I have taken the name of the appellants from the Appeal Form in the interests of accuracy.
3. On the site visit I saw that a dwelling has been constructed on the site. The Council has confirmed that it has not been constructed in accordance with the approved plans and incorporates a large extension as well as additional rooflights and windows which are not covered by the planning approvals on the appeal site.
4. The windows in the dwelling that exists on site has windows that broadly reflect those shown on the proposed plans submitted as part of this appeal, albeit I saw that there were additional windows and rooflights to those shown. For the avoidance of any doubt, I have restricted my assessment to the proposed plans.

Background and Main Issues

5. Planning permission 19/00465/FUL granted permission for the erection of an agricultural workers dwelling.

6. The application subject to this appeal is made under Section 73 of the Town and Country Planning Act 1990 (as amended). It seeks revised but not substantially different designs for the new dwelling that has been constructed. This type of application is possible as a condition was imposed on the original permission specifying the approved plans. The appeal seeks removal of that condition and replacement with a condition specifying the plans that reflect the amended proposal.
7. The main issues are therefore:
 - the effect of the revised design on the character and appearance of the area, including whether it would conserve the landscape and scenic beauty of the Nidderdale National Landscape (NNL) and the effect on its dark skies; and
 - whether the revised design would undermine the feasibility of the property remaining as a rural workers dwelling.

Reasons

Character and Appearance

8. The appeal building is a large stone farmhouse with a slate roof that is sited in an elevated and prominent position by the roadside. The building is located within an open landscape of rolling pastures, pockets of woodland and distant moorland. The scattered built form, comprising of predominantly stone and slate dwellings and traditional farm buildings, some of which have been converted, contributes to the landscape character of the NNL.
9. The main difference between the approved plans and the proposed plans is the placement and the extent of the windows and doors. The amendments include the installation of additional windows and rooflights to the building and the removal of an external staircase to the rear outshot.
10. The Council's principal concern is that the additional windows and rooflights lead to a 'cluttered appearance' which undermines the overall appearance of the dwelling due to 'over fenestration'. The Council considers this to represent poor design which would adversely affect the NNL.
11. The number of windows would increase in number in total across all of the elevations when compared to the approved elevations; however, the building would retain a similar solid to void ratio as that which was approved. Furthermore, the windows shown on the proposed plans would reflect the symmetry that was present in the approved windows, contributing to a consistent appearance across its elevations. Moreover, the extent and design of the fenestration would be reflective of that present at the dwelling located roughly opposite at Farm View Hall. Whilst the building would now include a pair of windows in the attic space, these would be small and would not appear out of place on a dwelling of this scale and design.
12. The appellant has supplied a table that has not been disputed by the Council, and demonstrates that there is an overall reduction in the percentage of glazing to three of the elevations. Whilst there would be an increase in the extent of glazing to the west elevation, this elevation is not publicly visible, facing onto the agricultural buildings and a heavily wooded area beyond. This reinforces my above assessment.

13. For the above reasons, the proposed fenestration to the visible elevations of the building would not appear excessive, nor would it contribute to a 'cluttered appearance'. Moreover, its extent and style would be reflective of that of nearby properties. On this basis I am satisfied that the proposal would not represent poor design, and that it would preserve the landscape character of the NNL. It follows that the quality of the development would not be materially diminished as a result of the proposed revisions, in line with paragraph 140 of the National Planning Policy Framework (the Framework).
14. The appellant's table sets out that, overall, the proposal would result in an increase of 2.2 square metres of glazing across the elevations of the building. Moreover, given the likelihood that most windows would be furnished with curtains or blinds, thus blocking light emissions, I am not convinced that this small increase would result in a significant increase in light spill.
15. In my experience, rooflights are likely to make a greater contribution to light spill than windows or doors. However, given that only three rooflights are proposed and that these would be located to a domestic store and bathroom, I am satisfied that there would be no significant increase in light spill from the proposed addition of the three rooflights to the west elevation.
16. I therefore conclude that the revised design would preserve the character and appearance of the area and its dark skies. It would also conserve the landscape and scenic beauty of the NNL. There would therefore be compliance with Policy HP3 of the Harrogate District Local Plan (2020) (the LP) which seeks to ensure new development reinforces local distinctiveness, and Policies NE4 and GS6 which seek to preserve landscape character and that of the NNL.
17. Furthermore, there would be no conflict with paragraph 189 of the Framework which requires me to give great weight to conserving and enhancing landscape and scenic beauty in National Landscapes. There would similarly be no conflict with Framework paragraph 198 which seeks to ensure planning decisions also ensure that new development limits the impact of light pollution.

Rural Workers Dwelling

18. The Council considers that the proposal would undermine the feasibility of the site being affordable as a rural workers dwelling. This is owing to the insertion of the gable windows potentially leading to the use of the loft space as accommodation.
19. It is understood that the original grant of permission preceded the adoption of the LP in 2020. Thus, the decision was not made having regard to Policy HS9 of the LP which states that *'Rural workers dwellings should be of a size commensurate with the established functional requirement. Dwellings which are unusually large in relation to the rural employment needs of the unit should not be permitted.'*
20. The Council has confirmed that the overall scale of the dwelling approved is greater than would presently be considered to be appropriate. However, I have not been provided with any particular evidence in this regard such as estimated floor areas, financial details of the agricultural enterprise, or details of what was considered at the original application.
21. It is understood that permitted development rights were removed as part of the original grant of permission to avoid the dwelling exceeding a size that could be

justified by the functional requirement. This is notwithstanding that the stated reasons for all of these conditions relate to the visual effect of the proposal rather than any policy limitation over size. Nonetheless, I am not provided of the maximum size that would be justified by the functional requirement of this particular enterprise.

22. However, in this instance I am mindful that the loft space formed part of the original planning application, at which stage its presence and contribution to the floor space of the dwelling could have been considered. The proposed revisions relate solely to insertion of windows into this space and not to any additional floor space. An increase in the useability of the attic floor space the dwelling would not make the dwelling appear unusually large. Moreover, the attic floor space would amount to a very small proportion of its overall total floor area.
23. There is no dispute over the existing viability of the enterprise which appears to be a sizeable dairy operation. Having regard to the limited evidence from either party, I cannot reasonably conclude that the increased usability of the attic storage area would make the dwelling unaffordable to, or incapable of being sustained by, the existing agricultural operations at the appeal site.
24. I therefore conclude that the revised design would not undermine the feasibility of the property remaining as a rural workers dwelling. On that basis there would be compliance with Policies GS2 and GS3 of the LP which seek to restrict new housing to existing settlements except where expressly permitted by other policies or national planning policy. There would be no conflict with Policy HS9 of the LP, outlined above. The proposal would also comply with paragraph 84 of the Framework which seeks to ensure planning decisions avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

Conditions

25. The guidance in the Planning Practice Guidance (PPG) makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect.
26. I have not imposed a time limit condition as there is no dispute between the parties that the development has already commenced and I see no reason to disagree. However, as there are differences between what is proposed as part of this appeal and what has actually been built, it is necessary to impose a plans condition to require that the development is completed in accordance with the plans. Having regard to the extent of building operations required, I have allowed a 12 month period for compliance rather than the 6 month period suggested by the Council.
27. It is understood that conditions 3, 4 and 8 of the original planning permission have been discharged. The Council has therefore suggested that new conditions be imposed to reflect those approved details. The appellant has not disputed this, and this would provide the appellant with clarity in respect of this matter. I have therefore included condition 3 which provides details of the stonework and slate that have been approved. Condition 8 of the original permission related to the provision of a landscaping scheme. Such a condition is necessary given the exposed location within an attractive and upland landscape. It is understood that this has already been discharged following submission of details to the Council. I

have therefore amended this condition to reflect the details supplied and this forms condition 4 below.

28. Condition 5 of the original permission, restricting occupation to an agricultural worker, continues to have effect and I have therefore restated this at condition 6.
29. Similarly, the Council's previous removal of permitted development rights would help to limit any future harm to the NNL, given the highly exposed nature of the site. I am therefore satisfied that this would represent a clear justification to remove permitted development rights in accordance with paragraph 55 of the Framework. Removal of the permitted development rights would also have the effect of controlling the size of the dwelling and ensure that it remains affordable to future occupiers managing the enterprise by preventing any future enlargements.
30. As I have no information before me about the status of condition 10 and 11 of the original planning permission, I have re-imposed them in full (as conditions 2 and 5) in the interests of ensuring public protection and of reducing emissions and promoting sustainable transport respectively. In the event that either of these conditions have in fact been discharged, that is a matter which can be addressed by the parties.

Other Matters

31. I have had regard to the comments of the NNL Joint Advisory Committee. Whilst I acknowledge that the appeal is partly retrospective in nature, I am required to consider what is before me based on the evidence that is available. As I have set out above, in terms of the number of windows proposed as part of this appeal, I have not found that the proposal would be above what could be expected from a dwelling of this size, moreover, it would reflect the extent of fenestration at neighbouring properties.

Conclusion

32. The proposed development would not conflict with the development plan. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given and subject to conditions, I conclude that the appeal should be allowed

Paul Martinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Within twelve months of the date of this decision, the development hereby approved shall be completed in accordance with the following approved plans:
Location Plan;
Elevations – 17894 04 Rev A;
Plans – 17894 03 Rev B.
- 2) No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together

with a timetable of works, being accepted and approved by the Local Planning Authority (LPA), unless otherwise approved in writing with the LPA.

a) The Phase I desktop study, site walkover and initial assessment must be submitted to the LPA for approval. Potential risks to human health, property (existing or proposed) including buildings, livestock, pets, crops, woodland, service lines and pipes, adjoining ground, groundwater, surface water, ecological systems, archaeological sites and ancient monuments must be considered. The Phase 1 shall include a full site history, details of a site walkover and initial risk assessment. The Phase 1 shall propose further Phase 2 site investigation and risk assessment works, if appropriate, based on the relevant information discovered during the initial Phase 1 assessment.

b) The Phase 2 site investigation and risk assessment, if appropriate, must be approved by the LPA prior to investigations commencing on site. The Phase 2 investigation shall include relevant soil, soil gas, surface and groundwater sampling and shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology and current best practice. All the investigative works and sampling on site, together with the results of analysis, and risk assessment to any receptors shall be submitted to the LPA for approval.

c) If as a consequence of the Phase 2 Site investigation a Phase 3 remediation report is required, then this shall be approved by the LPA prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation.

d) The approved Phase 3 remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The LPA must be given two weeks written notification of commencement of the remediation scheme works. If during the works, contamination is encountered which has not previously been identified, then all associated works shall cease until the additional contamination is fully assessed and an appropriate remediation scheme approved by the LPA.

e) Upon completion of the Phase 3 works, a Phase 4 verification report shall be submitted to and approved by the LPA. The verification report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all verification data has been approved by the LPA.

Should any unexpected significant contamination be encountered during development, all associated works shall cease and the Local Planning Authority (LPA) be notified in writing immediately. A Phase 3 remediation and

Phase 4 verification report shall be submitted to the LPA for approval. The associated works shall not re-commence until the reports have been approved by the LPA.

Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the LPA prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the LPA prior to any soil and soil forming material being brought on to site.

- 3) The materials to be used in the construction of the dwelling hereby approved shall be grey slate roof tiles and pitched faced stone from Sam Cryer Ltd in accordance with the details approved by the Council on 20 August 2021.
- 4) Prior to the first occupation of the dwelling hereby approved, the landscaping scheme shall be completed in accordance with Landscape Plan document no. 10100938 submitted to the Council on 24 June 2021 and Additional Landscaping Details document no. 10110306 submitted to the Council on 14 July 2021.
- 5) Prior to the first occupation of the dwelling hereby approved, a scheme detailing the facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Electric vehicle charge points minimum specification:

- One electric vehicle charging point for each residential unit
- Mode 3 charging point with a type 2 outlet socket
- The cable and circuitry ratings for the charging points shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps.

No development to the former toilet block shall be carried out unless in accordance with details including elevation drawings that have first been submitted to and approved in writing by the local planning authority.

- 6) The occupation of the proposed dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture, as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry, (including any dependants of such person residing with him) or a widow or widower of such a person.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development consisting of the, extension, enlargement, improvement or other alteration of the dwelling

house nor the erection of garages or ancillary buildings, nor the erection boundary walls, fences, other than any expressly authorised by this permission shall be carried out without the grant of further specific planning permission from the local planning authority.

- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), no further windows or doors, including dormers and rooflights, shall be inserted in the elevations or roof of the development hereby approved, without grant of further specific planning permission from the local planning authority.

END OF SCHEDULE