



# The Planning Inspectorate

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[www.gov.uk/planning-inspectorate](http://www.gov.uk/planning-inspectorate)

Mrs Wendy Strangeway  
North York Moors National Park Authority  
Development Control Support Officer  
The Old Vicarage  
Bondgate  
Helmsley  
York  
YO62 5BP

Your Ref:  
Our Ref: APP/W9500/W/20/3246365  
Further appeal references at foot of letter

04 January 2021

Dear Mrs Strangeway,

Town and Country Planning Act 1990  
Appeals by Mr George Winn Darley, Mr George Winn-Darley  
Site Addresses: Spaunton Quarry, Land at Spaunton Quarry, Kirkbymoorside,  
YO6 6NF and Spaunton Quarry, Kirkbymoorside, YO6 6NF

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

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Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

***Hazel Stanmore-Richards***

Hazel Stanmore-Richards

*Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>*

Linked cases: APP/W9500/W/19/3243322



## Appeal Decisions

Hearing Held on 16 October 2020

Site Visit made on 19 October 2020

**by K Savage BA(Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 04 January 2021**

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### **Appeal A Ref: APP/W9500/W/20/3246365 Spaunton Quarry, Kirkbymoorside, YO6 6NF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr George Winn Darley against the decision of North York Moors National Park Authority.
  - The application Ref NYM/2018/0787/FL, dated 7 February 2019, was refused by notice dated 6 August 2019.
  - The development proposed is 'change of use of two of the existing buildings which were formerly used in connection with mineral extraction at the site to agricultural use along with the construction of an extension to one of the buildings.'
- 

### **Appeal B Ref: APP/W9500/W/20/3243322 Spaunton Quarry, Kirkbymoorside, YO6 6NF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr George Winn Darley against the decision of North York Moors National Park Authority.
  - The application Ref NYM/2018/0791/FL, dated 2 December 2018, was refused by notice dated 17 June 2019.
  - The development proposed is 'Use of part of the former quarry for leisure purposes.'
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## Decisions

### Appeal A Ref: APP/W9500/W/20/3246365

1. The appeal is dismissed.

### Appeal B Ref: APP/W9500/W/20/3243322

2. Appeal B is dismissed insofar as it relates to the proposed amenity building. Appeal B is allowed insofar as it relates to the proposed cabin and caravan pitches and planning permission is granted for Use of part of the former quarry for leisure purposes in the form of 1 No. log cabin, 12 No. touring caravan pitches and provision of package treatment plant, at Spaunton Quarry, Kirkbymoorside, YO6 6NF, in accordance with the terms of the application Ref NYM/2018/0791/FL, dated 2 December 2018, and subject to the conditions set out in the attached schedule.

## Applications for costs

3. Separate applications for costs in both appeals have been made by Mr George Winn Darley and by Mr Jonathan Allison (CL162 Appleton Spaunton Common

Protection Association) against North York Moors National Park Authority (hereafter the NPA). These applications are subject to separate decisions.

### **Preliminary Matters**

4. At the time of the NPA's decisions, the development plan comprised the North York Moors Core Strategy and Development Plan Document (CSDPD) (13 November 2008). In July 2020, the NPA adopted the North York Moors National Park Authority Local Plan (the LP) which replaces the CSDPD. The main parties have had the opportunity to comment on this change during the course of the appeals. I have considered the appeals against the policies of the LP.
5. At the Hearing, I sought clarification as to the drawings to be considered under Appeal B. Additional plans were submitted at the appeal stage to clarify the appearance and materials of the proposed amenity building. I am satisfied that these plans are not material changes to the proposal, but simply further illustrations of the proposal as described in the original documents. Therefore, I have taken them into consideration alongside the original drawing set.
6. However, the NPA indicated that it did not consider the further 'concept' drawings showing alternative designs for the amenity building. These are no more than illustrative images as opposed to formal plans, but they represent material changes to the proposal and I was told they were not subject to public consultation. Therefore, I have not taken them into account.
7. In the formal decision above, I have amended the description of development for Appeal B to specify those parts of the proposal permitted.

### **Main Issues**

8. The main issues in respect of Appeal A are i) the effect of the proposal on the landscape character and appearance of the area, and ii) whether the proposal would represent an appropriate location for agricultural buildings.
9. The main issue in respect of Appeal B is the effect of the proposal on the landscape character and appearance of the area.

### **Reasons**

10. The former Spaunton Quarry is located to the east of Kirkbymoorside and lies within the North York Moors National Park. Mined for more than 150 years, the quarry closed in 2007 following a public inquiry in 1997 where permission was refused to keep the quarry open. A 2003 Review of Mineral Permission set new planning conditions, including a requirement to cease winning and working of minerals by December 2007 and implementation of a restoration masterplan.
11. A Landscape Restoration Plan (LRP) was agreed in 2003 which provided for removal of quarry buildings and extensive replanting and re-naturalisation of the site for subsequent agricultural/grazing use. Part of the LRP has been undertaken since 2007, though several quarry buildings remain in place, three of which are the subject of the present appeals.
12. The quarry extends roughly north-south, with an access road leading north from the A170 road for some 500m where it reaches the former reception building and weighbridge. Beyond this, the quarry opens up across a flat floor enclosed by tall escarpments to the eastern side and tall berms on the western side, beyond which is a raised plateau. The quarry floor wraps around a central

escarpment to a further open area to the north also enclosed by high quarry walls. An access road leads north to an expansive bowl with high sides lined on top by trees. The remaining buildings include the reception building and two large sheds at the edge of the main quarry floor, along with a scattering of smaller, ancillary structures. Beyond the site, Spaunton Moor is an elevated area to the east of the quarry. From higher vantage points, I saw the immediate surroundings to comprise undulating pastureland.

13. In 2007, the NPA granted planning permission for the creation of a leisure use at the site, comprising five timber cabins and associated infrastructure which would be located on the plateau area to the west of the main quarry floor. It is a matter of common ground between the main parties that works to implement this permission, comprising digging of foundations, were undertaken within the time limit and the permission remains extant and capable of implementation. I have had regard to this as a material consideration.
14. Much of the surrounding area comprises common land as defined by the Commons Act 2006. At the Hearing, I heard from the CL162 Association in respect of the relevance of this designation to the main issues of the appeals. I have taken these comments into consideration, but as I advised the parties at the Hearing, it is not within the scope of these appeals to consider whether or not the proposals would be acceptable under other regulatory processes. My role is to consider the planning merits of the appeals before me, and any other consents required are separate matters to be considered on their own merits.

#### *Policy Context*

15. National Parks have the highest status of protection in relation to landscape and scenic beauty. The two purposes of National Parks are to conserve and enhance the natural beauty, wildlife and cultural heritage of the area, and to promote opportunities for the understanding and enjoyment of the special qualities of National Parks by the public. Paragraph 172 of the National Planning Policy Framework (the Framework) requires that great weight should be given to conserving and enhancing landscape and scenic beauty within the National Parks.
16. Relevant policies of the LP include Strategic Policy E which reinforces the purposes of the National Park; Strategic Policy G which seeks to conserve and enhance the high quality, diverse and distinctive landscapes of the North York Moors; and Policy BL5 which supports development of agricultural buildings subject to meeting criteria relating to size, materials, functional need, lack of suitable existing buildings and the effect on the landscape. Strategic Policy J sets out support for tourism and recreation where it meets specified criteria, including its effect on the landscape and its consistency with the principles of sustainable tourism. Strategic Policy K supports development that fosters the economic and social well-being of local communities within the National Park; and Policies UE1 and UE2 address the location of tourism and recreation development, including caravans and cabins.

#### *Landscape Character and Appearance*

##### *Appeal A – Agricultural Buildings*

17. The proposal seeks to convert two former quarry buildings to agricultural use for sheep and lamb housing and storage. One of the buildings would have a

20m by 10m extension added to it and both buildings would be re-clad in dark green PVC coating and Yorkshire boarding with dark metal roofs.

18. The evidence indicates that the LRP was an integral part of the overall process of closing the quarry and the aim was to re-create a natural landscape of woodland and grassland, suitable for sheep grazing, consistent with its designation as common land, and which would restore wildlife corridors across the site. Such aims are consistent with the purposes of the National Park and the Framework.
19. I saw signs of re-naturalisation occurring across the wider quarry site, and new tree planting on the slopes and atop the escarpments. However, the area around the appeal buildings retains the scarred, denuded appearance of a quarry, with tall, steep walls, bare ground and an absence of greenery. The surviving quarry buildings, structures, signage and spoil heaps reinforce the impression of an altered, artificial landscape, albeit an enclosed one experienced mainly from within rather than as part of the wider National Park.
20. The appeal buildings are located to the south of the southernmost quarry basin, in front of steeply rising ground of the quarry wall. In their present state, the buildings detract from the re-emerging natural character of the quarry. Though remnants of the site's long quarrying history, they are not buildings of any architectural or cultural value and they do not contribute positively to the natural beauty, wildlife or cultural heritage of the area.
21. The rising topography behind the buildings screens them from views from outside the quarry itself. However, the buildings are in clear view as one emerges into the quarry along the public footpath which crosses the site, and one of the buildings is prominent on approach into the quarry basin from the south, where it intrudes into views of the open quarry floor. These views would be further curtailed by the significant extension proposed to this building which would protrude out into the open space of the quarry basin in a crude and conspicuous manner. This would erode the openness of the quarry basin and would significantly and harmfully undermine the aims of the LRP to restore a natural, undeveloped landscape across the quarry.
22. This effect would be exacerbated by the second building standing alongside. Although I was told at the Hearing that no curtilage structures would be required, an extensive area of hardstanding is proposed around the buildings, and their use for agricultural purposes would introduce human activity, livestock, vehicles and other materials into the areas around and between the buildings which would be at odds with the aims of the LRP.
23. The appellant has submitted a Landscape and Visual Impact Assessment (LVIA). The appeal sites are located within the Tabular Hills Landscape Character Type<sup>1</sup>, which is defined by a prominent north facing escarpment dissected by deeply incised, wooded valleys. The altered quarry landscape is not representative of these features, through it is surrounded by characteristic elevated land containing medium-sized fields of arable crops. The LVIA categorises the sensitivity of the landscape to change as high, but regards the landscape of the quarry as a detracting feature. However, it is largely enclosed from the wider landscape by the rolling topography and the screening proved by woodland to the edges of the quarry.

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<sup>1</sup> North York Moors National Park Landscape Character Assessment (2004)

24. In this context, the proposed agricultural buildings would have a negligible effect on the wider Tabular Hills landscape, but they would have a demonstrable adverse effect at a localised level in views into and within the quarry itself. The assessments in the LVIA have compared the existing situation with the quarry buildings still present. Whilst this is understandable, in light of the required implementation of the LRP, I find the more appropriate comparison is between the proposals and the landscape under a completed LRP where the buildings have been removed.
25. In elevated views from Footpath 25 (Viewpoint 1 of the LVIA), the otherwise natural landscape visible in a 180 degree panorama across the quarry would be punctuated by the visible presence of the agricultural buildings and any associated paraphernalia. Contrary to the appellant's view, I consider the presence of the agricultural buildings would have a minor but adverse effect that would weaken the predominant characteristics of this view as being of a restored and increasingly re-naturalised landscape. Similarly, at Viewpoint 2 where the footpath crosses the quarry floor, the imposing sight of the quarry walls would be obscured by the prominent scale and position of the agricultural buildings, as would the vista down the entrance road due to the sheep shed jutting out awkwardly into the access road.
26. I acknowledge that the converted buildings would use facing materials which would be generally consistent with rural settings and agricultural buildings; however, this improved appearance would not mitigate for the significantly increased scale of the sheep shed, nor would the materials demonstrably reduce the visibility of the structures in the aforementioned views.
27. For the reasons set out, I find that the proposed agricultural buildings would undermine the longstanding restoration plans for the former quarry and would be harmful to the character and appearance of the immediate landscape. This harm would be localised, but in detracting from the wider restoration plan for the quarry, it would cause demonstrable harm to the landscape and scenic beauty of the National Park. Consequently, there would be conflict with the stated aims of Strategic Policies E and G and Policy BL5 of the LP. In line with the Framework, I give great weight to the conflict with the aims of conserving and enhancing the landscape and scenic beauty of the National Park.

#### *Appeal B – Leisure Uses*

28. The five cabins approved in 2007 would be located on a plateau to the west of the main quarry basin. I saw this area to be well concealed by trees on all sides, though it was visible from the public footpath to the north (approximately Viewpoint 3 in the LVIA). The introduction of built form would significantly alter this view. I agree with the LVIA that it is a harsh, denuded space, but that planting forming part of the approved scheme would filter views of the cabins over time and reduce the stark appearance of this part of the site.
29. In this context, a further cabin sited in the same area as the five approved would not be widely visible and would not have a harmful effect on the wider landscape of the quarry. The proposed 12 pitches for touring caravans would be similarly screened by trees and would not be seen in the same views, in accordance with the screening requirements for caravan and cabin sites set out under Policy UE2. Given this screened and physically discrete setting on the plateau, the cabins and caravans would have limited visual impact in the landscape compared to the agricultural buildings standing in the open on the

quarry floor. Therefore, they would preserve the aims of the LRP to restore the natural landscape.

30. The former quarry reception building would be converted to become an amenity building comprising toilets, a shop, seating area and office. It would be re-clad in timber to resemble the cabins. The existing weighbridge would be removed and the surrounding land regraded. The proposed materials would be generally sympathetic to the rural setting, but the building would occupy a conspicuous position at the entrance to the quarry where it would be visible from distance on the approach road. It would be more prominent than the proposed sheep shed in these views and would have a similar effect of intruding into the emerging vista across the quarry. The building would be detached from the enclosed setting of the cabins and caravans. As a result, it would extend the overall area of recreational activity into the open space of the quarry floor, and would potentially also introduce a commercial character, which would conflict with the intended restoration of a natural and undeveloped landscape. The prominent positioning of the building would also conflict with the screening requirements of Policy UE2.
31. The appellant states that the proposal would provide a natural entrance and focal point for the leisure use. It may do that, but I am not referred to any policy or guidance which deems this a necessary feature of a leisure use, nor any reason why appropriate signage could not direct visitors as required to the cabins or pitches. Moreover, although there has been some argument put to me that the cost of constructing a new amenity building would exceed that of restoring the existing building, the evidence does not demonstrate that this is definitely the case, or that other options, such as a removable cabin as sought by the NPA, have been fully explored.
32. For these reasons, I find that the proposed holiday cabin and caravan pitches would preserve the landscape character and appearance of the area, in accordance with the landscape protection aims of Strategic Policies E, G and J and with the requirements for location and form of tourism development of Policies UE1 and UE2. However, I find that the proposed amenity building would cause significant harm to the landscape character and appearance of the area, in conflict with these same policies, and with the aims of the Framework, in particular Paragraph 172. I give great weight to the conflict.

#### *Agricultural Need – Appeal A*

33. The agricultural buildings are proposed to allow lambs to be overwintered on the site which would increase returns and farm margins. A report from an agricultural consultant, Savills, affirms this, and concludes that conversion of the buildings would be more cost effective than a new construction elsewhere. The report adds that the proposal would allow the business to become more resilient through increasing margins on sheep sold, and allow for the continued grazing of sheep on Spaunton Moor, with attendant environmental benefits.
34. The NPA's review of the appellant's agricultural need case concluded that there would be agricultural benefits if the development was allowed, but indicated that the functionality of the buildings is not overly suited to their proposed use.
35. Policy BE5 requires that the site is related physically and functionally to existing buildings associated with the business unless there is an exceptional agricultural need for a more isolated location. The appellant argues that the



proposed location would enable sheep to be kept on Spaunton Moor and reduce the need to transport them to other locations. I understand that, to date, sheep have been overwintered at a farm in Rosedale or on the owner's estate near York. Whilst the appeal site may offer a more convenient location for the appellant and less transport cost, it is not the sole option available to the appellant, and the evidence before me does not indicate that the farming business has demonstrably suffered in financial or other terms from having to operate at these other sites.

36. I have no reason to doubt the conclusions of the Savills report that the proposal would increase returns and future resilience. However, the evidence before me does not indicate to what extent the farm relies on sales of lambs for its income, whether other income streams exist or whether the farm is in a difficult financial position overall. Whilst the main parties were generally agreed that conversion of the existing buildings would be more cost effective, I have no indication of how much cheaper it would be, or what bearing this would have on the farm's finances. On the evidence before me, I am not persuaded that the proposed agricultural buildings are essential for the future viability of the farm business. Therefore, the exceptional need test of Policy BE5(5) has not been met which would justify the isolated location of the agricultural buildings. However, I accept that they would provide practical benefits which attract limited weight in favour of the proposal.
37. The NPA's further concern relates to the potential future demand for an agricultural worker's dwelling on the site to manage livestock. I understand the basis of the NPA's concern in that it is often argued that an agricultural worker needs to live within sight and sound of the barn to effectively manage livestock in emergencies. However, the appellant has not argued this to be necessary in this case, and points to his ownership of a dwelling at the entrance to the quarry from the A170 as a potential dwelling for an agricultural worker should one be needed. I have no reason to doubt the appellant's intentions in this respect. I see no reason why use of the existing dwelling would not be effective if ever needed, particularly if other measures such as alarms or CCTV are used. Ultimately, an application for an agricultural worker's dwelling, if made, would be determined on its own merits. Accordingly, this is not a factor which weighs against the proposal.

### **Planning Obligations**

38. The appellant has submitted signed unilateral undertakings (UUs) in respect of each appeal, which I have considered against the tests for planning obligations set out at Paragraph 56 of the Framework.
39. The UU submitted in respect of Appeal A provides for the agricultural buildings to remain in the ownership of the Spaunton Estate, and a requirement that the agricultural buildings be removed from the site within 6 months of the sale of the aforementioned dwelling by the A170. The purpose of this is to provide certainty that the agricultural buildings will not become part of a separate enterprise, and to remove the possibility of a different agricultural worker's dwelling being sought should the existing dwelling be sold.
40. The undertaking has been made in response to the NPA's third reason for refusal; however, the appellant's evidence does not advocate a need for an agricultural worker's dwelling on the site. The undertaking is therefore offered somewhat pre-emptively to cover a need which may or may not arise. Whilst I

acknowledge the appellant's willingness to link the nearby dwelling to the use, I am not persuaded on the evidence before me that this is necessary to make the development acceptable in planning terms. In any event, it would not overcome the landscape harm in respect of Appeal A, which would still exist.

41. The obligation in respect of Appeal B contains similar clauses to retain the amenity building, cabins and caravan pitches in the ownership of the Spaunton Estate and to require the cabins be used only as holiday accommodation. It was indicated to me by the parties that these clauses are similar to those agreed as part of the 2007 permission.
42. The NPA advised that the purpose of the ownership clauses as part of Appeal B was to address policy requirements to prevent additional permanent residential accommodation being created. However, whilst the now superseded Policy 16 of the CSDPD included such a requirement, none of the current development plan policies relating to tourism contain equivalent requirements. I am not presented with evidence that the tourism use, if under separate ownership, would be more likely to lead to pressure for a dwelling or other building, which in any event would be subject to an application to be determined on its merits.
43. Moreover, the restrictions to use only as holiday accommodation could be dealt through a planning condition. Therefore, and notwithstanding the previous legal agreement, I am not persuaded that the undertakings proposed under Appeal B are necessary to make the development acceptable in planning terms.
44. Ultimately, it has not been demonstrated that the proposed undertakings are necessary to make the developments acceptable in planning terms and they do not constitute material considerations to be weighed into the planning balance either in favour of the proposals or to overcome an identified planning harm.

### **Other Matters**

45. The NPA did not refuse permission for any other reasons in either case. I have had regard to other matters considered by the NPA, including highway safety, but nothing I have seen, read or heard in evidence leads me to conclude there would be any additional harms or benefits arising in respect of these matters, and therefore I do not address them further.

### **Planning Balance**

#### *Appeal A*

46. The proposed conversion of the buildings to agricultural use would provide functional facilities which would provide operational benefits to the farming enterprise. However, the evidence before me does not show these facilities to address an essential need, and therefore I afford limited weight to these benefits overall. There would also be limited economic benefits accruing to the local community from increased agricultural activity.
47. Set against this, there would be harm caused to the landscape and scenic beauty of the National Park, conflicting with its stated purposes and with policies of the LP. This conflict weighs significantly against the proposal in accordance with Paragraph 172 of the Framework. The aforementioned benefits would not outweigh the harm identified in this case, and therefore Paragraph 11 of the Framework indicates the presumption in favour of sustainable development does not apply in this case.

### *Appeal B*

48. The proposed cabin and caravan pitches would conserve the landscape and scenic beauty of the National Park. The proposed facilities would deliver economic benefits from visitor bookings and their spending in the local area. However, given the relatively small scale of the proposal, such benefits would attract only limited weight. There would be minor benefits from additional tree planting around the site to complement the existing LRP.
49. However, the proposed amenity building would cause harm to the landscape and scenic beauty of the National Park. This conflict weighs significantly against the proposal in accordance with Paragraph 172 of the Framework. The aforementioned economic benefits would not outweigh the harm in this case.
50. Given the cabins/pitches are physically separate from the amenity building, I intend to issue a split decision in respect of Appeal B and grant permission only for the cabin and caravan pitches.

### **Conditions**

51. I have had regard to the conditions suggested by the main parties and discussions at the Hearing. Conditions relating to the agricultural buildings and the amenity building would not be sufficient to overcome the identified harms and make the developments acceptable in planning terms. I have therefore amended the suggested conditions for Appeal B to refer only to those parts of the proposal to be approved.
52. In respect of the proposed cabin and caravan pitches, it is necessary to impose a condition specifying the approved drawings and what has been granted, to provide certainty. Conditions are also required to secure details of the facing materials, hard surfacing and landscaping, to ensure a satisfactory appearance. A woodland management scheme is also required to ensure the landscaping is maintained through the life of the development.
53. In the interests of preserving the natural beauty of the National Park, conditions are required to secure details of the removable nature of the cabin and any proposed external lighting, and to restrict the use of overhead cables and external areas for storage. A condition is also needed to require removal of the cabins should the business cease to operate.
54. Conditions are required to secure biodiversity enhancement measures and implementation of a sewage treatment system, to promote biodiversity and mitigate flood risk and pollution. Finally, it is necessary to restrict the use of the cabins to holiday purposes only, in order to prevent use of the site as permanent residential accommodation.

### **Conclusions**

55. For the reasons given, I conclude that Appeal A should be dismissed and Appeal B should be allowed in so far as it relates to the holiday cabin and caravan pitches and dismissed in respect of the proposed amenity building.

*K Savage*

INSPECTOR

### **Schedule of Conditions – Appeal B**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan GA-00 Rev 2; Drawing Package (May 2019 by Rural Solutions Ltd) comprising: Location Plan; Site Plan as Existing; Site Plan for Log Cabin Scheme as Proposed; Site Plan for Touring Pitches as Proposed; Principal Elevations of Additional Log Cabin as Proposed; Side Elevations of Additional Log Cabin as Proposed; Floor Plan of Additional Log Cabin as Proposed; Section through Additional Log Cabin as Proposed.
- 3) Prior to the cabin first being brought into use samples of all materials, including windows and doors, and the external colour of the walls and roofs to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the development and shall not be altered without the prior written approval of the Local Planning Authority.
- 4) The cabin hereby approved shall not be used for residential purposes other than holiday letting purposes. For the purpose of this condition "holiday letting" means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one financial year.
- 5) Prior to the establishment of any form of foundation for the cabin or caravan pitches, full details of all hard surfacing, including paths, tracks and parking areas shall first be submitted to the Local Planning Authority for approval. The development shall thereafter be undertaken in accordance with the approved details.
- 6) Prior to the establishment of any form of foundation for the cabin, details of the construction and in particular foundation design of the cabin hereby approved shall be submitted to and approved in writing by the Local Planning Authority to demonstrate the ability to remove the unit in the event of the business ceasing to operate.
- 7) In the event that the cabin hereby approved is no longer used for holiday letting purposes it shall be removed from the site within a period of six months of last use and the site shall be restored in accordance with a scheme to be first agreed in writing by the Local Planning Authority.
- 8) No overhead cables shall be erected as part of the development. All new cables required as part of the development shall be under grounded in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- 9) Prior to the first use of the development hereby approved, details of the proposed biodiversity enhancement measures shall have been submitted to and approved in writing by the Local Planning Authority. Such measures shall include tree mounted bat boxes. The biodiversity enhancement measures shall be implemented prior to the first use of the cabin or caravan pitches and retained as such thereafter.

- 10) Prior to the development being brought into use, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall provide details of the following;
- All existing trees, hedgerows and other plants, walls, fences and other features which it is proposed to retain on the site, the subject of this permission, and on immediately adjoining land (within 10 metres of the site boundary).
  - The area(s) whether within or adjoining the site to which this permission relates in which new plantings of trees and/or shrubs will take place, the species of plant(s) to be used, their size, their number, their spacing and the means to be used to maintain, support and protect them;
  - Other landscape treatments to be carried out or features to be created, including remodelling of existing landforms.
  - All trees, shrubs and hedge plants supplied shall comply with British Standard 3936 – 1 (1992): Specification for Nursery Stock. All sourcing, handling, selection, pre-planting site preparation, planting and post-planting maintenance shall be carried out in accordance with the requirements of British Standard 8545 (2014): Trees – From Nursery to Independence in the Landscape, and British Standard 4428 (1989): Code of Practice for General Landscape Operations;
  - All new tree plantings shall be positioned in accordance with the requirements of Table A.1 of British Standard 5837 (2012): Trees in Relation to Design, Demolition and Construction.
  - The aftercare and future maintenance of all trees, shrubs and hedges planted in accordance with this condition.
  - Any tree, shrubs or hedging which are removed, die, become severely damaged or seriously diseased within 5 years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of like size and species to those originally required to be planted.

All hard and soft landscape works comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. Any trees or plants planted in accordance with this condition which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

- 11) Prior to the cabin or any caravan pitch hereby approved being brought into use, a woodland management scheme shall be submitted to and agreed in writing with the Local Planning Authority to include the proposed management regime for all proposed and existing trees on the application site and on land in the applicant's ownership immediately surrounding the site (within 10 metres of the application site boundary) and to include a programme for replanting and new planting to ensure a continuous woodland cover.

- 12) The development hereby permitted shall not be occupied until the sewage treatment system has been completed in accordance with the details set out in the Rural Solutions letter of 18 February 2019.
- 13) No storage of materials, machinery, vehicles, waste or other items shall take place outside the building(s) on the site without the prior written agreement of the Local Planning Authority.
- 14) No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.

**End of Schedule**

## **APPEARANCES**

### **For the appellant:**

George Winn Darley	Appellant
Fiona Tiplady	Planning Agent, Rural Solutions

### **For the National Park Authority:**

Mark Hill Dip URP MRTPI	Head of Development Management
Chris France BSc BTP MRTPI	Director of Planning

### **Interested Parties**

Jonathan Allison	CL162 Appleton Spaunton Common Protection Association
Madge Allison	Local Resident
Paul Elsome	Local Resident
Allison Elsome	Local Resident
Mr David Rawlings	Local Resident
Alastair Fitter	Local Resident

### **Documents submitted at the Hearing**

1. Copies of red line plans related to submitted unilateral undertakings
2. Copy of Spaunton Restoration Plan

### **Documents submitted after the Hearing**

1. Email dated 19 October 2020 from Ms Tiplady with suggested wording for condition relating to Appeal A and clarification as to the drawings considered by the NPA under Appeal B.
2. Response from Mark Hill dated 20 October 2020 to the above.