

**From:** [noreply@planninginspectorate.gov.uk](mailto:noreply@planninginspectorate.gov.uk)  
**To:** [Planning](#)  
**Subject:** Planning Inspectorate APP/W9500/W/21/3272597: Newlands Farm, Newlands Road, YO13 0AR  
**Date:** 05 May 2021 11:10:09  
**Attachments:** [Start Letter \(AR13\) - Wendy Strangeway - 05 May 2021.pdf](#)  
[01 APPEAL FORM.pdf](#)  
[01 FULL STATEMENT OF CASE.pdf](#)

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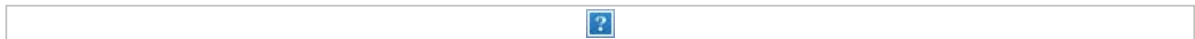


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DPC:76616c646f72





# The Planning Inspectorate

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

Your Ref: NYM/2020/0583/FL  
Our Ref: APP/W9500/W/21/3272597

05 May 2021

Dear Mrs Strangeway,

Town and Country Planning Act 1990  
Appeal by Mr & Mrs Morley  
Site Address: Newlands Farm, Newlands Road, Cloughton, SCARBOROUGH,  
YO13 0AR

I have received appeal forms and documents for this site. I am the case officer. If you have any questions, please contact me. I have checked the papers and confirm that the appeal(s) is valid. If I later find out that this is not the case, I will write to you again.

The procedure and starting date

The appellant(s) has requested the Written representations procedure. In accordance with s319A of the Act we have applied the criteria and considered all representations received, including the appellant(s) preferred choice. We consider that the Written representations procedure is suitable and we intend to determine this appeal by this procedure.

The date of this letter is the starting date for the appeal(s). The timetable for the appeal(s) begins from this date.

Sending documents to us and looking at the appeal(s)

A timetable is set out below. No reminders will be sent, and any documents sent after the deadlines will normally be returned.

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>.

If emailing documents, please use the email address above. If posting documents (other than the Questionnaire) please send 2 copies of everything. Whichever method you use, please make sure that all documents/emails are clearly marked with the full reference number.

Guidance on communicating with us electronically can be found at: <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>.

## Timetable

The following documents must be sent within this timetable.

### By 12 May 2021

You must notify any person who was notified or consulted about the application in accordance with the Act or a development order and any other interested persons who made representations to you about the application, that the appeal(s) has been made. You should tell them:-

- i) that any comments they made at application stage will be sent to me and the appellant(s) and will be considered by the Inspector (unless they withdraw them within the 5 week deadline). If they want to make any additional comments they must submit 3 copies within 5 weeks of the starting date, by 09 June 2021. If comments are submitted after the deadline, the Inspector will not normally look at them and they will be returned;
- ii) when and where the appeal documents will be available for inspection;
- iii) that the Planning Inspectorate will not acknowledge representations. We will, however, ensure that letters received by the deadline are passed on to the Inspector dealing with the appeal(s);
- iv) that they can get a copy of our booklet 'Guide to taking part in planning appeals proceeding by Written representations' either free of charge from you, or on GOV.UK <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>; and
- v) that the decision will be published on GOV.UK.

You must send a copy of a completed appeal questionnaire and supporting documents, a copy of your notification letter and a list of those notified to the appellant(s) and me.

### By 09 June 2021

Please send me your statement of case if the appeal questionnaire does not give full details of your case. Please include a list of any conditions or limitations you would agree to, if the appeal were to be allowed. I will send you and the appellant(s) a copy of any comments received from other interested persons or organisations and I will also send a copy of your statement to the appellant(s).

### By 23 June 2021

The appellant(s) must send me any final comments they have on your statement. Both you and the appellant(s) may comment on any representations received from interested persons or organisations. No new evidence is allowed at this stage. I will send you a copy of any final comments received from the appellant(s).

## Site visit

We will arrange for one of our Inspectors to visit the appeal site. If it is decided that the Inspector should be accompanied by the main parties, we will send you details of these arrangements nearer the time. If, however, an unaccompanied or an 'access required' site visit can be made, you will not be informed in advance. Inspectors will not accept any documents or discuss the merits of the appeal(s) at the site visit.

## Planning obligations - section 106 agreements

If you intend to submit a planning obligation, you must read the guidance provided on GOV.UK - <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>. A certified copy must be submitted to me no later than 7 weeks from the date of this letter.

## Withdrawing the appeal(s)

If you hear that the appeal(s) is to be withdrawn, please telephone me immediately. If I receive written confirmation of this from the appellant(s), I will write to you.

## Costs

The appellant(s) has been directed to GOV.UK for further information regarding costs - <http://planningguidance.communities.gov.uk/blog/guidance/appeals/>. You should also be aware that costs may be awarded to either party.

Additionally, a Planning Inspector or the Secretary of State may on their own initiative make an award of costs, in full or in part, if they judge that a party has behaved unreasonably resulting in unnecessary appeal expense.

## Further information

Further information about the appeals process can be accessed at GOV.UK - <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>. I recommend that you read the relevant guidance.

Yours sincerely,

***Ruth Howell***

Ruth Howell

## The Planning Inspectorate

### PLANNING APPEAL FORM (Online Version)

**WARNING:** The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time, we will not accept the appeal.**

**Appeal Reference: APP/W9500/W/21/3272597**

#### A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name

Address

Preferred contact method  Email  Post

#### B. AGENT DETAILS

Do you have an Agent acting on your behalf?  Yes  No

Name

Company/Group Name

Address

Phone number

Email

Preferred contact method  Email  Post

#### C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

LPA reference number

Date of the application

Did the LPA validate and register your application?  Yes  No

Did the LPA issue a decision?  Yes  No

Date of LPA's decision

08/10/2020

#### D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?

Yes  No

Address

Newlands Farm  
Cloughton  
YO13 0AR

Is the appeal site within a Green Belt?

Yes  No

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?

Yes  No

#### E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form?

Yes  No

Please enter details of the proposed development. This should normally be taken from the planning application form.

Formation of a vehicular farm access and associated track

Area (in hectares) of the whole appeal site [e.g. 1234.56]

0.20 hectare(s)

Area of floor space of proposed development (in square metres)

0 sq metre(s)

Does the proposal include demolition of non-listed buildings within a conservation area?

Yes  No

#### F. REASON FOR THE APPEAL

**The reason for the appeal is that the LPA has:**

1. Refused planning permission for the development.
2. Refused permission to vary or remove a condition(s).
3. Refused prior approval of permitted development rights.
4. Granted planning permission for the development subject to conditions to which you object.
5. Refused approval of the matters reserved under an outline planning permission.
6. Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object.
7. Refused to approve any matter required by a condition on a previous planning permission (other than those specified above).
8. Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.
9. Failed to give notice of its decision within the appropriate period because of a dispute over provision of local list documentation.

#### G. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes  No

(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes  No

2. Hearing

3. Inquiry

**H. FULL STATEMENT OF CASE**

see 'Appeal Documents' section

Do you have a separate list of appendices to accompany your full statement of case? Yes  No

(a) Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? (Please attach draft version if available) Yes  No

(b) Have you made a costs application with this appeal? Yes  No

**I. (part one) SITE OWNERSHIP CERTIFICATES**

Which certificate applies?

CERTIFICATE A

**I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner of any part of the land to which the appeal relates;**

CERTIFICATE B

**I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:**

CERTIFICATE C and D

**If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D and attach it below.**

**I. (part two) AGRICULTURAL HOLDINGS**

We need to know whether the appeal site forms part of an agricultural holding.

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding.

(b)(i) The appeal site is, or is part of, an agricultural holding, and the appellant is the sole agricultural tenant.

(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below.

**J. SUPPORTING DOCUMENTS**

01. A copy of the original application form sent to the LPA.

02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (if these did not form part of the LPA's planning application form).
03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
05. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
05. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
- 05.(c) A list of all plans, drawings and documents upon which the LPA made their decision.
06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application.
06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.
07. A copy of the design and access statement sent to the LPA (if required).
08. A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure.
09. (a) Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion.
09. (b) A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA.
10. Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements.
11. If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:
- (a) the relevant outline application;
- (b) all plans sent at outline application stage;
- (c) the original outline planning permission.
12. If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition, we must have a copy of the original permission with the condition attached.
13. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).
14. If the appeal is against the LPA's refusal or failure to decide an application because of a dispute over local list documentation, a copy of the letter sent to the LPA which explained why the document was not necessary and asked the LPA to waive the requirement that it be provided with the application.

## K. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided? Yes  No



## L. CHECK SIGN AND DATE

### (All supporting documents must be received by us within the time limit)

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full statement of case) to the LPA today.

**Signature**

. England Lyle Good

**Date**

07/04/2021 11:24:15

**Name**

. England Lyle Good

**On behalf of**

Mr & Mrs D Morley

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018. Further information about our Data Protection policy can be found on our website under Privacy Statement.

## M. NOW SEND

### Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full statement of case) not previously sent as part of the application to the LPA. If you do not send them a copy of this form and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:  
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

**You may wish to keep a copy of the completed form for your records.**

## N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. Please ensure that any correspondence you send to us is clearly marked with the appeal reference number.

**You will not be sent any further reminders.**

### The documents listed below were uploaded with this form:

<b>Relates to Section:</b>	FULL STATEMENT OF CASE
<b>Document Description:</b>	A copy of the full statement of case.
<b>File name:</b>	APPEAL STATEMENT.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	01. A copy of the original application sent to the LPA.
<b>File name:</b>	Application Form.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
<b>File name:</b>	Decision notice.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellants (if any) edged or shaded blue.
<b>File name:</b>	Location Plan.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	05.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
<b>File name:</b>	Location Plan.pdf
<b>File name:</b>	Planning Statement Final.pdf
<b>File name:</b>	Block Plan.pdf
<b>File name:</b>	19-263-TR-001 Rev A - Proposed Farm Access Arrangement.pdf
<b>File name:</b>	19-263 Speed Survey Sheet - Newlands Farm Cloughton.pdf
<b>File name:</b>	19-263 Letter to ELG.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	05.b. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
<b>File name:</b>	List of Submitted details.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	05.(c) A list of all plans, drawings and documents upon which the LPA made their decision.
<b>File name:</b>	List of Submitted details.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	09.a. Copies of additional plans, drawings or documents relating to the application not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion.

<b>File name:</b>	land ownership plan.pdf
<b>Completed by</b>	. ENGLAND LYLE GOOD
<b>Date</b>	07/04/2021 11:24:15

## PLANNING APPEAL STATEMENT OF GROUNDS OF APPEAL

### FORMATION OF VEHICULAR FARM ACCESS AND ASSOCIATED TRACK (PART RETROSPECTIVE) NEWLANDS FARM NEWLANDS ROAD CLOUGHTON

This brief statement seeks to supplement the supporting planning statement submitted with the original planning application. It does not seek to duplicate comments and evidence contained therein but will focus on the key issues raised and comments made by the local authority, as per the officers report and consultee responses.

#### **Reason for refusal 1 – visibility splay requirements**

The NYMNP contend that the required visibility splays should be 2.4m x 215m - being the standard default for an unrestricted highway.

The submission provided a speed survey along this secondary road (which is not a trunk road despite what the officer report states) and analysis of required splays as a result. The scheme provides the required splays given this evidence.

The Highway Authority have no evidence to the contrary in terms of their own speed assessment. The Highway Authority contend that the survey does not comply with requirements solely as the location of the survey is not provided – this was taken from a position between the present and proposed site entrance points. DMRB chapter CA 185 is only strictly applicable to trunk roads.

The NYMNP extrapolate an argument given the Highway Authority's comments based upon the sample size appropriate for a 'trunk road'. The highway is DEFINITELY NOT a trunk road but simply a rural highway. The reference to DMRB guidance referenced therefore is not appropriate and indeed excessive – for instance, a 200 vehicle sample size (100 each direction) would be disproportionate given traffic volumes on this rural road. In this regard the survey was undertaken over a two hour period to accumulate the vehicle numbers as shown in the survey and this sampling is legitimate. The nature of the speed survey is an accepted practice. The reference to the national lockdown is also irrelevant – the survey was undertaken pre-lockdown and in a month not effected by seasonal variation either.

The visibility splays would encompass land within the highway already free from obstruction and also the appellants ownership (that field side/east of the stone wall). There is the ability to enable the relocation of the stone wall (if required) as a result which would maintain the safety characteristics of this section of the highway and that afforded by the present wall. This could be achieved by the imposition of a suitably worded

planning condition. The concern would be therefore suitably addressed and nullified. The legitimate need for enhanced crash restraint along what would be a widened section of highway is questionable given that the proximity of the present wall to the changing levels is a pre-existing relationship. If this juxtaposition were perceived to be dangerous per se, such should be provided at present.

The nature of vehicles likely to use the working farm access will be limited to those typical of such a site (tractors, trailers, 4x4 vehicles) as opposed to other road users. In any event, as demonstrated above, the appropriate visibility splays suitable for the speed environment could be provided with an eye height of 1.05m. Vehicles pulling out from the access would have clear view, as would oncoming traffic, and given the recorded speed of vehicles there would be no adverse conflict in movements. The recorded incidents referred to by the Highway Authority (not documented) would of course have been when the splays were not in situ and the access poorly formed – this would not be the case as proposed.

The removal of any vegetation as a result of the required visibility splays could be compensated for by new planting via an appropriate planning condition.

It is contended that the proposal does appropriately cater for vehicle speeds along this rural road and propose an access that adheres to visibility requirements, with set back entrance gates and level platform to enable vehicles to enter and leave the site in a safe manner regardless of the nature of the vehicle involved.

### **Reason for refusal 2 – need for the access**

The planning statement refers to the issues with the present shared access. Modifications to the access route from the present access would impact upon present parking and servicing arrangements still and not negate the issue of the shared entrance. The realignment of the driveway/access track within the land to the south would equally have a landscape impact due to levels requiring changes to landform too.

The need for 'compelling' evidence of need is more applicable to the creation of access tracks (not vehicle entrances onto the highway) with the policy seeking to address the landscape impact of long invasive access tracks through open countryside etc as opposed to being applied in this instance/circumstance. The impact here is localised and contained and so the policy is being applied excessively in this instance. There is a need for the new access point and associated track (latter by default) to ensure operation of the holiday and retail use in a managed way. The officer report refers to 'anecdotal evidence' as provided, yet is happy to accept such with regards to the purported activity/incidents associated with the formation of the proposed access track from the parish council and highway authority.

### **Reason for refusal 3 – delivery of visibility splay requirements**

The proposed visibility splays can be provided both within the applicants control and the present highway – the latter already cleared of obstruction as required. It is not clear why the NYMNP consider this not to be possible.