

## The Planning Inspectorate

### QUESTIONNAIRE (s78) and (s20) PLANNING AND LISTED BUILDING CONSENT (Online Version)

You must ensure that a copy of the completed questionnaire, together with any attachments, are sent to the appellant/agent by the date given in the start letter. **You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan.**

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us by the date your statement is due.

Appeal Reference

APP/W9500/W/21/3272597

Appeal By

MR & MRS MORLEY

Site Address

Newlands Farm, Newlands Road  
Cloughton  
SCARBOROUGH  
YO13 0AR  
Grid Ref Easting: 501037.0  
Grid Ref Northing: 496071.0

#### PART 1

1.a. Do you consider the written representation procedure to be suitable? Yes  No

*Note: If the written procedure is agreed, the Inspector will visit the site **unaccompanied** by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.*

2.a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land? Yes  No

2.b. Is it essential for the Inspector to enter the site to assess the impact of the proposal? Yes  No

Please explain

To assess the specific highway matters and suitability of the creation of a new vehicular access.

2.c. Are there any known health and safety issues that would affect the conduct of the site inspection? Yes  No

Please describe

The proposed development site is adjacent a highway where there is no suitable parking and no pavements/footpaths.

3.a. Are there any other appeals or matters relating to the same site still being considered by us or the Secretary of State? Yes  No

3.b. Are there any other appeals or matters adjacent or close to the site still being considered by us or the Secretary of State? Yes  No

#### PART 2

4. Does the appeal relate to an application for approval of reserved matters?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
5. Was a site ownership certificate submitted with the application?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
6. Did you give publicity to the application in accordance with either Article 15 of the DMPO 2015, Section 67/73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
6.a. If a press advert notice was published, please upload a copy <input checked="" type="checkbox"/> see ' <a href="#">Questionnaire Documents</a> ' section			
7. Does the appeal relate to a county matter?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
<b>8. Please indicate the development type for the application to which the appeal relates.</b>			
Major Developments			<input type="checkbox"/>
Minor Developments			<input checked="" type="checkbox"/>
Other Developments			<input type="checkbox"/>
<b>8.b. Minor Developments</b>			
Dwellings			<input type="checkbox"/>
Offices/R and D/light industry			<input type="checkbox"/>
General industry/storage/warehousing			<input type="checkbox"/>
Retail and services			<input type="checkbox"/>
Traveller caravan pitches			<input type="checkbox"/>
All other minor developments			<input checked="" type="checkbox"/>
<b>Is the appeal site within:</b>			
9.a. A Green Belt?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
9.b. An Area of Outstanding Natural Beauty?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
10. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

### PART 3

11. Would the development require the stopping up or diverting of a public right of way?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
12.a. Is the site in a Conservation Area?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
12.b. Is the site adjacent to a Conservation Area?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
12.c. Does the appeal proposal include the demolition of a non-listed building within a conservation area?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
13.a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
13.b. Would the proposed development affect the setting of a listed building?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14. Has a grant been made under s3A or s4 of the Historic Buildings and Ancient Monuments Act 1953?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
15.a. Would the proposals affect an Ancient Monument (whether scheduled or not)?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

16. Is any part of the site subject to a Tree Preservation Order?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
17. Have you made a Local Development Order under s61A to 61C of the Town and Country Planning Act 1990 (as inserted by s40 of the Planning & Compulsory Purchase Act 2004) relating to the application site?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
18. Does the appeal involve persons claiming Gypsy/Traveller status, whether or not this is accepted by the planning authority?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
19.a. Is the appeal site in or adjacent to or likely to affect an SSSI or an internationally designated site (ie. cSAC, SAC, pSPA, SPA Ramsar)?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
19.b. Are any protected species likely to be affected by the proposals?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

#### PART 4

##### Environmental Impact Assessment - Schedule 1

20.a.i. Is the proposed development Schedule 1 development as described in Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?

Yes  No

##### Environmental Impact Assessment - Schedule 2

20.b.i. Is the proposed development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?

Yes  No

20.c.i. Have you issued a screening opinion (SO)  Yes  No

Please attach a copy of the SO that was placed on the planning register, and any other related correspondence

see 'Questionnaire Documents' section

20.c.ii. Did the SO state that the proposed development is EIA development as defined by the EIA Regulations?

Yes  No

##### Environmental Impact Assessment - Environmental Statement (ES)

20.d. Has the appellant supplied an environmental statement?

Yes  No

##### Environmental Impact Assessment - Publicity

20.e. If applicable, please attach a copy of the site notice and local advertisement published as required for EIA development.

Applies  N/A

21. Have all notifications or consultations under any Act, Order or Departmental Circular, necessary before granting permission, taken place?  Yes  No

Please attach copies of any comments that you have received in response.

see 'Questionnaire Documents' section

#### PART 5

22. Do you wish to attach your statement of case?

Yes  No

##### For appeals dealt with by written representations only

23. If this appeal is not following the written representations expedited procedure, do you intend to send a statement of case about this appeal? Yes  No

**Copies of the following documents must, if appropriate, be attached to this questionnaire**

24.a. a copy of the letter with which you notified people about the appeal;

[see 'Questionnaire Documents' section](#)

24.b. a list of the people you notified and the deadline you gave for their comments to be sent to us;

[see 'Questionnaire Documents' section](#)

Deadline

09/06/2021

24.c. all representations received from interested parties about the original application;

24.d. the planning officer's report to committee or delegated report on the application and any other relevant documents/minutes;

[see 'Questionnaire Documents' section](#)

[see 'Questionnaire Documents' section](#)

24.e. any representations received as a result of a service of a site ownership notification;

24.f. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan);

*You must include the front page, the title and date of the approval/adoption, please give the status of the plan. Copies of the policies should include the relevant supporting text. You must provide this even if the appeal is against non-determination.*

[see 'Questionnaire Documents' section](#)

[see 'Questionnaire Documents' section](#)

List of policies

BL6, CO2

24.g. extracts of any relevant policies which have been 'saved' by way of a Direction;

24.h. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted and if so, when;

24.i. extracts from any supplementary planning document that you consider necessary, together with the date of its adoption;

*In the case of emerging documents, please state what stage they have reached.*

24.j. a comprehensive list of conditions which you consider should be imposed if planning permission is granted;

*Only tick that this applies if you intend to submit a list of conditions with the questionnaire. If you do not submit the list with the questionnaire, then this should be submitted by the date your statement is due. This list must be submitted separately from your appeal statement.*

24.k. if any Development Plan Document (DPD) or Neighbourhood Plan relevant to this appeal has been examined and found sound/met the basic conditions and passed a referendum, the date the DPD or Neighbourhood Plan is likely to be adopted and, if you consider this date will be before the Inspector's decision on this appeal is issued, an explanation of the Council's policy position in respect of this appeal upon its adoption. You should also include an explanation of the status of existing policies and plans, as they relate to this appeal, upon adoption and which (if any) will be superseded;

24.l. if any DPD or Neighbourhood Plan relevant to this appeal has been submitted for examination, or in the case of a Neighbourhood Plan has been examined and is awaiting a referendum, an explanation of any substantive changes in the progress of the emerging plan, and their relevance to this appeal if it is considered that the plan will not be adopted before the Inspector's decision on this

appeal is issued;

24.m. your Authority's CIL charging schedule is being/has been examined;

24.n. your Authority's CIL charging schedule has been/is likely to be adopted;

24.o. any other relevant information or correspondence you consider we should know about.

**For the Mayor of London cases only**

25.a. Was it necessary to notify the Mayor of London about the application? Yes  No

25.b. Did the Mayor of London issue a direction to refuse planning permission? Yes  No

**LPA Details**

I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today.

LPA's reference

Completed by

On behalf of

Please provide the details of the officer we can contact for this appeal, if different from the Planning Inspectorate's usual contact for this type of appeal.

Name

Phone no (including dialling code)

Email

**Please advise the case officer of any changes in circumstances occurring after the return of the questionnaire.**

## QUESTIONNAIRE DOCUMENTS

Appeal Reference APP/W9500/W/21/3272597

Appeal By MR & MRS MORLEY

Site Address  
Newlands Farm, Newlands Road  
Cloughton  
SCARBOROUGH  
YO13 0AR  
Grid Ref Easting: 501037.0  
Grid Ref Northing: 496071.0

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

**Relates to Section:** PART 2  
**Document Description:** 6.a. A copy of the notice published.  
**File name:** Copy of Site Notice.pdf

**Relates to Section:** PART 4  
**Document Description:** 20.c.i. A copy of the screening opinion (SO) that was placed on the planning register, along with any other related correspondence.  
**File name:** Screening Opinion.pdf

**Relates to Section:** PART 4  
**Document Description:** 21. Copies of any comments that you have received in response.  
**File name:** 2020-10-02 Public - Consultation Responses.pdf

**Relates to Section:** PART 5  
**Document Description:** 24.a. A copy of the letter with which you notified people about the appeal.  
**File name:** Copy of Appeal Notification Letter.pdf

**Relates to Section:** PART 5  
**Document Description:** 24.b. A document containing a list of the people you notified of the appeal.  
**File name:** List of Those Notified.pdf

**Relates to Section:** PART 5  
**Document Description:** 24.d. The planning officer's report to committee or delegated report on the application and any other relevant documents/minutes.  
**File name:** 2020-10-08 Public - Officer Delegated Report.pdf

**Relates to Section:** PART 5  
**Document Description:** 24.d. the planning officer's report to committee or delegated report on the application and any other relevant documents/minutes;  
**File name:** Minutes.pdf

**Relates to Section:** PART 5  
**Document Description:** 24.f. Copies of extracts from any relevant statutory development plan policies.  
**File name:** Copy of Front Sheet 2020.pdf

**Relates to Section:** PART 5  
**Document Description:** 24.f. Copies of extracts from any relevant statutory development plan policies.  
**File name:** CO2.pdf

<b>File name:</b>	BL6.pdf
<b>Completed by</b>	Not Set
<b>Date</b>	10/05/2021 10:19:16
<b>LPA</b>	North York Moors National Park Authority

**v) SCREENING OPINION**

EIA Schedule 1/Schedule 2: No If Schedule 2, is statement required NA

EIA: No 16 wks

**vi) POLICY INFORMATION**

Relevant RSS/EU Dirs/HRA: (Planning Team Leader to Complete)

Major Application: No (13 weeks) Departure: No County Matter: No

Brownfield/Greenfield/Agr conversion/Non-Agr conversion NA Net change to no. of dwellings: NA

More than 5 houses or 200 sqm? No 10% Renewables: Not Required





## Planning Notice

### Town and Country Planning (Development Management Procedure) Order 2015 Notice under Article 15

Application Number	NYM/2020/0583/FL
Applicant	Mr & Mrs Morley
Site Address	Newlands Farm, Newlands Road, Cloughton
Proposal	Formation of a vehicular farm access and associated track (part retrospective)

In response to the Government's recent instruction to cease all non-essential travel following the Coronavirus (COVID-19) outbreak, the North York Moors National Park Authority office is closed. We are operating a much reduced and electronic planning service as such we are now only able to receive correspondence by email to [planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk).

Documents for the application(s) are available under the application reference number on the Planning Explorer section of the Authority's website which can be accessed by scanning the QR code below or at: <http://planning.northyorkmoors.org.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx>.

Any comments you may have on the application(s) should be made **within 21 days** of the date of this notice. Where the consultation period extends over a Bank Holiday an additional day is given for each Bank Holiday that falls within this period. You may comment by using the Authority's online consultation response form or by email ([planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk)).

Please be aware that any views submitted will be available for public inspection and will be published on the Authority's website, under the provision of the Access to Information Act.

Mr C M France  
Director of Planning  
North York Moors National Park Authority  
The Old Vicarage  
Bondgate  
Helmsley  
York, YO62 5BP  
website: [www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk)  
email: [planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk)  
tel: 01439 772700



**Date of Notice:**

# North York Moors National Park Authority



The Old Vicarage, Bondgate, Helmsley, York YO62 5BP  
Tel: 01439 772700  
Email: [general@northyorkmoors.org.uk](mailto:general@northyorkmoors.org.uk)  
Planning enquiries: [planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk)  
[www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk)

Cloughton Parish Council  
c/o Mrs J Marley  
Annan  
41 Scalby Road  
Burniston  
Scarborough  
YO13 0HN  
Via Email

Your ref: NYM/2020/0583/FL  
Our ref: APP/W9500/21/3272597  
Date: 07 May 2021

This matter is being dealt with by: Miss Helen Webster

Dear Sir/Madam

**Land at:** Newlands Farm, Newlands Road, Cloughton

**Proposed development:** formation of a vehicular farm access and associated track (part retrospective)

**Appeal reference(s):** APP/W9500/21/3272597

**Appeal starting date:** 05/05/2021

**Appellant(s) name:** Mr & Mrs Morley

**Following the Government's announcement of new national restrictions (4 January 2021) the office in Helmsley will remain closed however reception staff will be available to answer telephone calls remotely during normal office hours and will periodically visit the office to collect mail. We will continue to provide an effective planning service; however Officers will be unable to meet directly to offer advice, although site visits for applications and enforcement purposes will still be undertaken, with safeguards in place.**

An appeal has been made to the Secretary of State in respect of the above site. The appeal follows the refusal of planning permission by this Planning Authority. A copy of the appeal documentation can be obtained from, The Old Vicarage, Bondgate, Helmsley and is available to view on the Planning Explorer section of the Authority's website under the application reference number.

Continued.../



Our Ref:

2

Date: 07 May 2021

The appeal is to be decided on the basis of an exchange of written statements by the parties and a site visit by an Inspector.

Any comments already made following the original application for planning permission (unless they are expressly confidential) will be forwarded to the Planning Inspectorate, copied to the appellant and will be taken into account by the Inspector in deciding the appeal. Should you wish to withdraw or modify your earlier comments in any way, or request a copy of the appeal decision letter, you should write directly to the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN **within five weeks** of the appeal start date, quoting the appeal reference number. Three copies of any comments need to be forwarded to the Inspectorate. If they receive representations after the deadline, they will not normally be seen by the Inspector and they will be returned.

The Planning Inspectorate will not acknowledge your letter however; they will ensure that it is passed on to the Inspector dealing with the appeal. Once decided a copy of the appeal decision will be published on the Planning Explorer section of the Authority's website under the application reference number and Planning Portal website <https://www.gov.uk/appeal-planning-inspectorate>. Guidance on the appeal process can be found on the Planning Portal website <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>

Should you have any further questions, please do not hesitate to contact the Authority.

Yours faithfully

**Mark Hill**

Mr M Hill  
Head of Development Management

## List of Those Notified

Cloughton Parish Council  
c/o Mrs J Marley  
Annan  
41 Scalby Road  
Burniston  
Scarborough  
YO13 0HN  
Via Email

Area Traffic Manager - Scarborough  
NYCC - Area 3 Whitby  
Discovery Way  
Whitby  
North Yorkshire  
YO22 4PZ  
via email

Internal - Conservation  
The Old Vicarage  
Bondgate  
Helmsley  
York  
YO62 5BP  
Via Email

Internal - Enforcement  
Via Email

**NORTH YORKSHIRE COUNTY COUNCIL  
BUSINESS and ENVIRONMENTAL SERVICES**



**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**

**Application No:** NYM20/0583/FL

**Proposed Development:** formation of a vehicular farm access and associated track (part retrospective)

**Location:** Newlands Farm, Newlands Road, Cloughton

**Applicant:** Mr & Mrs Morley

**CH Ref:** **Case Officer:** Kay Aitchison

**Area Ref:** 4/24/198 **Tel:**

**County Road No:** **E-mail:**

**To:** North York Moors National Park Authority  
The Old Vicarage  
Bondgate  
Helmsley  
YO62 5BP

**Date:** 1 October 2020

**FAO:** Helen Webster **Copies to:**

**Note to the Planning Officer:**

In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

The application is to construct a new access from Cravens Hill Newlands Road with a track leading to existing agricultural buildings. The track has been partially completed with the access taken in the proposed location via an un-authorized opening in the stone boundary wall. Cravens Hill Newland Road is outside of the Cloughton village limits and is within the national speed limit. The design standard for the site is DMRB and the required visibility splay is **215 metres by 2.4 metres**. The available visibility was un-able to be measured on site due to a temporary fence at the location and was measured to be approximately 15 metres taken at the highway boundary 1.0 metres from the carriageway edge.

The applicant has justified the need for this new access in terms of improving amenity and safety within the site. **All** possible means of mitigating the problems currently experienced within the controlled environment of their site must be investigated before seeking permission for any new access. The current constructed access was improved and widened to accommodate all traffic likely to use the site under a previous permission granted for the conversion of barns to holiday lets and a shop.

The applicant has conducted a speed survey to demonstrate actual vehicle speed at the location of the access, however this does not comply with CA185 - Vehicle Speed measurement. The exact location of the survey is not provided. The applicant has provided a plan (drawing 19/263/TR/001) from these results showing a potential visibility splay based on the survey figures. This would require the removal of the stone boundary wall and the vegetation within the entire visibility envelope. The land behind the wall either side of the proposed access falls steeply. This

**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

NYM20/0583/FL

Application No:

will require a significant amount of fill and a considerable retaining wall with crash restraint to prevent conditions prejudicial to highway safety. A satisfactory clear safe visibility splay is **not** likely to be achievable, should any future reduced speed survey be accepted. The agricultural access could not be guaranteed to only be used by large agricultural vehicles and some use by smaller vehicles, cars, vans and 4x4 type vehicles is reasonably expected therefore any visibility requested would have an eye height of 1.05 metres.

Larger agricultural vehicles are by their nature large, slow and easily visible, however this may not be true for the equipment behind the vehicle. This can be longer than most highway users may expect increasing the risk of serious conflict with vehicles travelling along the highway.

The local Highway Authority received a number of reports of near miss incidents whilst the un-authorized access was in use, including vehicle conflicts and near misses and mud deposited on the road.

Consequently, the Local Highway Authority recommends that Planning Permission is **REFUSED** for the following reasons:

**R2 VISIBILITY AT NEW ACCESS**

The Planning Authority considers that clear visibility of **215 metres** cannot be achieved along the public highway in either direction from a point **2.4 metres** from the carriageway edge measured down the centre line of the proposed access road and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety

**Signed:**

***Kay Aitchison***

*For Corporate Director for Business and Environmental Services*

**Issued by:**

Whitby Highways Office  
Discovery Way  
Whitby  
North Yorkshire  
YO22 4PZ

**From:**  
**To:** [Planning](#)  
**Subject:** Comments on NYM/2020/0583/FL  
**Date:** 13 September 2020 15:15:19

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## **Application for formation of vehicular farm access and associated track (part retrospective) at Newlands Farm, Newlands Road, Cloughton**

The above application has been considered by Cloughton Parish Council. Council objects to the application on the grounds of highway safety. This is an extremely fast stretch of road, especially for southbound vehicles. Anyone coming from Ravenscar/Staintondale is coming downhill and they come over the brow of Craven Hill at quite a speed - if they are greeted by a large agricultural vehicle and trailer pulling out or turning in they will have very little time to react and brake. The speeds shown are mid-morning - I think you'll find the speeds at 7-8.30am will be faster. It should also be pointed out that during the colder months this stretch of road is prone to freezing and the gritter doesn't run on this road till around 9am.

There were several close shaves had by people travelling down from Staintondale and Ravenscar back in 2018/19 when the spoil was being tipped to fill the ravine in order to create the new access track and the unofficial entry to the premises - this was initially reported to you back in May 2018 and the tipping continued until the ravine had been bridged and a new access created. Council also suggests the new Local Plan Policy BL6 (Tracks) is relevant since a new track has been created. The existing farm access is perfectly adequate - people staying in farm cottages should expect there to be farm traffic passing their cottage.

--

J Marley (Mrs) CiLCA  
Clerk to Cloughton Parish Council  
Annan,  
41 Scalby Road,  
Burniston,  
Scarborough

- due to the high number of nuisance calls we've been  
be asked to leave a message  
or give your name before your call is accepted.)

### WARNING

This E-mail and any attachments may contain information that is confidential or privileged, and is intended solely for the use of the named recipient.  
If you are not the intended recipient, please be aware that any disclosure, copying, distribution or any action taken is prohibited and may be unlawful.  
Any opinions expressed are those of the author and not necessarily the view of the Council.

**From:**  
**To:** [Helen Webster](#)  
**Cc:** [Planning](#)  
**Subject:** NYM/2020/0583/FL - Newlands Farm, Cloughton  
**Date:** 07 September 2020 14:50:05

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Dear Helen

It is not clear from the available aerial imagery and the photos provided what extent of vegetation cut back may be required to facilitate sight lines for this new access track. Some recent photographs looking in either direction from the proposed access point would likely be helpful. Can I assume that due to the access being exclusively for agricultural vehicles, the extant boundary wall will not need to be removed to enable sightlines from a lower vehicle? Depending on the extent of vegetation needing to be cut back, some compensatory planting either side of the new track may be appropriate. A bird informative will also be helpful if approved.

Thanks very much

Elsbeth

**Elsbeth Ingleby MA<sub>Cantab</sub> ACIEEM**

**Ecologist**

North York Moors National Park Authority

The Old Vicarage, Bondgate, Helmsley, York YO62 5BP



# North York Moors National Park Authority

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Parish: Cloughton

App No. NYM/2020/0583/FL

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**Proposal:** formation of a vehicular farm access and associated track (part retrospective)

**Location:** Newlands Farm, Newlands Road, Cloughton

**Applicant:** Mr & Mrs Morley, c/o Agent

**Agent:** ELG Planning, fao: Mr David Boulton, Gateway House, 55 Coniscliffe Road, Darlington, DL3 7EH

**Date for Decision:** 08 October 2020

**Extended to:**

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## Director of Planning's Recommendation

**Refusal** for the following reasons:

1. The Planning Authority considers that the required Clear visibility of 215 metres cannot be achieved along the public highway in either direction from a point 2.4 metres from the carriageway edge measured down the centre line of the proposed access road cannot be achieved and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety. The proposal therefore fails to comply with NYM Local Plan Policy CO2 (Highways) which requires development to be of a scale which is compatible with the adjacent road network without detriment to highway safety. By reason of the compromised visibility and associated reduction in highway safety, the proposal would also be contrary to paragraph 108 (b) which requires a safe and suitable access to be achieved for all users of the site. Allowing the proposal would mean that the Authority would be failing in its duty and would create a new access that would be highly unsafe for users of the site and the public highway.
2. It has not been demonstrated to the satisfaction of the Local Planning Authority that there is compelling evidence to support an existing need for a new track and that existing tracks or alternative arrangements cannot meet that need. Consequently, the application does not meet points 2 and 3 of NYM Local Plan Policy BL6.
3. The proposed development relies on the removal of vegetation from land which is not within the applicant's ownership and/or control. The proposed sight lines have already been deemed as inadequate by the Local Highway Authority and for that reason, in combination with the lack of certainty that the proposed works can be delivered and thereafter maintained, the proposal would be prejudicial to highway safety which is contrary to the requirements NYM Local Plan Policy CO2 (Highways).

## Consultations

**Parish** - Object on grounds of highway safety. This is an extremely fast stretch of road, especially for southbound vehicles. Anyone coming from Ravenscar/Staintondale is coming downhill and they come over the brow of Craven Hill at quite a speed - if they are greeted by

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**Application Number: NYM/2020/0583/FL**

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a large agricultural vehicle and trailer pulling out or turning in they will have very little time to react and brake. The speeds shown are mid-morning; I think you'll find the speeds at 7-8.30am will be faster. It should also be pointed out that during the colder months this stretch of road is prone to freezing and the gritter doesn't run on this road till around 9am.

Council also suggests the new Local Plan Policy BL6 (Tracks) is relevant since a new track has been created. The existing farm access is perfectly adequate - people staying in farm cottages should expect there to be farm traffic passing their cottage.

**Highways** - Recommend refusal. Clear visibility of **215 metres** cannot be achieved along the public highway in either direction from a point **2.4 metres** from the carriageway edge measured down the centre line of the proposed access road and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety

**Site Notice Expiry Date** - 18 September 2020.





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**Application Number: NYM/2020/0583/FL**

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**Background**

Newlands Farm lies on the eastern side of the Cloughton to Staintondale Road, approximately 1 kilometre to the north of Cloughton Village. The site comprises a traditional two storey farmhouse with attached outbuildings and a range of larger, two storey traditional outbuildings forming a courtyard with the farm house. These buildings have now been converted to 3no. holiday lets. A further building (attached to the house) has been converted to a small farm shop. These permissions were granted in 2006, with a third application for the re-construction of a demolished section of the traditional buildings to create a fourth holiday let being refused. There are also a number of very large modern agricultural buildings serving the farm, which are closely associated with the house, shop and holiday lets. The farm is accessed by a long uphill drive which is used by all the various enterprises which operate from/at the site.

This application seeks full planning permission (part retrospectively) for the creation of a new access to serve the agricultural operations at Newlands Farm. The proposed access is located to the north of the existing access and has been the subject of lengthy discussions between the Authority, applicant and Local Highway Authority (LHA) since its unauthorised creation in 2018. Although not in current use (the opening has been fenced off by the applicant, at the request of the LHA), the physical works of a large gap in the boundary wall together with a significant deposition of spoil to create a track through the natural ravine are clearly visible. The proposed access leads from the road, to the farmyard, completely avoiding the areas in residential, retail and holiday use which are proposed to be afforded sole and exclusive use of the existing access.

The applicant's agent has written in support of the application, a summary of the information is provided below:

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Permission is sought for the creation of a dedicated access to serve the working buildings at Newlands Farm with no through access to the holiday lets/farm shop. The purpose of this new access is to definitively separate agricultural and private vehicle movements in the interests of the safety of all users. It is clearly far from ideal to have agricultural traffic traversing directly past the holiday cottages (with windows to habitable rooms along the present farm access route) or a small farm shop which is frequented by members of the general public. This arrangement jeopardises the safety and amenity of visitors and agricultural workers alike.

The proposed new access road will not result in an intensification of traffic using the site, and the same volume and nature of vehicles will continue to use the surrounding road network. The only difference being that agricultural traffic will make use of the new access point, and the more 'domestic' traffic, will use the existing southern access. This, if anything, will ensure the safety of highway users with reduced intensity of use of the present access and reduced likelihood of conflicting movements.

The existing access has no ability to accommodate the turning of agricultural vehicles or private vehicles within the entrance or beyond and there is limited scope to enhance this arrangement to cater for such degree of conflicting use. A dedicated access is entirely appropriate in this respect.

The supporting statement also includes the results of a radar speed survey which was carried out on Craven Hill. The results of this have been used by the applicant and agent to calculate average speeds which in turn have been used to determine the required visibility splays. The report finds that the 85 %ile wet weather speed travelling southbound was 33.2 mph and northbound was 29.6 mph, equating to a safe stopping distance of 90m and 70m respectively. Based on these calculations, the agent advises that the suitable visibility splays of 2.4m x90m northwards and 2.4m x 70m southwards, can be achieved by the removal of vegetation as identified on the submitted plan.

**Policy Context**

The relevant NYM Local Plan policies to consider with this application are CO2 (Highways), BL6 (Tracks) together with the guidance set out with the National Planning Policy Framework (NPPF), with particular reference to paragraphs 108 and 109.

Local Plan Policy CO2 states that new development will only be permitted where: it is of a scale which the adjacent road network has the capacity to serve without detriment to highway safety; the design, layout and surface take into account the needs of all users; and, the works are sensitive to the character of the area (in terms of both heritage and biodiversity) and are the minimum to achieve safe access.

Local Plan Policy BL6 is only supportive of proposals to install, alter or extend tracks where: the scale and alignment of the track and materials will not have an adverse impact on the landscape and special qualities of the National Park; there is compelling evidence of a need for the track to directly support an established agricultural or forestry business and it is of an appropriate scale; it can be demonstrated that no existing roads or tracks are suitable and that alternative arrangements cannot be made to meet the identified need;

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it can be demonstrated that there will not be an unacceptable impact on known archaeological features; works will not adversely affect ecological assets; and, appropriate design, construction methods and materials are used to reduce the visual impact on the wider landscape.

Policies 108 and 109 of the NPPF are applicable to the assessment of development proposals and of relevance to this application are paragraph 108(b) which requires a safe and suitable access to be achieved and paragraph 109 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

**Main Issues**

The main issues are therefore considered to be firstly, whether it has been demonstrated that there is an identified need for the proposed track which is supported by compelling evidence and that existing tracks or that alternative arrangements can meet that need; and secondly, whether the proposed new access would provide a safe entry and exit point to and from the site, without harming highway safety.

**Justification for the Track**

The application includes details for a new track within the site, leading from the existing buildings to the proposed access. Work has already begun to create this relatively short track but due to the nature of the terrain in this part of the site, the works comprise extensive infilling of a natural ravine which significantly changes the character of the site. Local Plan Policy BL6 requires clear, compelling justification for the creation of new agricultural tracks, recognising that they can often result in landscape harm. Criteria 2 and 3 of BL6 set out the requirement for applications to contain evidence of the need and that it can be demonstrated that no existing roads or tracks are a) suitable and b) that alternative arrangements cannot be made to meet the identified need.

Having assessed the information submitted, Officers are of the opinion that the proposal fails to present the required and structured information to support the need for the track. Instead, the supporting information is based on anecdotal evidence. The application advises that there is limited scope to adapt the existing access arrangements within the site (i.e. to provide a turning area to alleviate conflict at the access point) but fails to provide any evidence of options which have been considered (and the reasons for which they are considered as inadequate).

The application does not present any information relating to the investigation of alternative solutions that may be accommodated within the existing site and the reasons for which they have been discounted. Consequently, the proposal does not meet the requirements of Local Plan Policy BL6.

The Local Highway Authority (LHA) has also identified that the applicant's justification for the proposal relates to a desire to improve amenity and safety within the site. The LHA has stated that all possible means of mitigating the problems currently experienced within the controlled environment of their site must be investigated before seeking permission for any new access.

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**Assessment of Proposed New Access**

Local Plan Policy CO6 and paragraphs 108 and 109 of the NPPF deal with highway safety matters. The applicant's agent has included a speed sensor survey which has been used to inform the location and design of the proposed access. The speed sensor survey is of extremely limited scope and extent. It is not considered to be sufficient for the purposes of supporting the application for the reasons explained in the following section of this report. Notwithstanding the above the proposal has been offered for consultation with the LHA for an expert opinion.

The LHA advises that Cravens Hill, Newland Road is outside of the Cloughton village limits and is within the national speed limit. The design standard for the site is DMRB (Design Manual for Roads and Bridges) and the required visibility splay is 215 metres by 2.4 metres. The available visibility was un-able to be measured on site due to a temporary fence at the location and was measured to be approximately 15 metres taken at the highway boundary 1.0 metres from the carriageway edge.

The LHA has also concluded that the submitted speed survey does not comply with CA185 - Vehicle Speed measurement. Nevertheless the application, as presented, has been fully considered. The LHA continues to state that the applicant has provided a plan from these results (drawing 19/263/TR/001) showing a potential visibility splay based on the survey figures. This would require the removal of the stone boundary wall and the vegetation within the entire visibility envelope. The land behind the wall either side of the proposed access falls steeply. This will require a significant amount of fill and a considerable retaining wall with crash restraint to prevent conditions prejudicial to highway safety. A satisfactory clear safe visibility splay is not likely to be achievable, should any future reduced speed survey be accepted.

In respect of the proposals shown on the submitted plan and the works required to achieve the visibility splays offered by the application, Officers note that some of the vegetation identified for removal in order to achieve the sightlines set by their consultant, does not fall within the land identified as being within the ownership/control of the applicant, as indicated on the submitted location plan. Consequently, in the event that the proposed access could be considered acceptable, the Local Planning Authority (LPA) is not satisfied that the necessary works can be delivered to achieve it. Aside from the matters relating to highway safety as outlined above by the LHA, the LPA is concerned that the works would have an unacceptable visual impact and unless compensatory planting could be provided elsewhere at the site, the proposal would result in an undesirable loss of habitat to the detriment of local biodiversity.

The LHA also asserts that the agricultural access could not be guaranteed to only be used by large agricultural vehicles and some use by smaller vehicles is reasonably expected. Therefore any visibility requested would have an eye height of 1.05 metres. Larger agricultural vehicles are by their nature easily visible; however this may not be true for the equipment behind the vehicle. This can be longer than most highway users may expect increasing the risk of serious conflict with vehicles travelling along the highway. The local Highway Authority received a number of reports of near miss incidents whilst the un-authorised access was in use, including vehicle conflicts and near misses and mud deposited on the road.

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This statement is supported by the Parish Council's response, in which it is also reported to Officers that there were a number of close shaves had by people travelling down from Staintondale and Ravenscar in 2018/19 when the spoil was being tipped to fill the ravine in order to create the new access track and the unofficial entry to the premises.

The Highway Authority recommend refusal of the application based on highway safety grounds and specifically that a clear visibility of 215 metres cannot be achieved along the public highway in either direction from a point 2.4 metres from the carriageway edge measured down the centre line of the proposed access road. Consequently, traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety.

**Limitations of Speed Sensor Survey**

Readings were taken on one occasion in the month of February. The survey does not give the exact location of the speed readings. The sample size is very small (60 vehicles southbound, 46 vehicles northbound) and Officers do not consider that this survey alone is sufficient in providing an adequate basis for calculations in relation to a new access on a trunk road. The guidance in relation to vehicle speed measurement contained within the Design Manual for Roads and Bridges states in the 'Speed measurement, frequency and timing section' that:

- Spot speed and journey speed measurements shall comprise a minimum of two individual speed measurement periods, undertaken on different days of the week, and at different times of the day.
- The minimum two individual speed measurement periods should be undertaken in different months and at least one month apart from each other, or in a neutral month if the former is not feasible (A neutral month is a month that is not impacted by seasonal variation in traffic flows. Typical neutral months are April, May, June, September and October).
- Speed measurements should be undertaken outside of peak traffic flow periods (Non-peak periods are typically between 10am and noon and 2pm and 4pm. In some cases these times need to be varied to take account of site specific circumstance e.g. if a school is nearby that closes at 3pm).
- Speed measurements shall not be undertaken at weekends.
- Speed measurements on rural roads shall not be undertaken on bank holidays.

Based on the above guidance, it is concluded that the submitted speed survey has not met the above criteria in that it was carried out on a single day and not within a neutral month. The sample size also falls significantly below the minimum figure of 200 stated in the same guidance but the limitations of this quieter location are noted. It is also acknowledged that the sample size obtained during a neutral month of this year (2020) is also likely to have been small in view of the travel restrictions imposed during the national lockdown in response to the Covid-19 pandemic. However, this emphasises the need to carry out more than one survey.



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**Other matters**

The application documents identify that the newly introduced uses at the site have resulted in a number of conflicts as all users (including pedestrians, cyclists, private cars, delivery vehicles and farm machinery) share one access. In addition to conflict at the access, other problems are reported to exist such as the unavoidable deposit of mud by farm vehicles on the driveway which is detrimental to other users and noise/disturbance is caused to the holiday accommodation by the passing of vehicles close to the rear of the cottages.

In respect of the reported problems of mud on the driveway, Officers consider it is likely that this issue may be transferred to the public highway if the proposed access is to be used. While the inconvenience and detrimental nature of such deposits within the public areas of the site are understood, it is considered that the impact of this within the site is likely to be lower than the potential impacts of mud on the public highway where traffic will be travelling at significantly higher speeds.

Having regard to noise and disturbance caused to the holiday lets, it is anticipated that the expectations of guests will be managed in this respect by the fact the cottages are located on a working farm, and a degree of agricultural activity is therefore expected. It is accepted the proposal does not seek to eliminate such disturbance but is considered that alternative options within the site could also help to alleviate the issues identified by the applicant.

**Summary**

Many of the issues relating to the conflicts of uses are understood to be occurring within the confines of the Newlands Farm site, as opposed to problems or congestion occurring on the public highway. The current access was improved and widened to accommodate all traffic likely to use the site under the previous permission for the conversion of barns to holiday lets and a shop. It is considered therefore, that better traffic management within the site would be the most appropriate solution, rather than creating a potentially hazardous access to the public highway to alleviate specific pressures within a controlled site. Officers are willing to provide additional advice in response to such options should the applicant wish to engage in conversation through the Authority's pre-application advice service.

The LHA has advised that the proposed access fails to achieve the required visibility splays and would therefore be prejudicial to highway safety. The Parish Council has also objected to the proposal based on highway safety grounds. No other representations have been received. In view of the above, the proposed development is not considered to meet the requirements of Local Plan Policies BL6 and CO2. As proposed, the development is likely to lead to conditions that are prejudicial to highway safety and would therefore fail to meet the requirement of a safe access as required by NYM LP CO2, BL6 and paragraph 108 (b) of the NPPF. Consequently, under NYM Local Plan policies BL6 and CO2, and in accordance with paragraph 109 of the NPPF, refusal is recommended.

**Explanation of how the Authority has Worked Positively with the Applicant/Agent**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

**List of Planning Applications Determined by the Director of Planning**  
for the Period from 01/10/2020 to 19/11/2020  
in the Following Order and then by District:  
Delegated Planning Applications;  
Post Committee Applications;  
on Expiration of Advertisement;  
on Receipt of Amended Plans and Further Observations;  
Approval of Conditions;  
Applications Adjacent to the Park (3024);  
Notifications Under Schedule 2, Part 6, of  
The Town & Country Planning (General Permitted Development) Order 2015

**Please note that the decision notice for each of the Authority's applications listed in this report can be found by clicking on the application reference number.**

**York Potash/Sirius Minerals Delegated Applications**

None

**Applications**

**Hambleton**

<a href="#"><u>NYM/2020/0168/FL</u></a>	Approved Alterations, demolition of sunroom and construction of single storey extension to dwelling together with conversion of outbuilding to form annexe accommodation at North Farm, Lead Lane, Nether Silton for Mr B Dorrington	14/10/2020
<a href="#"><u>NYM/2020/0169/FL/LB</u></a>	Granted Listed Building consent for internal and external alterations, demolition of sunroom and construction of single storey extension to dwelling together with conversion of outbuilding to form annexe accommodation at North Farm, Lead Lane, Nether Silton for Mr B Dorrington	14/10/2020
<a href="#"><u>NYM/2020/0338/FL</u></a>	Approved laying of foundations to facilitate siting of bench at land south of High Farm and west of Bank Lane, Faceby for Faceby Parish Meeting	09/10/2020
<a href="#"><u>NYM/2020/0374/FL</u></a>	Approved conversion of and extension to redundant buildings to form 1 no. local occupancy dwelling with associated garage/workshop/store and amenity space at Rye Hill Farm, Great Ayton for Mr and Mrs A Ward	07/10/2020
<a href="#"><u>NYM/2020/0485/FL</u></a>	Approved conversion of former agricultural building to dual use of residential annexe accommodation/holiday letting accommodation at Skipton Hill Farm, Skipton Hill House, Carr Lane, Thirlby for Tom Simpson	19/10/2020
<a href="#"><u>NYM/2020/0553/FL</u></a>	Approved variation of condition 2 (material amendment) of planning approval NYM/2020/0080/FL to allow addition of canopy to east elevation at The Barn, Whorlton, Swainby for Jenny Tribick	19/10/2020

<a href="#"><u>NYM/2020/0524/FL</u></a>	Approved change of use of land to form manege at Highfield, High Hawsker for Mr Guy Coulson	21/10/2020
<a href="#"><u>NYM/2020/0535/FL</u></a>	Approved variation of condition 3 of planning approval NYM/2009/0377/FL to allow the use of garage as home office at Lowdales Cottage, Hackness for Mr & Mrs Glaysher	07/10/2020
<a href="#"><u>NYM/2020/0551/FL</u></a>	Approved conversion of barn to form 1 no. local occupancy dwelling with associated parking, landscaping works and amenity space at Ainthorpe Farm, Easton Lane, Ainthorpe for Mr & Mrs Hide	29/10/2020
<a href="#"><u>NYM/2020/0558/FL</u></a>	Approved demolition of existing dwelling and outbuilding, construction of replacement dwelling, garage and creation of turning area at 1 Mowthorpe Bungalows, Mowthorp Road, Mowthorpe, Hackness for Mr Mike Hill	09/10/2020
<a href="#"><u>NYM/2020/0560/FL</u></a>	Approved alterations and construction of replacement bay windows at Ingleneuk Cottage, Runswick Bay for Mr Dennis Whiteley	05/10/2020
<a href="#"><u>NYM/2020/0565/FL</u></a>	Approved use of land for the siting of 2 no. shepherds huts for holiday letting purposes with associated access path and landscaping works at Hollins Farm, Hollins Farm Road, Westerdale for Mr Graham Richardson	01/10/2020
<a href="#"><u>NYM/2020/0568/FL</u></a>	Approved subdivision of part of dwelling to create separate unit of residential accommodation to be occupied as holiday let, annexe or local occupancy letting dwelling (no external alterations) at Avenue House, Great Fryupdale for Mr and Mrs Ferguson	01/10/2020
<a href="#"><u>NYM/2020/0573/FL</u></a>	Approved erection of summerhouse at Palmers, 51 A Rosedale Lane, Port Mulgrave for Mr Clive Henderson	01/10/2020
<a href="#"><u>NYM/2020/0580/FL</u></a>	Approved conversion of and extension to barn to form 1 no. holiday letting cottage at Waites House Farm, Westerdale for Mr and Mrs P and H Muir	20/10/2020
<a href="#"><u>NYM/2020/0583/FL</u></a>	Refused formation of a vehicular farm access and associated track (part retrospective) at Newlands Farm, Newlands Road, Cloughton for Mr & Mrs Morley	08/10/2020
<a href="#"><u>NYM/2020/0584/LB</u></a>	Granted Listed Building consent for re-roofing and stone repairs together with installation of replacement rooflights at Seacroft, The Square, Robin Hoods Bay for Mr I Harrison	16/10/2020

North York Moors National Park Authority

# LOCAL PLAN

July 2020



North York Moors  
National Park

- 6.20 Applicants will be required to demonstrate a functional need for a proposed development. Where a building is of a substantial size, clarification will be sought over the intended use to ensure that the size and form is justified. Intensive units which are unrelated to an existing farm business will not be supported as enterprises involved solely in intensive livestock production can be ‘foot loose’ and do not require a location in a National Park.
- 6.21 Applicants will need to demonstrate that specific and justifiable circumstances exist for proposals for new buildings in isolated locations in the open countryside. These circumstances may arise from requirements to comply with changing legislation or for example the siting of slurry stores, which through planning regulations must be sited away from certain farm buildings. Where proposals are in more isolated locations a landscaping scheme, which reduces the impact of the proposal on the wider landscape will be required.
- 6.22 The National Park Authority has produced a Landscape Assessment as well as a Design Guide for new agricultural buildings. It will be expected that applicants will have had regard to these documents when submitting proposals. Any opportunities to support or enhance biodiversity on site would also be supported.

### Policy BL6 - Tracks

Proposals to install, alter or extend tracks will only be permitted where:

1. The scale and alignment of the track and the proposed materials will not have an adverse impact on the landscape and special qualities of the National Park;
2. There is compelling evidence of a need for the track to directly support an established agricultural or forestry use and the scale and nature of the development is commensurate with that need;
3. It can be demonstrated that no existing roads or tracks are suitable and that alternative arrangements cannot be made to meet the identified need for the track;
4. It can be demonstrated that there will not be an unacceptable impact on any known historic or archaeological features;
5. Works will not adversely affect ecological assets, including impacts arising from habitat loss, drainage or disturbance. Where appropriate. Environmental Impact Assessment and Habitats Regulation Assessment will be required; and
6. Appropriate design, construction methods and materials are used to reduce the visual impact of the track on the wider landscape.

### Explanation

- 6.23 Many areas of the National Park are characterised by an open landscape where the impact of new development can be seen over a wide area. New or altered

tracks across this landscape can be readily visible from public vantage points and can appear as a scar on the landscape for many years. Nevertheless, there may be circumstances where a new track or the alteration, improvement or extension of an existing track would bring significant land management benefits. In such cases the Authority will support proposals which are sensitively designed and help to maintain the distinctive quality of the National Park's landscape, biodiversity and natural environment.

- 6.24 The creation of a new track or work to alter an existing track is classed as an engineering operation which constitutes development. Where a proposal is reasonably necessary for agricultural or forestry purposes it is covered by the Town and Country Planning (General Permitted Development) (England) Order 2015 (Schedule 2 Part 6 Agriculture and Forestry). In these cases the Authority must be notified of the proposal and may require details to be approved before works are carried out. Tracks which are not reasonably necessary for agricultural or forestry or which lie within 25 metres of a classified road require planning consent. This includes tracks to be used for business or recreation purposes, for example in connection with moorland shooting activities.
- 6.25 The Authority will expect applicants to have considered all possible alternative arrangements, including using or sharing other tracks and using smaller or more versatile vehicles which avoid the need for the works. In drawing up proposals, applicants should refer to the Authority's Planning Advice Note for Agricultural, Forestry and Recreational Tracks in the National Park.
- 6.26 The design of new or altered tracks is critical and new tracks should follow the routes of existing field boundary walls and hedges where possible to avoid cutting across open fields and landscapes. Areas of known archaeology should be avoided and tracks should ideally take the form of twin trods with grass or heather between the wheelings. Where it is not possible to follow existing field boundaries, walls or hedgerow planting may be required to help the track blend into the surrounding landscape.
- 6.27 Local material should be used for surfacing to ensure compatibility with the local landscape character and ecology. In the case of replacement tracks or repairs to existing tracks, like for like surfacing should be used to ensure that the new development is visually compatible with the existing track. Light coloured surfacing such as limestone or hard core should be avoided as it can increase the visual prominence of the track. Open ditches adjacent to new or altered tracks should be avoided as they are unsightly, increase the visual impact of the track in the landscape and are harmful to biodiversity.
- 6.28 The Authority will impose a condition on appropriate planning permissions requiring the removal of the track and reinstatement of the land to its former state if no longer needed for its originally intended purpose.

- b) The design minimises impact on visual amenity, including the character and appearance of the locality and the wider landscape; and
- c) They will not result in unacceptable harmful impacts upon features of ecological, archaeological, architectural or historic value.

### Explanation

- 7.7 This policy is intended to ensure that adequate infrastructure is or can be made available to support new development and that the development of any new infrastructure is sensitive to its location within a National Park. It also states that contributions from developers may be sought to eliminate or mitigate the impact of any new development. Examples could include highways improvements, the provision of affordable housing, community facilities, new areas of community space or new green infrastructure.
- 7.8 The Authority's approach to negotiating developer contributions will take into account the proposed development's impact on National Park special qualities. Contributions will be sought where they are necessary and directly, fairly and reasonably related in scale and kind to the development. Applicants are encouraged to contact the Authority at an early stage in such cases so that negotiations can take place in a timely manner. The Authority will consider financial viability provided the agreed contribution remains sufficient to make the development acceptable.

### Policy CO2 - Highways

New development will only be permitted where:

1. It is of a scale which the adjacent road network has the capacity to serve without detriment to highway safety;
2. The external design and layout and associated surfacing works take into account, as appropriate, the needs of all users including cyclists, walkers, horse riders and users of mobility aids; and
3. Highway detailing, road improvements and street furniture are sensitive to the character, heritage, built form and materials of the area, the need to conserve and enhance biodiversity and are the minimum required to achieve safe access.

New roads and significant road widening schemes are not considered appropriate in the National Park and will not be permitted unless it can be robustly demonstrated that they will meet a compelling need which cannot be met in any other way and are acceptable in terms of landscape and other impacts.

### Explanation

- 7.9 Many local residents within the National Park rely on their own vehicles. However, other residents are without access to a car, for all or part of the time. Alternative modes of transport, including bus services and the rail network will remain important to many.
- 7.10 As the National Park Authority is not the Highway Authority for its area it is not responsible for the day to day operation and maintenance of roads. There are two highway authorities who administer the National Park area, North Yorkshire County Council and Redcar & Cleveland Borough Council. The North Yorkshire County Council and Redcar & Cleveland Local Transport Plans set out the broader strategic approach to the issues of transport and accessibility within the National Park. Section 62 of the 1995 Environment Act places a duty on all relevant authorities to have regard to National Park purposes when operating within the boundaries of or affecting the National Park. This applies to transport providers and operators.
- 7.11 The National Park Authority consults the relevant highway authority on planning applications. In the case of a development which will generate a significant amount of movement a Travel Plan will need to be prepared.
- 7.12 New road schemes and upgrading can have a significant impact upon the landscape and the natural environment of the National Park. Government policy<sup>34</sup> states that there is a strong presumption against any significant road widening or the building of new roads through a National Park, save in exceptional circumstances, such as the demonstration of a compelling need that could not be met by any reasonable alternative. The Authority will therefore continue to resist major road proposals within its area. Local Transport Plans do not identify any major new road schemes in the National Park. A Strategic Transport Plan has been prepared by Transport for the North<sup>35</sup>.

### Policy CO3 - Car Parks

New parking facilities will only be permitted where:

1. It is the only way to solve existing identified parking problems;
2. It will benefit the needs of both communities and visitors to the National Park;
3. It uses an existing or previously developed site unless it can be demonstrated that no such suitable sites are available; and
4. The scale, design, siting, layout, and surfacing do not have an unacceptable impact on the natural beauty, wildlife or cultural heritage of the National Park.

### Explanation

- 7.13 New car parks will need to be very carefully designed, sited and landscaped. Large car parks can detract significantly from the character of their location

<sup>34</sup>English National Parks and the Broads UK Government Vision and Circular, March 2010, paragraph 85. National Policy Statement for National Networks, Dec 2014, para 5.152. <sup>35</sup>Transport for the North is a public and private sector partnership working to develop and deliver strategic transport infrastructure across the North of England