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

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

05 July 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 enclose for your information a copy of the appellant's final comments on the above appeal(s). Normally, no further comments, from any party, will now be taken into consideration.

Yours sincerely,

Ruth Howell
Ruth Howell

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FINAL APPELLANT COMMENTS

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

Appeal ref: APP/W9500/W/21/3272597

Statement by the Local Planning Authority

Para 2.2 – ‘holiday traffic is separated from the main access to the farm’. This incorrect and the access arrangements are shared which encompasses/necessitates pedestrian movement between the parking area and cottages/shop and so in potential conflict with farm vehicles.

Paras 5.2 to 5.5 – any landscape impact would be immediate to the site and evident in the context of a working farm and adopted highway. Such activity and physical infrastructure would not be out of place or character and is part of a working countryside. It is not remote or prominent in the wider landscape and only evident fleetingly given the lack of pedestrian activity past the site. The proposal would not be evident from within the site itself where visitors accumulate. Conservation of ‘landscape and scenic beauty’ needs to be balanced/considered against the characteristics of the site and immediate locality even when applying the ‘Sandford principle’ - as any development will have an impact, but such is relative. The development does not prejudice the two key purposes of the designation identified by the authority.

Para 6.2 – the survey was not impacted upon by travel restrictions and reflects underlying use of the highway as a sample survey.

Para 6.3 – the track location/route is discrete and the minimum possible to afford access, with the working buildings and yard clearly evident in view from the immediate highway.

Para 6.4 – the assertion that, when assessing proposals under Policy BL6, no distinction/differentiation is made between proposals which may be ‘visible in short distances from those seen in long distance views’ is perverse and negates anything that may be seen at all if applied as inferred.

Para 6.5 – the implementation of the various activities on the site and operation of the farming activity now in a substantive manner (rather than historically) has given rise to a realisation that the arrangement/relationship is not appropriate. The identified planning permissions were granted over 10 years ago and to a different occupier/landowner. The pursuit or not any pre-application process is irrelevant.

Para 6.6 – the land outside the blue line over which the visibility splay crosses is highway land.

Para 7 – ‘better management of traffic within the site’ relies upon monitoring, user adherence and would not negate the mix of activity and users at the core entrance/exit point and beyond.

Appendix A – Local Highway Authority Comments

The noted collision was a result of single driver error/loss of control and not another vehicle.

The survey is appropriate for the nature of the local highway network and demonstrated actual speeds substantively below that anticipated.

The Highway Authority’s appeal statement does not raise any further new substantive points.

Proposed Conditions

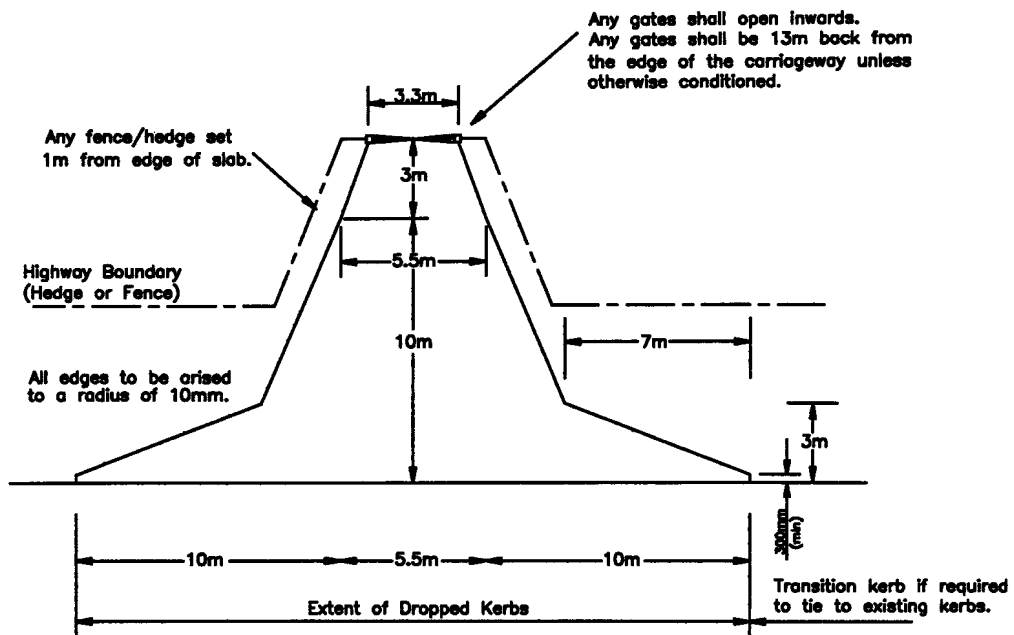
Condition 3 – The Standard Detail E30 is for ‘Quarries and Major Industrial Estate Roads’ and is a totally inappropriate specification for a farm access. The attached E2 standard detail is more appropriate and from the same NYCC source document. Beyond the extents of the standard detail the access into the site certainly does not need to be constructed in accordance with ‘Specification for Housing and Industrial Estate Roads and Private Street Works’. Suggest that it is made clear that any condition relates to the bell mouth of the access where it meets the highway.

Condition 4 – Should the appeal be allowed the condition should refer to 70.0 metres to the left and 90.0 metres to the right.

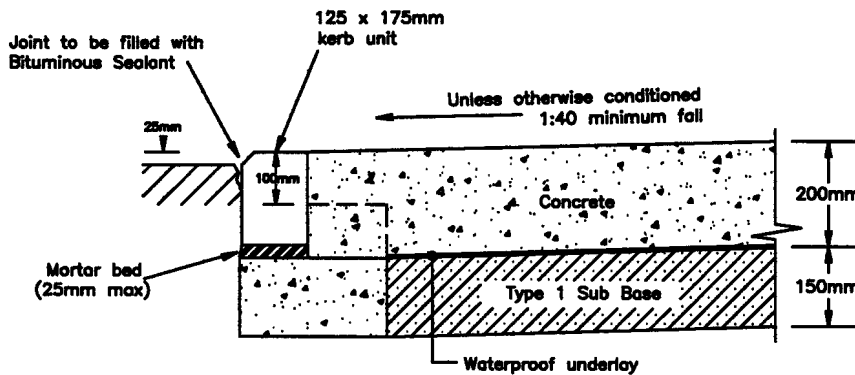
Condition 5 – My view is that the works specified in the bullet point are not necessary nor reasonable. Taking each part of the bullet point in turn:

- Fill to land within visibility envelope – Condition 4 deals with keeping the visibility splay clear therefore I see no justification for there to be additional fill/creation of made up ground within the visibility envelope.
- Construction of suitable approved retaining structure – Providing the access tie in details/specification do not undermine the structural integrity of the ground supporting the highway then there should be no need for a retaining structure
- Suitable approved edge restraint – This suggests a need for a vehicle restraint barrier to Newlands Road. There isn’t one now and the formation of a new private access will not significantly increase the risk of a vehicle leaving the carriageway and the occupant colliding/entering a hazard where there is a greater risk of injury. Furthermore the measured approach speeds would not justify an edge restraint.

Plan View



Section Through Kerb



NOTES

1. Air Entrained Concrete shall be a designated mix reference PAV1 to BS 5328 Part 2. It shall have a 20mm nominal size coarse Aggregate and a 75mm slump. It shall be delivered to site ready mixed.
2. All concrete shall be placed in approved formwork.
3. Concrete to have a tamped finish.
4. Construction joints shall be parallel to carriageway and no closer than 3m to edge of carriageway.
5. Construction joints shall be formed by introducing a lath 25mm square against the face of the formwork. The joints shall be arised and sealed. The remaining depth of concrete shall be roughened in order that the two faces adhere.
6. Concrete shall not be laid at ambient temperatures below 3°C.
7. Concrete shall be so transported and placed to avoid contamination, segregation or loss of constituent materials. All formwork shall be free from dirt, standing water, snow or ice. Concrete shall not be placed until the approval of formwork and the foundation has been given by the Engineer. Concreting must then be started within 24 hours or further approval must be sought. Fresh concrete shall not be placed against in-situ concrete which has been in position for more than 30 minutes. Concrete shall be laid and compacted as specified within 30 minutes of its discharge from the mixer and unless otherwise agreed by the Engineer shall not be dropped into place from a height exceeding 2m.
8. Waterproof underlay shall be approved 125 micrometres impermeable plastic sheeting. Where an overlap of plastic sheeting is required this shall be at least 300mm.
9. Concrete shall be cured for 24 hours before vehicular use.

Do Not Scale

North Yorkshire County Council Highways & Transportation Department	CONCRETE FARM CROSSING RURAL INDUSTRIAL ACCESS	DATE	DRAWING NO.	Rev.
		1/6/95	E2	