

21 Lowdale Lane  
Sleights  
Whitby  
North Yorkshire  
YO22 5BU

5<sup>th</sup> August 2022

The Planning Department  
NYMNP  
The Old Vicarage  
Bondgate  
Helmsley  
York  
YO62 5BP

Ref :- RB01

Dear Sir/ Madam

Please find enclosed all relevant documents plans etc for an appeal I wish to make against the North York Moors National Park Authority decision, to reject my planning application NYM/2022/0353. for the provision of 5 Shepherds Huts and Managers Lodge and all ancillary works on land at Raikes Lane Sneatonthorpe, Sneaton.

Yours sincerely

Norman Barker

Contents List of Appeal against refusal of planning permission for proposal project at field Number  
5886 Raikes Lane Sneaton Whitby North Yorkshire,

Planning Ref NYMK/2022/0353.

Our Ref :NB2022

Full list of additional documents sent to The Planning Inspectorate

1 Completed planning Appeal Form.

2 Copy of a draft statement of case.

3 Gloss photographs as the paper copies sent originally to the LPA planning application

Numbered as the original 1.2.3.4 4A.5.5A.



For official use only  
Date Received

# PLANNING APPEAL FORM

If you need this document in large print, in audio format or in Braille, please contact our helpline on 0303 444 5000. To help you fill in this form correctly please refer to the enclosed guidance leaflet "How to complete your planning appeal form".

**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.

PLEASE PRINT CLEARLY IN CAPITALS USING **BLACK INK**

## A. APPELLANT DETAILS See section A of the guidance leaflet. The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name **RACHEL BARKER**

Company/Group name (if applicable)

Address **21 LOWDALE LANE SLEIGHTS  
WHITBY NORTH YORKSHIRE**

Postcode **YO22 5BU**

Daytime phone **07974790066** Fax

I prefer to be contacted by Post  Email\*

\*Email address

## B. AGENT DETAILS (IF ANY) FOR THE APPEAL See section B of the guidance leaflet.

Name **NORMAN BARKER**

Company/Group name (if applicable)

Address **21 LOWDALE LANE SLEIGHTS  
WHITBY NORTH YORKSHIRE**

Postcode **YO22 5BU**

Your reference **NB 2022** Fax

Daytime phone

I prefer to be contacted by Post  Email\*

\*Email address

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

See section C of the guidance leaflet.

Name of the LPA **NORTH YORK MOORS NATIONAL PARK**

LPA's application reference number **NYM 2022 0353**

Date of the application **04 MAY 2022**

Did the LPA validate and register your application? Yes  No

Date of the LPA's decision notice **23 06 2022**

### D. APPEAL SITE ADDRESS

See section D of the guidance leaflet.

Address **FIELD 5826 RAIKES LANE SNEATON**  
**WHITBY NORTH YORKSHIRE**  
**E 490575 NS05874** Postcode

Note: Failure to provide the full postcode may delay the processing of your appeal

Please answer the questions below:

- 1 Is the appeal site within a Green Belt? Yes  No
- 2 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? If yes, please describe them on a separate sheet. ~~Yes~~  No

### E. DESCRIPTION OF THE DEVELOPMENT

See section E of the guidance leaflet.

Has the description of the development changed from that on the application form? ~~Yes~~  No

**SITING OF 5 SHEPHERDS HUTS ETC**  
**CHANGE OF USE FROM Paddock**

Area of the whole appeal site (i.e. the boundary) in hectares **0.5791**

Area of floor space of proposed development in square metres **260**

Does the proposal include demolition of non - listed buildings within a conservation area? ~~Yes~~  No

### F. REASON FOR THE APPEAL

See section F of the guidance leaflet.

The reason for this appeal is that the LPA has (please tick which applies):

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

# G. CHOICE OF PROCEDURE

It is important that you read carefully section G of the guidance leaflet before you complete this section.

There are 3 possible procedures:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances before selecting your preferred option by ticking the box.

## 1 THE WRITTEN REPRESENTATIONS PROCEDURE

W  \*

This is normally the quickest and most straightforward way of making an appeal. The written procedure is suited to the vast majority of appeals.

- \* 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? If so, please explain below or on a separate sheet. Yes  No

SITE HAS LOCKED ENTRANCE GATE

## 2 THE HEARING PROCEDURE

H  Ⓞ

This procedure is likely to be suited to more complicated cases which require detailed discussion about the merits of a proposal. Although you may indicate a preference for a hearing, the Inspectorate must also consider that your appeal is suitable for this procedure. If you are proposing that this appeal follows the hearing procedure you must submit a draft statement of common ground. You must give detailed reasons below or on a separate sheet why you think a hearing is necessary.

Ⓞ If the hearing procedure is considered suitable we will seek details of your availability when sending the appeal start letter.

- a) Is there any further information relevant to the hearing which you need to tell us about? If yes please explain below. Yes  No

## 3 THE INQUIRY PROCEDURE

I  ▲

This is the most formal of the procedures. Although you may indicate a preference for an inquiry the Inspectorate must also consider that your appeal is suitable for this procedure. You are required to provide information concerning the number of witnesses and the length of time they need to give their evidence. If you are proposing that this appeal follows the inquiry procedure you must submit a draft statement of common ground. You must give detailed reasons below or on a separate sheet why you think an inquiry is necessary.

- ▲ a) How many witnesses do you intend to call? No. of witnesses
- b) How long do they need to give their evidence?

- c) How long do you estimate the inquiry will last? No. of days
- (Note: We will take this into consideration, but please bear in mind that our estimate will also be informed by others' advice and our own assessment.)

## G. CHOICE OF PROCEDURE (continued)

◆ If the inquiry procedure is considered suitable we will seek details of your availability when sending the appeal start letter.

d) Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below.

Yes  No

Two empty horizontal lines for providing further information.

## H. FULL STATEMENT OF CASE

See section H of the guidance leaflet to help you decide what to include in your full statement of case.

There is no further opportunity to add to your statement of case at a later stage.

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?

Yes  No

Have you made a costs application with this appeal?

Yes  No

EXTRA PHOTOGRAPHS ON GLOSSY PHOTOGRAPHIC PAPER ARE INCLUDED. THESE ARE THE SAME AS SENT IN ORIGINAL APPLICATION BUT CLEARER

FULL STATEMENT ON SEPERATE SHEETS.

Appeal statement regarding the refusal of Planning Permission by the North York Moors National Park Authority for the provision of 5 Shepherds Huts, Landscaping, managers Lodge and all necessary ancillary works on land at Raikes Lane Sneatonthorpe Sneaton

Application ref NYM/2022/0353/FL

Raikes Lane is little used side road between Sneatonthorpe and Sneaton. It adjoins Whinney Wood Farm land and the area around the site approximately 1500M in radius contains many commercial farms some having caravan parks with permanent caravans and some touring vans. Approximately 1100M from the proposed development is the construction of Woodsmiths Mine a huge site within open countryside that is visible from many main roads in the area. The owner of the Raikes Lane land has never had objections to this mine and supports the local area requirements for commercial and industrial work and the revenue that comes with the project. A similar Mine at Boulby in Cleveland around 15 Miles away has proven the need for such developments to provide jobs and financial aid to an area where there had been limited work for the local community. This mine was constructed in an area of open countryside similar to Woodsmiths Mine and local opinion has always accepted the need for such enterprise.

In answer to the reasons for refusal I submit the following statements answering as best as can be described in the order that the Refusal code has been submitted.

1. As already stated the proximity of Whinney Wood farm though not associated with the proposed development it certainly cannot be said that the land in question is isolated. As for the hedging bordering the roadside and the Park Authority suggestion that the screening of the site by the hedging would be poor in winter is disproved by the photographs submitted with the planning application. These as stated in the Design & Access statement were taken in winter and although there is a fairly large field shelter in the field there no visual sight of this. The hedging will as all wild growth provide further screening in the future along with further planting if required. It also states in the original application that a plan for landscaping each Hut will provide extra screening and be of species that attract wildlife, shielding even further any views of the Huts from the very few walkers that use the road and as most vehicles are too low to see through the hedge as the road is approximately 1M below the base of the Hedge Photograph No 2 is the view to the North and shows a SUV in the access road to the site and the height of the screening towers way above this vehicle.

The unused area of rough grassland will be cultivated to create a wildflower meadow and owl boxes will be provided where possible. The provision of the Shepherds Huts is to provide visitors with a unique holiday that will bring them closer to nature and enjoy the Dark Skies and close proximity to nature that the development is designed to provide.

## 2. This Code mainly states Policy of the National Park Authority.

The aim of the site is to provide an alternative accommodation in a quiet rural setting in what was used by agriculture in the past as shelter for workers, it will allow for a small window for the public to both see and respect the living conditions of the older generations albeit that these units will have more comfortable amenities than the original Huts. If the Park Authority were so insistent that the land in this area would only permit new housing development in open countryside to support farming, forestry and land management activities, it beggars' belief that permission was granted for The Woodsmith Mine just 1100M from Raikes Lane. If the local Rural Parish Council North Yorkshire Police, Environmental and local residents have no objection to the development and they live in the area it appears that North York Moors Policy overrides the local opinion without thought and actual discussion with the people that would have concern. The only practical comment comes from the Highways Department where they have taken the point in the Design & Access Statement where the heading just states Access and our comment that the Access remains as the existing entrance which would be correctly constructed and checked by the Building Control department for the local Scarborough Borough Council but would remain in the position that now exists and therefore no requirements at the planning stage were submitted. It is self-evident that the entrance as stands would not be of a suitable finish for the future traffic use albeit on a small scale, as required by the customers for the Huts.

The National Parks Authority insist on the beauty and tranquillity of the area but for more people to have the chance to be part of this landscape there is a requirement for alternate accommodation that is closer to nature than modern

hotels and huge caravan parks that clog up the area. The difference in this plan is the provision of a quiet rural and rustic accommodation a place to park the vehicle that is used transport the customer to the site where if they are healthy enough they can cycle or walk the area without the need for further vehicle use during their stay. Some hardy souls could cycle to the site where a safe and secure location is provided for their cycles.

3. This code is mainly about the Dark Skies Policy of the National Parks Authority.

In the Design and Access Statement we have made comment on the illumination that is proposed for the site.

Except for Safety lighting for the parking area the access pathways to the huts the lighting will give just sufficient light for the safe movement of pedestrians and vehicles. All would be long life units and perhaps powered by their own solar panels. The Huts will be illuminated internally by low output LED lights and any external lights would be the same but downlighters to stop any upward glare these would be located beneath the overhanging roof of the huts and not directly visible. Once again I bring the attention of the Woodsmith Mine site that shows a bright glare across the skies and this is shown on photograph No 24.

Further to point raised in the rejection letter a License for the use of the Huts would be obtained prior to construction

The Park Authority in their final statement suggest that they worked positively with the owner but thought that no changes to the plans would be negotiated that would give a positive outcome of the application. Perhaps a discussion regarding the hedge would have been useful along with the lighting requirements would have enlightened the planners to the practical steps that were available.

Summary of appellants vision for the provision of the site off Raikes Lane.

It is felt that the area of concern against the project issued by the National Parks Authority is based on poor knowledge based facts, regarding A. The screening of the site along the roadside boundary and C. the provision of illumination of the site. The two reported problems above have been answered by the statement and for all practical reasons can be overcome.

Historically the local community at the time of the planning approval for the Woodsmith Mine were mixed in the decision and some wrote to the local newspaper regarding the loss of holidaymakers to the area due to the overbearing nature of the mine site. This has proved far from correct as the area is expanding within the tourist trade and shows no decrease in interest in the area.

The proposals for the Raikes Lane site are small in the impact the site will make but will provide a different style of holiday accommodation away from the hustle and bustle of the coastal towns and villages in the area. During the summer months the daylight hours are long and therefore illumination is not required and as the site is already screened will be of little concern to the few passers-by. There are thousands of acres of open land in the National Park where it is possible to travel for many hours without meeting or even seeing other people. As for the Raikes Lane site this may be of more interest than acres of desolate land and will perhaps help change the attitude of visitors to what sort of alternate holiday is possible. There is possibilities of local artists, photographers and craft people passing on their skills to the ten residents on the site at any one time using the Lodge as a classroom. The local farm provides horse riding lessons and the area has many quiet hacking routes.





**I. (part one) APPEAL SITE OWNERSHIP DETAILS**

**This must be completed for all appeals. See section I of the guidance leaflet.**

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s) and be sure that you have told them that you have made an appeal.

You must tick below which of the "certificates" applies.

Please tick **ONE** box only ✓

If you are the sole owner of the whole appeal site, certificate A will apply:

**CERTIFICATE A**

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:

OR

**CERTIFICATE B**

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:

Owner's name

Address at which the notice was served

Date the notice was served (this must be within the last 21 days)


OR

C/D

**CERTIFICATES C & D**

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D in the guidance leaflet and attach it to the appeal form.

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

**This must be completed for all appeals. See section I of the guidance leaflet.**

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

Please tick either (a) or (b).

Please tick **ONE** box only ✓

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

A

OR

b) 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:

B

Please note: If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under "Tenant's name".

Tenant's name

Address at which the notice was served

Date the notice was served (this must be within the last 21 days)

RACHEL BARKER  
(NOT APPLICABLE)

NA


## J. ESSENTIAL SUPPORTING DOCUMENTS

See section J of the guidance leaflet.

If we do not receive ALL your appeal documents by the end of the appeal period we will not accept your appeal.

You **must** send the documents listed 1-6 below with your appeal form. Please tick the boxes to show which documents you are enclosing.

- |   |   |   |                                     |
|---|---|---|-------------------------------------|
| 1   | A copy of the <b>planning application</b> sent to the LPA.  | 1 | <input checked="" type="checkbox"/> |
| 2   | A copy of the <b>site ownership certificate and agricultural holdings certificate submitted</b> to the LPA at <b>application stage</b> (this is usually part of the LPA's planning application form).   | 2 | <input type="checkbox"/>            |
| 3   | A copy of the <b>LPA's decision notice</b> (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.  | 3 | <input type="checkbox"/>            |
| 4   | A <b>site plan</b> (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 <b>two named roads</b> 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. | 4 | <input type="checkbox"/>            |
| 5   | Copies of all <b>plans, drawings and documents</b> 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.<br>Please number them clearly and list the numbers here or on a separate sheet.  | 5 | <input type="checkbox"/>            |
| <div style="border: 1px solid black; height: 20px; width: 100%;"></div> |   |   |                                     |
| 6   | Copies of any <b>additional</b> plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). Please number them clearly and list the numbers here or on a separate sheet.   | 6 | <input type="checkbox"/>            |
| <div style="border: 1px solid black; height: 20px; width: 100%;"></div> |   |   |                                     |

You **must** send copies of the following, if appropriate:

- |  |  |     |                          |
|--|--|-----|--------------------------|
| 7  | A copy of the <b>design and access statement</b> sent to the LPA (if required).  | 7   | <input type="checkbox"/> |
| 8  | A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure.  | 8   | <input type="checkbox"/> |
| 9  | Additional plans, drawings or documents relating to the application <b>but not previously seen by the LPA</b> . Acceptance of these will be at the Inspector's discretion.   | 9   | <input type="checkbox"/> |
| Please number them clearly and list the numbers here or on a separate sheet: |  |     |                          |
| <div style="border: 1px solid black; height: 20px; width: 100%;"></div>      |  |     |                          |
| 10   | Any relevant <b>correspondence</b> with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements.   | 10  | <input type="checkbox"/> |
| 11   | If the appeal is against the LPA's refusal or failure to approve the <b>matters reserved under an outline permission</b> , please enclose:   |     |                          |
|  | a) the relevant outline application;   | 11a | <input type="checkbox"/> |
|  | b) all plans sent at outline application stage;  | 11b | <input type="checkbox"/> |
|  | c) the original outline planning permission.   | 11c | <input type="checkbox"/> |
| 12   | If the appeal is against the LPA's refusal or failure to decide an application which relates to a <b>condition</b> , we must have a copy of the <b>original permission</b> with the condition attached.  | 12  | <input type="checkbox"/> |
| 13   | A copy of any <b>Environmental Statement</b> plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).   | 13  | <input type="checkbox"/> |
| 14   | If the appeal is against the LPA's refusal or failure to decide an application because of a dispute over the 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 | 14  | <input type="checkbox"/> |

## K. OTHER APPEALS

See section K of the guidance leaflet.

If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.

## L. CHECK SIGN AND DATE

See section L of the guidance leaflet.

Please tick the boxes to confirm that the following actions have been carried out

1 I have completed all sections of the form and the details of the ownership (sections I one and two) are correct to the best of my knowledge.


2 I have enclosed all the essential supporting documents listed in section J.

3 I have sent a copy of this appeal form and relevant documents to the LPA (if you do not we will not normally accept your appeal).

4 I have signed and dated the form (*unsigned forms will be returned to you*).

Signature ..... Date.....

Name (in capitals) NORMAN BARKER On behalf of (if applicable) RACHEL BARKER

 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 in the guidance leaflet.

## M. NOW SEND

Remember, it is your responsibility to make sure that we RECEIVE your appeal form and ALL supporting documents within the time limit. See section M of the guidance leaflet

Send THIS form (not a photocopy of it) to us at:

Initial Appeals  
Temple Quay House  
2 The Square  
BRISTOL  
BS1 6PN

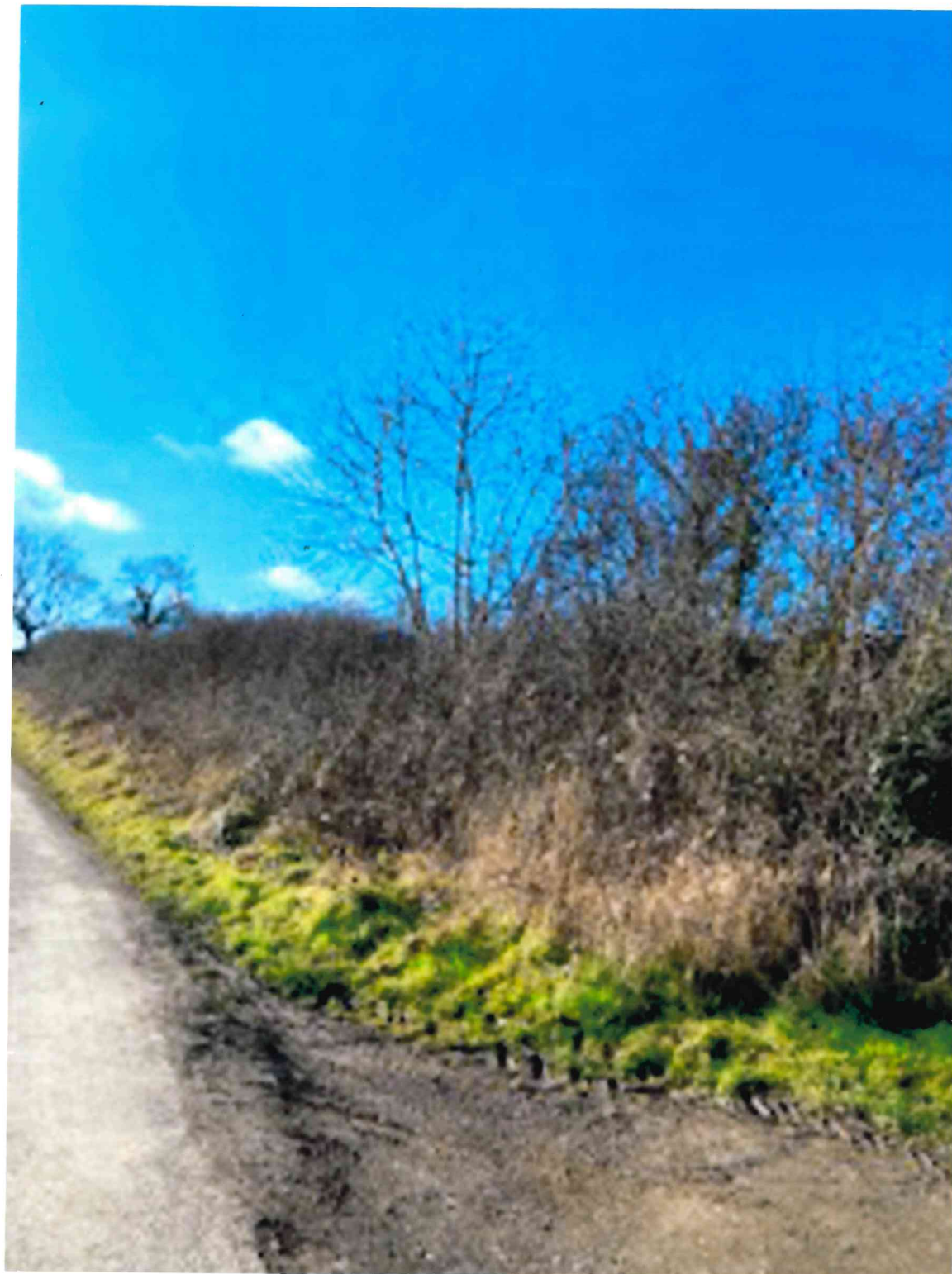
Helpline: 0303 444 5000

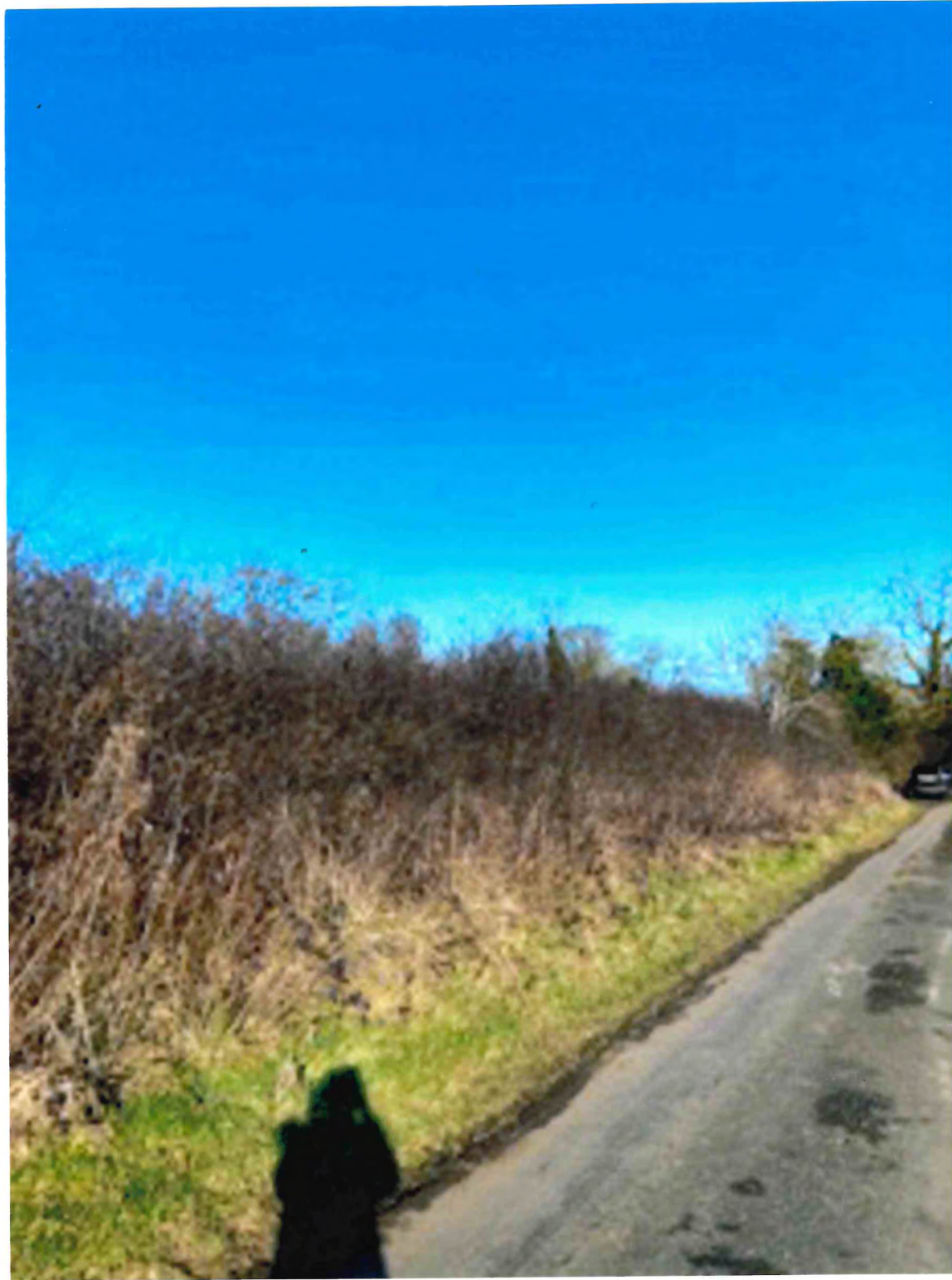
Send a copy to the LPA

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again; send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

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

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.







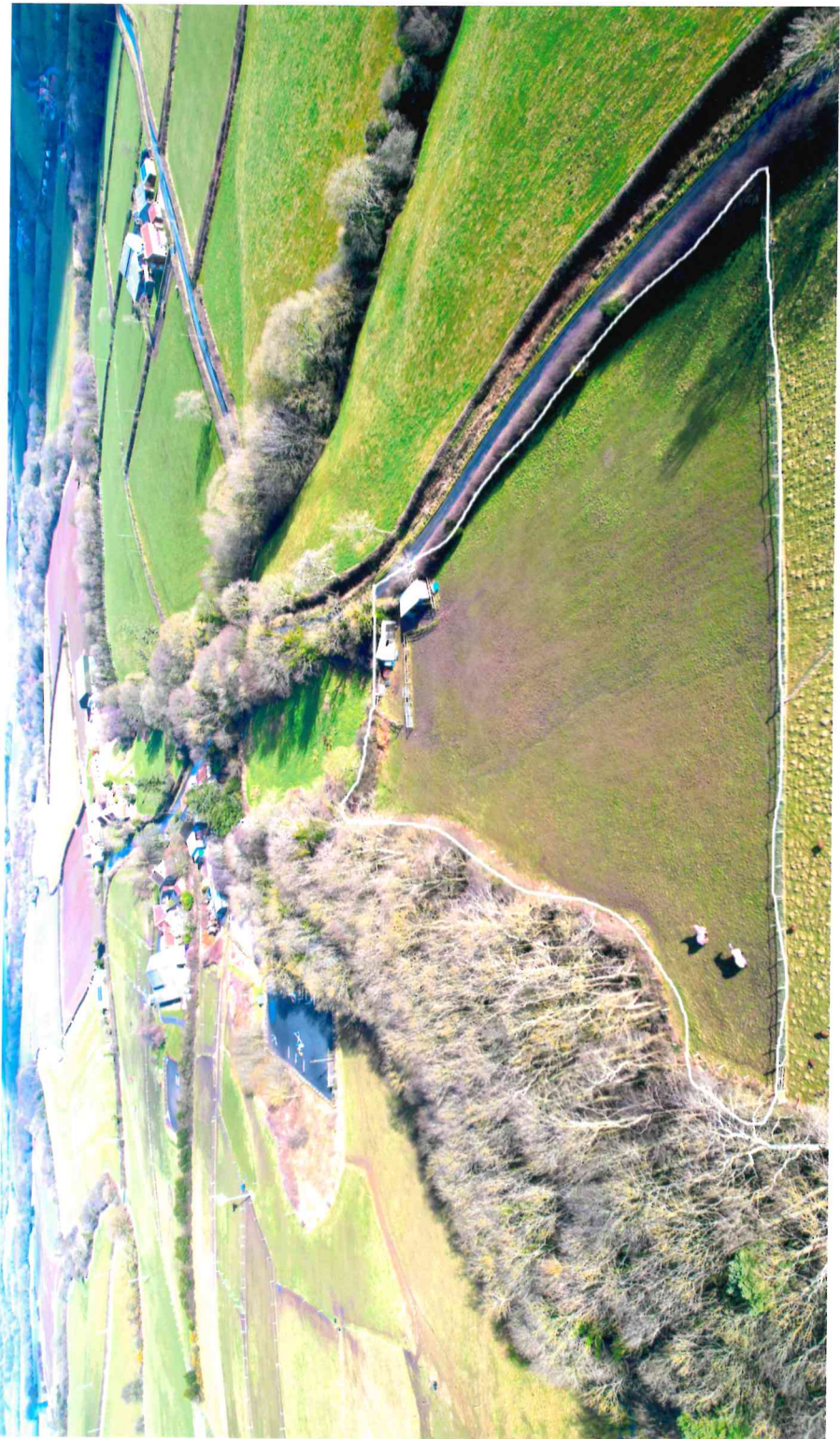


4



4A





5

5A

