



# The Planning Inspectorate

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Your Ref:

Our Ref: APP/W9500/W/22/3304496

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

13 December 2022

Dear Sir/Madam,

Town and Country Planning Act 1990  
Appeal by The Mulgrave Estate  
Site Address: Plot rear of Cross Farm Outbuilding, High Street, Egton, North  
Yorks, YO21 1TZ

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

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

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

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

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

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

Yours faithfully,

***Vicky Williams***

Vicky Williams

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## Appeal Decision

Site visit made on 22 November 2022

by **C Megginson BA (hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 13 December 2022**

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**Appeal Ref: APP/W9500/W/22/3304496**

**Plot rear of Cross Farm Buildings, High Street, Egton, Whitby YO21 1TZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Robert Childerhouse against the decision of North York Moors National Park Authority.
  - The application Ref 2021/1005/FL, dated 14 December 2021, was refused by notice dated 7 February 2022.
  - The development proposed is described as the erection of 1 no. principal residence dwelling and garage/cart shed with associated amenity space, parking and access at land rear of Cross Farm Buildings, Egton.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - Whether the appeal site is an appropriate location for housing having regard to the settlement strategy;
  - Whether the proposal would preserve or enhance the character or appearance of the Egton Conservation Area (CA); and
  - The effect of the proposed development on highway safety.

### Reasons

#### *Settlement strategy*

3. Strategic Policy M of the North York Moors National Park Authority Local Plan 2020 (LP), amongst other things, aims to provide new homes on suitable small sites in listed settlements. This includes principal residence and affordable housing on suitable small sites in larger villages, such as Egton. LP Policy CO7, in summary, states that this housing '*will only be permitted on suitable small sites within the main built-up area of the village only*' and '*proposals will be expected to meet the need for smaller dwellings*'.
4. The appeal site is currently a grassed area that sits within a central location within the village of Egton and within the CA. It is largely contained by both residential and commercial premises on all sides. The appeal proposal includes a two-storey, three bedroom detached dwelling and a detached garage/cart shed. Whilst the appeal proposal does not have its frontage along the road, it is

a small site that is contained within and relates well to the main built-up area of the village.

5. With regards to meeting the need for smaller dwellings, the Strategic Housing Market Assessment 2016 (SHMA) reports that the main need is for one and two-bedroom units for affordable housing and smaller three-bedroom units for general housing. Three-bedroom properties can be considered as smaller dwellings and the SHMA does not specify a maximum size for the different types of properties. Nevertheless, the size, scale and design of the appeal proposal would include a large floorplan. This would include a large dressing room and en-suite bathroom; would be set within a large plot with a detached garage/cartshed and therefore could not reasonably be described as a smaller dwelling. The appeal proposal would therefore conflict with LP Policy CO7 which requires proposals to meet the need for smaller dwellings.

#### *Character and appearance of the conservation area*

6. Egton village is characterised by single storey and two storey dwellings, predominantly with stone walls and pantile roofs, set back from and facing the road. Wide grass verges and front gardens give the village an open, spacious feel and contribute to the character, appearance and significance of the CA. The scale, height and orientation of the appeal scheme would appear overly dominant within the appeal site. This would stand out as incongruous, adjacent to the single storey buildings that sit along two sides of the appeal site, one of which sits at a much lower level. In addition, the proposed slate roof and horizontal cladding of the garage/cart shed would jarringly contrast with other buildings within the area.
7. The harm that would arise would be localised and therefore the impact on the CA as a whole would be less than substantial within the meaning of Paragraph 196 of the National Planning Policy Framework (the Framework). In weighing it against the public benefits of the proposal, the appellant has highlighted that the dwelling would contribute towards the National Park meeting its housing target and would bring biodiversity benefits. These factors would bring limited public benefits and would not be sufficient to outweigh the harm that I have found, and to which I am required to attach great weight.
8. Thus, my overall conclusion is that the proposal would have an adverse effect on the character and appearance of the CA, and in doing so would fail to preserve or enhance the character or appearance of the CA. The proposal would cause less than substantial harm to the significance of the CA and in the absence of any public benefits to outweigh this harm, would conflict with LP Strategic Policies C, M and G and the Framework, which in summary, encourage high quality design and seek to safeguard local distinctiveness.

#### *Highway safety*

9. The appellant states that the access has been in constant use for more than ten years and provides statements of truth to that effect, detailing access to a variety of commercial uses over a number of years. From my visit I noted that an access track was in place and appeared to have been in use. Nevertheless, even if this is the case, I am not convinced that given the current use of the land and surrounding buildings, the current frequency of such access could be compared to that of a residential dwelling.

10. A wall and high hedge runs adjacent to the access, which limits visibility for traffic approaching from the high street and vehicles exiting the appeal site. In addition, the presence of buildings immediately adjacent to both sides of the road, on the approach from Grosmont, creates a pinch point in the road. This means that the appeal site junction is not visible on approach, and vehicles exiting the junction would not be able to see vehicles approaching from this direction.
11. The Council state that for the size of the available visibility splay, an approach speed of 14mph for vehicles approaching from the Grosmont direction would be required. In the absence of a speed survey, it has not been adequately demonstrated that the proposal would not harm highway safety. The proposal would therefore conflict with LP Policy CO2 and the Framework, which seek to ensure that a safe and satisfactory access can be provided for all road users.

### **Other Matters**

12. The Council have stated, in summary, that if approved, the proposal would make it increasingly difficult to resist future applications for new housing on inappropriate sites which would cumulatively pose a major threat to the character, special qualities and distinctiveness of the more rural settlements of the National Park. I have no evidence to suggest that there is a reasonable prospect of similar development being repeated nearby and even if this was the case, each case would be considered on its own merits.
13. The Council have stated that the appeal proposal would result in overlooking to the single storey Cross Farm buildings and would have an overbearing impact on its outlook. Currently this building is vacant and has limited openings to its rear elevation. Whilst it has been brought to my attention that this building has planning permission for conversion to a residential dwelling, the conversion has not taken place and the evidence does not include the plans for the proposed conversion. I therefore have insufficient evidence to conclude on this matter, however, as I am dismissing the appeal for other reasons, I have not pursued this matter further. Even if I were to consider no harm would arise from these matters, they would be a neutral factor.
14. The appellant has noted the lack of objection from the occupiers of Stoneleigh and No 1 Esk View. The absence of objection does not in itself render the scheme acceptable.

### **Conclusion**

15. Drawing everything together, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan.
16. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

*C Megginson*

INSPECTOR