



# The Planning Inspectorate

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Your Ref: NYM/2022/0353  
Our Ref: APP/W9500/W/22/3305049

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

24 May 2023

Dear Mrs Strangeway,

Town and Country Planning Act 1990  
Appeal by Ms Rachel Barker  
Site Address: Field 5886, Raikers Lane, Smeaton, Whitby, North Yorkshire,  
YO22 5JG

I enclose a copy of our Inspector's decision on the above appeal(s), together with a copy of the decision on an application for an award of costs.

If you wish to learn more about how an appeal decision or related cost decision may be challenged, or to give feedback or raise complaint about the way we handled the appeal(s), you may wish to visit our "Feedback & Complaints" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

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

The Planning Inspectorate is not the administering body for High Court challenges and cannot change or revoke the outcome of an appeal decision. If you feel there are grounds for challenging the decision you may consider obtaining legal advice as only the High Court can quash the decision. If you would like more information on the strictly enforced deadlines and grounds for challenge, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Guidance on Awards of costs, including how the amount of costs can be settled, can be located following the Planning Practice Guidance.

<http://planningguidance.communities.gov.uk/blog/guidance/appeals/how-to-make-an-application-for-an-award-of-costs/>

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our

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

Yours sincerely,

***Vicky Williams***

Vicky Williams

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# Appeal Decision

Site visit made on 16 May 2023

**by Graham Wraight BA(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 May 2023**

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**Appeal Ref: APP/W9500/W/22/3305049**

**Field No 5886, Raikes Lane, Sneaton, Whitby, North Yorkshire**

**Easting: 490575 Northing: 505874**

- 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 Ms Rachel Barker against the decision of North York Moors National Park Authority.
  - The application Ref NYM/2022/0353, dated 3 May 2022, was refused by notice dated 23 June 2022.
  - The development proposed is the siting of 5 shepherds huts along with Landscaping, Drainage, Parking, Bike Store, Waste Store, Car Parking and Access walkways to individual Huts. Construction of Managers Lodge. Change of use from Horse Paddock to the Siting of Shepherds Huts.
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## Decision

1. The appeal is dismissed.

## Applications for costs

2. An application for costs was made by North York Moors National Park Authority against Ms Rachel Barker. This application is the subject of a separate Decision.

## Main Issue

3. The main issue is whether the development is in an appropriate location having regard to local planning policies that promote sustainably located development and which seek to protect the landscape of the National Park (NP).

## Reasons

4. The appeal site is located in the open countryside within the NP and is accessed via a narrow lane leading from the small settlement of Sneatonthorpe. At the present time it has no substantial built development upon it, with only a field shelter and a feed store present, close to the entrance from Raikes Lane. Both buildings are of limited dimensions and cover only a small area of the site. The proposal would position a manager's lodge and car park area adjacent to the entrance. Five shepherd's huts with associated decking areas would be arranged in the area closest to Raikes Lane and would rise in ground level following the natural lay of the land. A footpath would connect the huts to the car parking area.
5. Policy UE2 of the North York Moors National Park Authority Local Plan 2020 (LP) sets out a number of criteria that developments proposing camping, glamping, caravans and cabins must meet. For proposals in the open countryside, the development must not be isolated from an existing business or

residential unit which will be used to manage the accommodation. In this instance there is no existing business or residential unit present on the appeal site, with the residential unit that would manage the shepherd's huts itself being part of the proposed development. As a result, the proposal fails to accord with Policy UE2 of the LP, where it seeks to avoid sporadic development in unsuitable and unsustainable locations.

6. The manager's lodge would be a residential dwelling, occupied in association with the management of the shepherd's huts. Policy CO10 of the LP sets out that in order to maintain the quality of the NP landscape, housing development will only be permitted in one of three circumstances. These are dwellings that have an essential need to support farming, forestry or other essential land management activities, replacement dwellings, and dwellings formed by the conversion of a building of architectural or historic interest. The proposed manager's lodge does not satisfy any of those criteria, and consequently fails to accord with Policy CO10 of the LP.
7. There would need to be lighting associated with the huts and lodge, and with the car parking areas. Whilst the appellant suggests that this would be sensitively designed and positioned, exactly how this would be achieved and the level of illumination that would result has not been demonstrated. But it is likely that there would be a necessity to introduce substantial illumination to the site, in comparison to the existing situation. In the absence of any evidence to show a lesser need for illumination, this would fail to meet with the aims of Policy ENV4 of the LP which seeks to maintain the darkness of night skies in the NP.
8. In terms of its specific impact on the landscape, the proposal would introduce a substantial amount of permanent built development onto land that is currently free of development of any notable scale. Whilst there is a mature hedge of a height that reduces vision into the appeal site from Raikes Lane, the landscape character of the appeal site would nonetheless be adversely affected by the very presence of the proposal. The manager's lodge would also be of a size that would be likely to be visible outside of the site and above the hedge, and vision of it and the car parking area could be taken through the gap at the site entrance. Due to the expansive built form of the proposed development in comparison to the existing situation, the proposal would result in significant harm to the landscape of the NP.
9. The proposed development would provide a facility for people to visit the area and to enjoy all that the NP has to offer. It is close to Sneatonthorpe and it is said that there are commercial farms with tourist facilities such as caravan parks and pitches in the locality. However, the proposal would not be associated with those existing operations and would be isolated from them, and there does not appear to be an abundance of services or facilities present in Sneatonthorpe. It is suggested that a wildflower meadow would be cultivated on the appeal site, that owl boxes would be provided and that existing landscaping could be supplemented. There may also be the possibility that local people could visit the site and pass on their skills to visitors to the huts. These considerations collectively offer modest weight in support of the proposal.
10. Woodsmiths Mine is located close to the appeal site, although it does not appear visible from within the site or from within the area that immediately surrounds it. The appellant draws attention to this as an example of recent

development that has had an impact on the landscape of the NP, including in terms of its lighting. But the mine is by its very nature a different type of development to that which is subject to the current appeal, and the policies which are most important for the proposal that is before me are not those that are directly relevant for a mine development. An assessment of that development will have been made upon its own merits against the relevant planning policy framework, and that is the approach I too must take in my determination of this appeal.

### **Planning Balance and Conclusion**

11. In conclusion, the proposal would fail to accord with Policies UE2 and CO10 of the LP where they seek to ensure that new tourist accommodation and residential dwellings are sustainably located and protect the landscape of the NP. Due to this conflict, the proposal would also fail to accord with Strategic Policy A of the LP which seeks to achieve NP purposes and sustainable development, Strategic Policy B which restricts camping, glamping, caravans and cabins in the open countryside to those permitted by Policy UE2, and Strategic Policy M which sets out the approach to new housing development in the NP. I have also found that the submission fails to demonstrate that the proposal would accord with Policy ENV4 of the LP, which refers to dark night skies.
12. Whilst the appellant has highlighted a number of benefits that would arise from the proposal, these considerations offer only modest weight in its favour. They do not outweigh the conflict with the development plan that would arise, including that the proposed development would not be sustainably located and that significant harm would be caused to the landscape of the NP.
13. For these reasons, I conclude that the appeal should be dismissed.

*Graham Wraight*

INSPECTOR



## Costs Decision

Site visit made on 16 May 2023

**by Graham Wraight BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 24 May 2023**

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**Costs application in relation to Appeal Ref: APP/W9500/W/22/3305049  
Field No 5886, Raikes Lane, Sneaton, Whitby, North Yorkshire  
Easting: 490575 Northing: 505874**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by North York Moors National Park Authority for a full award of costs against Ms Rachel Barker.
  - The appeal was against the refusal of planning permission for the siting of 5 shepherds huts along with Landscaping, Drainage, Parking, Bike Store, Waste Store, Car Parking and Access walkways to individual Huts. Construction of Managers Lodge. Change of use from Horse Paddock to the Siting of Shepherds Huts.
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### Decision

1. The application for an award of costs is refused.

### Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant for costs considers that the appeal should not have been submitted as it relates to a development which is contrary to National Planning Policies which state that adopted and up-to-date development plans should be the primary determining factor when assessing planning applications. In their view, the proposal is very clearly completely contrary to Policies contained within the North York Moors Local Plan (LP), adopted in July 2020. The respondent was aware of this as they had been provided with professional pre-application advice by the Authority and had an earlier similar application refused. The respondent did not submit comments in response to the applicant's costs application.
4. I have found that the proposed development is contrary to the relevant policies of the LP, for the reasons I have set out in my decision letter. However, in their Statement of Case, the respondent has set out a number of reasons why they consider that the proposal should be permitted, with reference to matters including the proximity of the appeal site to Sneatonthorpe, the presence of the boundary hedge, the proximity to and impact of Woodsmiths Mine and to benefits relating to ecology and to the provision of tourist accommodation within the National Park.
5. This goes some way to address the specific reasons for refusal, and to seek to offer support to the respondent's case that the proposal is not contrary to the policies of the LP. But aside from the policy considerations that arise, they

represent material planning considerations which need to be weighed against the conflict with the development plan I have found. I am satisfied that the respondent has, in their Statement of Case, put forward an adequate case to address the position of the applicant and to provide a number of material considerations, including some clear benefits, that would arise if the proposal were to be permitted.

6. Whilst I have not found that those considerations would outweigh the conflict with the development plan, the respondent has substantiated their case and as a result has not behaved unreasonably in submitting the appeal. Accordingly, the applicant has not incurred unnecessary or wasted expense in the appeal process and an award of costs is not warranted.

*Graham Wraight*

INSPECTOR