



Bracken Brae  
Hood lane  
Cloughton  
SCARBOROUGH  
YO13 0AT

8<sup>th</sup> September 2016

Dear Mrs Saunders,

Your Ref: NYM/2016/0349/FL (Rockhaven)

Thank you for your letters of 6<sup>th</sup> of September 2016 in which you advise me of the modifications proposed to the above application, to which I wish to object.

The current owners replaced a 5 bar gate with the present solid wooden gate to improve privacy and security. I am certain that they will be extremely reluctant to remove the gates or lower the wall.

The addition of shutters to one of the cottages will have very little impact on the visual intrusion of the cottage. There is no incentive to close the shutters and consequently it is very unlikely that in practice they will ever be closed. In time the shutters will be removed or allowed to decay because they serve no useful purpose. It is naïve to think otherwise and consequently the addition of shutters will have no long term effect. There will inevitably be increased light pollution from these cottages with large glass windows.

The large paddock within the grounds is ideal for grazing stock and therefore it is very likely that there will be a subsequent application for stables to be built. Eventually there could even be a residential riding school on the premises.

The junction of Hood lane and Newlands Road is and always will be dangerous. Cars from Rock Haven currently park on Hood lane, blocking the view of Newlands Road, buses turn round every 30 minutes, the pavement changes sides at this junction. Hood Lane leads to a bridle path and horses are frequently ridden along Hood lane and Newlands Road. The 60 mph speed limit on Newlands road is often exceeded. There was fatal accident at this corner when a vehicle hit the corner and two people were killed.

Please reject this application

Yours sincerely,

Julia Read



Little Pastures  
Hood Lane  
Cloughton  
SCARBOROUGH  
YO13 0AT

12<sup>th</sup> September 2016

Dear Hilary,

Re:- Rock Haven Application REF NYM/2016/0349/FL

Thank you for the opportunity to comment on the revised plans for Rock Haven.

The new plans for the entrance (a 900 mm high wall 15m on each side of the existing entrance) are impossible to achieve unless a substantial building (The Coach House) is demolished. This is simply not going to happen.

The large wooden gate is a relatively recent replacement of a five bar gate, the removal of this solid gate will allow their dog to roam freely on the highway unless it is chained up.

This corner is extremely dangerous as Mr & Mrs Armstrong seem to accept; there used to be a convex mirror attached to the tree opposite the gateway but this appears to have fallen off. We have often seen Mr Armstrong stood in the road guiding Mrs Armstrong out of their drive way.

It is yet another fudge which will lead to a retrospective planning application to retain the existing entrance and a humiliating climb down by the Authority.

Please reject this application in its entirety.

Yours sincerely,

Ron and Joan Greenfield

2016/0349/FL

Whin Brow  
Hood lane  
Cloughton  
SCARBOROUGH  
YO13 0AT

11<sup>th</sup> September 2016

Dear Sir or Madam,

Re Planning Committee Meeting 15<sup>th</sup> September 2016

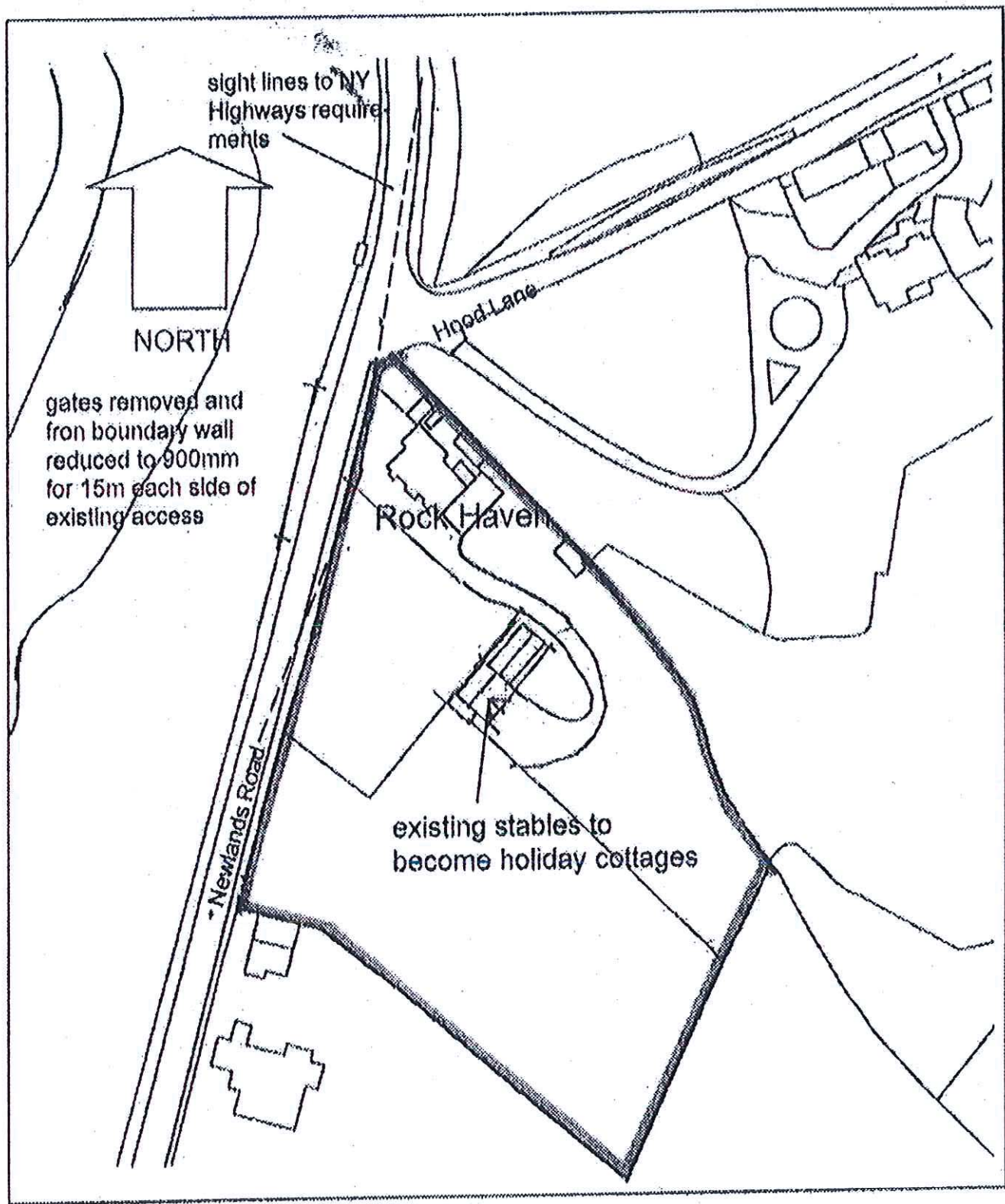
I enclose 30 copies of two pages which I would like to be circulated to all members of the Planning Committee in advance of the discussion on item 8 3a) of the agenda.

Yours faithfully,

Dr J.A. Brace



For: Malcolm & Pauline Armstrong

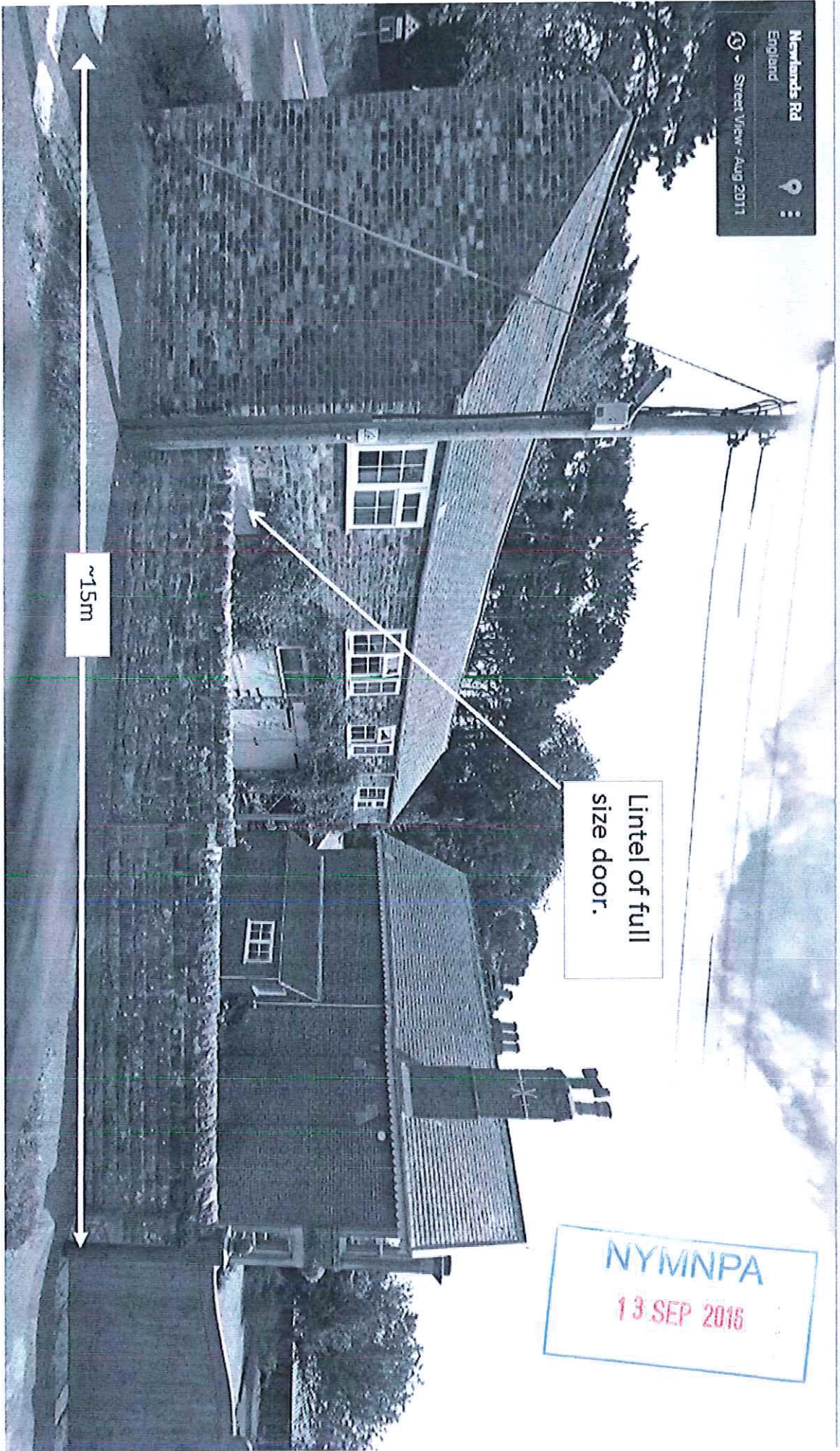


Location Plan

Site & Location Plans

scale 1:1250 & 1:500  
date - Apr '16

NYMNP  
13 SEP 2016



Lintel of full size door.

~15m

NYMINPA  
13 SEP 2016

**Dawn Paton**

---

**From:** Hilary Saunders  
**Sent:** 09 September 2016 09:44  
**To:** Planning  
**Subject:** FW: NYM 16/349/FL Rock Haven

*H. Saunders.*

**Mrs Hilary Saunders  
Planning Team Leader  
Development Management**

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

Tel. no. 01439 772700  
Web: [www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk)



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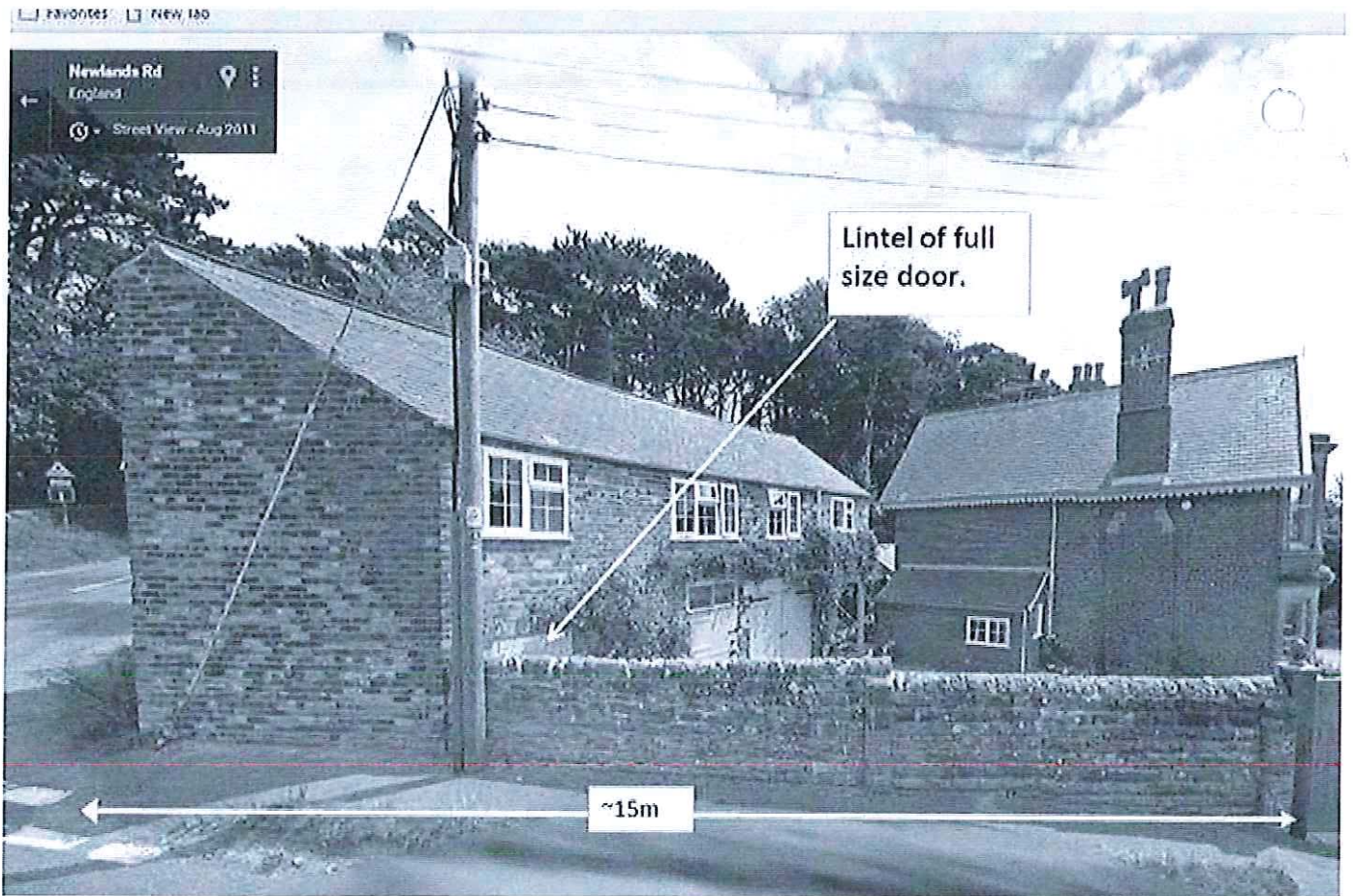
**From:** Jim Brace  
**Sent:** 09 September 2016 09:34  
**To:**  
**Cc:** Hilary Saunders  
**Subject:** NYM 16/349/FL Rock Haven

*Please forward this email to Ms Kay Aitchison.*

Dear Ms Aitchison,

Re NYM 16/349/FL Rock Haven, Newlands Road

I note that you are satisfied with the proposed modifications to the entrance to this property.



The above photograph (from Google Earth) shows the current situation. As you can see apart from the fact that creating a 15m wall 900mm high would involve demolishing a building the ground level inside the curtilage is considerably lower than the highway. Even a 900 mm high wall would hide a vehicle on the drive way from traffic coming from the north and vice versa, this would surely contravene HC-10 concerning visibility? You have removed recommendation HC-07 (h) which concerns loose material which seems odd.

Yours sincerely,

Jim Brace

P.S. I have also written to you in case this email does not arrive.

NYIANPA  
- 9 SEP 2018

C #5

Wen Strangeway

**From:** Hilary Saunders  
**Sent:** 06 September 2016 11:26  
**To:** Planning  
**Subject:** FW: NYM/2016/0349/FL  
**Attachments:** 1446 Rockhaven holiday cottages revised elevations Sept '16.pdf; 1446 Rockhaven holiday cottages Scheme B August '16.pdf

*H. Saunders*

**Mrs Hilary Saunders**  
**Planning Team Leader**  
**Development Management**

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

Tel. no. 01439 772700  
Web: [www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk)

NYMNP  
- 6 SEP 2016  
D

**From:** Hilary Saunders  
**Sent:** 06 September 2016 11:25  
**To:** 'Jim Brace'  
**Cc:** Chris France  
**Subject:** RE: NYM/2016/0349/FL

Dear Jim,

Thank you for your email.

The agent has now submitted amended plans which will be going on the website today and re-consultation letters will also be sent out in the post today. However, I have attached copies of these plans for your information.

The application will again be considered by the Planning Committee next Thursday (15<sup>th</sup>) so please do make any further comments. The re-consultation period will expire after that Committee date but a decision would not be issued until that consultation period has expired. If any new issues arise from these comments, the application would be reported back to Committee.

Kind regards

Hilary

*H. Saunders*

**Mrs Hilary Saunders**



**Planning Team Leader  
Development Management**

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

Tel. no. 01439 772700

Web: [www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk)

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**From:** Jim Brace [r]  
**Sent:** 06 September 2016 11:12  
**To:** Hilary Saunders  
**Cc:** Chris France  
**Subject:** NYM/2016/0349/FL

Dear Hilary,

I refer to the letter from Mark Hill dated 5th September, concerning the development at Rock Haven.

I understand from Mr France that the original plans submitted with the original application were withdrawn at Planning Committee stage so that the design could be modified to reduce visual impact and that there will be further consultation on the amended plans and the scheme will be referred back to the Planning Committee with a recommendation in due course.

I have not been able to find the amended plans on your web site, please could you send me the link or url.

Best wishes,  
Jim

Wendy Strangeway

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**From:** Chris France  
**Sent:** 22 August 2016 08:57  
**To:** Wendy Strangeway  
**Subject:** FW: Planning Application No. NYM/2016/0349/FL : Conversion of and extension to stable/garage/studio building to form 2 no. holiday letting cottages with associated landscaping works: Rock Haven, Newlands Road, Cloughton

For the file.  
 Thanks  
 C

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**From:** Jim Brace  
**Sent:** 21 August 2016 20:34  
**To:** Chris France  
**Subject:** RE: Planning Application No. NYM/2016/0349/FL : Conversion of and extension to stable/garage/studio building to form 2 no. holiday letting cottages with associated landscaping works: Rock Haven, Newlands Road, Cloughton

Dear Mr France,  
 Many thanks for your prompt reply.

I am pleased that the Planning Committee has considered aesthetic factors when evaluating the latest application from the owners of Rock Haven and look forward to seeing the revised plans.

Best wishes,

Jim Brace




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**From:** [c.france@northyorkmoors.org.uk](mailto:c.france@northyorkmoors.org.uk)  
**To:**  
**CC:** [w.strangeway@northyorkmoors.org.uk](mailto:w.strangeway@northyorkmoors.org.uk); [h.saunders@northyorkmoors.org.uk](mailto:h.saunders@northyorkmoors.org.uk)  
**Subject:** Planning Application No. NYM/2016/0349/FL : Conversion of and extension to stable/garage/studio building to form 2 no. holiday letting cottages with associated landscaping works: Rock Haven, Newlands Road, Cloughton  
**Date:** Wed, 17 Aug 2016 09:41:21 +0000

Dear Dr Brace

Thank you for your letter of 11<sup>th</sup> August concerning the deferral of the above planning application. Members of the Planning Committee considered the proposed design of the conversion to be unacceptable and asked officers to seek improvements, specifically to ensure the building can be converted without the need for any extension and in a way that reflects more appropriately the existing character of the building and its previous use. The amended plans should also seek to reduce the amount of the proposed glazing and reduce the visual impact of the proposed changes to the building on the wider landscape.

The deferral was therefore in relation to the physical appearance of the proposal rather than the principle of its use. There will be further consultation on the amended plans and the scheme will be referred back to the Planning Committee with a recommendation in due course.

Regards

**Chris France**  
Director of Planning  
North York Moors National Park  
Tel. 01439 772700  
[c.france@northyorkmoors.org.uk](mailto:c.france@northyorkmoors.org.uk)

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**Wendy Strangeway**

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**From:** Chris France  
**Sent:** 17 August 2016 10:41  
**To:**  
**Cc:** Wendy Strangeway; Hilary Saunders  
**Subject:** Planning Application No. NYM/2016/0349/FL : Conversion of and extension to stable/garage/studio building to form 2 no. holiday letting cottages with associated landscaping works: Rock Haven, Newlands Road, Cloughton

Dear Dr Brace

Thank you for your letter of 11<sup>th</sup> August concerning the deferral of the above planning application. Members of the Planning Committee considered the proposed design of the conversion to be unacceptable and asked officers to seek improvements, specifically to ensure the building can be converted without the need for any extension and in a way that reflects more appropriately the existing character of the building and its previous use. The amended plans should also seek to reduce the amount of the proposed glazing and reduce the visual impact of the proposed changes to the building on the wider landscape.

The deferral was therefore in relation to the physical appearance of the proposal rather than the principle of its use. There will be further consultation on the amended plans and the scheme will be referred back to the Planning Committee with a recommendation in due course.

Regards

**Chris France**  
Director of Planning  
North York Moors National Park  
Tel. 01439 772700  
[c.france@northyorkmoors.org.uk](mailto:c.france@northyorkmoors.org.uk)

CMF

**Whin Brow  
Hood Lane  
Cloughton  
Scarborough  
N Yorkshire  
YO13 0AT**

11<sup>th</sup> August 2016

Dear Mrs Saunders,

Your Reference: NYM/2016/0349/FL

I note that the above application has been "Deferred for amended plans".

This seems odd since the Director of Planning's recommendation was to approve the application, I can only assume that the conditions which were applied were not acceptable to the applicant.

Please can you assure me that the amended plans will be subject to the due process, for example public notices affixed to telegraph poles, comments being sought from the parish council and neighbours, a new Director of Planning's Recommendation.

An email to the above email address will suffice.

Yours sincerely,

NYM/PA  
15 AUG 2016  
➤

Jim Brace



## Wendy Strangeway

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**From:** Planning  
**Sent:** 02 August 2016 11:43  
**To:**  
**Subject:** RE: Approval conditions  
**Attachments:** NYMNPA Planning Conditions Manual.pdf

Dear Dr Brace

Many thanks for your email received 25 July 2016 and subsequent letter received 28 July 2016. I note that you require the full wording for the Authority's planning conditions, particularly with reference to application NYM/2016/0349/FL (Rock Haven, Newlands Road, Cloughton). I have attached for your information a copy of the Authority's planning conditions which gives details of the standard planning conditions we use. A condition reference that ends with '00' is a non-standard condition which has been written by the Case Officer for the specific application it relates to. In respect of the conditions for NYM/2016/0349/FL, the wording for the non-standard conditions was reported in full on the Committee Report which is available to view under the application reference number on the Authority's website.

We do have a Compliance and Monitoring Officer at the Authority who does inspect particular developments throughout their construction, however unfortunately we do not have the resources to monitor every development which has been granted consent as such if you suspect that any conditions are not be adhered to we would welcome you notifying the Authority of this so we can take the appropriate action.

I trust the above information to be of assistance, however should you require any further information please do not hesitate to contact me.

Yours sincerely



Mrs Wendy Strangeway  
Planning Administration Officer

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

Tel: 01439 772700



(Please note that I am contactable between the hours of 9.00am and 4.30pm Monday to Friday)

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**From:** Jim Brace  
**Sent:** 22 July 2016 18:33  
**To:** General  
**Subject:** Approval conditions

Please could you give the references details of the various planning approval conditions that you use, e.g. RSU011, HWAY00, DRGE12 etc. Unfortunately I have not been able to find them on your web site.

Many thanks,

Jim Brace

Sent from Mail for Windows 10

WS

**Whin Brow  
Hood Lane  
Cloughton  
Scarborough  
N Yorkshire  
YO13 0AT**



26<sup>th</sup> July 2016

Your Reference: NYM/2016/0349/FL

Dear Ms Saunders,

I have read with interest the conditions applied to the approval of the above planning application. Please could you give me the reference to the actual definitions of the abbreviations used? I have listed the ones used below, but if it is easier send or email me the whole list of abbreviations and definitions

TIME01, PLAN02, RSU011, RSU014, GACS07, GAC00, MATS03,

MATS60, MATS00, HWAY00, DRGE12, HWAY07, HWAY10, HWAY14

I would also appreciate your advice as to what action to take if I suspect that the conditions are not being adhered to. Do you regularly inspect progress like a building inspector? If the HWAY related conditions are what I think they are, then they will be very difficult to adhere to. I am also concerned that the DRGE12 condition is fully complied with.

Yours sincerely,

Dr James A. Brace

A handwritten signature in black ink, consisting of several sweeping strokes that form the name 'Dr James A. Brace'.





Whin Brow  
Hood lane  
Cloughton  
SCARBOROUGH  
YO13 0AT

C  
MS

18<sup>th</sup> July 2016

Dear Ms Saunders,

Your Ref: NYM/2016/0349/FL (Rockhaven)



Thank you for your letter of 11<sup>th</sup> July 2016 in which you advise me that the above application will be discussed at the Planning Meeting on 21<sup>st</sup> July. I had expected the decision to have been made on 7<sup>th</sup> July 2016 as stated in Mr Hill's letter of 23<sup>rd</sup> May and on your web site. I am confident however that the Authority will reject the application; it would be illogical and perverse to do otherwise.

The applicant's previous application (NYM/2013/0279/FL) was rejected by the Authority. The Director of Planning's Recommendation (Meeting 18<sup>th</sup> July 2013, List number 7) stated that the original proposal for the stable was accepted because it was required to serve the needs of the substantial property and it was likely that even if the occupiers of the main dwelling changed this need would remain. "Consequently, if this space is converted to residential use it is likely that a further building will be required [to meet these needs] which may in turn have a negative impact on the character of this area." This argument is obviously still valid if the stable is converted into holiday cottages.

The 2013 application went to appeal and the Authority mounted a costly defence and lost an application for costs. Mr Deane, the Inspector, wrote in his report (APP/W9500/A/13/2204868 paragraph 13). "Even though the site currently lies within the curtilage of Rockhaven, the proposed use would bring increased pressure to put structures, means of enclosure and domestic paraphernalia on the land around the appeal buildings. These features are likely to have a more harmful visual impact on the open rolling landscape which characterises the locality than the parking of vehicles or the storage of equipment associated with the keeping of horses." This concern is even more apposite if the single dwelling proposed in 2013 is replaced by two dwellings.

The Highways Authority have been very critical, "visibility to the north does not meet the current standards, falling some 40m short" , "converting the stable into two

holiday cottage properties will intensify the use of the sub-standard access, the highway authority would require modification to the existing access to improve the existing visibility". The Highways authority's conditions are onerous, "gates to be 6m back from the carriage way of the existing highway", "splays are provided giving clear visibility of 160 metres along Newlands Road". The parking standards are set out in NYCC publication "Transport Issues and Development - A Guide" are pertinent to my concerns about the provision of adequate off road parking as expressed previously.

I enclose photographs showing the lack of visibility to the north and an example of car parking by residents of Rockhaven on Hood Lane.

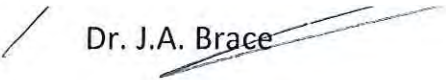
I draw your attention to the fact that my neighbours and the Parish Council have opposed the application and remind the members of the Director of Planning's comments on 2013 application "the Parish Council had expressed concerns that there would be a future application to convert the building into residential, office or holiday accommodation". The Parish Council's concerns appear to have been justified.

I would also draw the members' attention to the fact that holiday cottages in this area tend to be occupied 11 months of the year, not just for the summer season so in effect there will be two dwellings, rather than the one in the rejected 2013 application. In fact the existing holiday accommodation at Rockhaven seems to be permanently occupied.

Whilst I appreciate that the Authority may be concerned about an appeal and the cost of defending their decision it however would be a gross dereliction of duty if the application was approved simply because of the cost of defending the decision at appeal.

I am confident that the Authority members will reject this application. To do otherwise would be inconsistent, very controversial and open to challenge.

Yours sincerely,

  
Dr. J.A. Brace



View of Newlands Lane from Rockhaven Gateway



Car Parking on Hood Lane



161349

C

Little Pastures  
Hood Lane  
Cloughton  
SCARBOROUGH  
YO13 0AT



18<sup>th</sup> July 2016

Dear Hilary,

Re:- Rockhaven Application

I apologise for being discourteous on the telephone; my irritation is certainly not with you but rather with the National Parks Authority. As you will have understood I am very alarmed that the Authority is considering approving the application by Rockhaven to convert a newly built stable block into holiday accommodation. This would set a very unwelcomed precedent.

Would you please send me details of the appeal process, the timescales and the steps involved so that I can lodge an appeal as quickly as possible if necessary. I presume that if an appeal is lodged any approval is held in abeyance until the appeal is heard, hence the importance of lodging an appeal as soon as possible. If your internal appeal process fails to resolve the matter satisfactorily then it may be necessary to seek help from external organisations and escalate the appeal.

Would you also please also send me details of your complaints process, including the steps that can be taken after exhausting your procedures?

We are very concerned that the Authority is failing to defend and protect the National Park, at least in this locality. I vehemently believe that the National Park is an irreplaceable and invaluable asset that must be preserved at all costs. I am rapidly concluding that the National Parks Authority is not fit for purpose and has become impotent and ineffectual.

Yours sincerely,

Ron and Joan Greenfield

U    v    v



**Wendy Strangeway**

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**From:** john march  
**Sent:** 14 June 2016 10:18  
**To:** Planning  
**Subject:** NYM/2016/0349/FL  
**Attachments:** rockhaven.doc

For the attention of Mrs H Saunders

Please find attached formal objection to the above planning application.

I apologise for the delay and hope you will consider this letter. The reason for the delay is that we have been struggling with our internet coverage over the last few days.

Rosemary March



**Andy Strangeway**

---

**From:** Front Desk on behalf of General  
**Sent:** 08 June 2016 13:18  
**To:** Planning  
**Subject:** FW: NYM/2016/0349/FL

Please can you send an email of receipt. Thanks



**From:** The Bleasdales  
**Sent:** 08 June 2016 13:02  
**To:** General  
**Subject:** Fw: NYM/2016/0349/FL

On Tuesday, 7 June 2016, 20:05, The Bleasdales

wrote:

Dear Sir/Madam

With reference to the above application for change of use to existing building to them becoming 2 more dwellings. This would then make 4 different occupied homes . I wish to make some comments for you to consider .

With the additional traffic using the entrance to and from Newlands Road from Rock Haven .It is doubtful if the entrance and exit is adequate .

- 1 The entrance to the property is approximately 20 metres from the junction of Newlands and Hood Lane .
- 2 The speed limit is 60 mph, traffic does approach this entrance rather quickly.
- 3 The way the entrance is used at present which has a pavement running across the entrance and 1.5 metre tall wooden gates which they open and lose manually when leaving and entering. This means they then leave the premises ,park the car on Newlands Road which is in a hazardous position then walk back to close the gates. On returning the reverse happens, park the car ,open the gates , then enter their property .
- 4 The boundary wall, which is approximately 1.5 metres high is in line with the rear of the pavement which leaves no visibility for either pedestrian's or vehicle's .
- 5 Over the years this exact area has seen numerous accidents and Newlands Road has every more traffic using it .

I have no opposition for Mr and Mrs Armstrong gaining planning approval but the safety angle regarding the entrance and exit should be addressed by your planning department .

Regards G Bleasdale

dated June 6th 2016

HS  
0

**Wendy Strangeway**

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**From:** The Bleasdale  
**Sent:** 09 June 2016 19:28  
**To:** Wendy Strangeway  
**Subject:** Re: NYMNPA Request for Postal Address

Dear Ms Strangeway

Thank you for your email and attachment asking for my postal address I apologise it was remiss of me not to include it .

So here it is Trattles Hall Newlands Road Cloughton YO13 0AR

Regards G Bleasdale

On Thursday, 9 June 2016, 16:06, Wendy Strangeway <[w.strangeway@northyorkmoors.org.uk](mailto:w.strangeway@northyorkmoors.org.uk)> wrote:

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The Haycorns  
Stillington Road  
Sutton on the Forest  
YO61 1EJ

The Chief Planning Officer  
North York Moors National Park  
The Old Vicarage  
Bondgate  
Helmsley  
YO62 5BP

For the attn. of Mrs. Hilary Saunders

11 June 2016

Ref:NYM/2016/0349/FL

Dear Madam

I would like to make formal objection to the plans NYM/2016/0349/FL on the grounds of National Park Planning Policy and Highway Safety.

I am well aware of the property as I have lived in the immediate area and I am also well acquainted with the planning procedures of the North York Moors National Park. I consider that it is the duty of the National Park to preserve and retain our heritage and the features of the landscape and this application does not accord with development Policy of the NYM local framework.

This planned development is a conversion of a very recently constructed stable-block. It does not show any features which link it to the landscape and the area. The plans show large amounts of glazed frontage to the development which does not match in any way the Victorian house which is Rockhaven. This development will also be viewed by many walkers who use the Old Railway Line and will therefore spoil the countryside vista.





I understand that when permission was given for the Stables 2010/0295 it was given on the condition that it was only used for storage. This condition should still be applied. In 2013 when the applicant applied for change of use of the Stables 2013/0279 the decision also reinforced that it could not be used for domestic/holiday cottage uses. I suggest that the Planning Committee reinforce this decision as I see no reason whatsoever that this decision should be changed.

The Highways issue is of genuine concern. The corner of Hood Lane/Newlands Road, Cloughton has always been dangerous. Many accidents have happened at this point including two fatalities.

Rockhaven has always had an unsafe vehicular entrance/exit. The gateway to Rockhaven is completely blind. Cars come down Newlands Hill at very high speeds and cannot see a car coming from or to Rockhaven until it is in the middle of the road. The gates on Rockhaven are now solid and therefore restrict the view of oncoming traffic to an even more serious degree. If this development were passed this danger would increase proportionately as more cars, with drivers unfamiliar with these hazards would use the gateway onto Newlands Road.

I would be grateful if the Planning Committee would take note of this letter as a formal objection to NYM/2016/0349/FUL and turn down the plans accordingly.

Yours faithfully

Rosemary March



**Whin Brow  
Hood Lane  
Cloughton  
Scarborough  
N Yorkshire  
YO13 0AT**

2<sup>nd</sup> June 2016

Your Reference: NYM/2016/0349/FL

Dear Ms Saunders,

Thank you for the opportunity to comment on the planning application by my neighbours at Rockhaven.

#### Historical Context

You will be aware that the building was built in 2010 and was the subject of planning application (NYM/2010/0295/FL). The Parish Council objected on many grounds including a concern "that this building (if approved) will result in a future application to convert the building to residential, office or holiday accommodation". The National Park Authority approved the application on 21<sup>st</sup> June 2010

In 2013 the owners applied for permission to convert the stable/ studio to form residential annexe accommodation (NYM/2013/0279/FL). The Parish Council objected, pointing out that they had predicted that there would be a future application to convert the building to residential, office or holiday accommodation and specifically asked that if the application was approved conditions were applied to prevent the property being used for holiday or commercial purposes of any sort. The National Park Authority refused permission.

#### Planning Context

The objections raised in 2010 and 2013 are applicable to the current planning application, particularly the Director of Planning's erudite analysis submitted on 18<sup>th</sup> July 2013. Specifically:

Development Policy 8, only permits the conversion of buildings to other uses when then building is of architectural or historic importance. The building which is the subject of this application is only six years old and has no architectural value whatsoever.

Core Policy J specifies that new buildings outside villages are restricted to agricultural or forestry workers dwellings. This building is nearly a mile outside the



village of Cloughton and will not be converted to be dwellings for designated workers.

The condition applied to the 2010 approval, namely that "The development hereby permitted shall be used for domestic storage incidental to the occupation of the main dwelling on the site and for no other purpose", should not be eased.

As the Director of Planning pointed out in 2013, the reason why the 2010 permission was granted was because it was considered reasonable that such buildings would be needed to serve the needs of the host dwelling and even if the occupiers of the main dwelling changed this need would still exist. Consequently if the garage, stables etc. are converted to two holiday units it is likely that further buildings will be required to service the needs of the main dwelling.

The Director of Planning also stated that the Parish Council had "expressed concerns that there would be a future application to convert the building into residential, office or holiday accommodation. The Parish's concerns appear to come to fruition". And again.

The application should be refused on the above planning grounds

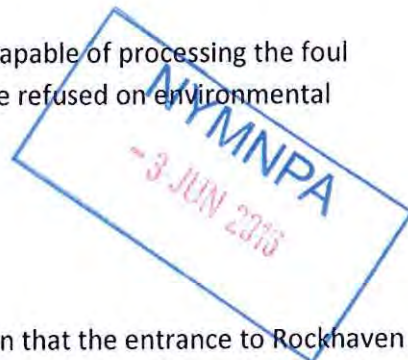
#### Environmental Context

As you are aware from the application form Rockhaven, like most local properties, does not have the benefit of mains sewage and relies on cess pits. Many of these cess pits are very old, built in the 1900's when the houses were built and are totally inadequate to treat the waste from modern living with dishwashers, washing machines etc. This is very apparent on a warm summer's day. Many properties have been converted or enlarged, to create holiday accommodation which further overloads the old sewerage systems. The application form gives no details about the capacity of the existing system or whether it has been enlarged or updated. If the cess pit has not have been upgraded it may not have the capacity to handle the effluent from four modern households and consequently will discharge foul water into the surrounding water courses.

Unless it can be shown that the sewage system is capable of processing the foul effluent from four dwellings then the application should be refused on environmental grounds.

#### Traffic Context

The applicants commented in their 2103 application that the entrance to Rockhaven is on "a very fast and noisy road, having bus and coaches reversing and turning round every 30 minutes Monday to Saturday 7am to 7pm." This is correct. The parish council pointed out



that "access to the highway was not good being within 10 yards of a junction and on a bend". This is also correct. The entrance to Rockhaven is hidden by the brow of a hill to the south and it is at the apex of a long downhill bend from the north and at the junction with Hood Lane. It was the site of a fatal accident some years ago. At the junction with Hood Lane the footpath changes from the east side to the west side of Newlands Lane consequently pedestrians have to cross the road at this point, further exacerbating the traffic hazard. Access to Rockhaven is through a heavy wooden gate which is kept closed forcing drivers entering or leaving Rockhaven to park in the main road whilst they open or close the gate, generating another hazard.

The application form specifies that there will be two additional parking places for the two proposed holiday units to supplement the two existing parking places for the host dwelling and the existing holiday unit. This is totally inadequate; it assumes that households only have one car and that no visitors come by car. There are often three or more cars parked within the grounds of Rockhaven now even though there are only two households. Residents of the existing holiday flat are frequently forced to park in Hood Lane within about three metres of the junction with Newlands Lane, restricting the view of traffic to the south. If planning permission is granted there will inevitably be more vehicles parked in Hood Lane further restricting the view of traffic on the main road when exiting Hood Lane and there will be more vehicles entering and leaving on a dangerous corner.

Unless these traffic concerns can be satisfactorily addressed permission should be refused on highway safety grounds.

### Conclusion

I ask you to reject this application in its entirety; it would seem to a blatant example of planning creep. Many of the arguments and conclusions put forward in 2013 are still applicable.

Yours sincerely,

Dr James A. Brace



Little Pastures,  
Hood Lane,  
Cloughton,  
Scarborough,  
North Yorkshire,  
YO13 0AT

30<sup>th</sup> May 12016

Dear Ms Saunders

Your Reference: NYM/20126/0349/FL

We wish to protest about the proposed development of the newly erected Stable/Garage/Studio with WC etc. building at Rockhaven, Newlands Road, Cloughton. This is nothing less than another ploy to get an extra dwelling in this beautiful part of the North York Moors National Park. We are certain this was always the intention when plans were forwarded and passed for this building in 2010 and we protested when they last tried to sneak an amendment in to create a dwelling in 2013. If permission is granted then a precedent will be set for anyone else wishing to get around the planning laws in a National Park.

Yours sincerely,

Ronald & Joan Greenfield.



16/349  
Brocken Dale,  
Hood Lane,  
Cloughton.  
YO13 0AT  
2.6.16.

**NYMNPA**

**-6 JUN 2016**

Dear Mr. Saunders,

I understand that the occupants of Roelhaven, Newlands Road, Cloughton are applying for permission to convert a stable into residential accommodation, I would imagine they had this in mind when this huge stable, which has satellite T.V, was erected! Their first attempt to convert was rightly turned down by the Parish Council.

I frequently go passed ~~to~~ <sup>to</sup> ~~the~~ <sup>the</sup> ~~house~~ <sup>house</sup> with my husband, who as you know, is wheelchair bound. On several occasions I have had to by pass the foot path and go onto the road, as cars are blocking it in front of their high, oversized gates. I can only get back onto the foot path several hundred yards further down the road, on the brow of a hill where as often as not another car is parked in the driveway (this is Brentwood). I dare not cross over the road it is too dangerous so

NYMNP

run die

2

risk of cars coming up behind,  
often at high speed. This is the  
only walk from my home where  
I can push my husband to the  
Lakes Hill duck pond and back,  
everywhere else is too hilly.

I do hope you will take  
this into consideration as another  
entrance to Rockhaven properties  
will only aggravated the situation.

Yours sincerely

NYMNPA

JUN 2016





## Planning Notice

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

**Application Number** NYM/2016/0349/FL

**Applicant** M & P Armstrong

**Site Address** Rock Haven, Newlands Road, Cloughton

**Proposal** conversion of and extension to stable/garage/studio building to form 2 no. holiday letting cottages with associated landscaping works

Members of the public may inspect the application(s), including plans at the National Park Offices during normal office hours by appointment or on the Authority's website [www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk). You are advised to inspect the plans carefully to assess any impact on you as the description can only cover the main parts of the development. Any comments on the application(s) should be sent to the address below within 21 days of the date of this advertisement, quoting the application reference number. Comments may also be submitted using the online form on the Authority's website. If you have any queries on the application(s) please contact the National Park Office.

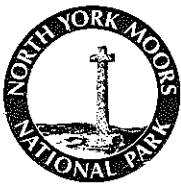
Under the provisions of the Freedom of Information, Access to Information and Environmental Information Acts any comments received are available for public inspection. They will also be forwarded to the Secretary of State for Communities and Local Government in the event of an appeal. If you do not wish your views to be treated in this way please make this clear in your reply.

Mr C M France  
Director of Planning  
North York Moors National Park Authority  
The Old Vicarage  
Bondgate  
Helmsley  
York, YO62 5BP

**Date of Notice:** 24 Mar 2016

website: [www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk)  
email: [planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk)  
tel: 01439 772700

This notice may be removed 21 days after the above date.



**North York Moors  
National Park Authority**

Case Officer: SAT (HS)

Application No: NYM/2016/0349/FL

**PROPOSED DEVELOPMENT**

Parish: Cloughton 4/24

Applicant: M.P. Armstrong

Development: Conversion of & extension to stable/garage/studio building to form 2 no. holiday letting cottages with associated landscaping works.

At: Rock Haven, Newlands Road, Cloughton

Grid Ref: SE501123 495315

Road class: C Road

**PROCEDURE**

Date of Receipt: 11 MAY 2016

Date of Validation: 12 May 2016

**DATE FOR DECISION:** 7 July 2016

DoE Code: 20

Major Application: NO (13 wks)

EIA: NO (16 wks)

**CONSTRAINTS**

Flood plain: 1

PROW: ---

Conservation Area: ---

Listed Building: --- Grade: ---

TPO/Hedgerow: ---

Monuments: PSR CSAC, Section 3 Coast, SAC, SSSI, Ant Mons, Nat Trust, Article 4, RAF (10.5), SPA, Section 3 Woodland, Section 3 Moorland, Historic P&G, Registered Common Land, Mining Hazards, Heritage Coast, Ancient Woodland, Dev't low risk (coal referral), Dev't high risk (coal consultation)

**DEVELOPMENT PLAN POLICIES / SCREENING OPINION**

Relevant RSS/EU Dirs/HRA: ---

Core/Development Policies: DPS, DP4, DP3, DP5, DP14

NMD/Bat/Structural/Trop Survey/FRA/Ag Workers Report

Departure: NO

EIA Schedule 1/Schedule 2: NO

Brownfield/Greenfield/Ag conversion/Non-Agr conversion: ---

More than 5 houses or 200 sqm? ---

*Impact to be*

County Matter: NO

If Schedule 2, is statement required: Yes/No NA

Net change to no. of dwellings: NA

10% Renewables: ---

**SITE NOTICE / ADVERTISEMENT**

Site Notice Required: ✓ Date Posted: 24/5/16 *rh* Expiry Date: 14/06/16

Advertisement Required: NA Date Posted: --- Expiry Date: ---

**CONSULTATIONS**

CONSULTATIONS	Date consulted	Reply by	Re-consulted	Reply by
District				
Ward Member				
<u>Parish</u>	<u>23/5/16</u>	<u>13/6/16</u>	<u>6/9/16</u>	<u>16/9</u>
<u>Highways</u>	<u>?</u>	<u>?</u>	<u>?</u>	<u>?</u>
<u>EHO</u>	<u>?</u>	<u>?</u>	<u>?</u>	<u>?</u>
<u>EA</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>
<u>Water</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>
<u>Case</u>	<u>?</u>	<u>?</u>	<u>?</u>	<u>?</u>
<u>The Gatehouse</u>	<u>?</u>	<u>?</u>	<u>6/9/16</u>	<u>?</u>
<u>Whin Brow</u>	<u>?</u>	<u>?</u>	<u>?</u>	<u>?</u>
<u>Whin Brow Cott</u>	<u>?</u>	<u>?</u>	<u>?</u>	<u>?</u>

**In the Authority's opinion would the development - affect the setting or appearance of a Conservation Area?**

YES NO NA

If 'NO' give a reason why.....

- affect the setting of a Listed Building?

YES NO NA

If 'NO' why.....

- affect a Public Right of Way?

YES NO NA

If 'NO' why.....

**DECISION**

Date of Decision: 22 SEP 2016 Date of Expiry: NA

Application Type: Refused



## Appeal Decision

Site visit made on 5 December 2013

by **Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 January 2014

**Appeal Ref: APP/W9500/A/13/2204868**

**Stable Block at Rockhaven, Newlands Road, Cloughton, Scarborough, North Yorkshire YO13 0AR**

- 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 Malcolm Armstrong against the decision of the North York Moors National Park Authority.
- The application Ref NYM/2013/0279/FL, dated 5 May 2013, was refused by notice dated 19 July 2013.
- The development proposed is described on the application form as the change of use of existing stable structure to a single residential unit with associated alterations to elevations including glazed corridor.

### Decision

1. The appeal is dismissed.

### Procedural matters

2. An application for costs was made by the North York Moors National Park Authority against Mr Malcolm Armstrong. This application is the subject of a separate decision.
3. Notwithstanding the description of development given on the application form, the Authority has referred to it as the conversion of, and alterations to, the stable/studio building including the addition of a glazed corridor to form residential annexe accommodation together with the formation of an access and utilising the existing turning area in front of the building. The appellant appears to have accepted this amendment. I have assessed the proposal on that basis.

### Main Issue

4. The main issue is, having particular regard to national guidance and local planning policies that govern the provision of residential annexe accommodation and the location, size, position and design of the development proposed, its effect on the character and appearance of the local area.

### Reasons

5. The proposal is to convert and externally alter a recently completed building that lies in the vicinity of Rockhaven, which is a large detached house set within generous grounds, to residential use. The appeal building is currently divided

14 JAN 2014

into a double garage and stables with a studio above. Its use is now redundant due to the ailing health of the appellant and his wife that both reside at Rockhaven and intend to occupy the building, once converted.

6. The site occupies an isolated location in the countryside, within the North York Moors National Park. The National Planning Policy Framework (the Framework) states that great weight should be given to conserving the landscape and scenic beauty in National Parks, which have the highest status of protection in relation to landscape and scenic beauty. Amongst the core principles of the Framework are for planning to recognise the intrinsic character and beauty of the countryside and to support thriving rural communities within it; to contribute to conserving and enhancing the natural environment; and to encourage the reuse of existing resources, including the conversion of existing buildings. The North York Moors Local Development Framework Core Strategy and Development Policies (LDF), although adopted well before the publication of the Framework, reflect these core principles.
7. Development Policy 19 of the LDF states that development involving annexe accommodation within the domestic curtilage of dwellings will only be supported where it is ancillary to the main dwelling in terms of its scale and specification. In this case, the appeal scheme would be fully self-contained with living accommodation on two floors, including two bedrooms, a kitchen, living room, utility room, bathroom and garage. The plans show that the new use would be served by an independent access from Newlands Road with adequate space for vehicles to park and turn within the site. The red line plan shows that the appeal building would stand within its own curtilage, away from Rockhaven, and have access to separate outdoor space.
8. The proposal would enable the appellant and his wife to live independently within the annexe whilst his daughter and family would reside at Rockhaven. In this way, he and his wife would stay within the local community and be cared for in accommodation that is better suited to their needs. I am sympathetic to this desire and acknowledge that the proposed arrangements would reduce the burden of longer trips made by other family members to and from the local area. I also acknowledge that alternative accommodation using part of a building attached to Rockhaven, which is smaller than the appeal building and much closer to the road, is considered by the appellant to be unsuitable.
9. However, more commonly, a residential annexe would be in the form of an extension to an existing building with limited facilities and often a physical connection between the two elements. When the annexe is no longer required the accommodation would then be incorporated within the main dwelling and the whole would then be used as a single house. Appropriate planning conditions to ensure this happening could be imposed in line with the guidance contained in Circular 11/95, *The Use of Conditions in Planning Permissions*. This general arrangement is likely to partly reflect the requirement in Development Policy 19 that new build annexe accommodation, which is not proposed here, should be physically attached to the main dwelling.
10. While the appellant and his wife would reside within the annexe in the first instance, that situation would not be permanent. The appeal building, once converted, would be likely to subsist for many years to come. There could be a request to use it independently in the future, which may be contrary to relevant

planning policies including Core Policy J of the LDF, which aims to direct new housing towards the built up areas and to limit such development in the countryside. It is not certain that this would come to pass but the possibility is one that I consider is relevant at this stage. In my view, conditions imposed to control the use of the building in this case would be difficult to enforce in the long term and would not be appropriate having regard to the guidance in Circular 11/95 and the Framework.

11. Taking into account the physical detachment, size and free-standing, self-contained nature of the new development, I consider that the proposal would in effect, and in all practical terms, be a separate unit of residential accommodation rather than a residential annexe that is clearly ancillary to Rockhaven. The Authority appears to reach a similar conclusion. On that basis, I find that the proposal conflicts with LDF Development Policy 19, which seeks to safeguard the special qualities of the National Park's landscape areas.
12. LDF Development Policy 8 deals with the conversion of traditional unlisted rural buildings outside defined settlements. It notes that a residential annexe to an adjacent existing dwelling will be permitted subject to compliance with various criteria. Whether or not the appeal building should be regarded as a traditional rural building, I consider that it has no obvious or acknowledged historic or architectural merit. As such, the proposal would not meet criterion 1 of this policy. Furthermore, it would not form part of a group of existing buildings as required by criterion 7.
13. The proposal would also relate uneasily with the requirements of criterion 6 which concern changes to the building's curtilage and the vehicular access and parking arrangements. Even though the site currently lies within the curtilage of Rockhaven, the proposed use would bring increased pressure to put structures, means of enclosure and domestic paraphernalia on the land around the appeal building. These features are likely to have a more harmful visual impact on the open rolling landscape which characterises the locality than the parking of vehicles or the storage of equipment associated with the keeping of horses. A condition could be imposed to remove permitted development rights in relation to the erection of outbuildings and in respect of boundary treatment. A condition could also restrict the introduction of inappropriate outdoor items within the site garden equipment, furniture and trailers for washing lines. However, in my experience, this restriction can be very difficult to enforce as these items are often temporary, moveable and the harm arising from them can result from the cumulative effect of small-scale incremental change consistently made over time rather than directly from individual pieces of equipment.
14. Any domestic paraphernalia would be likely to be evident from Newlands Road as it passes the site and, in my judgement, would create prominent and harmful features in the rural landscape. While such items could potentially be introduced in association with the residential use of Rockhaven, the creation of a new use and separate curtilage would increase the likelihood of this happening, to the detriment of the character and qualities of the countryside. Accordingly, I find that the proposal conflicts with LDF Development Policy 3, which aims to maintain and enhance the distinctive character of the National Park, and criterion 6 of LDF Development Policy 8.

15. The plans show that the proposal would use an existing access from Newlands Road and introduce a long driveway across an open sloping field. The use of appropriate surface materials and additional landscaping could reduce the visual impact of this element of the appeal scheme on the open rural landscape. Nevertheless, it is likely, as the Authority suggests, that significant engineering works would be required to deal with the notable change in ground levels between the public highway and the appeal building. While the detailed design and layout of the new access driveway are not before me, these works add to my concerns about the overall urbanising effect of the proposal on the natural landscape. From my inspection of the plans, I see no obvious reason why the means of access could not be shared with Rockhaven, thereby obviating this potential harm. An alternative access could be subject to a condition, as the appellant suggests. Nevertheless, for the reasons given, I consider that the proposal materially conflicts with other aspects of LDF Development Policy 8.

16. The external changes to the appeal building to facilitate its residential use have been well designed with a new glazed corridor to link the new bedrooms and bathroom and full length glazed windows in place of one of the garage doors. These changes deal sensitively with the conversion of the building and retain its simple built form and visual character. This aspect of the proposal would therefore satisfy the high standards of design expected within National Parks and sought by LDF Development Policies 3 and 8. This favourable finding does not outweigh the harm that I have identified.

17. The appellant considers that Development Policy 8 in particular is unduly restrictive in the light of the Framework's policies that, amongst other things, advocate a wider range of uses for rural buildings and emphasise the importance of housing provision. Nonetheless, plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas. In that context, it is inevitable that local planning policies in the National Park will apply a greater degree of restraint to new development to conserve their landscape and natural beauty than outside of these designated areas. I find no significant inconsistency between Development Policy 8 and the Framework to the extent that the weight to be attributed to it should be significantly reduced or that the policy should be put to one side, as the appellant suggests.

18. Overall, I conclude that the proposal sits uncomfortably with national guidance and local planning policies that govern the provision of residential annexe accommodation and that, if permitted, it would be likely to seriously harm the character and appearance of the local area. In my view, the imposition of conditions would not satisfactorily mitigate this harm.

19. In reaching this conclusion, I accept that the proposal allows for a more efficient use of an underused building and would contribute in a modest way to the stock and choice of local housing, which are supported in the Framework. The Ministerial Foreword also stresses the need to house a rising population that wants to make new choices. The appellant has also referred to the Planning for Growth agenda, which I have taken into account. I also acknowledge the considerable support from others for the proposal.

20. Nevertheless, housing proposals should be considered in the context of the presumption in favour of sustainable development. As the Framework makes

clear, sustainability has many facets including the need to conserve and enhance the natural environment generally and safeguard designated landscapes specifically. Because proposals should be assessed against the policies of the Framework, taken as a whole, it is my judgement that the balance of national guidance does not support the appeal scheme.

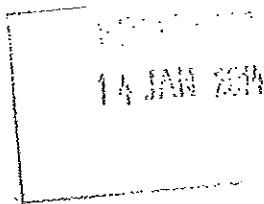
21. As the development plan is neither silent, absent or out of date and there are specific policies in the Framework with regard to National Parks, notably at paragraph 115, I consider that the special emphasis given to the presumption in favour of granting planning permission in paragraph 14 does not automatically apply in this case.
22. Other appeal decisions are also referred to outside the Authority's area, which I have considered. From the limited information provided, there appear to be few direct parallels between these cases and the proposal before me other than in general terms with regard to national planning policy. In any event, each proposal should be considered on its own merits, which I have done in this instance.
23. The Government has recently announced plans to extend permitted development rights to bring back into use empty and underused buildings in rural areas. These measures are the subject of consultation and so may change. Therefore, I attach very limited weight to this consideration in support of the appellant's case.

#### **Conclusion**

24. Overall, for the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Gary Deane*

INSPECTOR









## Costs Decision

Site visit made on 5 December 2013

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 January 2014

### Costs application in relation to Appeal Ref: APP/W9500/A/13/2204868 Stable Block at Rockhaven, Newlands Road, Cloughton, Scarborough, North Yorkshire YO13 0AR

- 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 the North York Moors National Park Authority for a full award of costs against Mr Malcolm Armstrong.
- The appeal was made against the refusal of planning permission for the change of use of existing stable structure to a single residential unit with associated alterations to elevations including glazed corridor.

#### Decision

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

#### Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only 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 Authority considered that the proposal was clearly contrary to national guidance and development plan policies and has stated that this position was made clear to the appellant in its pre-application advice. The implication of this opinion is that the right of appeal was not exercised in a reasonable manner because, in the Authority's eyes, it had no reasonable prospect of succeeding.
4. The Circular advises that these circumstances can result in an award of costs against an appellant if, for example, the proposal flies in the face of national guidance or is obviously not in accordance with the statutory development plan and no, or very limited, other material considerations are advanced with inadequate supporting evidence to justify determining otherwise.
5. To my mind, the appellant has put forward realistic and specific evidence at both the application and appeal stages to support the proposal. This evidence includes a detailed and objective analysis of national guidance and relevant local planning policies. Reference is also made, amongst other things, to the personal circumstances of the appellant, his wife and their family, and to other appeal decisions and the representations in support of the proposal.

6. To my mind, this evidence provides a more than respectable basis for the appellant's stance. Having assessed all of the information before me, I am unable to share the Authority's opinion that the outcome of an appeal was necessarily a foregone conclusion even if it considered that there was a decisive conflict with the policies of the development plan or with national guidance.
7. While Authority's objections were made known to the appellant at an early stage it is not unreasonable to seek to test those concerns through a well-reasoned case at the application and appeal stages. This is particularly relevant where there was a fundamental disagreement between the main parties as to whether or not the development sought was effectively a new build residential unit within the countryside.
8. That I have dismissed the appeal and supported the Authority's case reflects the judgements that I made on the submitted evidence rather than any inadequacies in the contents of the appellant's case. It does not mean that the appellant has failed to show clearly why in his view the development should have been permitted or that he has failed to substantiate his case.
9. Therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Circular 03/2009, has not been demonstrated.

*Gary Deane*

INSPECTOR

