



Appeal Decision

Hearing held on 28 September 2004

by **Kathleen Woodling BA, MPhil, MRTPI**

an Inspector appointed by the First Secretary of State

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Date **15 OCT 2004**

Appeal Ref: APP/W9500/A/04/1138273

Garden of No. 113 Hackness Road, Scalby, Scarborough, YO13 0QY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by J.R.Batty & Co against the decision of North York Moors National Park.
- The application (Ref.NYM/2003/0598/OU), dated 5 August 2003, was refused by notice dated 2 October 2003.
- The development proposed is the erection of a dwelling.

Summary of Decision: The appeal is dismissed.

NYM/NPA

Procedural Matters

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1. The application was made in outline with all matters reserved.

Main Issue

2. I consider that the main issue in this appeal is the effect of the proposal on the character and appearance of the surrounding area.

Planning Policy

3. The development plan includes the North Yorkshire County Structure Plan and the North York Moors Local Plan 2003. Under Structure Plan policy E1, priority will be given to the conservation of the landscapes and general amenity of identified areas including the North York Moors National Park. In the Local Plan, policy BE12 states that development of sites within or adjacent to identified settlements will only be permitted where, among other things, there is no unacceptable impact on the visual or amenity value of the site.
4. Planning Policy Guidance note 3: *Housing* (PPG 3) encourages the re-use of previously developed land in sustainable locations. It also notes that new development should have regard to the townscape and landscape of the wider locality. In addition, Planning Policy Statement 7 - *Sustainable Development in Rural Areas* (PPS 7) identifies several key principles. These include giving priority to previously developed sites, making accessibility a key consideration and the need for development in rural areas to be sensitive to the character of the countryside and local distinctiveness.

Reasons

5. Although the appeal site is within the North York Moors National Park, it also lies on the fringe of the Scarborough urban area, between the villages of Newby and Scalby. At the Hearing, the Authority explained that because these villages lie outside the National Park area, they are not included in the settlements referred to in policy BE12. However, since the site is effectively part of the urban fringe, the Authority suggests that it is this policy rather than those for housing in the open countryside which provides the most appropriate

criteria for assessment of the appeal proposal and this was accepted by the Appellant. Bearing in mind the setting of the appeal site, I consider that this approach is reasonable and will have regard to the thinking behind policy BE12 in reaching my decision.

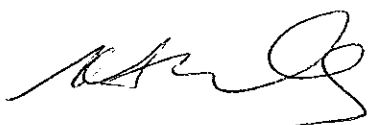
6. No. 113 Hackness Road and the neighbouring property to the south, No 111, are detached bungalows which face towards the road and have quite large gardens. Slightly to the north and running westwards is a line of much larger dwellings set in generous grounds. This gives the area a loose-knit character which, in my view, distinguishes it from the more densely developed villages of Scalby to the north and Newby to the south. The appeal site is the side garden to No. 113 and has a long frontage onto Hackness Road. Its southern boundary, adjacent to No. 113, is open and there is substantial planting along the remaining three sides. No details were supplied as to design but the Appellant confirms that a single storey dwelling could be appropriate.
7. In my opinion, the appeal site makes an important contribution to the character of the surrounding area because of its openness and its relatively prominent position alongside Hackness Road, forward of the existing bungalows. Thus it seems to me that any dwelling on this site, even if only single storey, would be highly visible, despite the landscaping around it. Furthermore, in conjunction with Nos. 113 and 111 it would create a cluster of development. As such it would, to my mind, be out of keeping with its surroundings and would erode the openness of the area between the two villages.
8. I note that there are a number of facilities available within walking distance in the adjacent villages so that the site could be seen to be sustainable and accessible within the terms of PPG 3 and PPS 7. However, these benefits are not sufficient in my view to outweigh the harm which would be caused by the loss of openness. At the Hearing, I was also referred to an appeal decision concerning land at Ryefield, which lies adjacent to the site subject of this appeal. I note that part of that decision addresses the form of proposed development. Nonetheless, it identifies the importance of gaps to the loose knit character of the area and this reinforces my own view as to the harm which would result from development of the appeal site.
9. On my main issue therefore, I conclude that the loss of openness and the resulting cluster of development would be harmful to the character and appearance of the surrounding area. It would thus fail to conserve the existing landscape, contrary to Structure Plan policy E1 and would run counter to the thinking behind Local Plan policy BE12.

Conclusions

10. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

11. I dismiss the appeal.



Inspector

APPEARANCES

FOR THE APPELLANT:

Ms J Hubbard, BA, MRTPI

Mrs M Batty

Mr JR Batty

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FOR THE LOCAL PLANNING AUTHORITY:

Ms H Saunders MRTPI

Senior Area Planning Officer, North York Moors
National Park

INTERESTED PERSONS:

Ms S Adamson

Neighbour

Cllr R Pickersgill

Newby and Scalby Parish Council

DOCUMENTS

Document	1	List of persons present at the hearing
Document	2	Authority's letters giving notice of the hearing
Document	3	Letters of representation (2)
Document	4	Extract from North York Moors Local Plan Proposals Map
Document	5	Extract from North York Moors Local Plan - Housing
Document	6	Appeal Decision APP/W9500/A/02/1097724

PLANS

Plans	A1-2	Application plans
Plan	B	Previously dismissed appeals
Plans	C	Plan showing new garage to 113 Hackness Road and new access to Ryefield