



# Appeal Decision

Site visit made on 29 June 2004

by **Dennis Johnson BA DipTP MRTPI**

an Inspector appointed by the First Secretary of State

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Date

19 June 2004

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**Appeal Ref: APP/W9500/A/04/1140681**

**Land adjoining/garden area, Raven Lea, Station Road, Ravenscar, Scarborough YO13 0LX**

- 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 Mr M J and Mrs E M Turner against the decision of the North York Moors National Park Authority.
- The application ref: NYM/2003/0746/OU, dated 13 October 2003, was refused by notice dated 19 December 2003.
- The development proposed is the erection of a dwelling.

**Summary of Decision: The appeal is dismissed**

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## Procedural Matters

1. The application is in outline with all matters reserved for subsequent approval. It became apparent at the site visit that the site plan submitted with the appeal was not a true copy of the plan that accompanied the planning application. For the avoidance of doubt, I have decided the appeal on the basis of the corrected plan subsequently received from the appellants' agent, which shows a slightly different eastern boundary.

## Main Issue

2. I consider the main issue in this appeal to be the effect of the proposed development on the character and appearance of the countryside, having regard to the location of the appeal site within a National Park.

## Planning Policy

3. The development plan includes the North Yorkshire County Structure Plan Alteration No.3 (1995) and the North York Moors Local Plan (2003). Structure Plan Policy H4 permits infill development in settlements outside main urban centres, provided that its scale and design are appropriate to the form and character of the settlement. Local Plan Policy H1 defines Ravenscar as a settlement within which infill housing to meet local needs will be permitted subject to a similar proviso, and to the additional requirement that it will not harm the wider landscape. Local Plan Policy GP3 relates to development in general, and also seeks to protect the character and appearance of the locality and the wider landscape. Structure Plan Policy E1 gives priority to landscape conservation in National Parks and applies a general presumption against new development. Local Plan Policy H4 permits new housing in the countryside outside settlements only where it is proven to be required to house essential rural workers, or to provide affordable housing in accordance with the provisions of Policy H5. This requires a specific need to have been established through a housing need survey.
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4. Local Plan Policy BE12 is concerned with the protection of important undeveloped space. The Authority has not sought to argue that the appeal site comprises or forms part of such a space, so this policy is not relevant to the appeal. Local Plan Policy H2 relates to larger infill development, so it too is irrelevant to the appeal proposal. Accordingly I attach little weight to the appellants' comments in relation to these 2 policies.

### Reasons

5. The appeal site comprises a lawn and borders, and forms part of a domestic garden to the side of Raven Lea, a dormer bungalow. In my opinion, the appeal turns on whether the site lies within or outside the settlement of Ravenscar. The settlement boundaries are not defined in either the local plan or, so far as I have been made aware, the structure plan. The closest approach to a definition is contained within Local Plan Policy H1, which refers to "infill plots consisting of small gaps in an otherwise continuously built up frontage". The only part of this diffuse settlement that, in my opinion, contains what could reasonably be described as a continuously built-up frontage is the area clustered around the junctions between Raven Hall Road, Church Road and Crag Hill Road. The northern boundary of this area, which is in the process of being consolidated by the construction of the 5 dwellings allowed on appeal in 2000, is very clearly defined by the pair of semi-detached dwellings known as Dunelm and Dunholme.
6. The view northwards along Raven Hall Road from this point is predominantly open, with Rhydale House and the red-tiled roofs of Raven Lea and its detached double garage appearing as isolated intrusions into the coastal landscape. Despite its size, Raven Hall Hotel is barely visible behind its substantial screen of mature trees growing on both sides of The Avenue. The other buildings in the vicinity are generally of modest size and for the most part well-screened by mature vegetation. In addition, the visual impact of those lying to the west of Raven Hall Road is greatly reduced by the fact that the ground falls away rapidly in this direction.
7. All the above factors lead me to conclude that the appeal site lies outside the settlement limits of Ravenscar and that the group of buildings and curtilages within which it is contained comprises a sporadic pocket of isolated development within the open countryside. Consequently the proposed development would conflict with the terms of Structure Plan Policy H4 and Local Plan Policy H1, notwithstanding the appellants' willingness to enter into a legal agreement in acknowledgement of the local needs criterion of Local Plan Policy H1. It also follows that the proposal would represent new housing development in the countryside, and would therefore conflict with Structure Plan Policy E1 unless it could be justified in terms of Local Plan Policy H4.
8. The appellants do not claim that the proposed dwelling is required to house essential rural workers, or to provide affordable housing for which a specific need has been proven through a housing need survey. The general assertion that it is vital to allow settlements to grow in response to local need does not, in my opinion, amount to evidence of an established specific need in Ravenscar. I do not consider that a single new dwelling on the appeal site would significantly support village services or contribute to a sustainable village. Though the site has the status of previously developed land as defined in Planning Policy Guidance 3: *Housing* (PPG3), the proposed development would not meet the criteria for the provision of rural housing set out in the PPG.

9. As a result of its prominent location, Raven Lea is highly visible when viewed from the north-east across the almost totally open land that lies between it and the coast. The proposed dwelling would be no less visible, and would add to the built-up appearance of this part of Station Road. No matter how sensitively designed, it would thereby conflict with the national policy of safeguarding the countryside for its own sake, as expressed in Planning Policy Guidance 7: *The Countryside – Environmental Quality and Economic and Social Development* (PPG7), with the statutory purpose of conserving and enhancing the natural beauty of National Parks defined in the Environment Act 1995, and with criterion (2) of Local Plan Policy GP3. I accept that Ravenscar is a village of little character, but that is not the issue.
10. For all the above reasons, and notwithstanding the Parish Council's opinion that the proposed development would not harm the street scene, I conclude on the main issue that the proposed development would harm the character and appearance of the countryside, contrary to the statutory purpose and to development plan policy.

#### **Other Matters**

11. I note the appellants' claim that the proposed development would not set a precedent. Precedent is rarely a deciding issue, as each case must be considered on its merits. A grant of planning permission in this case could nonetheless make it more difficult for the Authority to resist other proposals for new housing development outside the settlement limits of Ravenscar. This consideration therefore adds weight to my conclusion on the main issue.
12. I attach little weight to the appellants' reference to other buildings in the general vicinity, all of which are non-residential buildings used for purposes appropriate to their location. The absence of objections from consultees, including the Highway Authority, does not outweigh the harm I have identified.

#### **Conclusion**

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

#### **Formal Decision**

14. I dismiss the appeal.



INSPECTOR