

Planning Inspectorate Reference:
Local Planning Authority Reference:

APP/W9500/A/14/2225476
NYM/2014/0151/FL

North York Moors National Park Authority

Town and Country Planning Act 1990

Appeal by: Mrs Jean Fergus

Against: Refusal of planning permission for siting of 2 no. holiday units with associated amenity space

Location: Shawn Riggs Caravan Park, Glen Esk Road, Ruswarp, nr Whitby

Statement by Local Planning Authority For Written Representations Appeal

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1.0 Introduction

1.1 This Statement refers to the refusal of planning permission for the siting of 2 no. holiday units with associated amenity space at Shawn Riggs Caravan Park, Glen Esk Road, Ruswarp, near Whitby by the North York Moors National Park Authority (NPA) as the Local Planning Authority (LPA). The decision notice was dated 29 July 2014.

1.2 Site and Surroundings

1.3 Ruswarp village lies around 3km south west of Whitby, at the junction of the B1410 and B1416 roads, on the River Esk. The National Park Boundary runs through the middle of the river with the south side of the River Esk being within the National Park and the north side being outside the National Park.

1.4 The appeal site at Shawn Riggs Caravan Park is located to the southern end of Ruswarp accessed off the unclassified Glen Esk Road, adjacent the road bridge over the river. The existing caravan site comprises a nine van static caravan site and a five van Caravan Club certificated site for touring caravans.

1.5 The static caravan site is located at the top of a steep track within a wooded area, on higher land above the road. The site is well screened and has the benefit of long established planning permissions. The site used by the Caravan Club as a certificated five van site is set in a more prominent location on a flat area of land adjacent the road. Such Certificated Sites do not require the benefit of Planning Permission and consequently cannot be considered against the Policies contained within the Local Development Framework .

2.0 Relevant Site History

2.1 There is no planning history that is considered relevant to this appeal proposal.

3.0 The Proposal and the Decision

3.1 The planning application was validated on 18 June 2014.

3.2 Planning permission was sought to construct two holiday units on the flatter hard surfaced area at the lower part of the site, adjacent the road. This is currently available for touring caravans under the five van licence (which as stated in 1.5 above, doesn't require planning permission).

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- 3.3 It was proposed that the frontages of the units would face out onto the Glen Esk Road and river beyond with the units measuring 10.9m long x 6.4m deep at the eastern end and 7.6m at the western end. Due to slightly uneven ground levels, the height to the eaves would vary from 2.8m to 3.8m with a ridge height of between 5.4m and 6m. Each unit of holiday accommodation would provide two double bedrooms, bathroom and open plan lounge/dining/kitchen area.
- 3.4 It was originally proposed that the units would be faced in natural gritstone with clay pantile roofs, but this was amended during the application process to timber cladding with mineral felt roofs. The existing gravelled area would be grassed with semi-mature tree planting also being undertaken along the roadside boundary. An existing gravelled parking area to the east of the entrance access would be used to provide 5 parking spaces and bin store area.
- 3.5 The National Park Authority's Planning Committee resolved to refuse the application at its meeting on 24 July 2014 and the Refusal Decision Notice was issued on 29th July 2014 with the following reasons:
- 1. The proposed development would conflict with the provisions of Development Policy 16 of the NYM Local Development Framework as the log cabins would be located within an existing hard standing which is widely visible from the adjacent public highway, to the detriment of the landscape character of the area. This impact would be exacerbated by the design, siting and scale of the proposed cabins. If allowed the cabins would represent an intrusive form of holiday development which would harm the high quality landscape character and appearance of the locality.*

4.0 Planning Policy Background

- 4.1 This section covers both the Development Plan and the general implications of location in a National Park.
- 4.2 **Location in the National Park.** The two purposes of the National Parks in England and Wales were originally stated in the 1949 National Parks and Access to the Countryside Act and were revised in the 1995 Environment Act and are re-stated in the English National Parks and the Broads UK Government Vision and Circular 2010.

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National Park Purposes:

- *“to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks”* and
- *“to promote opportunities for the understanding and enjoyment of the special qualities of the Parks by the public”.*

When these purposes are in conflict the ‘Sandford principle’ confirms that **greater weight should be given to the conservation of the landscape** (English National Parks and the Broads Circular 2010), ‘Environment Act 1995, part III: ‘*National Parks*’ DoE, 11 September 1996.

- 4.3 Section 62(2) of the Environment Act places a requirement for all ‘relevant authorities, statutory undertakers and other public bodies’ to have regard to the purposes of National Parks in exercising or performing any functions in relation to or so as to affect land in a National Park. The importance of National Park purposes is therefore given legal support in addition to government policy in the determination of this appeal.
- 4.4 At the time of decision, the Development Plan for the area formally consisted of:
- **The North York Moors Local Development Framework Core Strategy and Development Policies.** Adopted by the NPA on 13 November 2008 (see paragraph 4.9).
- 4.5 **The National Planning Policy Framework** – Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The Core Strategy and Development Policies document was adopted on 11th November 2008 under the provisions of the 2004 Act and is therefore up to date and should be the starting point for any decision making in the North York Moors National Park.

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- 4.6 The Government's commitment to the protection of National Parks is clearly set out in the NPPF. Paragraph 115 says that great weight should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection in relation to landscape and scenic beauty. This commitment has been publicly confirmed by the Prime Minister during the consultation on the draft NPPF and in successive Ministerial announcements. Furthermore, the NPPF, in Footnote 9, also confirms that the Framework specifically indicates that development, including the "presumption in favour of sustainable development" should be restricted within a National Park. It is clear that the **NPPF expects a different approach to be taken in National Parks** to both plan making and decision taking compared with other areas outside of designated National Parks.
- 4.7 The National Planning Policy Framework sets out that economic growth should be supported in rural areas to promote a strong rural economy, rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside. This however needs to be balanced against the specific policy protection afforded to National Parks in paragraph 115 and footnote 9 as set out in paragraph 4.6 above. The support for economic development in National Parks must therefore be delivered within the concept of sustainable development as set out in the English National Parks and Broads Circular 2010 which at paragraph 29 states:
- " Within the Parks, conserving and enhancing the landscape biodiversity, cultural heritage, dark skies and natural resources, and promoting public understanding and enjoyment of these should lie at the very heart of developing a strong economy and sustaining thriving local communities."*
- 4.8 Whilst the proposal might be of financial benefit to the appellant and her family and provide additional holiday accommodation provision within the locality, it is not considered that this proposed development would benefit the wider rural economy or the local community and would not respect the open character of the immediate locality of this part of the National Park and thus conflicts with the National Planning Policy Framework.

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4.9 Local Development Framework: The relevant policies are:

- Development Policy 16 "Chalet and Camping Sites"

Development Policy 16 seeks to permit proposals for the provision of small scale new caravan, camping and chalet sites only where the site is located within an established area of woodland or forest; where the site is physically and functionally linked to an existing business and can be managed without the need for additional permanent residential accommodation; where the site is in close proximity to the road network and would not result in an increase in traffic that would be harmful to the area; the scale of development would not be out of character with the area and the proposals should be designed in such a way as to minimise the level of permanency so that buildings can be removed when they are no longer required.

These LDF Policies and supporting text have been supplied for the Inspector, with the questionnaire.

5.0 Local Planning Authority's Case

- 5.1 The key issues are considered to be whether the siting of the proposed two units of holiday accommodation, in such a visually prominent location, would have an unacceptable impact on the character and appearance of the appeal site and its setting within a nationally protected landscape. It is also important to consider whether any harm likely to be caused by the development would outweigh any benefits to the economic viability of the appellants existing business or the desire to provide employment for the appellants family.
- 5.2 The main issues therefore are whether the proposal meets the criteria outlined in 4.9 above and in particular whether the existing front boundary hedge is considered to satisfy the requirements of Development Policy 16 by providing an adequate screen and setting for the proposed cabins.
- 5.3 The site is located outside the settlement limits of Ruswarp and is visually prominent from public vantage points and the river (see aerial photo at Appendix A). Views into the upper part of the site where the static caravans are located are screened by woodland, but the existing hard standing adjacent the road is not screened, other than by a boundary hedge. Whilst the existing hedge planting helps to screen the touring caravans on the site, this hedge would not screen the much more substantial cabins which would be at least double the height of the existing tourers.

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- 5.4 Development Policy 16 requires specifically that such sites should be located within **established woodland**. This is the key policy objective of Development Policy 16 and it is clear in its requirement for the woodland setting to be mature and established. Schemes which include new planting to provide a screen do not meet these criteria as they will not provide established screening for many years, even if semi-mature tree stock are proposed. Furthermore the additional planting proposed as part of the appeal proposal indicates that the site currently does not comply with this requirement.
- 5.5 Part 3 of the Authority's adopted Design Guide relates to Trees and Landscape and recognises that in some cases screen planting might be appropriate but should not be seen as a remedy for bad siting or poor design. Generally an area of native planting (which provides good, thick canopy and undercover) will need to be 20 metres wide before it can offer all year screening. This cannot be achieved on the appeal site (see Appendix B).
- 5.6 The two holiday units would be clearly visible in the immediate landscape, both from the adjacent road and by users of the river, and due to their visual isolation from other development; it is considered that such sporadic development would harm the character of this part of the National Park. Although the site is currently used by touring caravans as an exempted five van certificated site, 5 caravans are not on site for 12 months of the year, and during the winter months there are generally 1 or 2 if any on site. This does not have the same continuous impact on the landscape as the proposed cabin development, which would be in place permanently.
- 5.7 It is considered that whilst there is existing tourist activity here, the addition of the proposed cabins on the open land adjacent the road along with the associated cars and other associated paraphernalia would overly intensify the level and nature of the existing development here which would harm the special scenery and quality of the National Park. Furthermore, it is also considered that the siting of the proposed cabins would make the presence of this static caravan site more visually intrusive.
- 5.8 It is not considered that the proposal can be satisfactorily accommodated within the landscape without resulting in an adverse visual impact on the character and appearance of this part of the National Park by reason of the visibility of the cabins and increase in sporadic development. The proposal would therefore conflict with National Park purposes, and is not considered to comply with Core Policy A and Development Policy 16 of the NYM Local Development Framework.

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- 5.9 In terms of meeting the first statutory purpose of National Parks, the LPA is keen to ensure that any new development is of a scale and in harmony with the setting. The appeal site is open, visible from public vantage points and the LPA consider that the introduction of manmade structures here, of poor design, would detract from the natural beauty of the setting and conflict with the purposes of designation as a National Park. The Sandford Principle is an established approach to be applied where a conflict occurs between the two statutory purposes. It states that when a conflict arises between protecting the environment and public enjoyment, then the environment takes precedence.
- 5.10 In addition to the above landscape objections, the proposed cabins would have a substantial footprint, covering a large proportion of the appeal site, and are considered to be of poor design, out of character with other development in the locality. These elements would further increase the intrusive nature of the development, contrary to Development Policy 16 of the Local Development Framework.

6.0 Comments on Grounds of Appeal

- 6.1 As stated in 4.8 above, it is considered that whilst the proposal might be of financial benefit to the appellant and her family and provide additional holiday accommodation provision within the locality, it is not considered that this proposed development would benefit the wider rural economy or the local community to an extent which would warrant allowing a development that would not respect the open character of the immediate locality of this part of the National Park and thus would conflict with adopted planning policies.

7.0 Conclusion

- 7.1 The LPA does not consider that the proposal satisfies the requirements of local policy and considers that planning permission should not be given. It is considered that the proposal cannot be satisfactorily accommodated within the landscape without resulting in an adverse visual impact on the character and appearance of this part of the National Park by reason of the visibility of the cabins and increase in sporadic development.

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- 7.2 As stated in 4.2 above, policies and decisions that could have an impact upon National Parks have to take the two National Park purposes into consideration. If there is conflict between the two purposes, the first must take precedence. It is considered that, due to the likely adverse impact upon the open character of this part of the National Park which is popular with visitors seeking to enjoy the special qualities of the National Park, the proposal is in conflict with the first statutory purpose.
- 7.3 For over fifty years the Authority has sought to reasonably balance the provision of visitor accommodation with retaining the high landscape character of the area and refuse visually harmful new caravan and chalet developments. This is still the case and the LPA respectfully requests that this form of harmful development be rejected with the dismissal of this appeal. However, should the Inspector be mindful to allow the appeal, a list of conditions which the LPA would wish to see imposed are attached at Appendix C.

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APPENDIX A



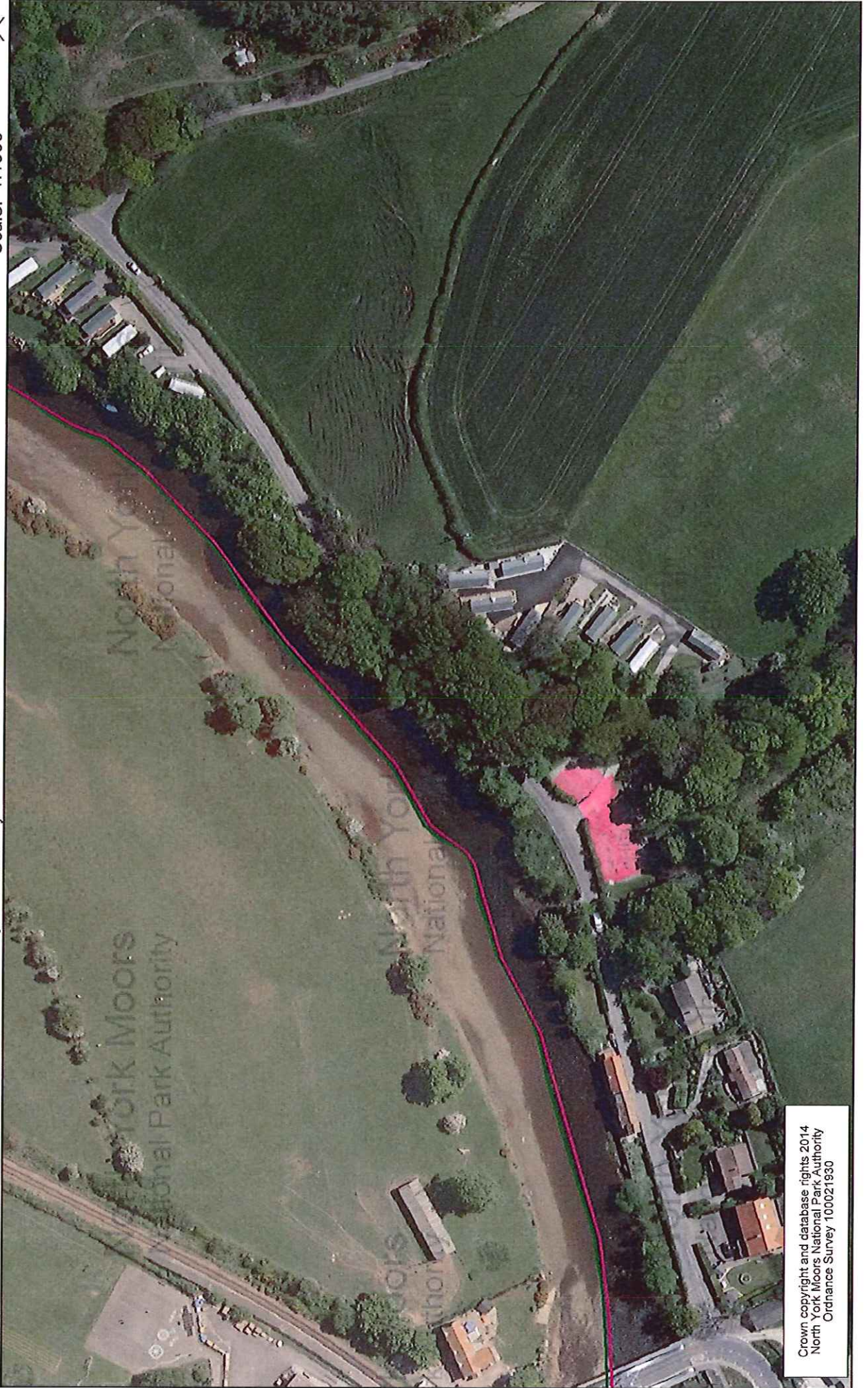
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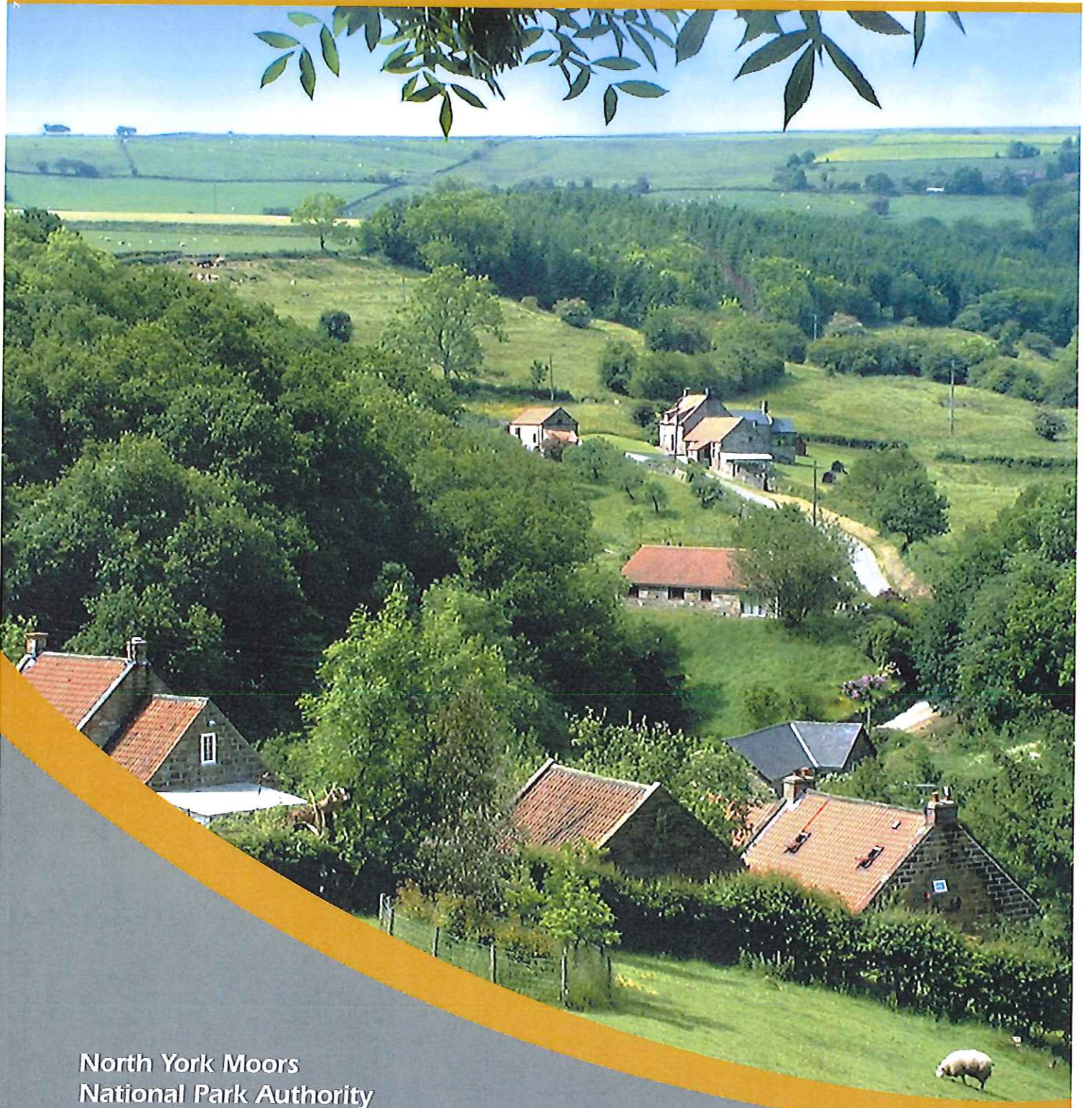


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APPENDIX B



North York Moors
National Park Authority
Local Development Framework

Design Guide

**Part 3: Trees and Landscape
Supplementary Planning Document**



Woodland Planting

New woodland planting should link with the surrounding vegetation pattern, reflect the landform and be suitable for the underlying soil conditions.

Where timber production is not a major objective, planting trees close together and uniformly across a site will be less important. In general, to provide successful establishment, trees should be planted at 2-3 metre spacing (2,500 to 1,100 per hectare). The closer spacing will help early canopy closure and weed suppression whereas wider spacing will allow trees to develop a spreading branch structure but will take longer for woodland conditions to be created. If trees are clumped in groups of one or two well-suited species they will not out-compete each other and glades and open space between groups will help provide stand diversity. Shrubs can be used to good effect if planted in groups or at the edges of plantations to create interest.

In some cases dense screen planting might be appropriate, although this should not be seen as a remedy for bad siting and poor design of a development. Generally an area of native planting will need to be 20m wide before it can offer all year screening. Species such as Scot's pine or holly can help provide winter cover.

Generally smaller plants will establish more quickly than larger plants. Therefore for instant effect and good long term success a number of larger trees (feathered, standards/semi-mature) could be planted at key locations, with smaller plants (such as transplants, undercuts or cell grown stock) making up the bulk in the planting.

Suggested Natural Woodland Groups

The following are general suggestions for species to plant in small woodlands as variations in soils, drainage and altitude will vary with each site.

1 Neutral brown earths sites (most farmland and other sites where soils are deep and relatively well drained)

Main canopy trees

- Pedunculate oak
- Silver birch
- Ash

Other trees and shrubs

- Hazel
- Hawthorn
- Rowan
- Holly
- Crab apple
- Wild cherry

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Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
3. The dwelling units hereby approved shall not be used for residential purposes other than holiday letting purposes. For the purpose of this condition "holiday letting" means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year.
4. The holiday units hereby permitted shall form and remain part of the curtilage of the existing business known as Shawn Riggs Caravan Park and shall not be sold or leased off from that business or let off except as holiday accommodation in accordance with the terms of condition 3 above without a further grant of planning permission from the Local Planning Authority.
5. No external lighting shall in shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
6. No work shall commence on the construction of the roof of the development hereby permitted until details of the roof tile including samples if so required by the Local Planning Authority, to be used in the development have been submitted to and approved in writing by the Local Planning Authority. The roof tile used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.
7. All new window frames, glazing bars, external doors and door frames shall be of timber construction and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

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8. All hard and soft landscape works comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. Any trees or plants planted in accordance with this condition which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
9. The external elevations of the holiday cabins hereby approved shall, within three months of first being brought into use, be clad in horizontal timber boarding and shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
10. If the use of the building for the purposes of holiday accommodation permanently ceases within five years from the date on which the development was substantially completed, the building shall be removed from the land and the land shall, so far as is practicable, be restored to its condition before development took place unless the Local Planning Authority has otherwise agreed in writing.