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

Your Ref: NYM/2014/0151/FL
Our Ref: APP/W9500/A/14/2225476
Date: 21 March 2015

23 MAR 2015

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Dear Mrs Strangeway

**Town and Country Planning Act 1990
Appeal by Mrs Jean Fergus
Site at Shawn Riggs Caravan Park, Glen Esk Road, Ruswarp**

I enclose a copy of our Inspector's decision on the above appeal.

If you have queries or feedback about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at <http://www.planningportal.gov.uk/planninginspectoratefeedback>.

If you do not have internet access please write to the Quality Assurance Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Yours sincerely

Bridie Campbell-Birch

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Appeal Decision

Site visit made on 11 March 2015

by **Philip Major BA (Hons) DipTP MRTPI**

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

Decision date: 21 March 2015

23 MAR 2015

Appeal Ref: APP/W9500/A/14/2225476

Shawn Riggs Caravan Park, Glen Esk Road, Ruswarp, North Yorkshire.

- 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 Mrs Jean Fergus against the decision of North York Moors National Park.
- The application Ref: NYM/2014/0151/FL, dated 11 March 2014, was refused by notice dated 29 July 2014.
- The development proposed is the erection of 2 holiday units.

Preliminary Matter

1. The application detail was amended during its consideration by the National Park Authority. Rather than the sandstone walls and clay roof pantiles first proposed the Appellant asked that the scheme be considered on the basis of the walls being timber clad and the roofs being green felt or other suitable material. The Authority considered the application on that basis, as have I.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue in the appeal is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The 2 purposes of National Parks are:
 - (a) To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks, and
 - (b) To promote opportunities for the understanding and enjoyment of the special qualities of the Parks by the public.

If there is conflict between these purposes then the former takes precedence.

5. Development Policy 16 (DP16) of the North York Moors Development Framework deals with chalet and camping sites. The policy sets criteria by which proposals for such development will be assessed. This is the policy cited in the reason for refusing planning permission. There are 5 criteria which I address below.
6. The site is physically and functionally related to the existing business at Shawn Riggs and would not require additional permanent residential accommodation.

It is also close to the road network and would not be harmful to highway safety. So criteria 2 and 3 of the policy are satisfied.

7. The revised proposal is for the holiday units to be mounted on short brick piers from which they could be removed. The appeal statement refers to minimal strip foundations and the possibility of the buildings being easily demolished in order that they meet the requirements of criterion 5 of the policy that the level of permanency is minimised. However, this seems to me to be an arguable point. In reality it would be possible to demolish any building erected as holiday accommodation, and it seems to me that the policy is aimed more at prefabricated demountable chalets than the purpose designed cabins proposed here. They seem to me to be tantamount to permanent structures even if their occupancy is restricted to holiday visitors. In short, I am not persuaded that the proposal is in full accordance with the objectives of criterion 5 of Policy DP16.
8. Be that as it may there are 2 other criteria to consider. Criterion 1 requires the development to be located in an area of woodland or forest which, amongst other things, will enable the proposal to be accommodated within the wider landscape without harming the Park's special qualities. There are trees around the site, but in my judgement it would be too generous a description to describe those trees as woodland on three sides as suggested. To the north is the road and the River Esk, with some roadside vegetation. To the west is a small open area and beyond that the landscaped edge of the village of Ruswarp. To the east is a narrow belt of trees flanking the southern side of Glen Esk Road. To the south this belt of trees thins (through which the access road rises to the existing caravan park) and joins the trees alongside Shawn Riggs Beck. Although some of these small areas of trees are contiguous it does not give the impression on the ground of the site being located in woodland in the commonplace understanding of that term. As a result I am not satisfied that it has been demonstrated that criterion 1 of Policy DP16 has been met.
9. This brings me to the final criterion, No 4. Amongst other things this requires that the design of structures proposed would not adversely affect the special qualities of the National Park. In many ways this is the crux of the matter given the location of the site close to the boundary of the National Park and close to a village which includes a mix of uses, including business uses quite close by. Even so the appeal site is quite clearly beyond the outer edge of Ruswarp in an area of open countryside.
10. The design of the buildings is simple. The fact that they would be single storey would reduce their visual impact, but on the other hand it would be necessary to elevate the buildings (especially that to the west of the site) to avoid flooding issues. The buildings would therefore be visible from a number of viewpoints notwithstanding the filtering and screening offered by existing vegetation and the roadside hedge. But views would have a backdrop of the rising ground and trees to the south, thus mitigating visual impact to a degree. That said, timber and felt roofed cabins are not a traditional form of accommodation and the design to that extent does not follow the local vernacular. The roofs would lack the texture associated with the clay pantiles common in the area, and the walls would not sit comfortably with the predominant use of stone and brick as wall finishes.
11. I do accept that views experienced along Glen Esk Road would be relatively short and fleeting as the viewer passed by (in the majority of instances in a

11/03/2015
23 MAR 2015

vehicle). However, views from the permissive footpath alongside the railway to the north would be experienced over a considerable distance for walkers. The views into the site would be filtered by intervening vegetation (especially in summer months) but it is likely that the presence of new, and to all intents and purposes, permanent built development would be clear to see. The uncharacteristic roofs of the buildings would be above the existing hedge, and despite proposed planting, it would be apparent that buildings exist where none are present now. This would give the clear impression of the built extension of the village of Ruswarp into an area which is presently undeveloped. I have taken account of the presence of Glen Esk Caravan Park further out of Ruswarp along Glen Esk Road, but this development, which is highly visible in its own right, would not mitigate the presence of the proposal before me.

12. Furthermore, the development would be seen in the same views as the existing caravans higher up the hill at Shawn Riggs, and I believe that it would lead to a perception that the use of the site had been intensified even if further planting were to be introduced. I recognise that the appeal site is currently used as a certified caravan site for up to 5 caravans. However, that does not involve 'permanent' structures being on site all year round. In addition, touring caravans would be much lower and better able to be screened by existing vegetation. Any new planting, as proposed in the scheme, would take time to establish, and in any event the area of land available for the planting is so restricted that it would be unlikely to be able to form an effective screen.
13. Taking all of these matters into account my findings are that the proposed development would be seen as an intrusive development beyond the village of Ruswarp, extending built development into the open countryside, and that this would be harmful to the visual qualities and character of the locality. It would not conform to the requirements of Policy DP16 as described.
14. There are, though, other matters which I must balance against this finding. I am informed that the proposal is supported by a number of National Park policies. These include Core Strategy Policy A, which seeks to deliver National Park purposes whilst strengthening and diversifying the rural economy. In this case the intention would be to make the existing business more viable and to provide permanent employment for one person. Local employment is encouraged by Core Policy H and Policy DP10, including in sustainable tourism. In a similar vein Core Strategy DP14 aims to maintain and improve the quality of the tourism product in the National Park. A theme of the policies is that development should be of a scale commensurate with its location. The National Park Management Plan recognises the value of tourism and employment availability.
15. The proposal is therefore not without support, and policies can be seen to pull in 2 directions. On the one hand there would be harm to the character and appearance of the locality and an extension of built development into open countryside, but on the other there would be benefit from the employment and tourist opportunities offered. I note the support of 2 local businesses in this respect.
16. I refer back, then, to the purposes of National Parks, as set out above. It is clear that great weight must be given to conserving landscape and scenic beauty in these areas, and this is reiterated in the National Planning Policy Framework. In cases of conflict between the purposes, the conservation of scenic beauty must take precedence. Therefore, despite some support from

other matters brought to my attention, the overriding determinative factor here is the harm to character and appearance and the conflict with the development plan in that respect.

17. For the reasons given above I conclude that the appeal should be dismissed.

Philip Major

INSPECTOR

23 MAR 2015