

PLANNING APPEAL STATEMENT

ERECTION OF TWO-HOLIDAY UNITS

SHAWN RIGGS CARAVAN PARK

RUSWARP

NYMNPA  
12 SEP 2014

## THE PROPOSAL

1. This appeal relates to an application for full permission for two holiday cottages on the Shawn Riggs caravan park. The proposal is aimed at making the existing business viable to provide a source of employment for the applicant's grandson who would take over the responsibility for the caravan/chalet site, if this proposal were accepted.

2. The current business, granted consent in 1976, involves 6 static caravans, which can be occupied from 1<sup>st</sup> March to 14<sup>th</sup> January, the following year.

5. The applicant is nearing retirement and her family has lived in the village all her life. She wishes to help provide employment for her grandson who has recently graduated from Askham Bryan College of Agriculture and Horticulture with a first class degree, but is unable to find employment in the North Yorkshire area.

6. If the application site could be made more financially viable it would provide employment for the grandson who would take over the caravan site business

7. The current use of the site involves the rent of 9 pitches for customers to site their vans on and use under the time restraints of the planning permission. These 9 pitches are sited on the upper part of the site beyond the copse of trees. The part of the site, which is the subject of the application, is a "certified location" used throughout the year by the Caravan Club for the siting of 5 touring vans at any one time.

8. The siting of two holiday units on the site would make this a viable business from which the grandson could use as a basic income and supplement with other work in agriculture or local tourism. He is desperate to remain in the area and remain in contact with the family.

10. There is no intention for the dwellings to be occupied by permanent residents and the application is based on the need for any permission to be subject to a planning condition limiting the time of residence by any person. In the event the units cease to be required they will be removed from the site. The applicant is prepared to accept a planning condition to this effect.

11. The Design and Access Statement accompanying the application explains the design of the scheme and its attributes. However there were amendments to the scheme during the course of the application, which are not reflected in this statement. The external materials were changed from natural stone to timber walls and a mineral felt roof during the process of the application. The relevant email making this change is attached as appendix 1.

---

## SITE and SURROUNDINGS

Robert Bryan BA Hons, Dip TP, MRTPI, Town Planning Consultant  
3 Sheephill Road, Sheffield S11 7TU

INYS/NP/A  
12 SEP 2014

12. The site is on the southern edge of the village of Ruswarp approximately 1.8 miles south of Whitby and forms part of the Glen Esk Caravan Park. It abuts the national park boundary with Scarborough Borough Council and lies on Glen Esk Road (B1416), approximately 300 metres to the east of the Victorian iron bridge over the River Esk.

13. The site marks the end of development on Glen Esk Road as it follows the bank of the river closely along this stretch. Development is along the southern side of the road and consists of detached dwellings of inter war and post war periods, none of which really represent the local architectural vernacular of the area.

14. The site area is the lowest part of the village, which is primarily on the relatively steep northern bank of the river. The site measures approximately 645 square metres and forms the flat lower road frontage part of the caravan site, which is approximately 0.6 hectares in total.

15. The remainder of caravan site consists of the steeply sided Shawn Riggs Beck as it enters the River Esk.

16. The application site is surfaced with loose gravel and is used by the Caravan Club as a certified site for stationing a maximum 5 touring vans at any one time with each van having a maximum stay of 28 days. The remainder of the site consists primarily of section 3 woodland that wraps around the application site and extends up the river valley. Beyond the wooded area is an open area of land, which contains the nine caravan pitches, which contain static vans arranged around a single tarmac access road.

NYMNP  
12 SEP 2014

## DECISION

17. The application was refused on 29 July 2014 for the following reason:

"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."

## RELEVANT PLANNING POLICIES

### Core Strategy 2008

18. This contains the main policies relevant to this development.

19. Caravan and camping sites are considered under Development Policy 16 and this is the only policy cited in the reason for refusal. This policy covers proposals for the provision of small scale new, caravan, camping and chalet sites or the expansion of existing sites and states that they will only be permitted in accordance with the following criteria:

“

1. The site is located within an area of woodland or forest which is well established and will provide a setting for the proposed development which will enable the proposal to be accommodated within the wider landscape without harming the Park's special qualities and where arrangements for the maintenance of this in perpetuity can be demonstrated.
2. The site should be physically and functionally linked to an existing business and can be managed appropriately without the requirement for additional permanent residential accommodation.
3. The site should be in close proximity to the road network (categories 1, 2 or 3) and the proposal should not result in an increase in traffic generation that would be harmful to the character of the area or highway safety.
4. The scale of the development and the design of the structures proposed and associated works together with the anticipated levels of activity should not adversely affect the special qualities of the National Park – including the peace and tranquility of more remote locations.
5. Proposals should be designed to minimize the level of permanency so that buildings can be removed when they are no longer required without damage to the natural landscape.

20. The following themes relevant to the application proposal are collated from the various community strategies and are highlighted as objectives, which should be given expression in spatial terms in the Core Strategy. The Strategy states as follows;

#### “Rural Economy

- enabling the creation of new businesses and the continued viability of existing businesses

#### Spatial objectives

Tourism continues to play an important role in the economy and the quality of the tourism 'product' has been upgraded to enhance the visitor's experience

Robert Bryan BA Hons, Dip TP, MRTPI, Town Planning Consultant  
3 Sheephill Road, Sheffield S11 7TU

NYM/NPA  
12 SEP 2014

and provide for high quality, year round employment. Tourism projects have been established which promote opportunities for the enjoyment and understanding of the Park's special qualities whilst minimizing, avoiding and preventing adverse environmental and social impacts and maintaining key assets for future generations."

21. Core Policy A of the Core Strategy aims to deliver National Park purposes and encourage more sustainable developments whilst conserving and enhancing the Park's special qualities. Priority is given to development, which is of a scale and level of activity that will not have an unacceptable impact on the wider landscape or the quiet enjoyment, peace and tranquility of the Park, nor detract from the quality of life of local residents or the experience of visitors. Priority is given to providing developments in locations which are of a scale which will support the character and function of individual settlements, conserving and enhancing the landscape, settlement, building features and historic assets of the landscape character areas, strengthening and diversifying the rural economy.

22. Development Policy 14 of the Core Strategy states that the quality of the tourism and recreation product in the National Park will be maintained and improved through adopting the principles of sustainable tourism. New tourism development and the expansion or diversification of existing tourism businesses will be supported where opportunities are provided to increase the visitor's awareness, understanding and enjoyment of the National Park in a manner which does not undermine its special qualities; where the development can be satisfactorily accessed from the road network or by other sustainable modes of transport and where the proposal would not generate an increased level of activity.

23. Core Policy H and Development Policy 10 are concerned to promote local employment opportunities, as follows :

NP/MNPA  
12 SEP 2014

#### Core Policy H

The rural economy will be strengthened and supported by providing local communities with a range of opportunities for entrepreneurship, education and training. This will be achieved through:

- 1 New employment development in the Local Service Centre of Helmsley, Whitby Business Park, Service Villages and the Local Service Villages.
- 2 Training and education opportunities in the Local Service Centre of Helmsley, Service Villages and Local Service Villages.
- 3 Supporting the agricultural sector and opportunities for diversification.
- 4 Sustainable tourism based on recreation activities and tourism

#### Development Policy 10

A Within or adjacent to the main built up area of the Local Service Centre of Helmsley, the Service Villages and Local Service Villages the following types of development for employment and training purposes will be appropriate:

- 2 the expansion of an existing facility or business.
- 3 new buildings where there is no other suitable accommodation available in the locality

Within the main built up area of Other Villages development for employment and training purposes will be appropriate:

- 1 Where a site in a Local Service Centre, Service Villages or Local Service Villages would not meet the requirements of the proposed enterprise and there is no existing suitable accommodation in the immediate area.
- 2 where the proposal relates to the expansion of an existing facility or business.

24.Paragraph 8.29 of the Core Strategy states "Although the need to provide a range of tourist accommodation is acknowledged. The introduction of large new chalet and camping sites would have an adverse impact on the character of the Park and therefore any proposals for new facilities should be of a small scale commensurate with the size of the adjacent settlement. It is considered that sites for the provision of more than 6 new units are rarely likely to be considered acceptable. Proposals should be located in close proximity to the main road network to ensure that the development does not increase the level of traffic on minor roads."

#### The National Park Management Plan 2012

25.This Plan forms is the community strategy for the park and represents the views of all stakeholders. It forms the basis of all Authority policies including those relating to planning.

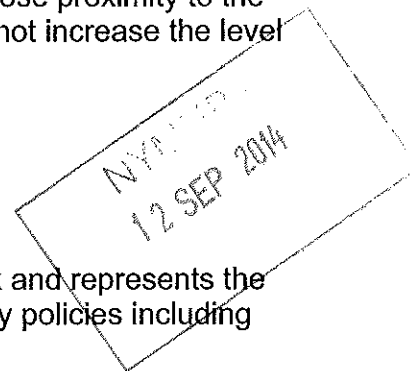
26.The Plan has the following aspirations, which are relevant to the application :

"If national tourism targets are achieved this could mean an additional 1.6 million visitor days in the Park each year by 2015. It is considered that this level of increased tourism could be accommodated without harming the Park's special qualities.

A fundamental aim of the Plan in section 4.1 states that 'the economic value of tourism and the number of people employed in the industry in the national park will be increased."

The following policies lend support to the application (see table on page 80, included as Appendix 2) :

B3. Overnight tourism in and around the National Park will be specifically promoted



B4. The quality and variety of tourism and recreation facilities and accommodation will be improved.

B21. The employment and training opportunities available to people in the National Park will be increased and maintained.

#### National Planning Policy Framework (NPPF)

NYMNPA  
12 SEP 2014

27. Policies (para. 28) are concerned to support a prosperous rural economy and require Authorities to support sustainable tourism that "benefits businesses in rural areas..... which respect the character of the countryside".

28. This policy is in parallel with support to the sustainability of rural villages and "promote the retention and development of local services and community facilities in villages".

29. The core principles (para 17) of the NPPF are that Authorities should be proactive and seek creative solutions and "always seek to secure high quality design for all

#### GROUNDINGS of APPEAL

30. The appeal proposal goes to the heart of the balance between the national park purpose and social duty and it is submitted that it helps achieve both of these statutory objectives. Furthermore, it raises cross cutting issues in terms of the Core Strategy, National Park Management Plan and the NPPF. In policy terms, it should be considered in relation to all three of these policy regimes.

31. The most relevant policy is Core Strategy Development Policy 16 relating to Caravan and Camping and this alone is referred to in the reason for refusal.

32. It is submitted the proposal conforms to the 5 criteria in this policy as follows :

- i) The site is within an established caravan site, which is within an area of mature woodland allowing the development to be accommodated without intrusion into the wider landscape setting of the park. The topography contains the woodland largely in a small yet steep sided valley, which further contains the site and prevents the development from creating landscape harm. This is analyzed

NYMMPA  
12 SEP 2014

further in the Design and Access Statement submitted at application stage.

- ii) ii). The site is physically and functionally linked to an existing business and will not create the need for any permanent residential accommodation
- iii) The development has good access to the highway network, which is of sufficient capacity to accept the level of extra traffic, which may be generated by the proposal. There are no alterations to the existing access.
- v) The proposals are designed to minimize the level of permanence and the buildings can be removed when no longer required, with the minimum of disturbance to the national park landscape. The applicant understands that under this policy it is necessary to accept that these cannot be established as permanent dwellings and are exclusively for use as holiday units. This can be controlled by planning condition. The impact of the development on the site itself is minimal bearing in mind it is flat and currently surfaced with gravel. The foundations of the units are minimal strip foundations supporting the dwellings, which will be on brick piers. This will allow the buildings to be removed easily by simply demolishing them and removing the piers. Apart from connection into the existing water and foul sewage supply there are no further groundworks. There is an existing hard surfaced access. No other engineering works will be implemented and permitted development rights can justifiably be removed as these are holiday units with no requirements for outbuildings.

33. The Authority in its reason for refusal only refers to issues, which relate to fourth criteria of the policy. They are concerned that the site is visible from the adjacent road and that the scale, design and siting of the units makes them intrusive in the landscape to the detriment of landscape character.

34. Each of these elements is examined in turn.

#### Visibility of the site from the adjacent public highway

35. The Authority is only concerned about visibility from the adjacent road rather than wider views in the park landscape. Views of the site are restricted. The existing natural hedge, which is largely beech, is



RYMNF  
12 SEP 2014

approximately 1.8 metres high, and offers significant screening from this viewpoint. There is no intention to remove any trees, hedges or vegetation. There will be extra planting as explained above on the road frontage (northern) and western boundaries, which will consist of native deciduous and evergreen species. A new beech hedge will be planted adjacent to the internal access road.

36. The submitted photomontage of the street scene (see plan ref :SR PLO3) looking west illustrates that the two units will be significantly screened by existing and proposed landscaping and landform. The site is at the lowest level in the area being in the valley bottom. It is surrounded on its southern, western and eastern sided by steep wooded hillsides and is effectively in an amphitheater, which screens it from all but a narrow view from a northerly aspect on the public highway and river. The buildings would be recessive in the landscape, merging into the high landform wrapping around the site.

37. There are no public footpaths on the highway nor are there any from the adjacent riverbank, which would encourage the view of the site, which is of concern to the Authority.

38. Views from persons using the river would be glimpse views but from a lower level than the road and sight lines would allow even more screening from vegetation than from the road.

39. In the Committee report regarding the application it is stated "The structures would be clearly visible in the wider landscape 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. It is also considered that the siting of the proposed cabins would make the presence of this static caravan site more visually intrusive." This is strongly disputed. The proposed cabins are not widely visible for the reasons explained above. The units are effectively in the gap between the existing caravans and the existing dwellings which front Glen Esk Road. The units are within the built form of the settlement and in conformity with the existing pattern of development.

40. The existing caravans are to the rear in an elevated position . There is significant woodland screening to the existing units in the landscaping between the appeal site and the units, which effectively separates the appeal proposal from the existing. In views from all points it is not possible due to the landform and the existing woodland screening to easily visually

NYM/NPA  
12 SEP 2014

link the existing and proposed as stated in the Committee report. It is not understood how the appeal proposal makes the existing units more intrusive.

41. As an offer of planning gain, the applicant is prepared to introduce new structural planting around the borders of the top portion of the caravan site to offer screening to the existing static vans, which are visible in the landscape. There would be an overall improvement in the landscape character of the park fulfilling its primary purpose.

#### Design

42. The Authority do not elaborate in the decision notice or in the Committee report on the aspects of design which are of concern.

43. The design is based on advice in the Authority's Design Guide. The dwelling units are simple low-level, single-storey buildings with a horizontal emphasis and narrow gables, which reflect the traditional artisan's cottages in the area. Fenestration is also horizontal in proportion.

44. The design has been influenced by the need to minimize the visual impact of these structures to respect the national park landscape character. The wooden elevations and mineral felt roof will present a natural appearance and allow the building to be recessive in the wooded landscape and be evocative of semi permanent features as required by Development Policy 16 (v).

45. There will be no domestic outbuildings and the curtilages will be left as gravel. These are holiday units and the applicant is willing to accept conditions removing permitted development rights for any domestic outbuildings or alterations to external elevations. There is no objection to extra control of lighting in the interests of minimizing the visual intrusion

#### Siting

46. The siting of the units is consistent with the pattern of development in the village. The units are effectively within the existing caravan site and on the edge of a settlement. They are not in open countryside. The landform, which encloses them, forms a natural end to the development on Glen Esk Road. The siting of the units maximizes the screening offered by the natural landform.

#### Scale

47. The height to the units is low (ridge height is generally 6.1 metres, measured from the average natural ground levels). The high landform wrapping around the units will help to diminish their scale.

12 SEP 2014

48. The single storey units provide 2 bedrooms and have a floor area of 77 square metres. In scale terms these units are which is modest even in terms of holiday accommodation.

#### Wider policy context and justification for the development

49. The marginal landscape impact of this proposal and the Authority's objection needs to be considered in the wider local and national policy context. The scheme fulfills a number of other national park and government objectives and policies, which are referred to in the "Relevant Policies" section above. The Circular "English National Parks and the Broads, UK Government Vision and Circular, 2010" reaffirms that "conserving and enhancing", should take precedence when there is a conflict in decision making affecting national parks. This is often referred to as the "Sandford principle"<sup>1</sup>. In this case, it is submitted there is no significant conflict for the reasons specified above. However, if the Inspector considers this is finely balanced there should be acknowledgement of the manner in which the proposal fulfills other policy objectives

50. This proposal, supports local tourism, provides local employment for an local person and contributes to the economic sustainability of a local village.

51. These aspects are examined in more detail as follows :

#### Supports local tourism

52. The Authority's Management Plan and Core Strategy identifies this as a primary aim and the need to provide a diverse range of accommodation. This clearly meets this aim.

#### Provides local employment for an local person

53. The current caravan park does not provide enough financial return to provide a significant degree of employment. This development is required to make this a viable business venture for the grandson who would be responsible for all aspects of the caravan and holiday cottage business including marketing, financial planning, customer liaison and maintenance of the facilities.

---

<sup>1</sup> Para 18 of the Circular

NYMNP  
12 SEP 2014

54. The creation of local employment underpins the NPPF objective to create a prosperous rural economy, the Management Plan policy, B 21 and Core Policy H of the Core Strategy.

Contribute to the sustainability of service centers and villages

55. The proposal will attract extra tourists to the area with the consequent support to other local businesses and facilities. Three letters of support from local businesses were submitted with the application.

56. The site is within the village of Ruswarp, which is not categorized in the settlement hierarchy in the Core Strategy. This appears to be because it straddles the national park boundary with Whitby, which is within Scarborough Council's area, and there is insufficient of the village to give the settlement status in the Park Authority's Plan. This creates an anomalous situation in terms of the settlement strategy for the National Park particularly in relation to the part of the village in the Park.

57. In terms of the Authority's Core Strategy the village is at least a Local Service Centre where tourist development of this nature should be located. The village contains a railway station, a range of accommodation, eating establishments, a church, primary school and particular attractions in the Esk Valley Walk, the Whitby to Scarborough walk and the major tourist attraction Esk Leisure.

58. The Core Strategy does not establish settlement boundaries and relies on independent judgments on each site. In this case, whilst the site is on the edge of the village, the caravan park is well-established permanent facility, which clearly marks the boundary of the village and establishes the site in the village. The topography with the sharp rise in levels to the south and east of the site wraps around the site and aided by the mature woodland helps mark the natural limits of the village.

59. In terms of the settlement strategy, therefore, Ruswarp should be a local service centre and benefit from development, which will increase its sustainability. This is entirely consistent with the overriding fundamental aims of the NPPF and paragraph 28, in particular. A decision on this application should not be based on the arbitrary position of the national park boundary. The site is clearly in a village, which merits the status of a Local service centre.

VIABILITY of the BUSINESS

JYMN  
12 SEP 2014

60. This is analyzed in appendix 3 which illustrates a net income of £31,660 would be realized which is a viable income to support an adult. The current income of £13,500 is insufficient to support an adult and it would not be possible for the grandson to take over the business.

61. It is possible that if permission is not granted for the extra holiday units the business will not be able to be sold as it is not a viable entity. These valuable tourist facilities and income to the locality would be lost.

#### PRECEDENT

62. If approved this would not set a precedent for further holiday units on this site. The proposed site is clearly within the woodland area whilst the remainder of the site is not. There is no space to site further units within the woodland area without significant harm to trees. Furthermore, the site is not open landscape unlike all the surrounding land outside of the settlement. Any further proposal would therefore be contrary to the requirements of Development Policy 16.

#### PLANNING HISTORY

63. There have been a number of appeals allowed on the site which have considered very similar issues. These are as follows :

2006 Appeal ref ; APP/W9500/A/07/2037057/NWF Siting of additional , caravan , ALLOWED, See decision attached as appendix 4

2005 Appeal ref ; APP/W9500A/06/2009911, Siting of additional , caravan , ALLOWED, See decision attached as appendix 5.

1998 Appeal ref ; T/APP/W9500/A/98/292616/P8, Siting of additional , caravan , ALLOWED, See decision attached as appendix 6.

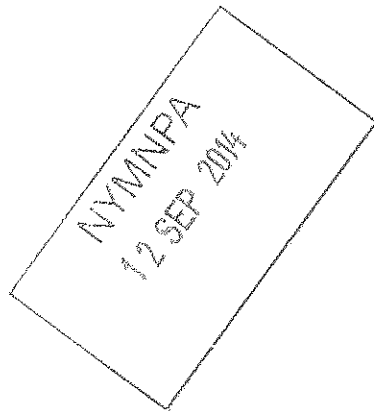
1993 Appeal ref ; TAPP/W9500/A/93/225651/P8, Siting of 6 static caravans, ALLOWED, See decision attached as appendix 6

64. Reading this litany of appeal decisions reinforces the point that the site is appropriate for development as a holiday accommodation site. Four Inspectors have all concluded that the site is not prominent and as a result of the landform and judicious landscaping development on this site does not result in landscape harm and fulfills the duty to provide for the social and economic welfare of local residents. These tried and tested arguments offer full support to once more allowing further development of the site

## CONCLUSION

65. It is submitted that this proposal is in accordance with Core Strategy Development policy 16 and should be granted. The proposal also meets a number of other policy objectives relating to the national park. In particular the offer of extra landscape screen planting to rear to screen the existing development will improve the landscape character of the area .

66. Furthermore, the scheme will improve the current situation by removal of the use of the site as a certificated location for 5 caravans, which are regularly on the site and provide extra landscape screening to the frontage of the site.



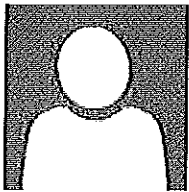
## APPENDIX 1

### Planning Committee item ref 2014/0151/FL Shawn riggs caravan park

Actions

Robert Bryan 10:18

To: [planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk)



Dear Mrs Saunders

It is noted that the Committee report refers to the units as timber when in fact on the application forms and plans it states they are in natural stone and pantiles. However, this provoked my client to reassess the application and we would like it to go forward, as per the Committee report, as timber cladding for the exterior elevations with a green felt roof or material to your recommendation

regards

Robert Bryan

R BRYAN PLANNING

Robert Bryan BA Hons, Dip TP, MRTPI.

Town Planning Consultant  
3 Sheephill Road  
Sheffield S11 7TU

© 2014 Microsoft

[Terms](#)

[Privacy & cookies](#)

[Developers](#)

[English \(United Kingdom\)](#)



# Business and Land Management

The economy of the National Park benefits from its protected landscape designation. The National Parks Circular indicates that National Park strategies should be informed by their local economic circumstances and seek to foster improvements in productivity and incomes through appropriate policy and intervention. The economy of the North York Moors has traditionally relied on the agricultural, forestry, shooting and tourism sectors, and this largely remains the case. The tourism industry employs 4,485<sup>51</sup> people whilst 2,205<sup>52</sup> are employed in agriculture in the National Park. Many people living in the National Park commute to areas outside the boundary for employment. The unemployment rate in the National Park is below the National and Regional figures however the median earnings of £18,362 are much lower than the median figure for England of £21,398<sup>53</sup>. The Economic Assessment<sup>54</sup> for the Moors Sub Region shows that in the last decade there has been a low level of job growth and, in terms of employment structure, high levels of self employment and micro businesses, a low proportion of younger working people and high dependency on hospitality and retail. The dependency on tourism jobs means that many jobs in the Park are seasonal and/or part time. It is understood that many younger people are moving away from the area for work with consequences for local facilities and communities. Future drivers of growth for the sub region have been identified in the cultural, creative and visitor economy, the higher education and science sector and the low carbon economy. The York, North Yorkshire and East Riding Local Enterprise Partnership was formally recognised by the Government in February 2011 and has identified its priorities as agri-food, tourism, high speed broadband, business support, business networks, coastal regeneration and skills and training.

## 4.1 Tourism

Tourism remains an important element of the economy of the National Park both in terms of income generation and as a source of employment. In 2010, tourism was worth £416m to the local economy and supported 7,813 jobs in the area<sup>55</sup>, including over 4,000 in the National Park itself. However, tourism is particularly seasonal and in 2010 tourism revenue in January was only 19% of that in August. Around half of the tourist days spent in the National Park are made by day tourists yet these only account for around 40% of the economic value. Staying tourists provide greater value to the economy for each day that they are here. Many of the businesses in the Park are interrelated with tourism and benefit from people visiting the Park. Many visitors will make combined trips, visiting both the Park and the surrounding area. Equally, residents benefit from visitor facilities and are often customers. Any increase in value to the tourist economy needs to be mindful of social equity and allow residents and visitors access to and enjoyment of the National Park's non-natural assets. Tourists visit the National Park for a variety of reasons including sightseeing and visiting cultural attractions or to undertake activities such as walking, cycling or horseriding. The quality of the tourism offer, including accommodation, catering establishments and attractions, as well as the standard of hospitality offered, play an essential role in both attracting people to the area and their satisfaction levels from a visit.

Recent trends have shown that the value of tourism in the National Park is decreasing – between 2007 and 2010 the value of tourism in the Park declined by 4.4% in real terms. Employment in tourism related sectors has also declined by around 4.4% over this time. It appears that a decrease in the number of tourist days has played a large part in this decline. If this decline were to continue it is projected that there would be a further real terms decrease in the economic value of tourism of 6.7% and a further loss of around 400 jobs between 2010 and 2015<sup>56</sup>. It is difficult to predict further ahead due to the variables involved.

Alternatively, if the ambitious VisitEngland 3% year on year real growth target<sup>57</sup> is achieved this will result in an increase in around 15% (£65 million) in the economic value of tourism by 2015 (compared to 2010 values) and around 1,200 additional jobs<sup>58</sup>. These changes would help to strengthen the National Park's economy allowing businesses directly and indirectly affected by tourism to prosper and potentially enable young people to remain working in the National Park.

<sup>51</sup> Scarborough Tourism Economic Activity Monitor 2010 Report (Global Tourism Solutions (UK) Ltd, 2011)

<sup>52</sup> 2010 Agriculture Census (DEFRA, 2011) <sup>53</sup> Annual Survey of Earnings and Hours 2010, ONS, 54 York and North Yorkshire Economic Assessment 2010 (York and North Yorkshire Partnership Unit, 2010) <sup>55</sup> Scarborough Tourism Economic Activity Monitor 2009 Report (Global Tourism Solutions (UK) Ltd, 2010) (Full Time Equivalents)

(National Park and influence area) <sup>56</sup> Scarborough Tourism Economic Activity Monitor Projections 57 (Global Tourism Solutions (UK) Ltd, 2011) 2011

England – A Strategic Framework for Tourism 2010 – 2020 58 (VisitEngland 2011)

Scarborough Tourism Economic Activity Monitor Projections (Global Tourism Solutions (UK) Ltd, 2011)

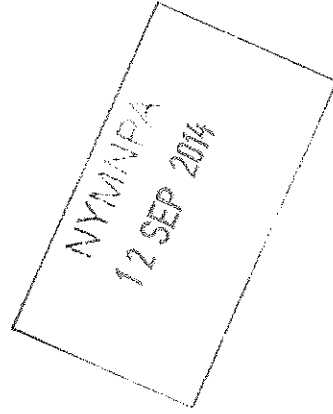
## APPENDIX 2

### Challenges

- ⊙ Attracting more tourists to the National Park in line with the principles of 'wise growth'<sup>59</sup>, which recognises that increases in tourism activity can be achieved alongside protection and enhancement of the natural and cultural environment.
- ⊙ Increasing the value of tourist spend whilst in the National Park, taking account of VisitEngland's target for 3% year on year growth to the tourism economy in real terms.
- ⊙ Attracting people into the National Park in the 'shoulder' seasons (autumn and winter).
- ⊙ Increasing the number of people employed in the tourism industry in the National Park.
- ⊙ Increasing the quality of the tourism offer and standard of hospitality.
- ⊙ Promoting the wider North York Moors area and the North York Moors National Park brand and seeking business affiliation.
- ⊙ Rising costs of transport and competition with other destinations.
- ⊙ Reducing the environmental impact of tourism businesses.
- ⊙ 59 England – A Strategic Framework for Tourism 2010 – 2020 (VisitEngland 2011)

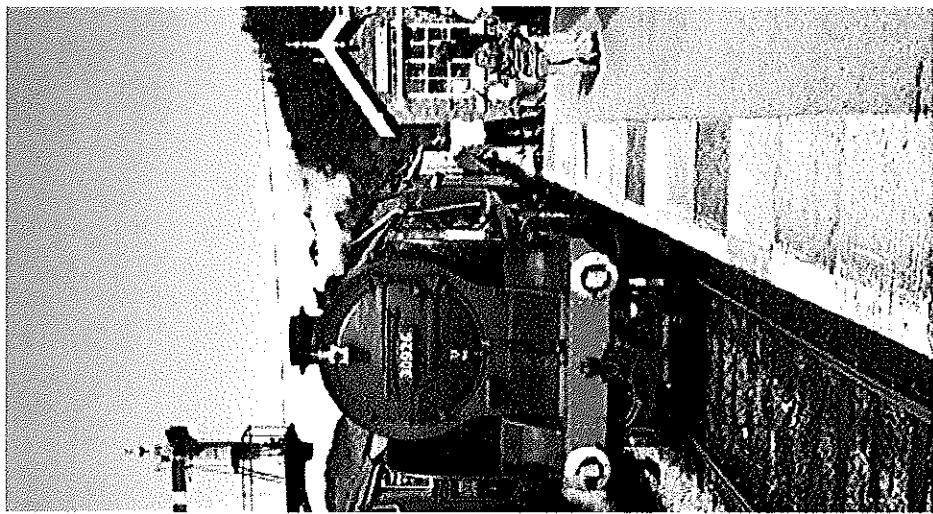
### In 15 Years Time...

The value of tourism to the National Park's economy is greater and there are more people employed in tourism. In particular, more tourists visit outside of the peak seasons. There are a variety of quality tourist facilities which respect the special qualities of the National Park and encourage sustainable ways of visiting the National Park.



**AIM**

The economic value of tourism and the number of people employed in the industry in the National Park will be increased.



NYM/DA  
12 SEP 2014

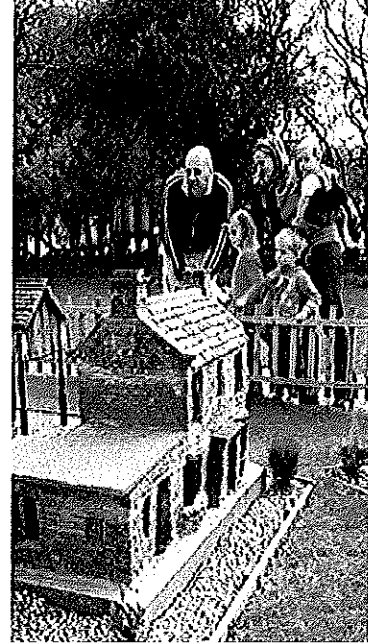
POLICIES	MEANS TO ACHIEVE	KEY PARTNERS
B1. Visitor spend will be increased	Ongoing promotional activities	York, North Yorkshire and East Riding Local Enterprise Partnership Local Businesses Welcome to Yorkshire
	Local Enterprise Partnership priorities	York, North Yorkshire and East Riding Local Enterprise Partnership
	Promoting the Park Plan (to be prepared)	National Park Authority
	Partnership Agreement	National Park Authority Welcome to Yorkshire
B2. Opportunities for visiting the National Park outside of traditional peak seasons will be promoted	Promoting the Park Plan (to be prepared)	National Park Authority
	Ongoing promotional activities	Welcome to Yorkshire Local businesses
	Partnership Agreement	National Park Authority Welcome to Yorkshire
B3. Overnight tourism in and around the National Park will be specifically promoted	Promoting the Park Plan (to be prepared)	National Park Authority
	Ongoing promotional activities	Welcome to Yorkshire Local businesses
	Partnership Agreement	National Park Authority Welcome to Yorkshire
B4. The quality and variety of tourism and recreation facilities and accommodation will be improved	Continuing improvements	Local businesses Welcome to Yorkshire York, North Yorkshire and East Riding Local Enterprise Partnership
	Promoting the Park Plan (to be prepared)	National Park Authority
	Sustainable Development Fund	National Park Authority

APPENDIX 2(continued)

POLICIES	MEANS TO ACHIEVE	KEY PARTNERS
B5. Tourism businesses will reduce their impact on the environment and use resources efficiently	Green Tourism Business Scheme and/or other schemes	National Park Authority Local businesses

How Management Plan progress will be reported

INDICATOR	TARGET / DESIRED DIRECTION OF CHANGE
Value of tourism to the National Park's economy	Value will have increased
Number of people employed in tourism	Number will have increased
Average length of stay	The average length of stay will have increased



NYMNPA  
12 SEP 2014

NYMNPA

12 SEP 2014

05/778.



## Appeal Decision

Site visit made on 6 June 2006

by Jacqueline North BSc MSc

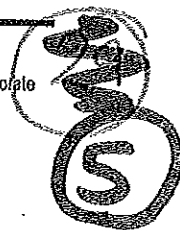
an Inspector appointed by the Secretary of State for  
Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: enquiries@planning-  
inspectorate.gsi.gov.uk

AS

6 JUL 2006

Date: 26 July 2006



Appeal Ref: APP/W9500/A/06/2009911

Shawn Riggs Caravan Park, Part OS 2409, Glen Esk Road, Ruswarp, Whitby, YO22 4NE

- 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 J Fergus against the decision of North York Moors National Park Authority.
- The application Ref NYM/2005/0778/FL registered by the North York Moors National Park Authority on 24 October 2005, was refused by notice dated 12 December 2005.
- The development proposed is an additional static caravan site.

### Decision

1. I allow the appeal, and grant planning permission for an additional static caravan site at Shawn Riggs Caravan Park, Part OS 2409, Glen Esk Road, Ruswarp, Whitby, YO22 4NE in accordance with the terms of the application, Ref NYM/2005/0778/FL, registered by the North York Moors National Park Authority on 24 October 2005, and the plans submitted therewith, subject to the following conditions:
  - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
  - 2) The caravan hereby approved shall not be occupied between 14 January and 1 March in any one year.

### Main Issue

2. I consider the main issue to be the effect of the proposed development on the visual character and appearance of this part of the North York Moors National Park.

### Reasons

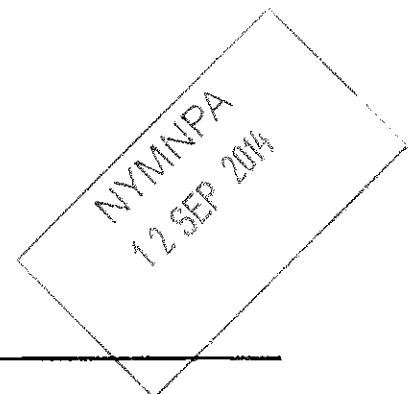
3. The appeal site is a small caravan park situated at the southern end of Ruswarp, on the southern side of the River Esk. The river forms the National Park boundary at this location.
4. The site comprises a flat area close to the Glen Esk Road, forming a touring caravan site and car park, and a 7 pitch static caravan site on higher ground up a steep track. The proposed development is for an additional static caravan pitch at the top north-eastern corner of the site.
5. The static caravans are set within a narrow wooded area. The static caravans are well screened and none were directly visible from any public roads or footpaths. The land drops

considerably to the east and I could not see any part of the caravan park from the Glen Esk Road to the east. Tree cover is sparse on the eastern edge of the caravan park, adjacent to the proposed new pitch but well established elsewhere on the site.

6. The Local Planning Authority have stated that if there were improvements to the density of tree coverage, they would not consider one additional caravan to be detrimental to the landscape or have a significant impact upon activity levels within this part of the National Park. The National Park Authority required the appellant to submit a fully detailed landscape scheme. The scheme the appellant provided indicated a nominal amount of new planting comprising a low hawthorn hedge and a small number of trees. At the time of the site visit I noted that the appellant has recently planted a number of trees at approximately 2 metre intervals along the eastern boundary as well as other additional new boundary tree planting and additional planting around the existing caravan pitches. In addition the new pitch is located at an angle to most of the other pitches and is in a less formal arrangement than those existing, more in keeping with a rural and National Park setting.
7. For the above reasons I conclude that the proposal complies with Policy TM5 of the North York Moors Local Plan, as an additional caravan could be assimilated into the site without materially harming the character of the area and that the planting carried out constitutes an improvement to the visual appearance of the site. For the same reasons I conclude that, for this particular proposal, the additional planting will conserve and enhance the natural beauty and wildlife of this part of the National Park and that one additional static caravan pitch will provide an opportunity for people to understand and enjoy the special qualities of the National Park meeting the revised National Park purposes as set out in section 61 of the Environment Act 1995. The proposed development would be sensitive to the character of the countryside, as required by Planning Policy Statement 7: Sustainable Development in Rural Areas and the written statement of the North Yorkshire County Structure Plan.
8. I have imposed the National Park Authority's suggested occupation condition to ensure consistency with other permissions on the site.

*Jacqueline North*

Inspector



6/0876.

6



# The Planning Inspectorate

Room: 3/04  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Direct Line: 0117-372-8377  
Switchboard: 0117-372-8000  
Fax No: 0117-372-8443  
GTN: 1374-8377

<http://www.planning-inspectorate.gov.uk>

Mrs J Cavanagh  
North Yorkshire Moors National  
Park Authority  
Development Control Support  
Officer  
The Old Vicarage  
Bondgate  
Helmsley  
York  
YO62 5BP

Your Ref: NYM/2006/0876/FL  
Our Ref: APP/W9500/A/07/2037057/NWF  
Date: 23 July 2007

NYM/2006/0876/FL  
dlw  
23 JUL 2007

Dear Mrs Cavanagh

**Town and Country Planning Act 1990**  
**Appeal by Mrs J Fergus**  
**Site at Shawn Riggs Caravan Park, Part Os 2409, Glen Esk Road, Ruswarp,**  
**Whitby, YO22 4NE**

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

The attached leaflet explains the right of appeal to the High Court against the decision and how the documents can be inspected.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit  
The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square, Temple Quay  
Bristol BS1 6PN

Phone No. 0117 372 8252  
Fax No. 0117 372 8139  
E-mail: [complaints@pins.gsi.gov.uk](mailto:complaints@pins.gsi.gov.uk)

Yours sincerely

NYM/NPA  
12 SEP 2014

Amanda Baker

COVERDL1



*You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -*

*<http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>*

*You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button*





# The Planning Inspectorate

An Executive Agency in the Department for Communities and  
Local Government and the National Assembly for Wales

## Challenging the Decision in the High Court

---

---

### ***Challenging the decision***

Appeal decisions are legal documents and, with the exception of very minor slips, we cannot amend or change them once they have been issued. Therefore a decision is final and cannot be reconsidered unless it is successfully challenged in the High Court. If a challenge is successful, we will consider the decision afresh.

### ***Grounds for challenging the decision***

A decision cannot be challenged merely because someone disagrees with the Inspector's judgement. For a challenge to be successful you would have to show that the Inspector misinterpreted the law or, for instance, that the inquiry, hearing, site visit or other appeal procedures were not carried out properly, leading to, say, unfair treatment. If a mistake has been made and the Court considers it might have affected the outcome of the appeal it will return the case to us for re-consideration.

### ***Different appeal types***

High Court challenges proceed under different legislation depending on the type of appeal and the period allowed for making a challenge varies accordingly. Some important differences are explained below:

### ***Challenges to planning appeal decisions***

These are normally applications under Section 288 of the Town & Country Planning Act 1990 to quash decisions into appeals for planning permission (including enforcement appeals allowed under ground (a), deemed application decisions or lawful development certificate appeal decisions and advertisement appeals.). For listed building or conservation area consent appeal decisions, challenges are made under Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990. **Challenges must be received by the Administrative Court within 42 days (6 weeks) of the date of the decision - this period cannot be extended.**

### ***Challenges to enforcement appeal decisions***

Enforcement appeal decisions under all grounds [see our booklet 'Making Your Enforcement Appeal'] can be challenged under Section 289 of the Town & Country Planning Act 1990. Listed building or conservation area enforcement appeal decisions can be challenged under Section 65 of the Planning (Listed Buildings and Conservation Areas) Act 1990. To challenge an enforcement decision under Section 289 or Section 65 you must first get the permission of the Court. However, if the Court does not consider that there is an arguable case, it can refuse permission. **Applications for permission to make a challenge must be received by the Administrative Court within 28 days of the date of the decision, unless the Court extends this period.**

**Important Note** - This leaflet is intended for guidance only. Because High Court challenges can involve complicated legal proceedings, you may wish to consider taking legal advice from a qualified person such as a solicitor if you intend to proceed or are unsure about any of the guidance in this leaflet. Further information is available from the Administrative Court (see overleaf).

### **Frequently asked questions**

**"Who can make a challenge?"** - In planning cases, anyone aggrieved by the decision may do so. This can include third parties as well as appellants and councils. In enforcement cases, a challenge can only be made by the appellant, the council or other people with a legal interest in the land - other aggrieved people must apply promptly for judicial review by the Courts (the Administrative Court can tell you more about how to do this - see Further Information).

**"How much is it likely to cost me?"** - A relatively small administrative charge is made by the Court for processing your challenge (the Administrative Court should be able to give you advice on current fees - see 'Further Information'). The legal costs involved in preparing and presenting your case in Court can be considerable though, and if the challenge fails you will usually have to pay our costs as well as your own. However, if the challenge is successful we will normally meet your reasonable legal costs.

**"How long will it take?"** - This can vary considerably. Although many challenges are decided within six months, some can take longer.

**"Do I need to get legal advice?"** - You do not have to be legally represented in Court but it is normal to do so, as you may have to deal with complex points of law made by our own legal representative.

**"Will a successful challenge reverse the decision?"** - Not necessarily. The Court can only require us to reconsider the case and an Inspector may come to the same decision again but for different or expanded reasons.

**"What can I do if my challenge fails?"** - The decision is final. Although it may be possible to take the case to the Court of Appeal, a compelling argument would have to be put to the Court for the judge to grant permission for you to do this.

---

### **Inspection of appeal documents**

We normally keep appeal files for one year after the decision is issued, after which they are destroyed. You can inspect appeal documents at our Bristol offices by contacting us on our General Enquiries number to make an appointment (see 'Contacting us'). We will then ensure that the file is obtained from our storage facility and is ready for you to view. Alternatively, if visiting Bristol would involve a long or difficult journey it may be more convenient to arrange to view your local planning authority's copy of the file, which should be similar to our own.

### **Further information**

Further advice about making a High Court challenge can be obtained from the Administrative Court at the Royal Courts of Justice, Queen's Bench Division, Strand, London WC2 2LL, telephone 0207 9476655; Website: [www.courtserve.gov.uk](http://www.courtserve.gov.uk)

### **Council on tribunals**

If you have any comments on appeal procedures you can contact the Council on Tribunals, 81 Chancery Lane, London WC2A 1BQ. Telephone 020 7855 5200; website: <http://www.council-on-tribunals.gov.uk/>. However, it cannot become involved with the merits of individual appeals or change an appeal decision.

### **Contacting us**

High Court Section  
The Planning Inspectorate  
4/07 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Phone: 0117 372 8962

#### **Website**

[www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)

#### **General Enquiries**

Phone: 0117 372 6372

E-mail: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

#### **Complaints**

Phone: 0117 372 8252

E-mail: [complaints@pins.gsi.gov.uk](mailto:complaints@pins.gsi.gov.uk)

#### **Cardiff Office**

The Planning Inspectorate  
Room 1-004  
Cathays Park  
Cardiff CF1 3NQ  
Phone: 0292 082 3866  
E-mail: [wales@pins.gsi.gov.uk](mailto:wales@pins.gsi.gov.uk)

#### **The Parliamentary Ombudsman**

Office of the Parliamentary  
Commissioner for Administration  
Millbank Tower, Millbank  
London, SW1P 4QP

Helpline: 0845 0154033

Website: [www.ombudsman.org.uk](http://www.ombudsman.org.uk)

E-mail:

[phso.enquiries@ombudsman.org.uk](mailto:phso.enquiries@ombudsman.org.uk)



# The Planning Inspectorate

An Executive Agency in the Department for Communities and Local Government and the National Assembly for Wales

## Our Complaints Procedures

### **Complaints**

We try hard to ensure that everyone who uses the appeal system is satisfied with the service they receive from us. Planning appeals often raise strong feelings and it is inevitable that there will be at least one party who will be disappointed with the outcome of an appeal. This often leads to a complaint, either about the decision itself or the way in which the appeal was handled.

Sometimes complaints arise due to misunderstandings about how the appeal system works. When this happens we will try to explain things as clearly as possible. Sometimes the appellant, the council or a local resident may have difficulty accepting a decision simply because they disagree with it. Although we cannot re-open an appeal to re-consider its merits or add to what the Inspector has said, we will answer any queries about the decision as fully as we can.

Sometimes a complaint is not one we can deal with (for example, complaints about how the council dealt with another similar application), in which case we will explain why and suggest who may be able to deal with the complaint instead.

### **How we Investigate complaints**

Inspectors have no further direct involvement in the case once their decision is issued and it is the job of our Quality Assurance Unit to investigate complaints about decisions or an Inspector's conduct. We appreciate that many of our customers will not be experts on the planning system and for some, it will be their one and only experience of it. We also realise that your opinions are important and may be strongly held.

We therefore do our best to ensure that all complaints are investigated quickly, thoroughly and impartially, and that we reply in clear, straightforward language, avoiding jargon and complicated legal terms.

When investigating a complaint we may need to ask the Inspector or other staff for comments. This helps us to gain as full a picture as possible so that we are better able to decide whether an error has been made. If this is likely to delay our full reply we will quickly let you know.

### **What we will do if we have made a mistake**

Although we aim to give the best service possible, we know that there will unfortunately be times when things go wrong. If a mistake has been made we will write to you explaining what has happened and offer our apologies. The Inspector concerned will be told that the complaint has been upheld.

We also look to see if lessons can be learned from the mistake, such as whether our procedures can be improved upon. Training may also be given so that similar errors can be avoided in future. Minor slips and errors may be corrected under the terms of the Planning & Compulsory Purchase Act 2004 but we cannot amend or change in any way the substance of an Inspector's decision.

### **Who checks our work?**

The Government has said that 99% of our decisions should be free from error and has set up an independent body called the Advisory Panel on Standards (APOS) to report on our performance. APOS regularly examines the way we deal with complaints and we must satisfy it that our procedures are fair, thorough and prompt.

### **Taking it further**

If you are not satisfied with the way we have dealt with your complaint you can contact the Parliamentary Commissioner for Administration (often referred to as The Ombudsman), who can investigate complaints of maladministration against Government Departments or their Executive Agencies. If you decide to go to the Ombudsman you must do so through an MP. Again, the Ombudsman cannot change the decision.

### **Frequently asked questions**

*"Can the decision be reviewed if a mistake has happened?"* – Although we can rectify minor slips, we cannot reconsider the evidence the Inspector took into account or the reasoning in the decision. This can only be done following a successful High Court challenge. The enclosed High Court leaflet explains more about this.

*"If you cannot change a decision, what is the point of complaining?"* – We are keen to learn from our mistakes and try to make sure they do not happen again. Complaints are therefore one way of helping us improve the appeals system.

*"Why did an appeal succeed when local residents were all against it?"* – Local views are important but they are likely to be more persuasive if based on planning reasons, rather than a basic like or dislike of the proposal. Inspectors have to make up their own minds whether these views justify refusing planning permission.

*"How can Inspectors know about local feeling or issues if they don't live in the area?"* – Using Inspectors who do not live locally ensures that they have no personal interest in any local issues or any ties with the council or its policies. However, Inspectors will be aware of local views from the representations people have submitted.

*"I wrote to you with my views, why didn't the Inspector mention this?"* – Inspectors must give reasons for their decision and take into account all views submitted but it is not necessary to list every bit of evidence.

*"Why did my appeal fail when similar appeals nearby succeeded?"* – Although two cases may be similar, there will always be some aspect of a proposal which is unique. Each case must be decided on its own particular merits.

*"I've just lost my appeal, is there anything else I can do to get my permission?"* – Perhaps you could change some aspect of your proposal to increase its acceptability. For example, if the Inspector thought your extension would look out of place, could it be re-designed to be more in keeping with its surroundings? If so, you can submit a revised application to the council. Talking to its planning officer about this might help you explore your options.

*"What can I do if someone is ignoring a planning condition?"* – We cannot intervene as it is the council's responsibility to ensure conditions are complied with. It can investigate and has discretionary powers to take action if a condition is being ignored.

### **Further Information**

Every year we publish a Business and Corporate Plan which sets out our plans for the following years, how much work we expect to deal with and how we plan to meet the targets which Ministers set for us. At the end of each financial year we publish our Annual Report and Accounts, which reports on our performance against these targets and how we have spent the funds the Government gives us for our work. You can view these and obtain further information by visiting our website (see 'Contacting us'). You can also get booklets which give details about the appeal process by telephoning our enquiries number.

You can find the latest Advisory Panel on Standards report either by visiting our website or on the ODPM website - [www.odpm.gov.uk/](http://www.odpm.gov.uk/)

### **Contacting us**

Quality Assurance Unit  
The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

### **Website**

[www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)

### **Enquiries**

Phone: 0117 372 6372  
E-mail: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

### **Complaints**

Phone: 0117 372 8252  
E-mail: [complaints@pins.gsi.gov.uk](mailto:complaints@pins.gsi.gov.uk)

### **Cardiff Office**

The Planning Inspectorate  
Room 1-004  
Cathays Park  
Cardiff CF1 3NQ  
Phone: 0292 082 3866  
E-mail: [wales@pins.gsi.gov.uk](mailto:wales@pins.gsi.gov.uk)

### **The Parliamentary Ombudsman**

Office of the Parliamentary  
Commissioner for Administration  
Millbank Tower, Millbank  
London, SW1P 4QP

Helpline: 0845 0154033  
Website: [www.ombudsman.org.uk](http://www.ombudsman.org.uk)  
E-mail:  
[phso.enquiries@ombudsman.org.uk](mailto:phso.enquiries@ombudsman.org.uk)



# Appeal Decision

Site visit made on 5 June 2007

by **Richard McCoy** BSc MSc DipTP MRTPI  
IHBC

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: enquiries@plins.gsi.gov.uk

Date: 23 July 2007

**Appeal Ref: APP/W9500/A/07/2037057**

**Shawn Riggs Caravan Park, Part O.S. 2409, Glen Esk Road, Ruswarp, Whitby, YO22 4NE**

- 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 J Fergus against the decision of North York Moors National Park.
- The application Ref NYM/2006/0876/FL, dated 31 October 2006, was refused by notice dated 20 December 2006.
- The development proposed is an additional static caravan site.

NYM/PA

23 JUL 2007

## Procedural matter

1. It was apparent from my visit that the development described above has already been carried out. I shall therefore deal with the appeal as being against the refusal of planning permission for the retention of the development.

## Decision

2. I allow the appeal and grant planning permission for the retention of an additional static caravan site at Shawn Riggs Caravan Park, Part O.S. 2409, Glen Esk Road, Ruswarp, Whitby, YO22 4NE in accordance with the terms of the application Ref NYM/2006/0876/FL, dated 31 October 2006, and the plans submitted therewith, subject to the condition that the caravan hereby permitted shall not be occupied between 14 January and 1 March in any one year.

## Reasons

3. The appeal site is a small caravan park, set on a steeply pitched bank and situated within the North York Moors National Park, close to the village of Ruswarp. Proposed is an additional static caravan pitch at the top north-eastern corner of the site within the existing confines of the caravan park.
4. The area is well screened by mature planting some of which was carried out as an improvement to the siting and appearance of the caravan park in compliance with Policy TM5 of the adopted North York Moors Local Plan (LP) following the granting of planning permission for an additional static caravan pitch under appeal ref APP/W9500/A/06/2009911. The result is such that the appeal site is not readily visible from any public thoroughfare.

5. I consider that the discreet location and the screening are sufficient to prevent the additional static caravan being visually intrusive. Furthermore I do not agree with the National Park Authority (NPA) that the development would result in an intensification and consolidation of a use that is inappropriate to the area. To my mind this particular well screened site within the National Park and close to a historic seaside resort is a suitable location for such a use. Moreover, it seems to me that the physical constraints of the appeal site are such that there is little scope for further development but adequate existing space for one more pitch without harming the character and appearance of the National Park in accordance with LP policy.
6. For these reasons I consider that the development, despite the formal arrangement of caravans in the park, is not harmful to the visual character and appearance of the North York Moors National Park and accords with LP Policy TM5 because the landscape improvements carried out previously, serve to assimilate the caravan into the site without materially harming the character of the area. In addition, I consider that the development, as part of the ongoing planting and landscape management works associated with the caravan park, conserves and enhances the natural beauty and wildlife of this part of the National Park and promotes opportunities for the enjoyment by the public of its special qualities which is one of its purposes.
7. My attention has been drawn to Planning Policy Statement 7 *Sustainable Development in Rural Areas* in respect of this appeal and having considered the advice therein I find that the development, for the foregoing reasons, would be sensitive to the character of the countryside. Other LP Policies have been drawn to my attention but I do not consider these to be as relevant as LP Policy TM5.
8. As far as conditions are concerned, as the works have already been carried out I see no need for conditions in respect of implementation time and colour as suggested by the NPA. However, I agree with the NPA that a condition is necessary, in the light of the advice in Circular 11/95, to restrict the times the caravan may be occupied.
9. I do not propose attaching a condition in respect of restricting the use to holiday purposes as suggested by the NPA as this is unnecessary given the condition limiting the occupation of the caravan to certain times of the year.
10. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Richard McCoy*

INSPECTOR

**The Planning Inspectorate**

An Executive Agency in the Department of the  
Environment and the Welsh Office

Room 1404  
Tollgate House  
Houlton Street  
BRISTOL BS2 9DJ

Direct Line 0272-218927  
Switchboard 0272-218811  
Fax No. 0272-218  
GTN 1374

Mr R Kemp  
Brook Cottage  
Briggswath  
Whitby  
N. Yorkshire  
YO21 4H4

Your ref:

Our ref: T/APP/W9500/A/93/225651/P8

Date:

23 NOV 93

Dear Sir,

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY MRS JEAN FERGUS  
APPLICATION NUMBER NYM4/033/0050E/PA

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the North Yorkshire County Council to refuse planning permission for permanent permission for 6 static caravans and site works for drainage etc on land at Shawn Riggs Caravan Park, Glen Esk Road, Ruswarp, Whitby. I have considered the written representations made by you and by the Council and also those made by the local M.P., the Country Landowners Association and other interested persons including those made directly to the Council and forwarded to me. I inspected the site on 1st September 1993.

2. I note initially that you made application for permanent permission for 6 static caravans and site works for drainage etc. The site has been the subject of an earlier unexpired temporary planning permission for 6 caravans. The Council dealt with the application as the relaxation of Condition No.1 of approval NY4/033/0050C to allow the permanent siting of 6 static caravans and associated site works. I shall deal with this appeal as if it arose from an application under Section 73(A) of the 1990 Act for the permanent siting of 6 static caravans and the retention of site works for drainage, access and car park etc.

3. From my inspection of the site and its surroundings and my consideration of the representations made, I consider the main issue in this case to be, in the light of the prevailing planning policies and the history of the site, whether the proposed development would detract from the pleasant rural landscape of this part of the National Park.

4. The North Yorkshire County Structure Plan 1989 and the North York Moors Local Plan 1992 provide a planning framework for guiding development in the area. Both plans give priority to the conservation of the landscape within the National Park.

Proposals for new development and major extensions to existing development will not normally be permitted except where it can be shown to be necessary in that location. The Local Plan also provides that proposed developments will help to preserve and enhance the natural and built environment of the National Park and proposals for the establishment or extension of static caravan sites will not be permitted.

5. The appeal site is located on the south east side of Glen Esk Road which runs alongside the River Esk at this point. The main body of Ruswarp village is to the northwest of the River approximately 300m distant. There is some industrial developments south of the River near the bridge and a few dwellings along Glen Esk Road. The appeal site lies beyond those houses and is bounded on the south west side by Shawn Riggs Beck and a steeply sloping wooded bank. The site has a small fairly level area close to the road, the western part of which has been surfaced with hardcore as a car park. Further back from the road the ground rises steeply in a wooded bank to an open area at the rear of the site which is terraced with hardstandings for 6 caravans. Beyond this an open field slopes gently upwards to Shawn Riggs Farm.

6. Glen Esk Road is part of an attractive wooded drive following the River Esk between Ruswarp and Whitby and is frequented by many visitors. The caravans are located in an elevated position on the site but are largely hidden to public view by the densely wooded bank. Although there has been some recent removal of trees and undergrowth, there has also been some new planting carried out and this has been done under the guidance of a National Park Officer. It did not appear to me that those works had made the site obvious within the wooded rural landscape.

7. I note the recent construction of the Car Park and the metalled track up the bank to the new enlarged caravan hardstandings. Whilst the car park and access have a somewhat raw appearance at present, I do not find them unduly obtrusive and consider that in time the new hedge along the roadside and other planting will assist in mellowing their appearance and integrating the site into the surrounding landscape. I therefore consider that the proposed development would have a minimal impact on the rural character and appearance of the area.

8. The Local Plan precludes the establishment or extension of static caravan sites within the National Park, but the current proposal does not fall into either of these categories. In this instance the site has been the subject of numerous temporary planning permissions as a caravan site since 1955, the latest being in 1989 which expires in November 1994. Circular 1/85 makes it clear that time limits should not be imposed because of the effects of the development upon the amenities of the area. Whilst the operation of the site is no longer associated with Shawn Riggs Farm and cannot be regarded as a farm diversification, that does not appear to me



to be a persuasive reason for withholding consent.

9. The Council are also concerned that approval of this proposal would be likely to create a precedent for further static caravan sites in the National Park and additional facilities on the site. However, the circumstances of this case are unusual and it appears to me that it would be unlikely to create a serious precedent. Furthermore, it should be remembered that each application should be considered on its individual merits. As regards encouraging additional facilities on the site and in particular accommodation for a Site Manager, I note that an application for a dwelling to serve this purpose has already been the subject of a recent appeal which was dismissed (Ref. No.T/APP/W9500/A92/201687/P5). The Inspector in that case expressed the view that continued improvement and maintenance of the site did not require a full-time presence and that the site could be supervised from a dwelling in the village and I concur with that view.

10. I therefore conclude that the proposed development would not prejudice the main objectives of the structure and local plans and would not detract from the pleasant rural landscape of this part of the National Park and I therefore propose to allow the appeal. In coming to this conclusion I have taken account of all the matters raised in the representations, including the views of the Parish Council, the Local MP, the Country Landowners Association and local residents, but they do not alter the balance of my conclusions on the main planning issues.

11. I have also considered what conditions it is appropriate to attach to the permission. The Council have requested a landscaping condition which I consider appropriate but I also regard it as imperative in the interest of the appearance of the area that the existing trees on the site should be retained and I shall impose a condition accordingly. The Council have also requested that the permission should be limited to 5 years but I regard that as inappropriate for the reasons already outlined above. They also request a condition limiting occupation of the caravans on the site to seasonal use and I regard that as appropriate.

12. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the permanent siting of 6 static caravans and retention of site works for drainage etc at Shawn Riggs Caravan Park, Glen Esk Road, Ruswarp, Whitby in accordance with the terms of the application No.NYM4/033/0050E/PA dated 3/12/1992 and the plans submitted therewith, subject to the following conditions:-

1. No caravan on the site shall be occupied between the 31st October in any one year and 1st March in the succeeding year.

2. Within 6 months of the date of this permission there shall be submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. In this connection none of the trees on the site shall be lopped, topped, felled, uprooted or destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within a period of 12 months in accordance with details which shall first be submitted to and approved by the Local Planning Authority and shall thereafter be retained.

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the approval of the landscaping scheme; and any trees or plants 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 within the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. This permission shall take effect from 9 November 1994.

13. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period. The developer's attention is drawn to the enclosed note relating to the requirements of The Buildings Regulations 1991 with respect to access for disabled people.

14. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of The Town and Country Planning Act 1990.

Yours faithfully,

D L LEAROYD MRTPI  
Inspector



# The Planning Inspectorate

Room 1404  
Tollgate House  
Houlton Street  
Bristol BS2 9DJ

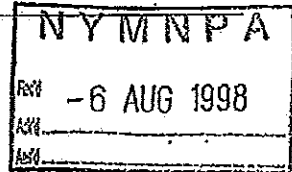
Direct Line 0117 - 987 8927  
Switchboard 0117 - 987 8000  
Fax No 0117 - 987 8139  
GTN 1374 - 8927  
E-mail ENQUIRIES.PINS@GTNET.GOV.UK

JHS Planning  
17 Springfield Close  
Thirsk  
North Yorkshire  
YO7 1FH

Your ref:

Our ref:  
T/APP/W9500/A/98/292616/P8

Date: 3 AUG 1998



Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY MRS J FERGUS  
APPLICATION NO NYM4/033/0050G/PA

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the North York Moors National Park Authority to refuse planning permission for the siting of an additional static caravan at Shawn Riggs Caravan Park, Glen Esk Road, Ruswarp. I have considered the written representations made by you and by the Council and also those made by the Country Landowners' Association. I have also considered those representations made directly by the Parish Council, the Environment Agency and North Yorkshire County Council as highway authority to the Council which have been forwarded to me. I inspected the site on 1 July 1998.

2. The additional static caravan would be positioned on the top, southern level of the caravan site on the other side of the access track leading up from Glen Esk Road. The six, existing static caravans have permanent consent, granted on appeal, with occupation restricted to 1 March and 14 January of the following year. I am aware of the statutory duty placed upon the National Park Authority both to conserve and enhance the natural beauty of the national park as well as promoting opportunities for the understanding and enjoyment of its special qualities by the public (Section 61, Part III of the 1995 Environment Act). I shall have regard to both of these important national policy objectives in my consideration of the principal issues in this appeal. These national policy objectives are also set out in PPG7, "The Countryside - Environmental Quality and Economic and Social Development"

3. No objections have been raised by the highway authority and, from my inspection of the site and its surroundings and from my consideration of the written submissions, it is clear to me that the main issues are, first, whether the proposed intensification of this static caravan site would materially harm the character and appearance of the countryside



and, second, whether it would establish a precedent leading to the cumulative erosion of the landscape in this area and elsewhere in the North York Moors National Park.

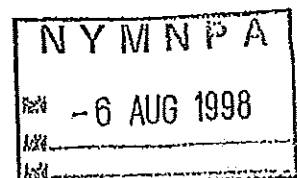
4. Section 54A of the Town and Country Planning Act 1990 requires that applications shall be determined in accordance with the development plan for the area, where it contains relevant policies, unless material considerations indicate otherwise. The development plan comprises the North Yorkshire County Structure Plan (1980) amended by Alterations No 1 (approved 1987), No 2 (1989) and No3 (1995) and the Adopted North York Moors Local Plan (1992). Policies R10 and R11 of the structure plan deal with caravan, camping and chalet development and there is a presumption in Policy R11 that touring caravans and tents are generally more acceptable than static caravans. This presumption is incorporated into Policy TR3 of the local plan which states that proposals for the establishment or extension of static caravan sites will not be permitted. In addition, local plan Policy G2 seeks to ensure that proposed developments help to preserve and enhance the natural and built environment of the National Park.

5. The Authority explain the rationale behind this policy in the supporting text in the local plan by stating that, despite some improvements in recent years, it is difficult to achieve a satisfactory and attractive form of development with static caravans. In my consideration of the first issue in this appeal, however, I was mindful of the conclusion reached by the Inspector who dealt with the previous appeal for the permanent siting of six static caravans ( DoE Ref: T/APP/W9500/A/93/225651/P8) that the development would have a minimal impact on the rural character and appearance of the area.

6. Although the existing caravans can be seen from the main road during the winter months, I saw at my site inspection that they were currently well screened by mature landscaping and that your client is making a genuine and concerted effort to improve the appearance of the site by expeditious tree planting. This is supported by evidence from the Country Landowners' Association. My conclusion on the first issue is that, provided these measures continue, the additional static caravan could be assimilated within the site without materially harming the character and appearance of the area. Although one of the Authority's supporting photographs shows that the existing caravans are more prominent when viewed from the south, I am not aware of any public vantage points in that direction and I am satisfied that the proposal is in accordance with the requirements of local plan Policy G2.

7. The Authority argue that the proposal would result in an increase in the area covered by caravans and an intensification of the site and that the proposal, therefore, fails to meet the requirements of local plan Policy TR3. On the other hand, you say that it merely represents a slightly more intensive use of the site. There is some merit in both lines of argument though, on balance, I find that your points are more persuasive. Clearly, your client is not proposing a physical extension of her site nor does it constitute a new site and I conclude that the proposal is not, therefore, at odds with the fundamental requirements of the policy

8. The second issue is concerned with precedent and, as I see it, there are two main points to consider. The first is whether there might be subsequent pressure from the appellants or any future owners of the caravan site to want to site additional caravans there. I agree with you that it would not physically be possible to accommodate another static caravan at the higher level and that any proposal to site caravans at the lower, car



park level would have to be considered on its merits bearing in mind the more prominent nature of this part of the site when viewed from the main road.

9. The second point is concerned with the possibility of similar proposals on other sites. The Authority consider that there will be other static caravan sites within the National Park with space for additional caravans. Nevertheless, applications at such sites would be dealt with on their individual merits taking account of prevailing planning policies for the area, the history of those sites and the impact that they would have on the character and appearance of those particular localities. Consequently, precedent by itself is not a good enough reason for turning down this appeal.

10. I have taken account of all other matters raised but I have found nothing to outweigh those considerations leading to my conclusions on the two main issues and to my decision.

11. In addition to the normal time-limiting condition, I shall impose the condition requested by the Authority restricting occupation of the caravan in line with the existing permission for the six other static caravans. This is logical and meets the strict tests laid down in Circular 11/95 on the use of conditions in planning permissions.

12. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the siting of an additional static caravan at Shawn Riggs Caravan Park, Glen Esk Road, Ruswarp in accordance with the terms of the application (No NYM4/033/0050G/PA) dated 30 October 1997 and the plans submitted therewith, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this letter.
2. The caravan hereby approved shall not be occupied between 14 January and 1 March in any one year.

13. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Yours faithfully

J Gale BA (Hons) Dip TP MRTPI  
Inspector

