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The Planning Inspectorate

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

Direct Line: 0117-372-6368
Switchboard: 0117-372-8000
Fax No: 0117-372-8804
GTN: 1371-6368

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

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

Your Ref: NYM/2007/0545/CU
Our Ref: APP/W9500/A/08/2063494/NWF
Date: 25 April 2008

Dear Mrs Cavanagh

**Town and Country Planning Act 1990
Appeal by A Newton
Site at Fisherhead Field, Robin Hoods Bay, Whitby, YO22 4ST**

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

Leaflets explaining the right of appeal to the High Court against the decision, our complaints procedures and how the documents can be inspected are on our website - www.planning-inspectorate.gov.uk/pins/agency_info/complaints/complaints_dealing.htm - and are also enclosed if you have chosen to communicate by post. If you would prefer hard copies of these leaflets, please contact our Customer Services team on 0117 3726372.

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

Yours sincerely

Catrin Schwenk

NYMNPA
dls
25 APR 2008



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*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*

NYMNP
25 APR 2008



Appeal Decision

Site visit made on 1 April 2008

by **Wenda Fabian** BA Dip Arch RIBA 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

Decision date:
25 April 2008

Appeal Ref: APP/W9500/A/08/2063494

Fisherhead Field, Fisherhead, Robin Hoods Bay, North Yorkshire YO22 4ST

- 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 A Newton against the decision of North York Moors National Park.
- The application Ref NYM/2007/0545/CU, dated 18 June 2007, was refused by notice dated 22 August 2007.
- The development proposed is change of use to extend parking for longer usage on field Feb – October, Christmas, New Year, Bank holidays, any special weekends. Established use certificate NYM4/029/0 223C/CU refers.

Decision

1. I dismiss the appeal.

Main issues

2. The main issues are: the effect of the proposal on the character and appearance of the surrounding area, the North Yorkshire Moors National Park and the setting of the Robin Hoods Bay Conservation area; and its effect on highway safety.

Reasons

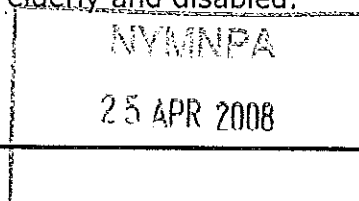
3. The appeal site is a small part of a large open grassed field area, which lies immediately adjacent to the Robin Hoods Bay Conservation Area. It slopes down from the hillside above towards the main street (New Road) in Robin Hoods Bay. The field is traversed by a narrow single track access road, constructed as two concrete ribbons with grass between, which follows a reverse Z-shaped route up it, passing round two tight hairpin bends. Car parking already takes place on the appeal site and this has a Certificate of Lawful Use, limited to part of the year only; it is operated as a pay and display carpark during the peak holiday season between Easter and the end of September, annually.
4. The proposal is to extend the period of the year during which cars may be parked by approximately a total of 38 days; to include, as listed above, the winter period, winter Bank Holidays and undefined 'special weekends'. The parking takes place end-on to the road, along the grass verge on the upper side of the straight central part of the Z. The parking area is unfenced and unmarked; there are sporadic small areas of stone hardcore but the main surface is grass, which has been locally worn to mud.

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5. Saved policy BE1 of the *North York Moors Local Plan, 2003*, (LP) reflects the duty imposed on decision makers by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires them to pay special regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The government's PPG15¹ advises that this duty should be a consideration in handling proposals that are outside the conservation area but which would affect either its setting, or views into or out of it. The appeal site is also located within the North York Moors National Park, where the highest status of protection for landscape and scenic beauty applies.
6. The verge that forms the appeal site is located roughly halfway up the field and is clearly visible when travelling down the main street into the heart of Robin Hoods Bay, as well as from other vantage points in the settlement. The site is prominent in several views from the conservation area and the wider field is an important part of its setting; its natural appearance, fringed at its lower side by a wooded copse, contributes significantly to the overall character and appearance of the conservation area. During my visit only four cars were parked on the appeal site, haphazardly arranged along the verge. Nevertheless, even this small group appeared eye catching and out of place in the context of the surrounding open field.
7. Little evidence has been submitted to suggest accurately how many cars can be parked on the verge. However, from my visit I assess it as at least 40m long and it could therefore accommodate around fifteen cars, were these parked in a more ordered way. This potential number would be significantly more visually intrusive than those I saw and the increased comings and goings of cars approaching along the access road and manoeuvring on and off it to park in this location would further urbanise this countryside setting to the conservation area. I appreciate that parking is already authorised in this location for part of the year but the proposal to extend it into the winter period would significantly increase the duration of harm to views from the conservation area and its setting, particularly at a time when some views would be more open due to the loss of screening from tree and hedge leaf canopies.
8. I conclude that the proposal would harm the character and appearance of the surrounding area, the North Yorkshire Moors National Park and the setting of the Robin Hoods Bay Conservation area, contrary to national and local policy.
9. Turning to the traffic that would be generated by the proposal, New Road is extremely narrow and steep, with limited opportunities for two way traffic to pass. Its leads down to the boat slipway at the sea front, where it divides and ends in two culs-de-sac, such that any vehicles passing down it have, finally, to turn round and travel back up its length to leave the settlement. Robin Hoods Bay is a popular tourist destination and at peak periods there is frequent traffic gridlock despite the roundabout turning provision, warning signs and public pay and display car parks provided at the top of the settlement.
10. The appellant suggests that the benefit of the current use of the appeal site parking is that it provides a turning area and parking in the lower area of the settlement, particularly for locals who need temporary vehicular access to their dwellings or businesses to unload or for access for the elderly and disabled.

¹ *Planning Policy Guidance: Planning and the Historic Environment*



Saved LP policy T8 allows for the development of public car parks within the National Park where these would form an integral part of an integrated approach to traffic management. The policy is aimed at the development of a planned approach to parking management as one means of reducing the impact of traffic on the special qualities of the National Park. However, little evidence to show that the proposal would form part of such an integrated approach has been submitted and I am unconvinced on the evidence available to me that there is an overriding need for additional out of peak season parking in this location sufficient to outweigh the visual harm identified above.

11. Objections have been raised in relation to the adequacy of the junction of the car park access road with New Road in terms of highway safety. The width and radius of the junction are considered by the Park Authority to be unsuitable to safely provide for the increased use that would result from the proposal. I have seen that the junction is narrow and is bounded by tightly curved stone walls with a field gate that is fixed open. However, it leads onto a narrow road (albeit a County road) where the existing width, sight restrictions and large number of pedestrians along it force traffic to travel slowly. Little documentary evidence has been submitted in relation to recorded speeds on it, the number of cars already using the access road, or to demonstrate the proportionate increase that would result from the proposal.
12. I saw around 30 cars parked in a yard off the access road, further vehicles parked at The Old School House close-by and there are further properties at the Coastguard Cottages also accessed by the same road. It is not apparent in these circumstances that the proposal would add so substantially to the number of vehicles already using the access road as to significantly harm highway safety. Furthermore, no evidence in relation to recorded accident injury incidents has been provided and as the parking provision is already in use during the Easter to September period, there seems to be little to demonstrate that the proposal would lead to a significant increased harm to existing highway safety conditions. However, my neutral finding in this respect does not reduce the harm I have identified in relation to the appearance of the proposal.
13. For the reasons given above I conclude that the appeal should be dismissed.

Wenda Fabian

Inspector

