



The Planning Inspectorate

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Mrs F Farnell
North York Moors National Park
Authority
Development Control Support
Officer
The Old Vicarage
Bondgate
Helmsley
York
YO6 5BP

Your Ref: NYM/2007/1033/FL
Our Ref: APP/W9500/A/08/2077914/WF
Date: 16 December 2008

Dear Mrs Farnell

NYMNPA
8 DEC 2008
CR

**Town and Country Planning Act 1990
Appeal by Mr And Mrs Fearn
Site at Land Adjacent, Ryefield Cottage, Ryefield Lane, Hackness Road,
Scalby, Scarborough, YO13 0QY**

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:

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Yours sincerely

Zelah Vincent

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/caserech.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

NYMNPA
16 DEC 2008



Appeal Decision

Site visit made on 8 December 2008

by **John L Gray** DipArch MSc Registered
Architect

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

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Decision date:
16 December 2008

Appeal Ref. APP/W9500/A/08/2077914

Land adjacent to Ryefield Cottage, Ryefield Drive, Hackness Road, Scalby, Scarborough, YO13 0QY

- 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 Mr & Mrs Fearn against the decision of the North York Moors National Park.
- The application, ref. NYM/2007/1033/FUL, dated 13 December 2007, was refused by notice dated 1 May 2008.
- The development proposed is a 'coach house' style dwelling.

NYMNP

16 DEC 2008

Decision

1. I allow the appeal, and grant planning permission for the erection of a dwelling on land adjacent to Ryefield Cottage, Ryefield Drive, Hackness Road, Scalby, Scarborough, YO13 0QY, in accordance with the terms of the application, ref. NYM/2007/1033/FUL, dated 13 December 2007, and the plans submitted with it, subject to the following conditions.
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Notwithstanding the information on the application plans, no development shall take place until full details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 3) No development shall take place until details of the access and the boundary treatment and planting along Ryefield Drive, including the retention of existing trees, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) No gates shall be erected within 2.0m of the existing carriageway edge. Any gates which are erected shall not swing open over the highway.
 - 5) No works of demolition or site clearance shall be undertaken until details of measures to mitigate the impact of such works on bats present on the site have been submitted to and approved in writing by the local planning authority. Demolition and site clearance shall be carried out in accordance with the approved details.

Clarification

2. The application and its plans refer to Ryefield Drive. The Authority refers to Ryefield Lane. It appears from the representations that either may apply. I use the former, simply for consistency with the application.

16 DEC 2008

Reasons

3. While Scalby and Newby are now suburbs of Scarborough, the Authority is correct that development in the vicinity of the appeal site, west of Hackness Road and north of Scalby Beck, is 'by no means continuous'. The National Park boundary includes only that part of Scalby to the south-west of Hackness Road, which makes it understandable that it is not amongst the settlements listed in Local Plan Policy H1 in which infilling may be permitted. The Conservation Area, on the other hand, appears to extend from Scarborough Borough's area across Hackness Road to include the appeal site and property to its north-west.
4. The Authority sees the appeal site as part of a 'green wedge' between Scalby and Newby. That may be so in general terms, because of the treed nature of the area as much as its openness. It also does not see the site as a true infill plot. Again, the nature of development along Ryefield Drive and the open land immediately west and north of the site support that. But I do not see that as determinative of the principle of development when the site has an existing building on it which is unnoticeable, and to all intents invisible, from all but close to. Indeed, it seems to me that the appeal site falls within the definition of previously-developed land in *Planning Policy Statement 3: Housing* and that that must weigh in the balance against what is said in *Planning Policy Statement 7: Sustainable Development in Rural Areas* says about protection of landscape and scenic beauty in National Parks. I think that is especially so when it is highly likely that the National Park boundary was drawn along Hackness Road for functional reasons, rather than visual ones, and the distinction between Park and built-up area is somewhat blurred.
5. I disagree with the Authority that the site is an 'open' one. It has a building on it (the garage – I discount the greenhouse). It is visually enclosed on its eastern side by Ryefield Cottage, on its southern side by boundary trees and shrubs and to an extent on its western side by trees. Only on its northern side is it open – and then it is seen in close conjunction with the converted Coach House. I cannot see that there are important views to be kept open; even if there were views from or along Ryefield Drive, the size, scale and location of the proposed dwelling would not obscure them to any marked degree. Nor do I consider the proposed design inappropriate. It is unlikely that the 'coach house' style would be seen as historically incorrect because of the adjacent conversion; setting aside the nomenclature, the architectural style of the proposed dwelling is an appropriate one for the location.
6. The Authority refers to Local Plan Policies GP3, BE1 and BE12. My reasoning above leads to the conclusion that the appeal site is not an important space to be protected from development on visual, recreational, amenity, historical or cultural grounds (BE12). I consider that the proposal meets the criteria in Policy GP3 (I deal with access below) and that, moreover, the proposal would do no harm to the character or appearance of the Conservation Area (BE1). Indeed, bringing a previously developed but otherwise isolated plot of land into an effective use with an attractive building design might well be thought to enhance the area's appearance. Since my conclusion is that the proposed development would cause no harm, allowing the appeal cannot set a precedent for development elsewhere that would.
7. The highways reason for refusal does not seem to me well conceived. Ryefield Drive presently serves five dwellings (Ryefield Cottage and four substantial

dwellings beyond the appeal site) as well as the appeal site itself, the garage on which appears to be in use. Having a dwelling on the site instead of the garage would cause only a marginal change in the volume of traffic using Ryefield Drive and its junction with Hackness Road. There is ample room on the site for any traffic having business there. Service traffic (refuse and post vehicles and the like) must already use the road. I cannot at all agree that the very modest increase in generated traffic could justify either dismissal of the appeal or the suggested improvements to the junction with Hackness Road.

8. I have had regard to the decision of my colleague on Appeal A/04/1138273 in 2004. I agree with her that the area has a loose-knit character that distinguishes it from the more densely developed parts of Scalby and Newby. Unlike that site, however, I find that this appeal site is neither particularly open nor visually prominent. In addition, the substantial existing garage means it is not undeveloped. Accordingly, there is nothing in that decision to dissuade me from my conclusion above.

Conditions

9. The Authority has suggested eight conditions. The terms of the permission restrict development in accordance with the application. Flowing from my reasoning above, I do not consider the 'local needs' condition appropriate in this particular case. Restricting windows and doors to timber construction seems unduly onerous when there appears to be no Article 4 Direction applying to existing properties. A full landscaping scheme also seems an onerous requirement for a domestic garden, though the boundary treatment along Ryefield Drive may reasonably be controlled. Lastly, save to control gates, I see no need for the highways condition: the proposal is to use the existing access, which does not seem to me sub-standard for a single dwelling, and surface water would not flow on to the highway since the land falls slightly away from it (should detailed proposals alter that, I have worded the condition on boundary treatment to include the access and enable appropriate control).
10. Accordingly, in allowing the appeal, I shall make planning permission subject to conditions on facing materials, boundary landscaping, the protection of bats and a restriction on gates.

John L Gray

Inspector

