



The Planning Inspectorate

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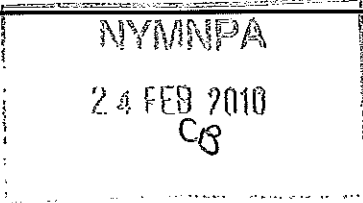
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Mrs J Cavanagh
North York Moors National Park
Authority
Development Control Support
Officer
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP

Your Ref: NYM/2009/0362/OU
Our Ref: APP/W9500/A/09/2115645/WF
Date: 24 February 2010

Dear Mrs Cavanagh



Town and Country Planning Act 1990
Appeal by Mr Tim Richardson
Site at Land To The North Of Richardsons Row, Mires Lane, Newholm, Whitby,
YO21 3QS

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

If you have queries or complaints about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at www.planning-inspectorate.gov.uk/pins/agency_info/complaints/complaints_dealing.htm. This page also contains information on our complaints procedures and the right of challenge to the High Court, the only method by which the decision can be reconsidered.

If you do not have internet access, or would prefer hard copies of our information on the right to challenge and our complaints procedure, please contact our Quality Assurance Unit on 0117 372 8252 or in writing to the address above.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 0207 947 6655.

Yours sincerely

James Buntten

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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/casearch.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

24 FEB 2010



Appeal Decision

Site visit made on 2 February 2010

by **Peter Eggleton MRTPI**

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

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Decision date:
24 February 2010

Appeal Ref: APP/W9500/A/09/2115645

Land north of Richardson's Row, Mires Lane, Newholm, Whitby YO21 3QT.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Tim Richardson against the decision of the North York Moors National Park Authority.
- The application Ref NYM/2009/0362/OU, dated 3 June 2009, was refused by notice dated 28 July 2009.
- The development proposed is a detached two storey dwelling.

Decision

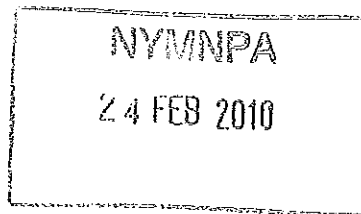
1. I dismiss the appeal.

Main issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The application is made in outline with all matters reserved. The plans show an access onto Mires Lane and they indicate the location and size of the footprint of the proposed two storey dwelling.
4. The proposal would introduce development to an open area of the village which I consider contributes positively to the overall character of the settlement. It would consolidate the urban form of this rural village. A new building sited as shown and of the size proposed would be very prominent in this location. It would not reflect the form of the closely related neighbouring properties of Richardson's Row. I consider that it would detract from the character and appearance of the area. The retention of much of the hedge would not overcome the visual harm that I have identified.
5. Newholm is classed as a *Village* in the North York Moors Local Development Framework (LDF). In the National Park, new housing development falls to be considered under Core Policy J – Housing. Sub-section 2 supports infill development for local needs housing within the main built up areas of *Villages*. The supporting text defines an infill site as a small gap within a continuously built up frontage, within the main built up area of the settlement, which can accommodate no more than one dwelling.
6. This site clearly does not represent a small gap within a continuously built up frontage. The appellant accepts that there would be a substantial open space



between the proposed dwelling and Orchard House and this clearly takes the development outside the definition of an infill site. Furthermore, even the land shown within the appellant's control could physically accommodate more than one dwelling. There is dispute as to whether this site should be considered as lying within the notional settlement boundary but this is not critical to my assessment as the site clearly does not satisfy the requirements of the policy in other ways. The proposal would be contrary to Core Policy J.

7. Core Policy A relates to delivering sustainable development. It seeks to provide for development that would support the character and function of the individual settlements. Core Policy J also seeks to maintain the vitality of local communities and support services and facilities. To achieve this it identifies which settlements should accommodate different forms of new development. I have not been persuaded that a different approach should be taken to achieving sustainable patterns of development. An ad hoc approach would clearly be contrary to Core Policy J. I do not find that this proposal gains support from the sustainability objectives of Core Policy A. As it would be harmful to the character of the settlement it would also fail to meet the aspirations of the policy with regard to the character of the settlement.
8. It has been suggested that it is historical practice that new development be allowed when all outstanding consents have been taken up in the village. It is also suggested that new development is required to maintain the vitality of the settlement and to ensure the availability of a choice of housing. I acknowledge that the appellant anticipates that the occupation of the dwelling would be restricted to local needs housing and I note his local connections. A new dwelling would bring benefits and *Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7)* anticipates that some new housing will be necessary in villages to meet identified local needs. However, no such need has been clearly identified nor has it been demonstrated that the policies of the LDF are failing to support such new development.
9. Given that this development would be harmful to the character of the settlement and would be contrary to the policies of the LDF which relate to the sustainable location of development, it would not gain support from *Planning Policy Statement 1: Delivering Sustainable Development (PPS1)*, *Planning Policy Statement 3 - Housing (PPS3)* or PPS7. These are clear that new development should meet sustainability objectives and should not compromise the character or appearance of the area.
10. The appeal decision relating to the adjacent Orchard House and the subsequent High Court challenge have been referred to. In that case, the Inspector similarly found that the proposal did not meet the infilling requirements of the policy that existed at that time. It was concluded that given the screening of the site, there were sufficient reasons to override the policy in order to counter a net loss of housing provision and to ensure the settlement's continued viability. It was also found that by removing unsightly derelict buildings and generally tidying up the site, its appearance would be enhanced. It was demonstrated in the Court that the Inspector was entitled to reach that conclusion.
11. This case differs from the Orchard House appeal in a number of ways. Most significantly, I find that this proposal would be harmful to the character and

appearance of the area. Furthermore, I have not been persuaded that allowing this dwelling would contribute significantly to the continued vitality of the settlement or that it would meet an identified need for additional housing that would not be met by proposals that would satisfy the up to date policies of the development plan.

12. Reference has also been made to other developments that have taken place in the village over many years. Whilst these now contribute to the character of the settlement, new development has to be considered in the light of the current development plan and the particular circumstances of each site. In any event, I have not been persuaded that this proposal would be entirely comparable to those previous developments.
13. Overall, this proposal would result in unacceptable harm to the character and appearance of the area. It would also conflict with the development plan. I have not been persuaded that the benefits of this proposal would be such that they would outweigh these concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR

