



The Planning Inspectorate

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Mrs A Harrison
N Yorks Moors N P Authority
The National Park Officer
The Old Vicarage
Bondgate
Helmsley
YORK, YO6 5BP

Your Ref:
NYM3/081/0038G/PA

Our Ref:
APP/W9500/A/99/1025703

25 October 1999

Dear Madam

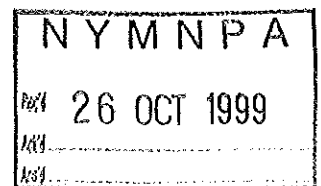
**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR & MRS A CASS
SITE AT FOX & RABBIT FARM, LOCKTON, PICKERING, N YORKSHIRE,
YO18 7NQ**

The attached decision is in a new format. Traditionally decisions have been issued as a letter. That form of layout has meant that the administrative data, facts about the appeal - including the site address, who made the appeal, the local planning authority - as well as information to support the decision and the decision itself, has been embedded within the text. This new approach is intended to provide a clearer and more customer friendly document.

All the information about the appellant, the LPA, the site, the development and the relevant legislation is now at the top of the first page. The decision itself is also given at the beginning with the reasoning which supports it following. No changes have been made to the way in which the decision is reached; the reasoning behind the decision will remain..

Yours faithfully

Mr T Mather
211B





Appeal Decision

hearing held on Wednesday 20 October 1999

by D L BURROWS DipTP MRTPI

an Inspector appointed by the Secretary of State for the
Environment, Transport and the Regions

The Planning Inspectorate
Tollgate House,
Houlton Street
Bristol BS2 9DJ
☎ 0117.987 8927

25 OCT 1999

Appeal : T/APP/W9500/A/99/1025703

- 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 brought by Mr and Mrs Cass against North York Moors National Park Authority.
- The site is located at Fox and Rabbit Farm, Lockton.
- The application (ref:NYM3/081/00389G/PA), dated 2 March 1999, was refused on 19 May 1999.
- The development proposed is retention and extension of use of field as a camping and touring caravan site.

Decision: The appeal is dismissed.

Procedural matters

1. The application as originally submitted sought permission for 7 caravans/tents on a site measuring approximately 115m by 40m. The application was subsequently amended to provide 10 pitches on a reduced area of about 70m by 40m. I shall determine the appeal on the basis of the amended plans which were the subject of the planning authority's decision.
2. At the hearing it was explained that the 10 pitches were intended to refer to trailer tents and caravans and not tents carried by back-packers who used the site from time to time. However the park authority witness said that the decision had been taken on the understanding that the application referred only to a maximum of 10 tents/caravans irrespective of means of transport to the site. I have seen nothing in the papers submitted with the application to indicate otherwise. I therefore regard the application as seeking permission for only 10 pitches.
3. The description of development refers to the retention and extension of use as a camping/caravan site. However The Camping and Caravanning Club's exemption certificate for 5 caravans on the site was withdrawn in July 1998. There is no planning permission for use as a camping site and it appears that since July the appellants have been exercising permitted development rights as set out in the first schedule, para 2 of the Caravan Sites and Control of Development Act 1960. It was clarified at the hearing that 'extension' relates to an increase in numbers from those allowed by permitted development. In geographical terms the application site area is smaller than the area previously used.

The development plan

4. The appeal site lies within the North York Moors National Park. The twin purposes of any national park are firstly to conserve and enhance the natural beauty, wildlife and cultural heritage of the park and secondly to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public. Where there is conflict between these two purposes it is acknowledged that conservation of the natural environment takes precedence.

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APPEAL DECISION

5. The development plan is the North Yorkshire County Structure Plan 1995 (SP) and the North York Moors Local Plan 1992 (LP). Policies brought to my attention include E1 of the SP and G1 of the LP which say that priority will be given to conservation of the landscape in the national park. These policies create a presumption against development except where it can be shown to be necessary in that location. Policy R1 of the SP is positive in its approach to the provision of recreational/leisure facilities in locations which are accessible to public and private transport if there is no detriment to local interests.

6. Policy R10 of the SP deals specifically with holiday caravan/camping and is permissive of proposals only where the local environment can absorb such development. It sets out various criteria to consider proposals against including opportunities for local informal recreation, accessibility to local services, impact on residential amenity, and access to the major road network. Policy R11 goes on to state a preference for touring caravan sites as opposed to static caravans. Policy TR4 of the LP is similar in content to R10.

7. In addition the SP at I13 seeks to encourage the provision of tourist accommodation which amongst other things will improve the range of local facilities and F5 of the LP supports farm diversification if certain criteria are met. These include compatibility with the objectives for conservation, quiet recreation and tourism with respect to a development's character, scale and location.

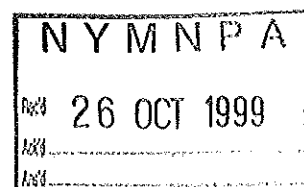
The main issues

8. The main issue in this case is the impact of the proposed development on the character and appearance of the locality, having regard to national and local policies to preserve and enhance the natural beauty of the national park while providing for its enjoyment by the public.

Inspector's reasons

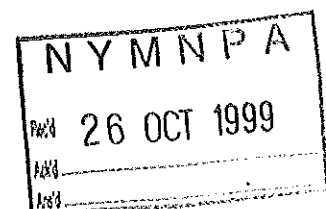
9. The appeal site lies in the open countryside to the north of Pickering and to the south of Lockton village. It is next to an assortment of buildings/uses to the east of the junction of the A169 - Whitby Road and the Thornton le Dale - 'C' road. At the junction is the Fox and Rabbit Inn which provides food and drink, and its car park. Set slightly behind this is the Eatwell café/restaurant with its own car park at the rear. Fox and Rabbit farmhouse is to the south of these buildings with a domestic access from Thornton Road. The farm yard and buildings are located to the north of the farmhouse and to the east of the Eatwell. The appeal site adjoins the farm yard to the east, on its other boundaries are open fields.

10. Immediately on the northern boundary of the appeal site is a public footpath which to the west crosses the A169 and links into the footpath system around Lockton and Levisham, whilst to the east it drops down to the Forest of Dalby with its myriad of walks/footpaths. Although there is screening around the appeal site there are virtually continuous views into it from the footpath and the caravan on the site at the time my visit was clearly visible from Thornton Road. It seems to me that despite the 'manicured' appearance and enclosure of the site, it is not seen as part of the cluster of buildings at the junction, but as part of the wider countryside area. I share the view of the park authority that the extent of the built area is defined by the farmyard buildings and I find the appeal site is clearly separate from this. Approval of the proposal would therefore result in an encroachment of development into the open countryside and caravans and tents by their alien appearance would be out of keeping and harmful to the appearance of the national park.



APPEAL DECISION

11. In reaching this conclusion I have been mindful that it would be possible to further screen the site with vegetation and/or preclude the use during the winter months when vegetation is sparse and does not provide as effective a screen. However because of the proximity, I do not believe that this would be an effective solution for near views from the footpath and additional conifer planting in the locality would to my mind emphasize further the domestic nature of development which is apparent around the farmhouse and at the rear of the Eatwell.
12. Permitting the proposal would inevitably increase the amount of activity in the immediate locality. I accept that the road network is capable of accommodating increased traffic. However it seems to me that encouraging additional numbers of people would affect the balance which is to be found between protecting the natural beauty of the park, whilst at the same time providing for public enjoyment. The existing uses are capable of generating a significant amount of activity and even though such activity may at present be seasonal or confined to particular times of the week, trends change and levels of activity can change dramatically through factors which are outside planning control. In any event it seems to me that the existing level of activity at the junction is already more than one would expect in a national park outside of a settlement.
13. I am aware that planning permission has been granted for the change of use of the Eatwell to 4 holiday units and accept that such a use would be likely to generate less traffic than the restaurant. However it remains to be seen whether that permission will be implemented. I have also taken account of the caravans which can use the site under permitted development rights, but even were the site to be re-certified by The Camping and Caravanning Club, the present proposal seeks double the level of provision that would be permitted under the terms of that certificate. I find that, despite the existing uses, because the appeal site lies within the open countryside the additional activity which would be created by permitting the proposal would weigh against the proposal.
14. It has been argued that there is a need for the facility and I do not doubt the demand from visitors to the site who appreciate its solitude and its location. Whilst I accept that some visitors prefer to stay at the appeal site this does not mean that within the park there is a shortage of touring sites or that the site has facilities which are not available elsewhere. The evidence produced at the hearing indicates that there are touring sites in the immediate locality and that generally in the park there is no lack of camping/caravanning sites. This is recognised in the emerging local plan where policy TM6 is more restrictive than existing development plan policy and precludes the establishment, extension or intensification of these type of facilities.
15. Policy F5 of the LP is supportive of farm diversification only when certain provisos are met. In this particular case my findings above indicate that I do not consider the proposal because of its character, scale and location to be compatible with the conservation objectives of the park. Therefore although I sympathise with the appellants wish to supplement their income in this increasingly difficult time for farmers I do not consider the proposal is justified in terms of this policy.
16. I accept that the exercise of permitted development rights means there is the potential for caravans to be on the site irrespective of whether planning permission is granted or not, but the number of units on the site and the scale of activity would be less under the terms of permitted development than that sought by the appellants. Moreover I accept that there may be other sites which are more obtrusive and harmful to the character and appearance of the national park, but this to my mind does not justify approval of a further development which I consider would be unacceptable in terms of its impact.



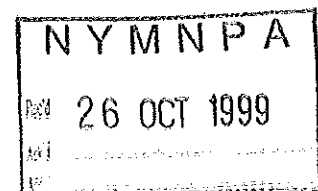
APPEAL DECISION

17. There is no dispute between the parties that, even when permitted numbers have been exceeded, the site has been run in an orderly fashion and not caused disturbance to neighbours. The park authority has not raised issue on this ground. Moreover I appreciate that within the locality there are opportunities for informal recreation and access to the Moors bus, factors which are required to be taken into account by development plan policy and weigh in favour of a development.

18. I have also taken into account all the other matters raised including precedent, the previous appeal decisions and the site history of the Fox and Rabbit and adjacent land, but I am required to treat each application primarily on its own merits which I have done. When weighing all factors in the balance I conclude that the proposed development would harm the character and appearance of the national park and is therefore contrary to development plan policy.

Conclusions

19. For the reasons given above I conclude that the appeal should not, on balance, succeed and I shall exercise the powers transferred to me accordingly.



APPEAL DECISION

APPEARANCES

FOR THE APPELLANT:

Dr M Bel

Ward Hadaway Solicitors, Sandgate House, 102 Quayside, Newcastle-upon-Tyne.

Mr and Mrs Cass

Fox and Rabbit Farm, Lockton

FOR THE LOCAL PLANNING AUTHORITY:

Mr M Southerton

North York Moors National Park Authority

INTERESTED PERSONS:

Mr H J Roberts

Fox and Rabbit Inn, Lockton

Mr J Harrison

Resident of Lockton

Mr and Mrs W M Beilby

119 Beaconsfield Road, Withemsea.

DOCUMENTS

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| Document | 1 | List of persons present at the hearing. |
| Document | 2 | Notification of hearing and list of people notified. |
| Document | 3 | Letter from Mr Beilby dated 19 October 1999. |
| Document | 4 | Guide to North Riding Forest Park. |
| Document | 5 | Moors 99. |

PLANS

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|------|---|--------------------------------|
| Plan | A | Application plans x 2. |
| Plan | B | Caravan sites in Lockton area. |

PHOTOGRAPHS

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| Photo | 1 | 3 x appeal site 1995 and 1988. |
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