



# The Planning Inspectorate

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

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Your Reference

Our Reference  
T/APP/W9500/A/93/228709/P8  
Date

17 DEC 1993

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPLICATION NUMBER:- NYM4/018/3009/PA

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the North Yorkshire Moors National Park Committee of the North Yorkshire County Council to refuse outline planning permission in respect of an application for the erection of a dwelling on land at Newby Bridge, adjoining Hackness Road, Newby. I have considered the written representations made by you, by the Council, by the Newby and Scalby Parish Council, and also those made by other interested persons directly to the Council and forwarded to me. I inspected the site on 22 November 1993.

2. The site, a roughly triangular shaped plot of land, is situated on the northern side of the Sea Cut adjacent to Hackness Road and Newby Bridge (shown on the OS sheet as Scalby Bridge). To the immediate south of the site is a footpath along the top of the Sea Cut bank. There is an agricultural access into the site at its south-eastern corner. To the west of the site is a domestic curtilage and to north and east, beyond Hackness Road, is agricultural land.

3. The North York Moors National Park was designated in 1952, the objectives of the designation being the preservation and enhancement of the natural beauty of the Park, and the promotion of its enjoyment by the public.

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4. In my consideration of this appeal I have taken into account and accorded substantial weight to policies E1 and H5 of the approved North Yorkshire Structure Plan, including Alteration No 2; and to policies G1, G2 and H5 of the adopted North York Moors Local Plan.

5. From my inspection of the site and the surrounding area and from the written representations received, I am of the opinion that the decision rests on whether there is sufficient justification in this case to warrant an exception being made to development plan policies which seek to restrict new development outside settlements, and if so on the effect of the proposal on the appearance of this part of the National Park; and on highway safety.

6. Section 54A of the 1990 Act requires that where a development plan is material to a development proposal it must be taken into account, and the application or appeal determined in accordance with such plan, unless material considerations indicate otherwise.

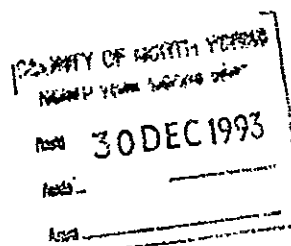
7. Structure Plan policy H5 and Local Plan policy H5 seek to resist development not related to settlements unless required to meet the needs of agriculture, forestry, or in relation to any other exceptional circumstances which would warrant the grant of planning permission.

8. While I accept the Committee's contention that the site lies in a peripheral position in relation to the village of Scalby, it is situated adjacent to residential properties along and off Hackness Road to the west. It would therefore seem to me that the proposal would constitute a logical rounding off of development on the western side of Hackness Road on the Scalby side of the Sea Cut.

9. Accordingly, I take the view that the site should be considered as lying within the settlement boundary, and that the application of Structure Plan policy H5 and Local Plan policy H5 would not be appropriate in this case.

10. However, policies E1 of the Structure Plan and G1 of the Local Plan seek to ensure that priority is given to the conservation of the landscape within the National Park, and to resist new development except where it can be shown to be necessary in that location.

11. The land to the north and east of the site provides a substantial visual break between the built-up areas of Scalby and Newby. The site, although isolated from that larger area of land, forms an important part of such visual break together with the undeveloped land on the western side of Hackness Road on the southern side of the Sea Cut. The visual importance of the site as part of the break is much in evidence when travelling, in both directions, along Hackness Road.



12. Your only argument to justify the proposal is that there is residential development adjacent to the site which has no connection with agriculture. This may be so, but such reason presents no grounds as to why the proposed dwelling is necessary in this location.

13. In my opinion the proposal would be detrimental to the appearance of this part of the National park, and as such would run contrary to the aims of Structure Plan policy E1 and Local Plan policy G1. It would also conflict with the aims of Local Plan policy G2 which seeks to ensure that proposed developments would help to preserve and enhance the natural and built environment of the National Park.

14. I now turn to the question of highway safety. Concern has been raised by the local planning authority and the District and Parish Councils that the vehicular access would be close to a narrow and dangerous bridge.

15. Although the planning application is for outline approval with all matters of details, including access, reserved for subsequent approval you have indicated, at item 4(c) on the application form, that the site already has a vehicular access. This seems to me to infer that it is your intention to retain that access in respect to the proposed development, particularly as you have crossed out the reference to a new access.

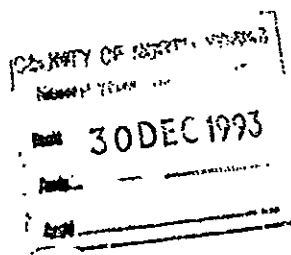
16. I consider that the continuation of use of the existing access in relation to residential development, which would be likely to increase traffic flow into and out of the site, would create an unacceptable traffic hazard. This would arise from the fact that the access is situated close to a narrow bridge at a point in a bend in the road.

17. The attention of drivers travelling northwards along the road would primarily be concentrated on such hazards and they may be ill prepared to be confronted with the additional hazard of traffic turning into or emerging from the site.

18. I have arrived at this conclusion notwithstanding the fact that no objection, on highway grounds, has been raised by the District Council's Directorate of Technical Services.

19. The local planning authority have expressed concern that if approval is granted in this case it would make it very difficult, by reason of precedent, to resist similar proposals for development which would consolidate loose knit ribbons or groups of development outside the main body of villages.

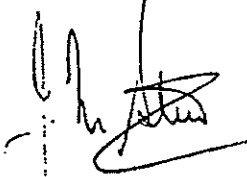
20. As I have already stated I consider this site to lie within the settlement boundary. However, each planning application has to be considered on its own merits and the fact that any other proposal has been approved, or refused, does not lead to a presumption that a similar decision would, or should, apply in respect to any subsequent proposals, as the criteria to be considered in each case may vary.



21. I have taken into account all the other matters raised in the written representations, but do not find therein any reasons that outweigh the considerations that have led me to these conclusions.

22. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your appeal.

Yours faithfully



J M STEERS DA(Manc) Architect  
Inspector

REGISTRY OF  
NEW YORK  
DATE 30 DEC 1993  
TIME  
APR