



# The Planning Inspectorate

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Miss F A Ward (National Park Officer)  
North York Moors National Park Authority  
The Old Vicarage  
Bondgate  
Helmsley  
York  
YO62 5BP

Your Ref: NYM4/018/3020/PA  
Our Ref: APP/W9500/A/02/1097724  
Date: 24 December 2002

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Dear Madam

TOWN & COUNTRY PLANNING ACT 1990  
APPEAL BY WILSON CONSTRUCTION SERVICES LTD  
SITE AT RYEFIELD, HACKNESS ROAD, SCALBY, SCARBOROUGH, NORTH YORKSHIRE, YO13  
0QY

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

If you have any queries relating to the decision please send them to:

Quality Assurance Unit  
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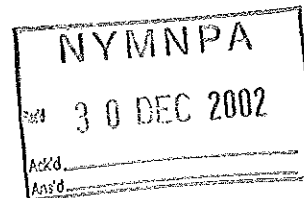
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Yours faithfully

Mr Tim Mather

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# Appeal decision

Site visit made on 18 December 2002

by **Mike Croft** MA DipTP MRTPI

an Inspector appointed by the First Secretary of State

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Date 24 DEC 2002

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**Appeal ref APP/W9500/A/02/1097724**

**Ryefield, Hackness Road, Scalby**

- 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 Wilson Construction Services Ltd against the decision of the North York Moors National Park Authority.
- The application (ref NYM4/018/3020/PA), dated 28 February 2002, was refused by notice dated 13 May 2002.
- The development proposed is the erection of a dwelling and garage.

**Summary of decision: the appeal is dismissed.**

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## Main issue

1. In my opinion, the main issue is whether the appeal project would harm the appearance of the area.

## Planning policy

2. The development plan includes the North Yorkshire County Structure Plan, its latest alteration having been approved in 1989, and the North York Moors National Park Local Plan, adopted in 1992.
  3. Structure Plan policy E1 says priority will be given to the conservation of landscapes and general amenity of the National Park, with a presumption against new development unless shown to be necessary. Local Plan policy H2 says that only infill housing development to meet local need will be permitted in the seemingly small villages listed. Policy H4 indicates criteria for new housing development within apparently somewhat larger specified villages. Policy H5 says that in the countryside and outside the villages listed in the other policies new housing development will not normally be permitted, unless it is necessary to meet the essential needs of rural workers; such housing meeting those criteria should be located, *inter alia*, within or adjacent to an existing group of houses; proposals for new housing development in hamlets and villages not listed under the other policies will be treated as if they were in the countryside; any development allowed under this policy will be subject to employment-related occupancy conditions.
  4. The North York Moors Local Plan is at an advanced stage in its process towards becoming part of the development plan, the Authority having accepted the inquiry Inspector's recommendations. This Plan is therefore worthy of considerable weight because of the stage it has reached. Its main new policy element relevant to this case is policy BE12. Reflecting the inquiry Inspector's recommendations, that says that the development of
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undeveloped sites within or adjacent to specified settlements will only be permitted where there is no unacceptable impact on the visual, amenity or other specified value of such sites.

### **Reasons for Inspector's decision**

5. The appellants make a case for consideration of their project under adopted Local Plan policy H4 or, if not, under policy H2. Taking the policies literally, however, I do not believe that can be right, as the appeal site clearly does not lie within the villages specified. It is within a small area of large detached houses and bungalows just within the National Park close to the developed areas of Scalby and Newby, which are immediately beyond the Park boundary. I believe the Authority's policy stance is a reasonable one: they accept that because of the reality of the situation on the ground it would be difficult to resist the appeal project unless it were properly judged to be visually harmful. I therefore believe that the thinking behind policy BE12 is of particular significance.
6. The appellants argue both that the site should not be regarded as falling within the ambit of policy BE12 and, even if it does, any visual impact would be very limited. They point out that the site is a private garden with substantial tree and shrub boundaries to the east and south. They say it is not visible from most of Hackness Road to the east and north or from the public footpaths along the Sea Cut drainage channel to the south. They argue that the boundary screening means that only the roof of the proposed dwelling would be seen, and that usually against the backdrop of Ryefield at a higher level.
7. I have no doubt that some of these points are right. Much of the site is not seen from the Sea Cut paths because of the substantial intervening screening, and very little of the proposed dwelling would be seen from there.
8. However, I believe the position is different so far as views from Hackness Road are concerned. In making my assessment on this I take careful account of relative ground levels and building heights. I saw that the ground on which the proposed dwelling would be built is about 2-2½ m lower than the ground where Ryefield sits. I saw that Ryefield is about 9 m high to its roof ridge. The plans show that the proposed dwelling would be about 10½ m high to its roof ridge.
9. Taking the position from opposite 113 Hackness Road, the nearest of 2 low bungalows to the appeal site, it is clear to me that, notwithstanding Ryefield's higher ground level, the roof ridge of the proposed dwelling would appear higher than Ryefield's. The greater proximity of the proposed dwelling to the road is particularly instrumental here. It seems to me that this would give rise to a greater dominance of built development in the scene, and that would be somewhat unfortunate in this area of loose-knit development with the 2 bungalows in the foreground. I do not believe that that would be sufficient on its own to reject the appeal project, but that is not the end of the matter.
10. From further north along Hackness Road, ie from various positions near the access to Ryefield, the appeal site is seen as an open gap between Ryefield and no 113. That openness is evident in spite of the substantial boundary screening. There are attractive views from here to undeveloped landscape within the National Park beyond the appeal site. It seems to me that those views, including the appeal site, are an important part of the character of this area of loose-knit development. The absence of development on the appeal site provides a gap between the contrasting forms of Ryefield and no 113. To my mind, those contrasting forms need that gap. The appeal project would mean that the gap would

disappear. I have no doubt that more than the roof, itself a significant element in any event, of the proposed dwelling would be seen from Hackness Road in spite of the boundary screening.

11. It may be that in some circumstances the sort of criticisms I have outlined in paras 8-10 above would not justify withholding permission. But I have to bear in mind the appeal site's location within the National Park, the purposes of the Park, and the terms of Structure Plan policy E1. I do not believe the appeal project would accord either with that policy or with the thinking behind new policy BE12.

**Other matters and conclusion**

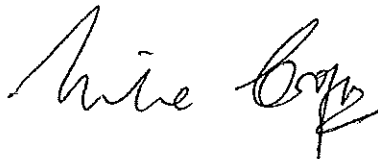
12. I have taken account of all other matters raised. These include references to traffic danger arising from increased use of the existing access. I do not take that to be a serious problem. However, for the reasons given above, I conclude that the appeal should be dismissed.

**Formal decision**

13. In exercise of the powers transferred to me, I dismiss the appeal.

**Further information**

14. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.



INSPECTOR