



# The Planning Inspectorate

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The National Park Officer  
North Yorkshire Moors  
National Park Department  
The Old Vicarage  
Bondgate  
Helmsley  
York YO6 5BP

Your Ref:  
NYM4/024/0049C/PA  
Our Ref:  
APP/W9500/A/97/286879

Date: 12 January 1998

Dear Sir/ Madam

TOWN AND COUNTRY PLANNING ACT 1990  
APPEAL BY MR M TAYLOR.  
SITE AT COURT GREEN, NEWLANDS LANE, CLOUGHTON, SCARBOROUGH.

I enclose a copy of our inspector's decision letter.

Yours faithfully

MRS C A LEE  
Planning Appeals Administration  
212A

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Ack'd	_____
Ans'd	_____



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Alan Campbell  
Chartered Architect  
7 Cliff Bridge Terrace  
SCARBOROUGH  
YO11 2HA

Your Ref:

649

Our Ref:

T/APP/W9500/A/97/286879/P4

Date:

17 JAN 1998

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY MR M TAYLOR  
APPLICATION NO: NYM4/024/0049C/PA

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the North York Moors National Park Authority to grant planning permission subject to conditions on an application for the use of the three properties known as Court Green, Mole End and The Willows as three dwellings and the provision of a new access drive to Mole End at Court Green, Newlands Lane, Cloughton, Scarborough. I have considered the written representations made by you and by the National Park Authority. I inspected the site on 6 January 1998.

2. The condition in dispute is No 7 which provides that the dwelling unit hereby approved, referred to as Mole End on plan 649/11 received on 3 March 1997 shall not be used for residential purposes other than to provide ancillary accommodation for either the dwelling known as Court Green or the dwelling known as The Willows or for holiday letting purposes managed only by the owners/occupiers of Court Green. For the purposes of this condition "ancillary use" means the property shall be used only for members of the family or the occupier of either the above independent dwelling units and "holiday letting" means letting to the same person, group of persons or family for periods not exceeding a total of 28 days in any one financial year.

3. The reason for the condition is that the local planning authority considers that the creation of three permanent dwellings on this site would constitute over-development and, due to the unsatisfactory relationship with the adjacent dwellings, its permanent occupation would result in undesirable standards of residential amenity.

4. From my inspection of the site and its surroundings, and my consideration of the representations made, I consider that there are three main issues to be decided in this appeal. The first main issue is the effect of the scheme on the Cloughton Conservation Area and, in particular, whether it would preserve or enhance its character or appearance. The second main issue is the effect on the living conditions of potential occupiers of Mole End with particular regard to the size of the dwelling and its curtilage and the convenience of the



proposed access. The third main issue is the effect of the scheme on the occupiers of Court Green with particular regard to privacy.

5. In respect of the first issue I observed that your client's site is an irregularly shaped area of land which lies between the Cober Hill Hotel and Court Green Farm on the north side of Newlands Lane within the village of Cloughton some 6 km to the north of Scarborough. It contains a number of 2 and 3 storey residential buildings which have been erected on an incremental basis and which now form a single structure. Your client sought planning permission to create, from this building group, three permanent independent dwellings, each with its own curtilage.

6. Consent has been granted for a part to be known as Court Green and another to be known as The Willows to be used as permanent dwellings. Condition 7 attached to the consent of 23 April 1997 however limited the occupation of the third dwelling to be known as Mole End in the way I have described in paragraph 2. You contend that this condition is not necessary because Mole End could also function as an independent permanent dwelling. Your client's application was modified prior to the Council's decision which was, I understand, based on drawings 649/01, 649/9, 649/10A and 649/11. The Council has subsequently granted planning permission for a revised means of access to Mole End which differs from that shown on drawing 649/11 but my decision on your client's appeal is based solely upon the drawings which I have listed above as having been the subject of the Council's decision.

7. The Council refers to the adopted North York Moors Local Plan which, in policy BC2, provides that within conservation areas all buildings and features which make a significant contribution to the character of the area will be retained. New development must enhance the character of the area by virtue of its design, materials and detailing. Policy BC11 of that plan provides that the conversion of redundant buildings on any site wholly within the village will normally be acceptable in principle provided that the scale, design and use of materials retain the existing character of the building and the proposed conversion makes a positive contribution to the character of the village. Reference is also made to the North Yorkshire County Structure Plan which, in policy E1, provides that within the North York Moors National Park important buildings and other heritage features must be protected and enhanced.

8. Your client's site is within the Cloughton Conservation Area but the building group is not proposed to be altered in ways which would harm the appearance of the area. The Council argues, however, that its quiet and peaceful character would be eroded by the occupation of the site by three separate households. It regards such a level of occupation as unduly intensive. Each proposed dwelling would however be provided with an extensive private domestic curtilage. There would be a substantial degree of separation between the group of three proposed dwellings and the other buildings within the conservation area. The Council has presented no reason at all why the impact of three permanent households should be significantly different from that of two permanent households and one household occupying Mole End as ancillary or recreation accommodation.

9. The Council makes a generalised reference to the possible need for additional works associated with the proposed access to Mole End but does not clarify what these might be or what effect they might have on the appearance of the locality. It has, in any case, already expressed the view that the proposed access is satisfactory in highway terms. There is

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therefore no reason why additional works, beyond those proposed by your client, should be needed. I conclude, for these reasons, that your client's scheme would preserve the character and appearance of the conservation area.

10. In respect of the second issue the Council argues that Mole End would provide less generous living space than Court Green or The Willows. It also contends that, due to the sloping nature of its curtilage, it would have a smaller usable area of private outdoor amenity open space than the other two dwellings. Mole End would have two bedrooms compared with three at each of the other two dwellings but could still be occupied as a viable small dwelling. The private outdoor amenity open space proposed to be associated with Mole End is very extensive. It greatly exceeds that enjoyed by the majority of newly constructed dwellings. The slopes would, in my view, not have a significant effect on the enjoyment of that area. The proposed vehicular and pedestrian access to Mole End would be more circuitous than that to the other two dwellings but, in its own terms, would be perfectly acceptable and convenient. For these reasons I conclude that your client's scheme would not have an unacceptably harmful effect on the living conditions of the occupiers of Mole End.

11. In respect of the third issue the Council refers to the proposed access driveway to Mole End. This would run along the southern and western edges of the curtilage of Court Green. Pedestrians and vehicles using that highway would be visible from Court Green at a distance of some 12 m to 26 m and its users would be able to look into the garden of Court Green. The distances are such that the private enjoyment of the dwelling of Court Green would not itself be impaired. The distance from the Court Green dwelling to the proposed access to Mole End would be no less and, for most of its length would be considerably more, than the distance which already separates Court Green from the public highway of Newlands Lane. For this reason I conclude that the use of that driveway by pedestrians and motorists seeking access to the single dwelling of Mole End would not materially affect the private enjoyment of Court Green. There would, furthermore, be no significant difference in the impact of the use of the driveway by permanent residential occupiers from the impact of those occupying Mole End as ancillary accommodation or as holiday makers. I conclude that your client's scheme would not have an unacceptably harmful effect on the occupiers of Court Green.

12. For the reasons I have given in respect of all three issues, I conclude that the occupation of Mole End as a permanent independent dwelling would accord with the provisions of the development plan to which I have referred. There are no convincing reasons why my decision should be other than in accordance with this. Condition No 7 therefore fails the test of necessity as presented in Circular 11/95: "The Use of Conditions in Planning Permissions."

13. I have had regard to all the other matters raised but have found nothing of sufficient weight to override the considerations which led to my decision on this appeal.

14. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and vary the planning permission No: NYM4/024/0049C/PA for the use of the three properties known as Court Green, Mole End and The Willows as three dwellings and the provision of a new access drive to Mole End at Court Green, Newlands Lane, Cloughton, Scarborough, granted on 23 April 1997 by the North York Moors National Park Authority by deleting condition No 7.

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15. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Yours faithfully

*P.F. Young*

P F YOUNG ARICS MRTPI  
Inspector

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