



The Planning Inspectorate

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Mrs A Harrison (The National Park Officer)
N Yorks Moors NP Authority
The Old Vicarage
Bondgate
Helmsley
York,
YO6 5BP

Your Ref: NYM/027/014/OL
Our Ref: APP/W9500/A/00/1050945
Date: 11 January 2001

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR & MRS J BRAND
SITE AT OS 0034, RAVENHALL ROAD, RAVENSCAR, NTH YORKS**

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:

The Complaints Officer
The Planning Inspectorate
Room 14/04
Tollgate House
Houlton Street
Bristol
BS2 9DJ

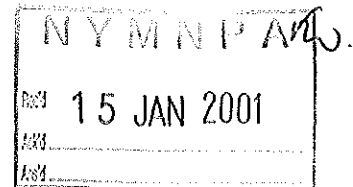
Phone No. 0117 987 8927

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Yours faithfully


Mr T Mather

COVERDL1





Appeal Decision

Site visit made on 18 December 2000

by **David C Pinner** BSc DipTP MRTPI

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

The Planning Inspectorate
Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ
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Date

15 JAN 2001

Appeal Ref: APP/W9500/A/00/1050945
OS 0034, Raven Hall Road, Ravenscar

- 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 and Mrs J Brand against the decision of North Yorkshire Moors National Park Authority.
- The application (ref:NYM4/027/0140/OL), dated 22 May 2000, was refused by notice dated 21 August 2000.
- The development proposed is the erection of five dwelling houses and garages, including provision of access.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Procedural Matters

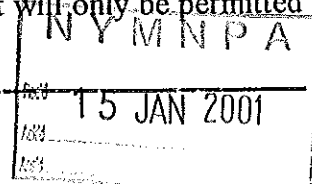
1. The application was made in outline with all matters reserved except for siting and means of access.
2. I have taken into account the Unilateral Undertaking provided by the appellant, the effect of which would be to limit the occupancy of the proposed houses to people with a need to live in the National Park.

Main Issues

3. Section 54A of the Town and Country Planning Act 1990 requires that planning decisions be made in accordance with the provisions of the development plan unless material considerations indicate otherwise. There is no dispute between the parties that the proposed development would be contrary to current development plan policies. From this, the written representations and my visit to the site and the surrounding area, I think that the main issues in this case are firstly, the effect of the proposed development on the character and appearance of this part of the North York Moors National Park, secondly, whether any harm could be outweighed by a need for the development in this location, having regard to emerging local plan policies and thirdly, if so, whether the emerging local plan is a material consideration of sufficient weight to indicate that development should be permitted notwithstanding its conflict with the development plan.

Planning Policy

4. The development plan in this case comprises the North Yorkshire County Structure Plan and the North York Moors Local Plan of 1992. Structure Plan policy E1 gives priority to the conservation of the landscape in the National Park. Development will only be permitted

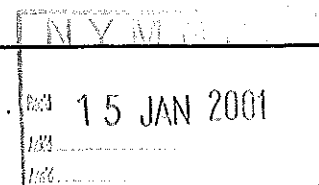


where it can be shown to be necessary in that location. Local Plan policy G1 is in similar vein, whilst policy H2 identifies Ravenscar as a village where new housing development will only be permitted as infill development. The occupancy of such housing will be restricted to people with a local need or connection, in accordance with criteria set out in the policy. Policy H3 defines infill development as being the filling in of a small gap capable of accommodating only one or two houses in an otherwise built up frontage.

5. The Local Plan is due to be replaced and a deposit draft of the replacement North York Moors Local Plan was published in November 1999. Changes are to be made in response to the public consultation exercise and the National Park Authority intends to publish a second deposit draft later this year. Policy H2 of the replacement local plan is intended to address concerns about the difficulty in meeting the housing requirements of people with a need to live in the National Park on the dwindling supply of infill sites. It identifies Ravenscar as one of the villages where larger sites within the existing built up area may be developed for up to six appropriately designed small houses. Occupancy is to be limited to local people or those with an essential need to live in the National Park in accordance with criteria set out in policy H1. In effect, policy BE1 requires that the reasons for developing any undeveloped sites within settlements outweigh the value of the site in terms of such qualities as its visual, recreational, historical or amenity importance to the area, coupled with the lack of acceptable alternative solutions.
6. The location of the site within the National Park and the North Yorkshire and Cleveland Heritage Coast establishes that the conservation of the landscape and natural environments are of prime concern.

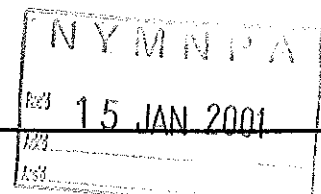
Reasons

7. My impression of Ravenscar was that many of its buildings are of a somewhat suburban character. The pattern of development is very loose-knit and the settlement lacks a traditional village core. It is not a picturesque village, but it is set within, and dominated by, one of the country's most spectacular coastal landscapes.
8. The appeal site is undeveloped farmland. It forms the major part of the undeveloped frontage which separates a ribbon of six dwellings from a cluster of buildings located around the junction of Raven Hall Road and Church Lane. The site is prominent and its development would consolidate the main cluster of development by linking it to the ribbon of six houses. The layout of the proposed development echoes the suburban pattern of the surrounding development. However, I think that a solution based on the more traditional patterns of the majority of the Park's villages would look out of place here.
9. The appeal site represents a sizeable gap in the developed frontage to Raven Hall Road and I consider it to form part of the wider landscape which dominates the character of the village. The loss of this gap would further suburbanise this part Ravenscar to the detriment of the landscape, conflicting with planning policies which give priority to its conservation. I have concluded on the first issue that the proposed development would harm the character and appearance of this part of the North York Moors National Park.
10. On the second issue, the emerging Local Plan identifies Ravenscar as a village where larger infill sites might be appropriately developed for up to six dwellings to meet the housing requirements of people who need to live in the National Park. Having regard to the loose-knit pattern of development in Ravenscar, the development of any larger infill site within



the village would be likely to harm the character and appearance of this part of the National Park. The emerging policy must therefore be regarded as a concession that this is a matter which may be outweighed by this particular need for new dwellings.

11. Emerging policy H2 envisages limited new housing development in Ravenscar. Although I think it generally envisages the development of sites somewhat smaller than the appeal site, having regard to the nature of the surrounding development, the submitted scheme does respect the setting of the site. In simple terms, policy BE1 requires the new development to be put where it would cause least harm, having regard to the alternatives.
12. The Planning Officer's report at the application stage adopted such an approach, concluding that the appeal site was the most suitable in Ravenscar. From what I saw, I have no reason to conclude differently. I disagree, however, that the development of this site would make it difficult to resist similar proposals on other sites. One of the distinguishing features of the appeal site is that it directly adjoins the main cluster of existing development and links it to another group of buildings. There are no other sites which share exactly the same circumstances. Any other proposals would have to be considered on their own particular merits. Furthermore, if the appeal site were the most appropriate site, for the purposes of policy BE12, it would be difficult to argue in respect of any other sites that there was not an acceptable alternative. The development of this site would therefore make it easier to resist similar proposals on other sites. All things considered, it is my conclusion on the second issue that the harm which would be caused by the proposed development could be outweighed by a need for the development in this location, having regard to the emerging local plan policies.
13. Turning to the third issue, although the emerging Local Plan is at a relatively early stage in its preparation, it has been placed on deposit. The National Park Authority acknowledges that those representations relating to policy H2 are generally supportive. Whilst they say that various points were raised in the representations, no further details are given. This suggests to me that none of the points raised objections which might lead to major alterations to the policy. Under such circumstances, paragraph 48 of Planning Policy Guidance Note 1 *General Policy and Principles* advises that considerable weight can be attached to the policy because of the strong possibility that it will be adopted, replacing the equivalent policy in the existing development plan.
14. I note that the current Local Plan predates the latest alteration to the Structure Plan and is based on the previous Structure Plan plan period of 1981 to 1996. Nevertheless, many of its policies will not be time bound and can be given full weight. However, existing policy H2 is part of a housing supply strategy relating to that period. The National Park Authority acknowledges that there is a dwindling supply of small sites and new policy H2 is intended to address this problem. On this basis, I consider that additional weight can be given to the emerging policy since it is more up to date than the existing policy.
15. All things considered, I have reached the conclusion on the third issue that, on balance, the emerging Local Plan policy H2 is a material consideration of sufficient weight to indicate that this development may be permitted notwithstanding its conflict with the existing development plan. In view of my conclusion on the second issue, I consider that the development is acceptable.



Conditions

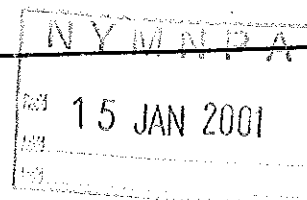
16. I have considered the conditions suggested by the National Park Authority. A condition restricting occupancy of the dwellings to those with a need to live in the National Park is necessary to comply with the emerging Local Plan. The Unilateral Undertaking also achieves the same end. Conditions covering matters of detail and landscaping are not needed because they relate to matters which have been reserved. I consider that a condition restricting permitted development rights is necessary as a precaution against unsightly additional development given the prominent location of the site. Conditions requested by the County Highways Authority are necessary to ensure that the access to the site is properly constructed and that parking and turning facilities are maintained. I have added to the condition to reflect that the submitted plans give no constructional details of the access.
17. I have considered all other matters raised. Notwithstanding objections on grounds of highway safety, I note that the proposed access arrangements are acceptable to the Highway Authority. I attach little weight to local support for the proposals, which tends to assume that the houses will be affordable and reserved for local people. Planning Policy Guidance Note 3 *Housing* advises that such housing needs are best met through exceptions policies, whilst emerging policy H2 is intended to meet a much broader housing need within the National Park as a whole. No other matters raised are of sufficient weight to alter my conclusions in this appeal.

Conclusions

18. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

19. In exercise of the powers transferred to me, I allow the appeal and grant outline planning permission for five dwellinghouses and garages, including provision of access, at Field OS 0034, Raven Hall Lane, Ravenscar in accordance with the terms of the application No: NYM4/027/0140/OL dated 22 May 2000 and the plans submitted therewith, subject to the following conditions:
- 1) approval of the details of the design and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced;
 - 2) application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission;
 - 3) the development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later;
 - 4) prior to the first occupation of any of the dwellings hereby permitted, the vehicular access, parking and turning facilities shall be provided in accordance with the submitted details and constructed in accordance with details which shall have first been submitted to and approved in writing by the local planning authority. Thereafter, these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times;



- 5) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2 Part 1 Classes A to H or Part 2 Classes A to C shall take place without the prior written approval of the local planning authority;
- 6) the dwellings hereby permitted shall not be occupied except by people with a local need (including the dependents or a widow or widower of such an occupant) defined as:
 - i) people who, at the time of first occupation, have been permanently resident in the National Park for at least the three previous years and who need separate or different accommodation and/or
 - ii) people not now resident in the Parish of Staintondale but who have long standing links with the local community which must include a period of previous residency of three years or more and/or
 - iii) people with an essential need arising from age or infirmity to move to Ravenscar to be near to relatives who have been permanently resident in the National Park for at least the three previous years and/or
 - iv) people who have an essential need to live close to their work in the parish or adjoining parishes within the National Park, which may include people with the offer of a job within the parish who cannot take up the offer because of the lack of affordable housing.

Information

20. Particulars of the right of appeal against this decision to the High Court are enclosed for those concerned.
21. This decision does not convey any approval or consent that may be required under any enactment, byelaw, order or regulation other than section 57 of the Town and Country Planning Act 1990.
22. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.



David C Pinner BSc DipTP MRTPI

Inspector

