



The Planning Inspectorate

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N Yorks Moors N P Authority
The National Park Officer
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Your Ref:

Our Ref:
APP/W9500/A/99/1020697

3 September 1999

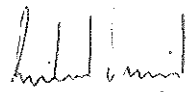
Dear Madam

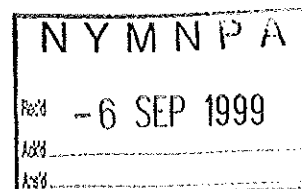
TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR D PATTINSON
SITE AT HOGARTH HILL FARM, BOGGLE HOLE, FYLINGDALES, WHITBY, N
YORKSHIRE, YO22 4QQ

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

site visit held on 13/07/1999

by C.J. Anstey BA (Hons) Dip TP Dip LA MRTPI

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

The Planning Inspectorate
Tollgate House,
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03 SEP 1999

Appeal: T/APP/W9500/A/99/1020697/P9

- 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 D. Pattinson against North York Moors National Park Authority.
- The site is located at Hogarth Hill Farm, Boggle Hole, Fylingdales, Whitby, North Yorkshire.
- The application (ref:NYM4/029/0300D/PA), dated 26/11/98, was refused on 3/2/99.
- The development proposed is the change of use of part farm structure from agricultural use to use for caravan storage and repair.

Decision: The appeal is dismissed.

Procedural matters

1. It was agreed at the site meeting that the plans submitted as part of the application included a location plan and a sketch plan. The sketch plan, and application forms, indicated that the change of use related to part of the floor area of an existing farm building.

The main issues

2. The main issue in this case is the effect on highway safety on the C85 and at the junction of the A171/C85.

Inspector's reasons

Development plan policies

3. The development plan consists of the *North Yorkshire County Structure Plan (NYCSP)* and the *North York Moors Local Plan (NYMLP)(1992)*. The National Park Authority has not drawn attention to any policies in the *NYCSP* which refer to highway safety or farm diversification.
4. *Policy F5* of the *NYMLP* supports farm diversification schemes, such as the one proposed in this case, provided, amongst other things, that account is taken of traffic generation and the suitability of existing access and approach roads.
5. *Policy T2* of the *NYMLP* states that the County Council intend to re-align the A171 at Evan Howe.

Highway safety and farm diversification

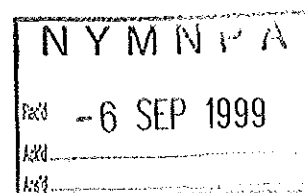
6. The C85 is a quiet country lane connecting the A171 at Evan Howe with Boggle Hole. To the east of the appeal site access it is narrow, winding and undulating and joins with similar

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lanes, to Fylingthorpe and Robin Hood's Bay. Between the site access and the A171/C85 junction the lane is reasonably level, straight and wide enough for vehicles to pass.

7. I consider, it is extremely unlikely that any vehicles, generated by the proposal, would use the C85 to the east of appeal site access. In view of the standard of the road between the appeal site access and the A171/C85 junction I consider that it would be able to accommodate the additional traffic generated by the proposal without prejudicing road safety.
8. The A171, the principal road connecting Whitby and Scarborough, is busy and carries a large amount of traffic. Around the A171/C85 junction there is considerable variation in its vertical and horizontal alignment. This affects the distance that drivers of vehicles emerging from the junction can see along the A171, as well as the forward visibility available for drivers on the A171.
9. For drivers emerging from the C85 visibility to the south is restricted as the A171 falls sharply away. To the north visibility is restricted by a bend. There are double white lines from beyond this bend, past the A171/C85 junction, to the brow of the hill to the south. Northbound traffic is also prohibited from overtaking as it approaches the brow of the hill and the A171/C85 junction.
10. With regard to a junction such as, where the speed limit on the main road is 60mph, *Annex D to PPG13:Transport* advises that at eye-level (defined as 1.05m above ground level) there should be a clear view for 215m in each direction along the major road from a distance of 4.5m back from the centre line of the minor road. *Paragraph 1 of Annex D* also advises that new accesses onto roads should not be near the crest of a hill, near a sharp bend or where there are double white lines.
11. North Yorkshire County Council has supplied figures that indicate that visibility for drivers of vehicles emerging from the C85 onto the A171 is restricted to 40 metres in a southerly direction and 120 metres in a northerly direction at 1.05m above ground level. These figures accord with my findings on site.
12. It is clear from this that drivers of vehicles emerging from the A171/C85 junction have very restricted visibility and that there is a real risk of collision. Furthermore the junction is located very near the crest of a hill, close to a sharp bend and where there are double white lines. Right turning movements from the northbound carriageway of the A171 into the C85 are particularly hazardous. In addition the proximity of the junction to the brow of the hill means that following traffic on the A171 has only a limited view of any vehicles waiting to turn right.
13. Consequently I consider the A171/C85 junction to be a source of significant danger to road users. Whilst I accept that the proposal would only generate a limited number of vehicular movements I consider any additional traffic passing through this junction would increase the likelihood of accidents.
14. It is argued on behalf of the appellant that there are a number of factors that need to be taken into account in assessing the proposal.
15. The operator's intention would be to use low loaders or similar vehicles to deliver and collect the caravans. I saw for myself that the visibility from the cab of a low loader can be greater than from a car. In particular when waiting on the C85 to pull out onto the A171 it was possible to see vehicles at the bottom of the slope to the south.



APPEAL DECISION

16. However it would not possible to attach a condition to a planning permission requiring the use of low loaders or vehicles of a similar height to transport caravans to and from the site. Whilst I accept it is likely that badly damaged caravans would be delivered on such transport, there is always the possibility that caravans with superficial damage or those that have been repaired would be towed by cars or vehicles of a restricted height. I consider that cars towing caravans through this junction would be a significant threat to road safety.
17. I note the comments made with regard to the existing usage of the junction, the bus stop on the A171, the previous temporary consent for commercial vehicle repairs at Hogarth Hill Farm and the various developments in the area that have increased the volume of traffic through the junction. However my decision is on the proposal before me which I consider would be prejudicial to highway safety. I have not been swayed by the accident records as they relate, with one exception, to other sections of the A171. .
18. I have concluded that the proposal would not harm road safety on the C85. However my conclusion that the proposal would be prejudicial to highway safety at the junction of the A171/C85 is a compelling reason for dismissing the appeal. In view of the harmful effect on road safety the proposal is contrary to local and national policies on farm diversification as expressed in the *NYMLP* and *PPGI*. I do not consider that the proposal could be made acceptable by attaching conditions to a planning permission.

Other considerations

19. None of the other matters raised are sufficient to outweigh the considerations that have led to my decision.

Conclusions

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

Christopher Austey

