



The Planning Inspectorate

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Bristol BS2 9DJ
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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: NYM4/031/0059M/PA
Our Ref: APP/W9500/A/00/1043966
Date: 13 October 2000

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY PA & C SHARDLOW AND SONS
SITE AT BEACON FARM, SNEATON, WHITBY, NORTH YORKSHIRE, YO22 5HS**

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

The attached leaflet explains the right of appeal to the High Court against the decision and how the documents can be inspected.

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

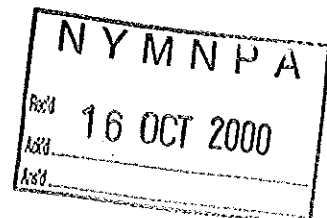
Phone No. 0117 987 8927

Fax No. 0117 987 6219

Yours faithfully

Mr T Mather

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The Planning Inspectorate

RIGHT TO CHALLENGE THE DECISION

The attached appeal decision is final unless it is successfully challenged in the Courts. If a challenge is successful, the appeal decision will be quashed and the case returned to the Secretary of State for redetermination. It does not follow necessarily that the original decision on the appeal will be reversed when it is redetermined.

You may wish to consider taking legal advice before embarking on a challenge. The following notes are provided for guidance only.

Under the provision of section 288 of the Town and Country Planning Act 1990, or section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a person who is aggrieved by a decision may seek to have it quashed by making an application to the High Court on the grounds:

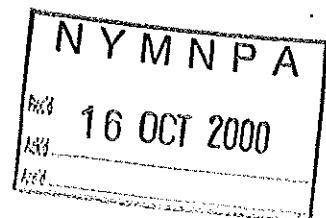
1. that the decision is not within the powers of the Act; or
2. that any of the 'relevant requirements' have not been complied with; ('relevant requirements' means any requirements of the 1990 Acts or of the Planning Tribunals Act 1992, or of any order, regulation or rule made under those Acts).

The two grounds noted above mean in effect that a decision cannot be challenged merely because someone does not agree with the Inspector's judgement. Those challenging a decision have to be able to show that a serious mistake was made by the Inspector when reaching his or her decision; or, for instance, that the inquiry, hearing or site visit was not handled correctly, or that the appeal procedures were not carried out properly. If a mistake has been made the Court has discretion not to quash the decision if it considers the interests of the person making the challenge have not been prejudiced.

It is important to note that such an application to the High Court must be lodged with the Crown Office within 6 weeks from the date of the decision. This time limit cannot be extended.

An appellant whose appeal has been allowed by an Inspector should note that 'a person aggrieved' may include third parties as well as the local planning authority.

If you require further advice about making a High Court challenge you should consult a solicitor, or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London WC2 2LL. Telephone: 020 794 76000.



INSPECTION OF DOCUMENTS

It is our policy to retain case files for a period of one year from the date of the Inspector's decision. Any person entitled to be notified of the decision in an inquiry case has a legal right to apply to inspect the listed documents, photographs and plans within 6 weeks of the date of the decision. Other requests to see the appeal documents will not normally be refused. All requests should be made to Room 14/04, Tollgate House, Houlton Street, Bristol BS2 9DJ, quoting our appeal reference and stating the day on which you wish to visit. Please give at least 3 working days notice and include a daytime telephone number, if possible.

COMPLAINTS TO THE INSPECTORATE

Any complaints about the Inspector's decision, or about the way in which the Inspector has conducted the case, or any procedural aspect of the appeal should be made in writing to the complaints officer in Room 14/04, Tollgate House, Houlton Street, Bristol BS2 9DJ. Telephone: 0117 987 8927, quoting our appeal reference. You should normally receive a reply within 15 days of our receipt of your letter. You should note however, we cannot reconsider an appeal on which a decision has been issued. This can be done following a successful High Court challenge as explained overleaf.

PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION (THE OMBUDSMAN)

If you consider that you have been unfairly treated through maladministration by us you can ask the Ombudsman to investigate. The Ombudsman cannot be approached direct; reference can be made to him only by an MP. While this does not have to be your local MP (whose name and address will be in the local library) in most cases he or she will be the easiest person to approach. Although the Ombudsman can recommend various forms of redress he cannot alter the Inspector's decision in any way.

COUNCIL ON TRIBUNALS

If you feel there was something wrong with the basic procedure used for the appeal, a complaint can be made to the 'Council on Tribunals', 22 Kingsway, London WC2B 6LE. The Council will take the matter up if they think it comes within their scope. They are not concerned with the merits and cannot change the outcome of the appeal decision.



Appeal Decision

Site visit held on Tuesday, 26 September 2000

The Planning Inspectorate
Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ
☎ 0117 987 8927

by **J S Nixon** BSc (Hons) DipTE CEng MICE MRTPI MIHT

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

Date

13 OCT 2000

Appeal Ref: APP/W9500/A/00/1043966

Site at Beacon Farm, Sneaton, Whitby, North Yorkshire.

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
- The appeal is brought by PA & C Shardlow & Sons against the North York Moors National Park Authority.
- The application (ref: NYM4/031/0059M/PA), registered by the Local Planning Authority on 9 November 1999, was refused by notice dated 30 December 1999.
- The development proposed is for the erection of a new building for the storage of corn and packing of vegetables and soft fruit.

Summary of Decision: the appeal is dismissed.

Clarification

1. Before considering the planning merits of this case, it is necessary for me to clarify the exact nature of the application. In the grounds of appeal, it is suggested on behalf of the appellants that, in order to secure the necessary consents to erect the new building, only notification of the proposed development might have been necessary and that there was no need to follow the formal planning application procedure. Whether these discussions progressed formally or any conclusion was reached is not clear. Even so, there is no doubt that a formal planning application was submitted and, subsequently, a decision issued by the Authority and a formal appeal lodged by the appellants against the Authority's decision. For these reasons, and irrespective of the earlier suggestion, I feel justified in proceeding to a decision based on the planning merits of the appeal scheme.

The Planning Policy Framework

2. Section 54A of the Act requires me to determine this appeal in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan comprises the approved North Yorkshire County Structure Plan (SP) and the North York Moors Local Plan (LP) adopted in 1992. The policies, aims and objectives contained in these have to be applied against the background of the statutory objective, given in the Environment Act 1995, to conserve and enhance the natural beauty, wildlife and cultural heritage of the Park and to promote opportunities for the understanding and enjoyment of its special qualities by the public.
3. Within the Structure Plan, Policy E1 is drawn to my attention, and this states that priority will be given to the conservation of landscapes and the general amenity of the North York Moors National Park. From the Local Plan, the Authority highlights Policies G1, G2, G3, F2 and BC8. In brief, Policy G1 looks to conserve

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the landscape and resist proposals for new development, except where they can be shown to be necessary and conform to the detailed planning policies and objectives of the National Park Committee. In addition, particular regard will be had to the social and economic well being of local communities. Policy G2 is intended to preserve and enhance the natural and built environment of the National Park and Policy G3 requires high standards of design for any development.

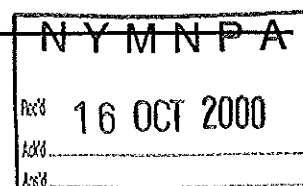
4. Moving on to Policy F2, this invites careful consideration to be given to the siting, design and use of materials and to minimise any potential adverse impact on the character of the landscape. Finally, Policy BC8 is designed to ensure that new development adjacent to or near a listed building is sympathetic in terms of its siting, scale, design, materials and detailing. Of relevance to the appeal proposal, the Wilson Arms public house and Abbey View next door are both listed Grade II.

The Main Issue

5. Having regard to the prevailing planning policy framework, the written representations and my inspection of the site and surroundings, I consider that the main issue to be decided in this appeal is the effect this proposal would have on the character and appearance of this part of the National Park and the setting of listed buildings.

Inspector's Appraisal

6. When walking along the Village street from either direction, it is clear to me that the undeveloped nature of the appeal site contributes significantly to views to the north, across predominantly open land toward Whitby Abbey. Although I was not blessed with the clearest of views on the day of my site visit, the cloud/mist did raise sufficiently for me to establish the extent of the panorama and, of course, the name given to Abbey View speaks for itself. In my opinion, the open view is particularly important as it is on the route, through the Village, linking the Monk's Walk with the extensive public footpath network I saw just to the east.
7. I acknowledge that the land falls away from the Village street and the proposed storage building, being set some way into the hillside, would not appear inordinately high. Even so, I agree with the Authority that it would still intrude to an unacceptable degree into the open landscape and visually jar. In my opinion, allowing the hedges to grow or to plant screens, as suggested, would not overcome this problem. In fact, I anticipate that this approach would have the potential for an equal, if not a worse, detrimental effect by blocking the view, especially if there was some year of unchecked growth. Although perhaps not so important, the view of the Village when walking back up Monk's Walk would also be devalued. For all these reasons, I am convinced the appeal proposal would conflict with LP Policies G1, G2 and F2.
8. In addition, the views northward through gaps within the frontage development to the Village street are also important in maintaining the character of the locality. In this respect, the proposed storage building would intrude into views from the street and enclose and consolidate the village in an unfortunate way that would also conflict with the prevailing policies designed to protect such an interest. Finally, whatever the personal views about the merits of Abbey View and the Wilson Arms,



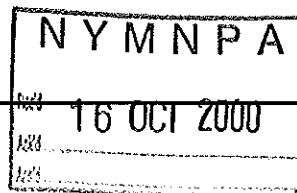
both are listed buildings Grade II. As such, I believe they do contribute to the history and character of the area. As pointed out, there is an obligation under Policy BC8 to ensure new development is sympathetic. In my view, the long modern building, constructed in the materials proposed, would look incongruous and thereby detract from the setting of these listed buildings. As a consequence this would run contrary to LP Policy BC8.

9. I note the appellant's uncertainty as to what constitutes landscape and registers its value. In considering this appeal, I have weighed positively the contribution the undeveloped site makes to views generally, but particularly from public vantagepoints such as roads and footpaths. In so far as detriment to a view is concerned, I consider that both a physical obstruction or obfuscation of a view would cause detriment and also the perception or appreciation of any new development in the context of what already exists in either the built form or the landscape opportunity.
10. In reaching my conclusion, I have considered the intent of Policy G1 that requires particular regard to be given to the social and economic well being of local communities. Against this background, if there was a significant agricultural or linked need for the building then this may provide some justification for allowing a building of this scale. However, as the Authority points out, despite requests no details of the operation in the sense of a business plan or operational audit has been submitted to enable this aspect to be considered at the appropriate level of detail. Although the letter sent at a time around the 10 November 1999 is said to have included such details, this is no longer available and no attempt appears to have been made to replicate the information for the purposes of this appeal. I regret that it is not sufficient to assert or reach subjective conclusions on this matter. Even in agricultural terms, this is a building of some size.
11. In the absence of such details, I, like the Authority, am unsure about the level of traffic and activity that would be generated by the proposal and the consequences and impact that might cause. For this reason, I am not persuaded that this proposal accords with the aims embodied in LP Policy G1. It is perhaps worth mentioning, that even if the proposal did clearly support the social and economic well being of the local community, this does not mean that the appeal site is the best and/or an acceptable location for the proposed storage building. The merits of each line of argument would have to be weighed in the balance.

Conclusions

12. In summary, I agree with the Council that the proposal would adversely affect the character and appearance of the locality by intruding on important views worthy of preservation. It would, also, I believe markedly detract from the setting of the listed buildings. As such, the proposal would conflict with the development plan policies I have identified. In balancing the arguments put forward, I have not found sufficient information to enable me to judge fully the need for the proposed storage building or the likely impact in terms of traffic and activity. For these reasons, and having regard to all other matters raised, I conclude that the appeal should fail.

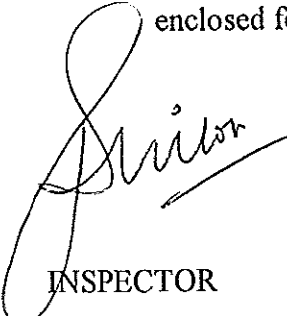
Formal Decision



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

Information

14. Particulars of the right of appeal against this decision to the High Court are enclosed for those concerned.



INSPECTOR