



The Planning Inspectorate

21

3/25 Hawk Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0117-3728629
Switchboard 0117-3728000
Fax No 0117-3728624
GTN 1371-8629

<http://www.planning-inspectorate.gov.uk>

The National Park Officer
N Yorks Moors N P Authority
The Old Vicarage
Bondgate
Helmsley
York,
YO6 5BP

Your Ref: NYM4/031/0100/OL
Our Ref: APP/W9500/A/03/1125741
Date: 9 December 2003

Dear Sir/Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR & MRS BUTTERWORTH
SITE AT LAND TO THE REAR OF SNEATON HALL HOTEL, 1 BEACON WAY, SNEATON,
WHITBY, N YORKS, YO21 5HP

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:

Quality Assurance Unit
The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

Phone No. 0117 372 8252

Fax No. 0117 372 8139

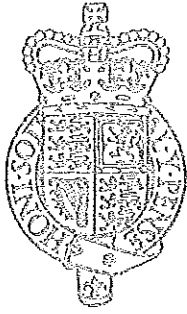
E-mail: Complaints@pins.gsi.gov.uk

Yours faithfully

Mr Tim Mather

COVERDL1

NYMNP	
10 DEC 2003	
Act'd	
Ans'd	



Appeal Decision

Site visit made on Tuesday 2 December 2003

by **Roger P Brown** DipArch DipTP ARIBA MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
409 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date

09 DEC 2003

Appeal Ref: APP/W9500/A/03/1125741

Land to the rear of Sneaton Hall Hotel, 1 Beacon Way, Sneaton, Whitby, North Yorkshire YO21 5HP

- 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 & Mrs Butterworth against the decision of North York Moors National Park Authority.
- The application (Ref. NYM4/031/0100/OL), dated 14 January 2003, was refused by notice dated 20 March 2003.
- The development proposed is the erection of a dwellinghouse (bungalow).

Summary of Decision: The appeal is dismissed.

NYM NPA
10 DEC 2003
ACKD
ANS'D

Procedural Matters

1. The outline application has all matters reserved for future consideration. Although Sneaton Hall Hotel is listed Grade II, the Park Authority has not considered this an issue. Indeed, whilst I am mindful of the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, having regard to the siting of the proposed dwelling I do not consider that it would raise matters pertaining to this legislation.

Main Issues

2. These are firstly the impact of the proposed development on the character and appearance of the area, and secondly whether there would be adequate vehicular access.

Planning Policy

3. When determining the appeal application, the Park Authority made reference to the Local Plan extant at that time, and also the emerging Local Plan which was well advanced in the consultation process. This latter document has now been adopted. Consequently the development plan is the North Yorkshire County Structure Plan Alteration No. 3 1995, and the North York Moors Local Plan - May 2003; I will determine this appeal accordingly.
4. The Park Authority has made reference to Structure Plan Policy E1, and Local Plan Policies H1, H2, TM1, GP3 and T9. E1 seeks to conserve the landscape and amenity of the National Park. H1 provides guidance relating to Local Need Settlements, of which Sneaton is one. Of relevance to this appeal, development of new housing will be permitted on infill plots consisting of small gaps in an otherwise continuously built up frontage. Although H2 provides broadly similar guidance, because it refers to larger sites within the existing built up area, I do not consider that it is directly relevant to this appeal.
5. TM1 relates to the provision of serviced accommodation and requires conformity with Policy GP3 which establishes general criteria pertaining to development. T9 relates to

parking requirements. The appellant has also alluded to guidance within Planning Policy Guidance Note 3 – Housing.

Reasons

6. Sneaton Hall Hotel is located on the north-eastern corner of Sneaton Lane and Beacon Way, within the small rural village of Sneaton. The appeal site is rectangular in shape and lies to the rear of the Hotel. It encompasses an overflow car park, an area of garden, and a static caravan at the northern end. The appellant is seeking outline planning permission for the erection of a single dwelling, thereby providing accommodation for family members who at present reside within the Hotel; such a move would release space for letting purposes.

The first issue

7. Most buildings within Sneaton front either Sneaton Lane, ~~which has a north/south orientation~~, or Beacon Way - a cul-de-sac extending in an easterly direction. The Park Authority contends that the appeal proposal would result in an undesirable extension of urban development on the northern edge of the village and be out of character with the existing linear pattern of development. Whilst I generally agree with this analysis of development form, to my mind it does not accurately describe the situation on the northern side of Beacon Way.
8. Although there are fields to the north, a short distance to the east and abutting the appeal site a group of agricultural buildings associated with Manor Farm extends some distance in a northerly direction. Further to the east, St. Hilda's Church is a prominent building that is also sited well to the rear of properties fronting Beacon Way. In addition, to the west of the appeal site and abutting the eastern side of Sneaton Lane are a number of former outbuildings to Sneaton Hall which have been converted to residential accommodation. To the south of the appeal site is 'Hylands', a bungalow fronting Beacon Way. Consequently, in essence the appeal site is enclosed by buildings on three sides.
9. In such a situation, and whilst this issue is finally balanced and I am mindful of the conflict with Local Plan Policy H1, I am of the opinion that development in the location proposed would not be harmful to the character and appearance of the area. As such, it would accord with, or not be unacceptably at odds with, the main thrust and/or relevant criteria of Structure Plan Policy E1 or Local Plan Policy GP3. Indeed, I take the view that the replacement of the static caravan by a traditional building would enhance the general ambience of the area and the appearance of the village when approached from the south. Nor do I consider that, having regard to the aforementioned surrounding development, the scheme before me would establish an undesirable precedent.

The second issue

10. As stated, the occupation of the proposed dwelling would be closely linked to the family operation of Sneaton Hall Hotel. Vehicular access would be from Beacon Way and across the existing Hotel car park. It is this later feature that I consider unsatisfactory. Any future change in ownership of either the hotel and/or the appeal proposal could lead to confusion and dispute. In the worse case scenario, this could result in a 'landlocked' dwelling without either a separate access to the public highway or independent parking provision.
11. As highway authority, North Yorkshire County Council suggested that such matters could be resolved by virtue of a Section 106 Agreement which would render the separation of the

proposed dwelling from the Hotel more difficult. No such Agreement is before me. Even though one might well provide a short-term solution, it would not overcome my considerable reservations regarding the long-term provision of an independent access. I have similar doubts regarding a comparable planning condition as proposed by the Park Authority, and which to my mind (and in the light of advice within Circular 11/95 – The Use of Conditions in Planning Permissions) would be difficult to monitor and enforce.

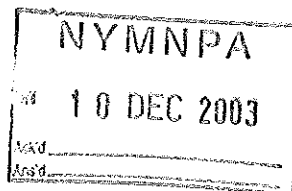
12. Therefore, for the above reasons I do not consider that there would be adequate vehicular access to the proposed dwelling. As such, it would not accord with the main thrust of Local Plan Policy T9.

Conclusions

13. Whilst I am of the opinion that the siting of the proposed development would not be harmful to the character and appearance of the area, this does not outweigh my reservations relating to the lack of suitable vehicular access.
14. I have given careful consideration to all other matters raised, including concerns expressed by the Park Authority regarding a potential loss of car parking facilities at the Hotel. However, to my mind the area of car parking unaffected by the proposed development (some 15 spaces) would be adequate for the resultant 8 letting rooms. Also, whilst an increase in serviced accommodation would accord with Local Plan Policy TM1, this does not overturn my conclusion with regard to the second issue.

Formal Decision

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



INSPECTOR

Information

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.