



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:
NYM4/033/0050G/PA
Our Ref:
APP/W9500/A/98/292616

Date: 3 August 1998

Dear Sir/ Madam

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY MRS J FERGUS.
SITE AT SHAWN RIGGS CARAVAN PARK, GLEN ESK ROAD, RUSWARP,
NORTH YORKSHIRE.

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

Yours faithfully

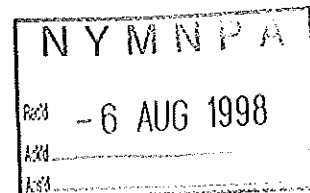
R. J. Mather

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NOTE: We generally keep appeal files for one year from the date of the Inspector's decision letter.





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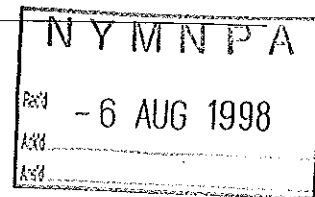
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JHS Planning
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Thirsk
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YO7 1FH

Your ref:

Our ref:
T/APP/W9500/A/98/292616/P8

Date: 3 AUG 1998



Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MRS J FERGUS
APPLICATION NO NYM4/033/0050G/PA

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the North York Moors National Park Authority to refuse planning permission for the siting of an additional static caravan at Shawn Riggs Caravan Park, Glen Esk Road, Ruswarp. I have considered the written representations made by you and by the Council and also those made by the Country Landowners' Association. I have also considered those representations made directly by the Parish Council, the Environment Agency and North Yorkshire County Council as highway authority to the Council which have been forwarded to me. I inspected the site on 1 July 1998.
2. The additional static caravan would be positioned on the top, southern level of the caravan site on the other side of the access track leading up from Glen Esk Road. The six, existing static caravans have permanent consent, granted on appeal, with occupation restricted to 1 March and 14 January of the following year. I am aware of the statutory duty placed upon the National Park Authority both to conserve and enhance the natural beauty of the national park as well as promoting opportunities for the understanding and enjoyment of its special qualities by the public (Section 61, Part III of the 1995 Environment Act). I shall have regard to both of these important national policy objectives in my consideration of the principal issues in this appeal. These national policy objectives are also set out in PPG7, "The Countryside - Environmental Quality and Economic and Social Development"
3. No objections have been raised by the highway authority and, from my inspection of the site and its surroundings and from my consideration of the written submissions, it is clear to me that the main issues are, first, whether the proposed intensification of this static caravan site would materially harm the character and appearance of the countryside

and, second, whether it would establish a precedent leading to the cumulative erosion of the landscape in this area and elsewhere in the North York Moors National Park.

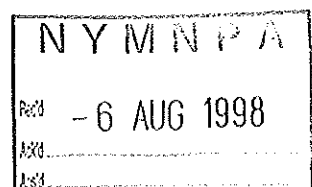
4. Section 54A of the Town and Country Planning Act 1990 requires that applications shall be determined in accordance with the development plan for the area, where it contains relevant policies, unless material considerations indicate otherwise. The development plan comprises the North Yorkshire County Structure Plan (1980) amended by Alterations No 1 (approved 1987), No 2 (1989) and No3 (1995) and the Adopted North York Moors Local Plan (1992). Policies R10 and R11 of the structure plan deal with caravan, camping and chalet development and there is a presumption in Policy R11 that touring caravans and tents are generally more acceptable than static caravans. This presumption is incorporated into Policy TR3 of the local plan which states that proposals for the establishment or extension of static caravan sites will not be permitted. In addition, local plan Policy G2 seeks to ensure that proposed developments help to preserve and enhance the natural and built environment of the National Park.

5. The Authority explain the rationale behind this policy in the supporting text in the local plan by stating that, despite some improvements in recent years, it is difficult to achieve a satisfactory and attractive form of development with static caravans. In my consideration of the first issue in this appeal, however, I was mindful of the conclusion reached by the Inspector who dealt with the previous appeal for the permanent siting of six static caravans (DoE Ref: T/APP/W9500/A/93/225651/P8) that the development would have a minimal impact on the rural character and appearance of the area.

6. Although the existing caravans can be seen from the main road during the winter months, I saw at my site inspection that they were currently well screened by mature landscaping and that your client is making a genuine and concerted effort to improve the appearance of the site by expeditious tree planting. This is supported by evidence from the Country Landowners' Association. My conclusion on the first issue is that, provided these measures continue, the additional static caravan could be assimilated within the site without materially harming the character and appearance of the area. Although one of the Authority's supporting photographs shows that the existing caravans are more prominent when viewed from the south, I am not aware of any public vantage points in that direction and I am satisfied that the proposal is in accordance with the requirements of local plan Policy G2.

7. The Authority argue that the proposal would result in an increase in the area covered by caravans and an intensification of the site and that the proposal, therefore, fails to meet the requirements of local plan Policy TR3. On the other hand, you say that it merely represents a slightly more intensive use of the site. There is some merit in both lines of argument though, on balance, I find that your points are more persuasive. Clearly, your client is not proposing a physical extension of her site nor does it constitute a new site and I conclude that the proposal is not, therefore, at odds with the fundamental requirements of the policy

8. The second issue is concerned with precedent and, as I see it, there are two main points to consider. The first is whether there might be subsequent pressure from the appellant or any future owners of the caravan site to want to site additional caravans there. I agree with you that it would not physically be possible to accommodate another static caravan at the higher level and that any proposal to site caravans at the lower, car



park level would have to be considered on its merits bearing in mind the more prominent nature of this part of the site when viewed from the main road.

9. The second point is concerned with the possibility of similar proposals on other sites. The Authority consider that there will be other static caravan sites within the National Park with space for additional caravans. Nevertheless, applications at such sites would be dealt with on their individual merits taking account of prevailing planning policies for the area, the history of those sites and the impact that they would have on the character and appearance of those particular localities. Consequently, precedent by itself is not a good enough reason for turning down this appeal.

10. I have taken account of all other matters raised but I have found nothing to outweigh those considerations leading to my conclusions on the two main issues and to my decision.

11. In addition to the normal time-limiting condition, I shall impose the condition requested by the Authority restricting occupation of the caravan in line with the existing permission for the six other static caravans. This is logical and meets the strict tests laid down in Circular 11/95 on the use of conditions in planning permissions.

12. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the siting of an additional static caravan at Shawn Riggs Caravan Park, Glen Esk Road, Ruswarp in accordance with the terms of the application (No NYM4/033/0050G/PA) dated 30 October 1997 and the plans submitted therewith, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this letter.
2. The caravan hereby approved shall not be occupied between 14 January and 1 March in any one year.

13. 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



J Gale BA (Hons) Dip TP MRTPI
Inspector

