



The Planning Inspectorate

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Room 1222
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117 987 8612
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Fax No 0117 987 8181
GTN 1374

D Arnold-Forster OBE, TD, National Park Officer
North Yorkshire Moors National Park
North Yorkshire County Council
The Old Vicarage, Bondgate,
Helmsley, York
YO6 5BP

Your Ref: NYM4/033/0177B/AA

Our Ref: APP/W9500/H/99/0795

Date: **13 AUG 1999**

Dear Sir/Madam

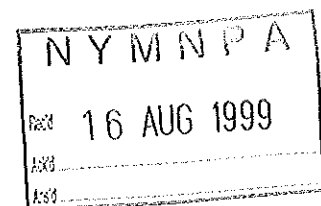
TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)
REGULATIONS 1992

APPEAL: Whitby Holiday Village Saltwich Bay Whitby Yo22
4jx

I refer to the above appeal and enclose a copy of the Inspectorate's letter giving the Secretary of State's decision.

Yours faithfully

AP Mr P Kozak





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Helmsley, York
YO6 5BP

Your Ref: NYM4/033/0177A/AA

Our Ref: APP/W9500/H/99/0794

Date: 13 AUG 1999

Dear Sir/Madam

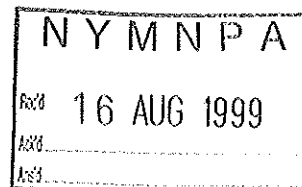
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REGULATIONS 1992

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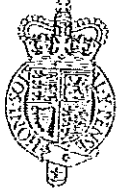
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Mr P Kozak



PK



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North Yorkshire County Council
The Old Vicarage, Bondgate,
Helmsley, York
YO6 5BP

Your Ref: NYM4/033/0177C/AA

Our Ref: APP/W9500/H/99/0793

Date: 13 AUG 1999

Dear Sir/Madam

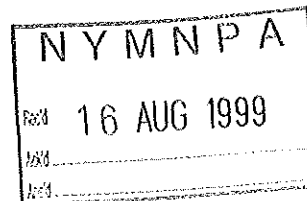
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P. P. Kozak

Mr P Kozak





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Oldham Signs Ltd
PO Box YR15
Cross Green Approach
Leeds
LS9 0TQ

Your Ref:

Our Ref: APP/W5900/H/99/0793, 0794 and 0795

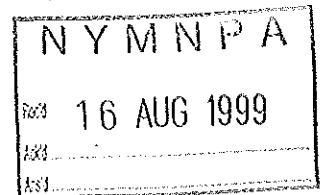
Date: 13 AUG 1999

Dear Sirs

TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 1992

APPEAL: Whitby Holiday Village, Saltwich Bay, Whitby

APPLICATION NO: NYM4/033/0177C/AA



1. I have been appointed to decide the appeals of your client, Rank Group Holiday Division, against the North York Moors National Park Authority's refusals to permit the display of various signs at the above premises. My decisions are based on the submitted documents and an inspection of the site.
2. I agree with the general description of the appeal site and its surroundings, contained in the Council's statements, received by the Inspectorate on 18 June 1999.
3. The appeals concern signs for a relatively large camping/caravan holiday site in a fairly obscure coastal location south of Whitby. The signs are intended to replace ones granted consent in the past.
4. The Council are concerned that allowing the appeals would create an undesirable precedent. However, I consider that this would not stop them from dealing with other proposals on their merits.
5. Two of the appeals relate to proposals for a sign at the junction of the site access road and Hawsker Lane. The first proposal is for a three-dimensional monolith measuring 3.767m x 1.548m. The second proposal involves two versions of an alternative two-dimensional sign. This sign would measure either 3.7m x 1.84m or 3.5m x 1.2m. The new sign would replace a two-dimensional sign measuring 3.6m x 1.4m, the consent for which expired in 1997. These signs are variously described in the Council's refusal notices as "monolith advance directional sign" and "non-illuminated entrance sign (revised scheme)", although they would both appear to serve the same purpose.

6. The confusion is understandable because the sign would, in effect, combine both elements. It would be located at the start of the tarmacked access which leads only to this holiday site, but would also serve to alert visitors seeking the premises – which are not readily visible from the road – to its whereabouts. Given the scale and nature of the enterprise, I consider that a relatively substantial sign should be allowed in this location. I note that the Parish Council support approval.

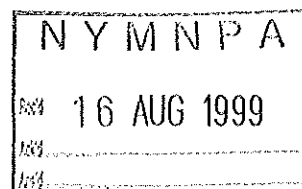
7. However, this is an open countryside setting within the National Park where a strict control over the display of advertisements needs to be maintained in order to protect the landscape character. In my view, the three-dimensional sign has an uncompromisingly modern and flamboyant character, which would be alien to this very rural setting. I therefore consider that a sign in the more traditional, alternative form, should be permitted. Furthermore, because the surroundings are relatively flat with lengthy views in most directions, I feel that the smaller of the two would be sufficiently large to perform the required function whilst integrating more satisfactorily into the landscape.

8. The other appeal now only involves a single “advance warning” sign, the other proposal having been withdrawn. This sign would be three-dimensional, measuring 3.5m x 1.16m overall. It would replace a smaller, two-dimensional sign. This sign would not, in effect, perform any advance warning function since it would be sited only a short distance from the camp entrance, at a point where drivers have no other alternative direction in which to proceed. The site itself is also clearly visible. This is a particularly sensitive location, adjacent to the cliff-top and the Cleveland Way, a National Trail. I consider that this substantial structure - sited well forward of the gateway into the site - would significantly heighten the commercial profile to the detriment of this impressive stretch of Heritage Coast. A smaller two-dimensional sign, either here or by the gateway, should be sufficient.

9. I have carefully considered the advertisement control policy in the North York Moors Local Plan and taken it into account as a material consideration. I particularly note that this advertisement would conflict with the part of the policy which states that there will be a presumption against directional signs unless they are in the interests of public safety. Even so, for the reasons set out above, I conclude that the appeal sign is acceptable in relation to the appeal site and its surroundings and that its display should be permitted at variance with that advice. This does not mean that I disagree with the generality of the Council’s policy or that a similar advertisement in another location would be acceptable. Each proposal must be considered on its own merits.

10. I conclude, for the reasons set out above, that the display of the smaller of the two versions of the two-dimensional appeal entrance sign would not be detrimental to the interests of amenity, but that the various other proposals would be.

11. I therefore dismiss the appeals in respect of the two three-dimensional signs (APP/W5900/H/99/0794 and 0795). But I allow the third appeal (APP/W5900/H/99/0793) in respect of the two-dimensional entrance sign measuring 3.5m x 1.2m, and grant consent for its display for 5 years from the date of this letter.

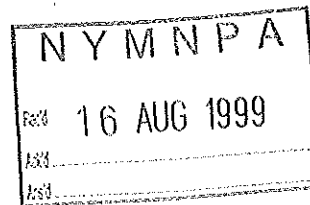


12. This letter does not give any approval or consent, other than under Regulation 5 of the Regulations.

Yours faithfully



MALCOLM SAINSBURY
Advertisement Control Officer



The Planning Inspectorate

An Executive Agency in the Department of Environment, Transport and the Regions, and the Welsh Office

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, 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:

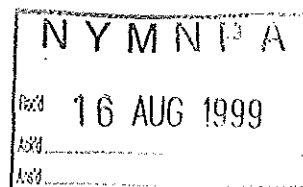
1. that the decision is not within the powers of the Act; or
2. that any of the 'relevant requirements' have not been complied with; ('relevant requirements' means any requirements of the 1990 Acts or of the Planning Tribunals Act 1992, or of any order, regulation or rule made under those Acts. These include the Town and Country Planning (Control of Advertisements) Regulations 1992 and the Town and Country Planning (Inquiries Procedure) rules 1974.)

The two grounds noted above mean in effect that a decision cannot be challenged merely because someone does not agree with the Advert Control Officer's judgement. Those challenging a decision have to be able to show that a serious mistake was made by the Advert Control Officer when reaching his or her decision; or, for instances, that 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 letter. This time limit cannot be extended.

An appellant whose appeal has been allowed 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: 0171 936 6000.



INSPECTION OF DOCUMENTS

It is the Inspectorate's policy to retain case files for a period of one year from the date on the decision letter. Any person notified of the decision can inspect the listed documents, photographs and plans within 6 weeks of the date of the decision letter. 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 the appeal reference and stating the day on which you wish to visit. Please give at least 3 days' notice and include a daytime telephone number, if possible.

COMPLAINTS AND OTHER COMMENTS TO THE INSPECTORATE

Any complaints about the decision letter, or about the way in which the case was conducted, or any procedural aspect of the appeal should only be made in writing to the complaints officer in Room 1404, Tollgate House, Houlton Street, Bristol BS2 9DJ. Telephone: 0117 987 8927, quoting the 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 letter 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 on the part of the Inspectorate 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 appeal 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.

