



The Planning Inspectorate

Room 1015
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-9878629
Switchboard 0117-9878000
Fax No 0117-9878624
GTN 1374-8629

Mrs A Harrison
N Yorks Moors N P Authority
The National Park Officer
The Old Vicarage
Bondgate
Helmsley
YORK, YO6 5BP

Your Ref:
NYM4/036/0050N/PA

Our Ref:
APP/W9500/A/99/1023514

9 September 1999

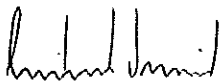
Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR & MRS J HOBBS
SITE AT YEOMAN HALL, WOODLANDS, SLEIGHTS, WHITBY, N YORKSHIRE,
YO21 1RY**

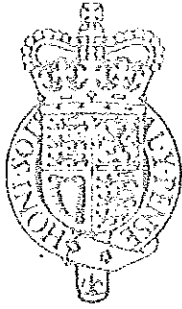
The attached decision is in a new format. Traditionally decisions have been issued as a letter. That form of layout has meant that the administrative data, facts about the appeal - including the site address, who made the appeal, the local planning authority - as well as information to support the decision 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


pp Mr T Mather
211B

NYM NPA
Rec'd 10 SEP 1999
Ack'd
Ans'd



Appeal Decision

site visit held on Wednesday, September 1, 1999

by Richard A Mordey BA(Hons) MCD MRTPI

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

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

09 SEP 1999

Appeal 1: T/APP/W9500/A/99/1023514/P2

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission for the discharge of condition 7 attached to planning permission NYM4/36/50G/PA..
- The appeal is brought by John Hobbs & Jill Hobbs against the North York Moors National Park Authority.
- The site is located at Yeoman Hall, Woodlands, Sleights, Whitby YO21 1 RY

Decision: The appeal is dismissed.

Procedural matters

1. The condition in dispute states:-

The occupation of the dwelling shall be limited to persons employed in the adjacent nursing home known as Woodlands and their dependants.

The Development Plan

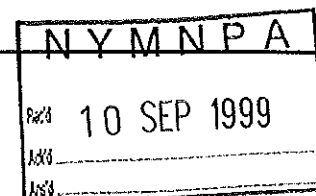
2. Policies E1 and H5 of the approved North Yorkshire Structure Plan are relevant to this appeal. The former indicates amongst other things within the national Park there will be a presumption against new development except where it necessary in a particular location. H5 states that isolated residential development will not be permitted unless there are exceptional circumstances. The relevant policies of the adopted North York Moors Local Plan are G2 and H5. These echo the policies of the Structure Plan cited in the preceding sentence.

The main issues

3. From my visit to the site and surrounding area and bearing in mind national and local policy, I have come to the conclusion that the main issue in this case is whether there are any exceptional circumstances which justify the removal of the condition.

Inspector's reasons

4. The appeal premises stand in an extensive area of open countryside where it is clear that planning permission should not be granted for a new dwelling unless there were exceptional circumstances. As the appellants have submitted, the condition which is the subject of this appeal relates specifically to the former nursing home. I accept that the latter has closed due to economic circumstances and that it is unlikely that it would re-open for that purpose. The future of Woodlands has not yet been decided and this is not a matter for my determination. It may be that the conversion of the building to 22 residential flats will be permitted. However, as the Planning Authority has pointed out, even if this was the case, the permission might not be



APPEAL DECISION

implemented and other uses within Use Class C2 might be forthcoming and could go ahead without additional planning permission. Such uses could be more acceptable in this location in terms of planning policy than the proposed residential use. It could also be the case that the appeal property would then be needed in connection with the parent property although this might require a variation of the disputed condition. In view of this uncertainty and bearing in mind national and local planning policy, it is my firm opinion that it would be premature and inappropriate to discharge the condition at this stage.

5. In coming to my conclusion, I have borne in mind the advice contained in Circular 11/95 to which the appellants have referred and I have considerable sympathy for the appellants' circumstances. Nevertheless, these do not override the points that I have made in the preceding paragraph. I do consider it unfortunate that the Planning Authority did not decide the planning applications in respect of the two buildings simultaneously. If that had occurred some of the planning uncertainty might have been avoided. For me to allow the appeal would result in a dwelling in the countryside for which there is no proper policy justification. I have taken all other points into account including the offer of an undertaking but nothing outweighs those that have led to my decision.

Conclusion

6. For all these reasons I conclude that the appeal should not succeed and I shall exercise the powers transferred to me accordingly.

Richard A. Mordy

