
Appeal Decision

Site visit made on 16 May 2017

by Andrew McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 June 2017

Appeal Ref: APP/W9500/W/17/3169164

Lunch Hut, Glaisdale Moor, Glaisdale, North Yorkshire

(Grid Reference: E 0 52'40.9"W, N 54 24'28.0"N)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Todd for Dawnay Estate Ltd against the decision of North York Moors National Park.
 - The application Ref NYM/2016/0336/FL, dated 3 May 2016, was refused by notice dated 25 August 2016.
 - The development proposed is extension to lunch hut, Glaisdale Moor.
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Decision

1. The appeal is allowed and planning permission is granted for extension to lunch hut, Glaisdale Moor at Lunch Hut, Glaisdale Moor, Glaisdale, North Yorkshire YO21 2PZ, in accordance with the terms of application Ref: NYM/2016/0336/FL, dated 3 May 2016, and subject to the conditions set out in the schedule attached to this decision letter.

Procedural Matters

2. The address of the appeal site on the application form identifies a grid reference as at the time of its submission I am led to understand that the postcode was not known by the appellant. This is reflected in the banner heading to this letter. However, I note that the postcode has since been provided on the appeal form and is shown to be YO21 2PZ. Therefore, for ease of description and reference, I have used the postcode in my decision.
 3. The appeal site is situated within the North York Moors National Park (the National Park). Therefore, I have had due regard to the statutory purposes of national parks set out in the Environment Act 1995 (the Act).
 4. The surrounding area is part of a Special Protection Area, a Special Area of Conservation and a Site of Special Scientific Interest. Whilst inevitably there would be some impact on these designations, I note that the local planning authority's Ecologist has undertaken an appropriate assessment of the likely effects on these designations. It is stated the proposal would be unlikely to have any significant impacts. Natural England concurs with this view and I see no reason to disagree.
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Main Issue

5. The main issue is whether the proposal would conserve or enhance the character or appearance of the National Park and therefore the effect of the proposal on its scenic beauty and the public's enjoyment of its special qualities.

Reasons

6. The Act sets out the two statutory purposes for national parks in England and Wales. These are to firstly conserve and enhance the natural beauty, wildlife and cultural heritage and secondly, to promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. When national parks carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the national parks. Core Policies A and G and Development Policy 3 of the North York Moors Core Strategy and Development Policies document (Core Strategy) seek to further these purposes and duty within the North York Moors.
7. The Council states that the proposed extension would be disproportionate to the existing building which appears as an iconic, simple and isolated shepherd's hut in the landscape. As such, it would fail to respect its modest design. Whilst I acknowledge that the proposal would be a 100% increase in the floor space of the original building, I find that its scale, design and materials would sympathetically blend with the simple original structure appearing as part of but separate to it due to the connecting element of the scheme.
8. The Council argues that the hut is prominent in an open moorland setting and is visible on the skyline from certain views. As a result, the proposal would be a dominant form of development and would have an adverse impact on the first national park purpose. However, the hut is in a remote and isolated location and is difficult to see from the nearest public road which is about 350 metres to the east. Whilst the hut may be visible on the skyline from certain views, I do not find it to be prominent in the landscape. I appreciate that the proposal would be visible in some long range views. However, given its relatively small nature, I find that the overall design and scale of the proposal and its relationship to the original hut would result in no significant impact on such views. Therefore, it would not be any more of a prominent or dominant landmark than is currently the case.
9. I have had regard to the Council's points regarding catering facilities to serve shooting parties at the hut. From what I have seen and read, I am led to understand that the additional space proposed would enable more people to be accommodated and allow for catering to be laid out and served. I appreciate the Council's argument that catering premises within the villages of the National Park could be used, rather than catering being provided at the hut. However, to me this seems unrealistic and impractical given the nature of the proposed activities at the hut and it would increase unnecessary journeys.
10. The appellant argues that not many developments, if any, can enhance the scenic beauty of the National Park. This is a point with which I have some sympathy as development will inevitably have an impact on its surrounding environment. Notwithstanding this, having had due regard to the evidence before me, I find that the proposal would have a conserving effect on the scenic qualities of the National Park. As it would be a relatively small development with a sympathetic design and appropriate materials to

complement the original hut, I find that it would have minimal adverse impact on the surrounding area.

11. Furthermore, the proposal would likely safeguard the longevity of the hut as it would bring back into use a currently redundant building. It would provide employment for the local community through the proposed increase in numbers within shooting parties, catering and increased tourism. As a result, it would attract additional income into the National Park and the surrounding area. Moreover, I find that the proposal would provide an opportunity for the public to understand and enjoy the special qualities of the National Park, thus meeting the second national park purpose.
12. In pursuing the national park purposes, the National Park Authority also has a duty to seek to foster the economic and social well-being of their local communities. With this in mind, and having taken all of the above into account, I find that the substantial benefits of the proposed development would outweigh the limited harm I have identified.
13. Consequently, I conclude that the proposed development would have no material adverse impact on the character or appearance of the National Park, its scenic beauty or the public enjoyment of it and would therefore have a conserving effect. As a result, it would accord with Core Policies A and G and Development Policy 3 of the Core Strategy. Amongst other matters, these policies seek to ensure that the development has no adverse impact on the special qualities and public enjoyment of the National Park and conserves its character and appearance.

Conditions

14. I have had regard to the planning conditions that have been suggested by the Council. Where necessary, and in the interests of conciseness and enforceability, I have altered the suggested conditions to better reflect the relevant parts of the Planning Practice Guidance (PPG).
15. In addition to the standard implementation condition (1), I have imposed a condition specifying the approved plans (2) to provide certainty. Furthermore, conditions relating to the specified the use approved (3) and details of external materials (4, 5, 6 and 7) are necessary and reasonable to provide certainty and in the interests of character and appearance. It is also necessary and reasonable to impose a condition (8) relating to the installation of utilities, storage and parking areas in the interests of character and appearance.
16. It is necessary that the requirements of Condition 4 are agreed prior to the commencement of the development hereby permitted to ensure an acceptable development in respect of the character and appearance of the National Park.

Conclusion

17. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Andrew McCormack

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in strict accordance with the following approved plans:

Drawing No: 147-03-E – ‘Proposed Plans and Elevations’ as received by the local planning authority on 19 July 2016

or in accordance with any minor variation thereof that may be submitted to, and approved in writing by, the local planning authority.
- 3) The premises shall not be used other than as Lunch Hut for shooting parties and shall not be used for any other purpose, including any other purpose in Class A3 café or D2 assembly & leisure of the Schedule to the Town and Country Planning (Use Classes) Order 2010 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, or within Schedule 2, Part 3 Classes A-V of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order.
- 4) No works shall commence of the development hereby permitted until details of the roof sheeting to be used, including samples if so required by the local planning authority, have been submitted to, and approved in writing by, the local planning authority. The roof sheeting shall accord with the approved details and shall be so maintained in perpetuity unless otherwise agreed in writing with the local planning authority.
- 5) The external elevations of the development hereby approved shall, within three months of first being brought into use, be clad in unfinished locally sourced vertical cedar boarding and shall be so maintained in perpetuity unless otherwise agreed in writing with the local planning authority.
- 6) All new window frames, glazing bars, external doors and door frames shall be of timber construction and shall be so maintained in perpetuity unless otherwise agreed in writing with the local planning authority.
- 7) All new doors and garage doors hereby approved shall be of a vertical boarded, ledged braced (and framed) timber design and side hung. Within six months of the date of their installation they shall be unfinished and shall be so maintained in perpetuity unless otherwise agreed in writing with the local planning authority.
- 8) No installation of any utility services or physical creation of parking areas or storage of materials, machinery, vehicles, waste or other items shall take place outside the building(s) on the site without the prior written agreement of the local planning authority.

END OF SCHEDULE