The Planning Inspectorate

Appeal Decision

Site visit made on 14 August 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 5 September 2017

Appeal Ref: APP/W9500/W/17/3176453
Front Street, Grosmont, Whitby, North Yorkshire YO22 5PF

- 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 James Wallis of Wallis Metals against the decision of North York Moors National Park.
- The application Ref NYM/2017/0006/FL, dated 18 December 2016, was refused by notice dated 28 February 2017.
- The development proposed is decking in former garden.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by North York Moors National Park against Mr James Wallis of Wallis Metals. This application is the subject of a separate Decision.

Procedural Matters

3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is not confirmed whether or not the description of development has changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

4. I note that there is a disagreement between the Council, the appellant and other parties as to whether the site has a lawful use as a private garden. Notwithstanding the description of the development given above, for the avoidance of doubt, I have not considered the lawfulness or otherwise of the use of the land in the determination of this appeal. It is open to the appellant to apply for a Certificate of Lawfulness to determine whether the use of the land as a garden is lawful under Sections 191/192 of the above Act.

Main Issue

5. The main issue in this appeal is the effect of the proposal on the character and appearance of the area with particular regard to the location of the site within the North York Moors National Park.

Reasons

6. The site consists of a plot of land adjacent to the south of Front Street, which is one of the main routes leading through the village of Grosmont. The site is within a wooded area to the south of the road which slopes steeply down to a river although I saw that the plot had been cleared of vegetation. There is housing to the north of the highway and there are a limited number of domestic gardens/allotments to the west. The site is located at the entrance to the village and represents an area of transition between the surrounding landscape and the built form of the village.

7. Within this context, the introduction of timber decking in this location would introduce an alien domestic feature into this landscape. It would be of a contrived engineered appearance using stainless steel posts and a safety balustrade consisting of glazed panels.

8. Although the northern edge of the proposal would be level with the footpath, the projection of the decking above the slope of the site would be readily apparent, as would the activities of people using the deck and associated paraphernalia. Although the site had been cleared of vegetation at the time of my site visit, the removal of vegetation from the site would further harm the landscaped character of the area and compound the harm arising from the proposed decking.

9. The appellant contends that the proposal would be of a small scale and would not be readily visible due to screening from landscaping. However I saw that the site is in a prominent location at the entrance to the village and would be clearly apparent to residents of housing facing the site and to people passing along the highway.

10. Due to the proximity to the highway and the incongruous design, I do not consider that the harm arising from the proposal could be ameliorated through the use of conditions requiring, for example, further screening or limitations in relation to lighting.

11. Although there are plots to the west of the site which contain features such as raised beds and greenhouses, these are of a more informal character and reflect the sloping topography of the area. The adjacent plots do not therefore unduly detract from the entrance to the village and their existence does not weigh significantly in favour of the proposal.

12. I note that the appellant wishes to use the site to follow his hobby of painting, and that any proceeds from the sale of his artwork would be passed to the local community. However, I consider that the public benefits arising from this would not be of such a degree to outweigh the harm identified above.

13. Taking the above matters into consideration, I conclude that the proposal would harm the character and appearance of the area and the National Park which has the highest status of protection when it comes to landscape and scenic beauty. As such, the proposal conflicts with Core Policy A and Development Policy 3 of the National Park Core Strategy and Development Policies 2008 and Paragraph 115 of the National Planning Policy Framework which states that great weight should be given to conserving the landscape and scenic beauty in National Parks.

14. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR