



Appeal Decision

Site Visit made on 10 August 2021

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2021

Appeal Ref: APP/W9500/W/21/3273197

Lingrow Close, Runswick Bay, Saltburn-By-The-Sea TS13 5JQ

- 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 N Lonsdale against the decision of North York Moors National Park Authority.
 - The application Ref NYM/2020/0618/FL, dated 17 August 2020, was refused by notice dated 15 October 2020.
 - The development proposed is erection of 1 no. local occupancy dwelling with integral garage and landscaping.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by North York Moors National Park Authority against the appellant. This application is the subject of a separate Decision.

Procedural Matters

3. On 20 July 2021, the Government published a revised National Planning Policy Framework (the Framework). Other than a change to the relevant paragraph numbers, the revised Framework does not materially alter the national policy approach in respect of the main issues raised in this appeal and therefore no parties have been prejudiced by its publication.

Main Issues

4. The main issues are i) whether the appeal site is a suitable location for new housing having regard to development plan policy; ii) the effect on the landscape and scenic beauty of the National Park; and iii) whether the proposal would meet identified local housing need requirements.

Reasons

Suitable location

5. In 'Smaller Villages' like Runswick Bay, Strategic Policy M and Policy CO8 of the North York Moors National Park Authority Local Plan 2020 (the LP) restricts new-build housing development to local needs housing on 'suitable small sites' within the main built up area of the village. Although there are no defined limits to development, the supporting text to Strategic Policy M explains that small suitable sites may not always be a gap within a continuously built up frontage, but they will always fit in with the existing pattern of the settlement. It also states that it is not intended to allow consolidation of sporadic outlying

development or to allow villages to expand into open countryside. Policy CO10 of the LP will only permit housing development in the open countryside if it meets a limited number of circumstances.

6. Lingrow Close is a small linear group of dwellings served by an unmade track off Bank Top Lane in the Bank Top part of the village. The appeal site lies to the north of the last dwelling in Lingrow Close and is part of a larger open agricultural field which extends to the edge of the headland. Immediately to the east of the appeal site, separated by a hedgerow, is a building currently undergoing conversion to a dwelling, but beyond that the field is bordered by the wooded embankment/cliff edge which separates the upper and lower parts of the village. To the west, separated by hedgerows and the Cleveland Way path, are further agricultural fields and a Caravan and Camping Park. The majority of houses at Bank Top are located to the south and west along Hinderwell Lane/Bank Top Lane and on the west side of Ellerby Lane.
7. In the context of the above, I agree with the Council's assessment that the appeal site forms part of the open countryside beyond the extent of the main built up area of the village, albeit adjoining the built edge. Consequently, the proposed dwelling would undoubtedly result in expansion of the village into the open countryside. Furthermore, it is not advanced that the proposal would meet any of the circumstances where development in the open countryside will otherwise be permitted under LP Policy CO10.
8. I therefore conclude, on this issue, that the appeal site is not a suitable location for new housing as the proposal would conflict with Strategic Policy M and Policies CO8 and CO10 of the LP which govern the location of new housing within the 'Smaller Villages' and open countryside of the National Park. The proposal would result in significant harm in this respect.

Landscape and scenic beauty

9. As a special area designation, National Parks have the highest status of protection in relation to landscape and scenic beauty. Strategic Policy G of the LP seeks to conserve and enhance the high quality, diverse and distinctive landscapes of the area. In addition, Strategic Policy M requires all proposals to be of a high quality design and construction to ensure that the character and distinctiveness of the built environment and local landscape are maintained.
10. The character of the appeal site is derived from its countryside appearance and inherently open undeveloped character, which contributes positively to both the rural setting of the village and open landscape character of the Heritage Coast. Although the height of existing hedgerows provides some screening from the Cleveland Way, the site is visible along Lingrow Close. Furthermore, the height and density of the hedgerows will likely vary over the course of the year, and gaps may also appear over time reducing the effectiveness of the screening.
11. The proposed dwelling would continue the linear pattern and general style of development in Lingrow Close. Notwithstanding this, the proposal would by its very nature, lead to an urbanising incursion into the field that would detract from its inherent undeveloped character. The negative effect of this would not be suitably mitigated by any boundary vegetation and alternative materials that could be secured.

12. The field has been used as a temporary car park under permitted development rights, and I was able to observe the effect at my site visit. However, the proposal and its effect would be permanent and lasting. In addition, the proposal would likely displace the car parking use further into the field rather than remove it. I therefore do not agree with the appellant's contention that the temporary parking use has the potential to be fundamentally far more harmful than the proposed dwelling.
13. I conclude, on this issue, that the proposal would have an unacceptable adverse effect on the local landscape and Heritage Coast. While the effect would be localised, it would nevertheless cause demonstrable harm to the landscape and scenic beauty of the National Park. The proposal therefore conflicts with the first statutory purpose of the National Park to conserve and enhance its natural beauty. There would also be conflict with the stated aims of Strategic Policies G and M of the LP. In line with paragraph 176 of the Framework, I give great weight to the conflict with the aims of conserving and enhancing the landscape and scenic beauty of the National Park.

Housing need

14. There is no dispute that the proposal for a single dwelling would be classed as smaller scale in terms of number, and that its occupation could be controlled through use of a local connection planning condition.
15. However, Strategic Policy M and Policy CO8 of the LP are clear that housing proposals will be expected to meet the need for smaller dwellings. As set out in paragraph 7.27 of Strategic Policy M, this has been identified as mainly 1 and 2 bedroom units for affordable housing and smaller 2 and 3 bedroom units for general housing needs, together with some specialist housing for the growing elderly population. There is no substantive evidence before me of a general need for 4-bed dwellings for larger families.
16. Having regard to the overall size of the proposed dwelling, including provision of 4 ensuite bedrooms plus another unspecified room at first floor, it could not reasonably be considered to be a smaller dwelling. Accordingly, the proposal further conflicts with Strategic Policy M and Policy CO8 of the LP in this regard.
17. However, even if I were to conclude otherwise on this issue, it would not outweigh the harms I have previously identified in respect of location and the effect on the landscape and scenic beauty of the National Park.

Other Matters

18. The appellant has referred to several other sites where planning permission has been granted by the Council. Whilst the conversion to the east has effectively introduced residential development of a slightly greater depth in the immediate vicinity, its location on a separate parcel of land, relationship with existing development, the pre-existing screening, and the different policy provisions that apply to the re-use of existing buildings, clearly presented a different context and range of considerations to the appeal proposal. Reference is also made to planning permission on land to the rear of the Runswick Bay Hotel, but the Council explain that it involved the replacement of an existing building and was considered to lie within the built up part of the village. Similarly, other developments in Lingrow Close related to existing dwellings within the built up area. Another development highlighted in the village of Aislaby is not identical

to the appeal proposal, and is not seen in the same context. I am therefore satisfied that the sites referred to are not sufficiently similar in context and circumstances to the appeal proposal to have any bearing on the outcome of this appeal.

19. I have had regard to the personal circumstances of the appellant that have been advanced. However, I am mindful that this argument could all too easily be repeated with significant cumulative effect. I also have no information on the availability of other properties or sites. Moreover, it is significant that the LP is recently adopted. The planning system should be genuinely plan-led. For the reasons set out above, allowing the proposal would undermine the clear housing strategy in the National Park, which is to encourage smaller, more affordable homes in suitable locations. I therefore give very limited weight to this matter.
20. There would be social and economic benefits from construction, support for local services and expenditure from future occupiers. There may also be various sustainability measures and efficiencies that could be incorporated into the development. However, given the small scale of the proposal, these benefits would be commensurately small and so I afford them limited weight in favour of the proposal.
21. In a supporting letter from the landowner it is suggested that the sale of the land would help fund the repair and maintenance of listed buildings elsewhere. However, I have insufficient evidence of the need for enabling development, including the extent and costs of the works, and whether or not such works have or require listed building consent. Nor is there any mechanism that would require the capital receipt from the land sale to be used to fund the works. Consequently, it is not a matter which weighs in favour of the proposal.
22. I have also noted the range of concerns from interested parties that have not already been encapsulated above, including over traffic, drainage, privacy, and protected species. These matters were before the Council when it determined the planning application and did not feature in the reasons for refusal. On the evidence before me, I have no reason to reach a different view. However, the absence of harm in these respects are neutral matters which do not weigh either for or against the proposal.

Conclusion

23. The proposal conflicts with the development plan as a whole. It is also contrary to statutory National Park purposes. There are no other considerations, including the Framework, that outweigh this conflict.
24. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR