



Appeal Decision

Site visit made on 16 May 2023

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2023

Appeal Ref: APP/W9500/W/22/3305049

Field No 5886, Raikes Lane, Sneaton, Whitby, North Yorkshire

Easting: 490575 Northing: 505874

- 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 Ms Rachel Barker against the decision of North York Moors National Park Authority.
 - The application Ref NYM/2022/0353, dated 3 May 2022, was refused by notice dated 23 June 2022.
 - The development proposed is the siting of 5 shepherds huts along with Landscaping, Drainage, Parking, Bike Store, Waste Store, Car Parking and Access walkways to individual Huts. Construction of Managers Lodge. Change of use from Horse Paddock to the Siting of Shepherds Huts.
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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 Ms Rachel Barker. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the development is in an appropriate location having regard to local planning policies that promote sustainably located development and which seek to protect the landscape of the National Park (NP).

Reasons

4. The appeal site is located in the open countryside within the NP and is accessed via a narrow lane leading from the small settlement of Sneatonthorpe. At the present time it has no substantial built development upon it, with only a field shelter and a feed store present, close to the entrance from Raikes Lane. Both buildings are of limited dimensions and cover only a small area of the site. The proposal would position a manager's lodge and car park area adjacent to the entrance. Five shepherd's huts with associated decking areas would be arranged in the area closest to Raikes Lane and would rise in ground level following the natural lay of the land. A footpath would connect the huts to the car parking area.
5. Policy UE2 of the North York Moors National Park Authority Local Plan 2020 (LP) sets out a number of criteria that developments proposing camping, glamping, caravans and cabins must meet. For proposals in the open countryside, the development must not be isolated from an existing business or

residential unit which will be used to manage the accommodation. In this instance there is no existing business or residential unit present on the appeal site, with the residential unit that would manage the shepherd's huts itself being part of the proposed development. As a result, the proposal fails to accord with Policy UE2 of the LP, where it seeks to avoid sporadic development in unsuitable and unsustainable locations.

6. The manager's lodge would be a residential dwelling, occupied in association with the management of the shepherd's huts. Policy CO10 of the LP sets out that in order to maintain the quality of the NP landscape, housing development will only be permitted in one of three circumstances. These are dwellings that have an essential need to support farming, forestry or other essential land management activities, replacement dwellings, and dwellings formed by the conversion of a building of architectural or historic interest. The proposed manager's lodge does not satisfy any of those criteria, and consequently fails to accord with Policy CO10 of the LP.
7. There would need to be lighting associated with the huts and lodge, and with the car parking areas. Whilst the appellant suggests that this would be sensitively designed and positioned, exactly how this would be achieved and the level of illumination that would result has not been demonstrated. But it is likely that there would be a necessity to introduce substantial illumination to the site, in comparison to the existing situation. In the absence of any evidence to show a lesser need for illumination, this would fail to meet with the aims of Policy ENV4 of the LP which seeks to maintain the darkness of night skies in the NP.
8. In terms of its specific impact on the landscape, the proposal would introduce a substantial amount of permanent built development onto land that is currently free of development of any notable scale. Whilst there is a mature hedge of a height that reduces vision into the appeal site from Raikes Lane, the landscape character of the appeal site would nonetheless be adversely affected by the very presence of the proposal. The manager's lodge would also be of a size that would be likely to be visible outside of the site and above the hedge, and vision of it and the car parking area could be taken through the gap at the site entrance. Due to the expansive built form of the proposed development in comparison to the existing situation, the proposal would result in significant harm to the landscape of the NP.
9. The proposed development would provide a facility for people to visit the area and to enjoy all that the NP has to offer. It is close to Sneatonthorpe and it is said that there are commercial farms with tourist facilities such as caravan parks and pitches in the locality. However, the proposal would not be associated with those existing operations and would be isolated from them, and there does not appear to be an abundance of services or facilities present in Sneatonthorpe. It is suggested that a wildflower meadow would be cultivated on the appeal site, that owl boxes would be provided and that existing landscaping could be supplemented. There may also be the possibility that local people could visit the site and pass on their skills to visitors to the huts. These considerations collectively offer modest weight in support of the proposal.
10. Woodsmiths Mine is located close to the appeal site, although it does not appear visible from within the site or from within the area that immediately surrounds it. The appellant draws attention to this as an example of recent

development that has had an impact on the landscape of the NP, including in terms of its lighting. But the mine is by its very nature a different type of development to that which is subject to the current appeal, and the policies which are most important for the proposal that is before me are not those that are directly relevant for a mine development. An assessment of that development will have been made upon its own merits against the relevant planning policy framework, and that is the approach I too must take in my determination of this appeal.

Planning Balance and Conclusion

11. In conclusion, the proposal would fail to accord with Policies UE2 and CO10 of the LP where they seek to ensure that new tourist accommodation and residential dwellings are sustainably located and protect the landscape of the NP. Due to this conflict, the proposal would also fail to accord with Strategic Policy A of the LP which seeks to achieve NP purposes and sustainable development, Strategic Policy B which restricts camping, glamping, caravans and cabins in the open countryside to those permitted by Policy UE2, and Strategic Policy M which sets out the approach to new housing development in the NP. I have also found that the submission fails to demonstrate that the proposal would accord with Policy ENV4 of the LP, which refers to dark night skies.
12. Whilst the appellant has highlighted a number of benefits that would arise from the proposal, these considerations offer only modest weight in its favour. They do not outweigh the conflict with the development plan that would arise, including that the proposed development would not be sustainably located and that significant harm would be caused to the landscape of the NP.
13. For these reasons, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR