



Appeal Decision

Site visit made on 18 July 2023

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 19 September 2023

Appeal Ref: APP/H2733/W/22/3306457

Land at The Carrs, Ruswarp, Whitby, North Yorkshire

Grid Ref. Easting: 488144, Grid Ref. Northing: 508688

- 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 Neil Pearson against the decision of Scarborough Borough Council.
 - The application Ref 21/02518/FL, dated 25 October 2021, was refused by notice dated 9 June 2022.
 - The development proposed is the erection of a two storey building comprising ground floor boat repair and build workshop (B2) with a first floor residential use for occupation by the workshop manager (C3) with concrete loading plus formation of vehicle parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A full site address was not shown on the application form and I have used the address detailed on the appeal form, including the grid references.
3. On the appeal form the site is indicated as being in the Green Belt. However, no evidence of this is provided and the parties indicate the site as being within the countryside. I have considered the appeal on this basis.
4. The appellant refers to National Planning Policy Framework (the Framework) dated 2019 in their appeal statement. The Framework was revised in July 2021 and more recently in September 2023. The 2023 revisions do not have any relevance to this appeal and I have therefore not consulted the parties on this change. I have determined the appeal within the context of the current Framework.
5. The appellant has submitted a traffic speed survey of the public road as part of the appeal. This provides traffic speed data and does not alter the proposal. The parties have had the opportunity to provide comments on this additional information. Having regard to the Wheatcroft principles, I am satisfied that there would be no risk of prejudice if I take this information into account. I have, determined the appeal on this basis.

Main Issues

6. The main issues with the proposed development are:
 - whether or not it would represent essential development in the countryside;
 - its effect on the character and appearance of the surrounding area; and

- its effect on highway safety.

Reasons

Whether or not it would represent essential development in the countryside

7. The appeal site consists of a flat and mainly grassed piece of land which lies between the public highway, B1410, and the River Esk. It is isolated with little built development nearby and sits close to the boundary with North York Moors National Park. The boundary to the road consists of scrubland with lines of mature trees. To the opposite side of the river there is a mix of scrubland and trees with fields beyond. The site has a slipway and is used to support recreational activities on the river.
8. The proposal would consist of a new two-storey mixed-use building with a boat building and repair workshop at ground floor and living accommodation at first floor. Associated designated boat loading and vehicle parking would also be provided. It would remove the need for the existing Chainbridge boat repair and building workshop in Ruswarp and allow expansion and enhancement of this part of the appellant's business.
9. The parties agree that the appeal site is outside the designated Development Limits and as such it is regarded as 'countryside' as detailed in Policy SH1 of the Scarborough Borough Local Plan 2017 (LP). In view of its location, remote from the village and set apart from other buildings the site is also in an isolated location in the context of paragraph 80 of the Framework.
10. Policy ENV6 of the LP advises that outside the Development Limits, new development will be limited to those for which a countryside location is essential. The policy lists a number of essential developments that would be permitted in a countryside location. Of these, I consider b) development which relates to the functional needs of, or consolidates or diversifies, an established rural business; e) a development with an appropriate recreational or tourism activity which requires a countryside location or f) other forms of development requiring a countryside location that can be shown to be necessary in the proposed location for technical or operational reasons as relevant to this decision.
11. Notwithstanding the above, Policy EG6 of the LP also permits expansion of an existing business in the countryside where a) it cannot physically and reasonably be accommodated within the curtilage of the existing site; b) there is proven operational requirements of the business and c) there is a proven need for it to be located at the proposed site.
12. The ground floor workshop element of the proposal would be related to the functioning of the appellant's existing business; would support recreational and tourism related activities; requires to be located next to the river and could not be accommodated at the appellant's existing business site. It would also support the existing business and the local economy. This element of the proposal would comply with the essential development criteria b), e) and f) of Policy ENV6 of the LP and criteria a), b) and c) of Policy EG6 of the LP.
13. With respect to the first-floor which would provide accommodation for a family member of the appellant who works in the business, the appellant advises that it would increase the security of the site and ensure the family member is always on-hand to assist in running the appellant's business. It is also advised

that it would improve safety by removing the existing workshop which necessitates crossing of the busy public highway to access it.

14. However, little substantive evidence has been provided to support the view that the presence of the first floor accommodation is an essential or necessary requirement for the running of the proposed workshop or any part of the business. There is no evidence that alternative affordable local accommodation is unavailable or that the family member could not assist the business from an alternative location. Additionally, no compelling evidence is presented that shows the existing workshop access is unsafe or that the security of the proposed workshop would be reliant on the resident(s) of the accommodation or that it could not be provided by other means such as appropriate security doors and windows.
15. As such the accommodation element would not comply with essential development criteria b), e) or f) of Policy ENV6 of the LP. It would also not relate to the expansion of a business and Policy EG6 of the LP would not apply. Similarly, in the absence of a clearly defined need for a rural worker to live at the site, the proposal would not meet the exception set out at paragraph 80(a) of the Framework.
16. Reference is made to Policy HC1 and HC2 of the LP which support new housing developments across the Local Plan and identifies allocated housing sites. The appellant advises that the proposal would not conflict with these policies. However, little evidence to demonstrate the proposal would meet these policies with respect to being allocated or it being compatible with other policies in the Local Plan is presented.
17. Consequently, when taken as a whole, the proposed ground floor workshop and first-floor accommodation would not represent essential development in the countryside. It would not comply with Policies SH1, HC1, HC2 and the ENV6 of LS which seeks new development to meet the settlement hierarchy and protect, maintain and where possible enhance the countryside.

Character and appearance

18. The appeal site is largely open and within an undeveloped area. It contributes positively towards the character and appearance of its quiet countryside location and the wider setting of the North York Moors National Park.
19. The proposal's two-storey built form would, by virtue of its scale and siting, be a significant visual addition to the area. Notwithstanding the screening and backdrop the trees and scrubland would provide when seen from the road, and its isolated location, the proposal would still be a prominent feature. It would be highly visible from the river and surrounding countryside. Even with the proposal's local vernacular and attic space design; mix of rendered walling and natural timber cladding; dark coloured doors and window frames and its pitched clay pantiles roof, its dominant appearance in the landscape would not be sufficiently softened or mitigated. While I appreciate some of the design aspects have been chosen to provide flood mitigation, this does not justify the harm identified above.
20. Subsequently, due to its scale and design it would not be appropriately located and would harm the character and appearance of the surrounding area, including the wider setting of the North York Moors National Park. It would not

comply with Policy DEC1 of the LP which seeks, amongst other matters, to safeguard or enhance important views and vistas. Moreover, the proposal would not represent design of exceptional quality which would be needed to justify isolated residential development in respect of paragraph 80(e) of the Framework.

21. It is acknowledged that paragraphs 81, 84 and 85 of the Framework support sustainable growth and expansion of all types of business, including tourism related development, in rural areas. However, this is subject, amongst other matters, to new buildings being well-designed and new development respecting the character of the countryside. In view of the harm identified above, the proposal would be contrary with the aims of these paragraphs.

Highway safety

22. The Officer Report identifies that the Highway Authority (HA) are concerned that the proposal would increase pedestrian movements along sections of the road which do not have footways and that the improved access junction would have inadequate visibility splays. Moreover, the HA advises that it frequently receives concerns about pedestrians walking along the road where there is no footway, and it considers the proposal would significantly increase this.
23. In relation to the increased pedestrian movement, the proposal would result in visits from employees of the businesses, resident(s) of the proposed accommodation and recreational users who would use the site as access to the river. Notwithstanding that these visitors would use the site, there is little compelling evidence presented by the Council to show that any would need or be inclined to walk along the public road. Moreover, in my view, these visitors would likely, due to the site's isolated location, travel to the site by vehicle such as car, van or bus rather than walking. On this basis there is little justification that the proposal would significantly increase pedestrian movements along the road.
24. The proposal includes improvements to the existing access junction. The appellant advises that, based on their survey, the traffic on the public highway travels at a lower speed than its speed limit and the visibility splays provided would therefore be adequate. However, no comparison of the current visibility splays or that required by the proposal is presented. At my visit, due to the presence of existing trees, I could not ascertain if adequate visibility was available. While it is appreciated that some trees would be removed as part of the proposal, there is a lack of substantive evidence to support the view that adequate visibility splays would be provided. I therefore cannot be sure the proposed junction would be acceptable.
25. Accordingly, even though pedestrian movements along the road would not be a concern, the proposed junction would likely pose a risk to highway safety. The proposal would therefore be contrary to criterion (c) of policy DEC1 of the LP which seeks to ensure suitable and safe vehicular access is provided.

Other Matters

26. The appellant advises that there are no suitable alternative sites for the proposed workshop which have river access and are closer to the village centre within their control or ownership. However, it is not clear why alternative sites have been excluded from any search area simply because they are not

presently in the control of the appellant. Accordingly, the landownership does not justify the harm that I have found.

27. The proposal would provide good living conditions for residents with regard to outlook and privacy. However, this lack of harm is a neutral factor which would neither weigh in favour or against the proposal.
28. The Council do not raise any significant concerns with respect to Policies ENV3 and TOU1 of the LP in the Officer Report. Although I see little reason to question this, the lack of conflict with these policies does not outweigh the harm I have identified above.

Conclusion

29. The development conflicts with the development plan as a whole, would not meet any of the exceptions set out at paragraph 80 of the Framework with regard to isolated homes in the countryside and does not fully comply with the aims of paragraphs 81, 84 and 85 on account of the harm identified above. There are no material considerations worthy of sufficient weight that would indicate a decision otherwise than in accordance with the development plan. The appeal is therefore dismissed.

J Symmons

INSPECTOR