



Appeal Decision

Site visit made on 29 April 2024

by Philip Lewis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 June 2024

Appeal Ref: APP/W9500/W/23/3330813

30 High Street, Hinderwell, Saltburn-by-the-sea, North Yorkshire TS13 5JH

- 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 C & Mrs L Champion against the decision of North York Moors National Park.
 - The application Ref NYM/2023/0082, dated 13 February 2023, was refused by notice dated 6 April 2023.
 - The development proposed was described on the application form as 'siting of 2 no. log cabins for all year round residential use (principal residence)'.
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Decision

1. The appeal is dismissed.

Procedural matter

2. During the appeal, the appellants referred me to a decision by the Authority to grant planning permission for the siting of one log cabin for holiday letting purposes on land close to the appeal site¹. I sought the views of the main parties on the implications, if any, of this scheme for their respective cases and have had regard to the comments received.

Main Issues

3. The main issues for the appeal are:
 - The effect of the proposed development on the character and appearance of the area;
 - Whether the proposal is consistent with development plan policy for the siting of new housing in larger villages; and
 - Whether the proposed development would be consistent with development plan policy for providing housing to maintain a sustainable local community.

Reasons

4. National Parks have the highest status of protection in relation to landscape and scenic beauty. The two purposes of National Parks are to conserve and enhance the natural beauty, wildlife and cultural heritage of the area, and to promote opportunities for the understanding and enjoyment of the special

¹ NYM/2024/0092

qualities of National Parks by the public. Paragraph 182 of the National Planning Policy Framework (NPPF) requires that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks.

Character and appearance

5. North York Moors National Park Authority Local Plan July 2020 (LP) Strategic Policy C is concerned with the quality and design of development and seeks to maintain and enhance the distinctive character of the National Park. Amongst other things Strategic Policy C includes that development will be supported where a proposal incorporates good quality construction materials and design details that reflect and complement the architectural character and form of the original building and/or that of the local vernacular.
6. I saw at my site visit that dwellings in Hinderwell are typically of traditional design, constructed of stone or brick with slate or tiled roofs, arranged along, or clustered off the A174 road, with traditional design features and fenestration. Despite their relatively low level, the proposed single storey log cabins would not be sympathetic to their surroundings due to their proposed form, external appearance and construction materials, and would appear in stark contrast to the existing dwellings in the area. Furthermore, the proposed log cabins would not be reflective of the local vernacular, and given the proposed siting would not be well related to the scale, form and grain of the village.
7. Whilst I appreciate that the Authority has recently granted planning permission for a log cabin close to the appeal site which would be available for year round occupation for holiday purposes, that scheme was considered, amongst other things, against different LP policies relating to Tourism and Recreation (Strategic Policy J), and Camping, Glamping, Caravans and Cabins (Policy UE2). This is different from the scheme before me which is for permanent residential use. I note also that the approved scheme would be situated between the built up area and an existing caravan park which extends significantly beyond that site away from the main built up area of the village, which is different to the scheme before me, and in a location where the Authority did not consider it would be visually intrusive. Although if implemented, the approved log cabin would form part of the built environment of the area, that does not lead me to a different conclusion. Consequently, the proposed log cabins would not maintain or enhance the distinctive character of the National Park contrary to LP Strategic Policy C.

Siting of new housing in larger villages

8. LP Policy CO7 is concerned with housing in larger villages and sets out that in order to support the wider service function of defined larger villages, principal residence and affordable housing will only be permitted on suitable small sites within the main built up area of the village only, with proposals meeting the need for smaller dwellings. The main built up area of the village is not defined in the LP, and so the question of whether a site is within the main built up area of the village falls to the judgement of the decision maker.
9. The village of Hinderwell sits along the A174 road, with development fronting the road, and extending back from it, including some recent development. The appeal site is set back from the A174 road with a dwelling, sheds, a domestic garden area, and areas occupied by various caravans in between. At the time

of my site visit the appeal site was used for processing logs, and what appeared to be caravan storage. The land further beyond the site was used for equestrian purposes. I noted that to one side of the appeal site is a caravan park, with agricultural type buildings to the other.

10. The appeal site is in use for a number of different purposes outlined above. Added to the fact that it is separated from the permanent buildings towards the A174 by the garden ground and caravans, I do not consider that the appeal site falls within the main built up area of the village, which consists of the permanent buildings and structures along and clustered off the A174. In addition, the proposed housing development would not fall within the existing pattern and form of the settlement.
11. The appellants have suggested that given their land ownership, the proposed log cabins could be pulled back towards the High Street by a few metres. The 'Procedural Guide – Planning Appeals – England' advises that if an appeal is made the appeal process should not be used to evolve a scheme, and even if it were possible to make such a change to the scheme without being procedurally unfair to other parties, I am not convinced that such a modest change would overcome the identified conflict with LP Policy CO7. Consequently, despite being of sufficient size to accommodate the appeal scheme, the appeal site is not a suitable site for housing within the main built up area of the village, contrary to LP Policy CO7.

Housing to maintain sustainable communities

12. The proposed dwellings would each have four bedrooms, with a floor area stated by the Authority to be over 150 square metres. LP Strategic Policy M – Housing includes amongst other things, that 'The Authority will support proposals for a variety of tenures, types and sizes of dwellings within the National Park, including accommodation for older people and those needing special facilities, care or support at home. Schemes will be expected to meet the need for smaller dwellings'. The supporting text to the LP, explains that there is a predominance of larger homes in the National Park. LP paragraph 7.43 explains all new build housing developments within larger and smaller villages together with new build 'windfall' developments in Helmsley should meet the need for smaller dwellings and that as a general principle the Authority is looking for housing development that will meet the growing need for dwellings for smaller households.
13. I note that the LP does not define what is meant by 'smaller dwellings' and I take into account that the last Hinderwell Parish Needs survey was carried out in August 2015, which found need mostly for 2 and 3 bedroom dwellings with some need for family homes. The Parish Needs survey dating from 2015 however may not now provide an accurate assessment of need. I also take into account that the submitted local occupancy proforma set out that it is intended that each dwelling would be occupied by 6 persons.
14. I consider that the proposed dwellings, each having 4 bedrooms, and over 150 square metres floorspace, would not be small dwellings. Whilst they would meet the needs of two local families, the proposal does not meet the expectation in LP Policy CO7 and Strategic Policy M as it would not meet the need for smaller dwellings. The proposal therefore conflicts with LP Policies CO7 and Strategic Policy M in this regard.

Other matters

15. I have taken into account that the proposal seeks to provide affordable accommodation for people who would meet local occupancy policies and help to meet housing need. The proposal would give rise to some economic and social benefits. However, given the scale of the proposal, such benefits would be limited. I also take into account the appellants' comments concerning the provision of housing in Hinderwell in recent years. I have regard to the fact that the proposed log cabins could be easily removed when no longer needed, that as a form of dwelling are long established, and can provide flexibility in terms of the features which can be provided. I note that the proposal has also been designed with energy efficiency in mind. I also take into account the range of services and facilities available in the village, its public transport links to larger settlements and shared services with nearby settlements. These matters do not however lead me to a different conclusion. The comments of the appellants in relation to the approved scheme for a log cabin on the nearby site concern the handling of that application by the Authority and are matters for local accountability.
16. The appellants have referred to a number of policies of the NPPF. However, given the harm found in respect of the main issues and identified conflicts with the LP, support from the NPPF, such as in terms of the proposal enhancing or maintaining the vitality of rural communities, does not outweigh the harm found.

Conclusion

17. For the reasons given and having considered all matters raised, I conclude that the appeal should be dismissed.

Philip Lewis

INSPECTOR