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# Appeal Decision

Site visit made on 25 November 2024

**by Louise Crosby MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5<sup>TH</sup> December 2024**

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**Appeal Ref: APP/C9499/W/24/3346717**

**Street Head Inn, Newbiggin, Leyburn, North Yorkshire, DL8 3TE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Nigel Fawcett against the decision of Yorkshire Dales National Park Authority.
  - The application Ref is R/57/6Z.
  - The development proposed is for a decked area with fencing, used for outdoor seating and tables in conjunction with the business.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The development has already been carried out, I shall deal with the appeal on this basis.

## Main Issues

3. The main issues are:
  - i) Whether the development conserves and enhances the landscape and scenic beauty of the Yorkshire Dales National Park; and
  - ii) The effect of the development on highway safety.

## Reasons

4. The low-level timber decking is located on the opposite side of the road to the public house. It contains 6 timber picnic benches and is enclosed on 3 sides by a timber handrail. It is located on a deep grass verge on the corner of the B6160 and a narrow country lane. Beyond the decking is a traditional dry-stone wall, a farm and open fields. The surrounding area is characterised by fields enclosed by dry stone walls, set in an unspoilt hilly landscape. It is a typical open Yorkshire Dales landscape with far reaching views.
5. It is physically separate from the public house, on the side of the road, where there is no other built development other than farm buildings beyond. Whilst it is of a low-key nature it is a man-made structure, highly visible at the side of the road in the beautiful natural landscape. Its presence will be even more noticeable on a good day when in full use, as the area will be popular with walkers and cyclists who will congregate at the facility for refreshments.

6. Whilst it is not visible to drivers on the B6160 until almost upon it there are other views available of the decking. The public house and associated caravan site are currently contained on one side of the road. The decking and seating results in it spreading further onto the opposite side of the road in what was an open grass verge. This incursion into this previously undeveloped and unspoilt area fails to conserve and enhance the landscape and scenic beauty of the National Park.
7. As such, it conflicts with Yorkshire Dales National Park Local Plan (LP) policy SP2 which sets out the National Park purposes and policy SP4 which seeks to ensure that development is designed to respond positively to the site, its surrounding context and landscape setting.
8. Turning to the matter of highway safety, as set out above it is likely that at busy times, in good weather, the decking and the grassed area in front of it will be used by customers of the public house. Whilst the decking is set back from the junction, there is nothing to stop people standing on the area in front of it. This has the potential to block views of traffic approaching from the east for drivers exiting the country lane onto the B6160 which has a speed limit of 60mph. This junction is already quite dangerous because traffic approaching from this direction is not visible until it is quite close because the B6160 falls away to the east.
9. In addition, the location of the seating requires customers to cross the B6160 road to reach it from the pub as well as staff delivering drinks to customers. Given the speed of traffic on this road and the poor visibility of oncoming traffic in one direction it is not a safe place for people to be crossing on a regular basis and especially not when carry drinks and/or under the influence of alcohol. Also, as set out above the decking is not readily apparent to drivers on the B6160 until almost upon it. This makes it more dangerous as drivers will not necessarily be anticipating people crossing the road at this point.
10. I conclude on this issue that the proposal would be detrimental to highway safety and conflict with LP policy SP4 which seeks to ensure that development does not prejudice highway safety.

#### Other matters

11. I note the appellant has submitted examples of external customer seating areas at other public houses in the surrounding area. However, it appears that these are adjacent to the public house and not on the opposite side of the road.
12. The appellant says that they intend to construct some banking around the decking to alleviate the need for the handrail, but this is not something that is before me to consider as part of the appeal and in any event this would not overcome the highway safety concerns.
13. Whilst the area contained benches for many years prior to the decking being erected, these are a common feature in areas popular with walkers and cyclists such as this and they would have not accommodated the amount of people 6 picnic benches could.
14. I appreciate that the public house is a community asset that provides employment and thus benefits the rural economy, however the business will

still be able to operate just without the custom from this seating which is likely to be mainly during summer months when the weather is fine, in any event.

**Conclusion**

15. For the reasons given above the appeal should be dismissed.

*Louise Crosby*

INSPECTOR