



Appeal Decision

Site visit made on 4 December 2024 by J Reed MPlan

Decision by S Edwards BA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2025

Appeal Ref: APP/W9500/W/24/3349174

Seavegate Farm, Moor Lane, East Ayton YO13 9EW

- 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 Richard Hancock, of RH Financial Consultants Ltd, against the decision of North York Moors National Park Authority.
 - The application Ref is NYM24/0165.
 - The development proposed is new access and gate.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have considered the changes and as they are not material to the proposal, further comments were not sought by the parties. I have, however, considered the appeal having regard to the revised Framework.

Main Issue

4. The main issue is whether the development makes provision for an appropriate access to the site with particular regard to the safety of users of Moor Lane.

Reasons for the Recommendation

5. The appeal site lies on Moor Lane an unclassified national speed limit road serving East Ayton and residential properties on its periphery. The Highway Authority have stated that due to the road's narrow width and twisting form the average speed would be marginally above 30 mph. As a result, the design standard that has been applied by the Highway Authority is Design Manual for Roads and Bridges (DMRB), which requires a visibility splay for vehicles travelling at up to 37mph of 90 metres by 2.4 metres. This has not been disputed by the appellant. Based on my own observations, I agree that due to the nature of the road, it is likely that the observed speed is less than 60 mph. In the absence of further evidence, such as a speed survey, I have no reasons to disagree with the visibility splays sought by the Authority.

6. The appellant has provided various plans and photos plotting how 90 metre x 2.4 metre visibility splays could be achieved in both directions from the site entrance. Drawing no. 18-04-01 shows a visibility splay of 90 metres to the south from points 'A to B'. However, this has not been plotted from the required 2.4 metre set back and instead from the edge of the highway. I observed on site that when taken from a 2.4 metre set back a 90 metre visibility splay could not be achieved due to thick dense hedging to the south.
7. I note the appellants' comments stating that this could be cut back to alleviate this issue. However, the hedging is outside of the redline boundary and I have no additional information before me that it is under the appellants' control. As a result, I cannot be certain that the level of visibility to the south would be satisfactory, and I have no other substantive evidence before me that would lead me to conclude otherwise.
8. To the north plans and photos have also been provided showing sight lines of 90 metres labelled as 'E to A'. From the information provided and my observations on site point 'E' is sloping away from the proposed access at point 'A' on a gradual bank. As a result, and in the absence of further evidence to the contrary, I am not satisfied that the required 90 metre sight line could be implemented with the required 2.4 metre set back.
9. Whilst I acknowledge that the proposed development would generate a low level of traffic the conditions of the proposal through insufficient visibility would be unsafe and therefore prejudicial to highway safety.
10. Thus, I find that the appeal scheme would harm highway safety contrary to Policy CO2 of the North York Moors Local Plan (2020) that seeks to protect highway safety.

Other Matters

11. I note the comments from the appellant referencing the safety and lack of accidents for the existing access and Moor Lane. However, no details of the current access' arrangement nor its particular circumstances have been put before me. Furthermore, the lack of data does not necessarily mean that the road is inherently safe, especially because accident data is collected by emergency services where there has been a personal injury accident. Therefore, there could have been accidents which only resulted in damage to vehicles, and that would not be recorded.
12. No concerns have been raised by the Authority regarding the effect of the development on North York Moors National Park. Having regard to the available information and my own observations, I see no reason to reach an alternative view and confirm that the proposal would conserve the natural beauty, wildlife and cultural heritage of the National Park, and would not detract from the understanding and enjoyment of the special qualities of the National Park by the public.

Conclusion and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

J Reed

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

S Edwards

INSPECTOR