



Appeal Decision

Site visit made on 8 July 2025

by **L Clark BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 August 2025

Appeal Ref: APP/W9500/W/25/3363367

Land adjacent to Morfa Cottage, Station Road, Hawsker, Whitby YO22 4LB

- 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 J Smith against the decision of North York Moors National Park Authority.
- The application Ref is NYM/2024/0579.
- The development proposed is construction of 1 no. local needs dwelling, with access, driveway, turning, amenity space and landscaping works (revised scheme to NYM/2013/0561/FL).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. National Parks (NPs) have the highest status of protection in relation to landscape and scenic beauty. The two purposes of NPs 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 qualities of NPs by the public.
3. The Levelling-up and Regeneration Act 2023 amended The National Parks and Access to the Countryside Act 1949 to impose a duty to further the statutory purposes of NPs in England. Paragraph 189 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in, amongst other matters, NPs.

Main Issues

4. The main issues are:
 - whether the proposed development would provide a suitable site, having regard to the development plan policy;
 - the effect of the proposal on the character of the surrounding area and landscape and scenic beauty of the National Park; and,
 - whether the proposal would meet identified local housing need requirements.

Reasons

The suitability of the site for housing development

5. In 'smaller villages', Strategic Policy M and Policy CO8 of the North York Moors National Park Authority Local Plan 2020 (the LP) restricts new-build housing to, amongst other matters, local needs housing on suitable small sites within the main built-up area of the village. Although there are no defined limits, the supporting text to Policy M states that suitable small sites may not always be a gap within a

continuously built-up frontage, but that they will always fit in with the existing pattern of the settlement. It goes on to state that it is not intended to allow consolidation of sporadic outlying development or to allow villages to expand into open countryside.

6. The appeal site forms an open field which was, until recently, used for the grazing of the appellant's sheep. To one side is Morfa Cottage, and to the other is the appellant's store/agricultural building. Opposite, beyond the A171, are open fields, with the Cinder Track, which forms part of Route 1 of the National Cycle Network between Scarborough and Whitby, located to the rear. The smaller village of Hawsker (High and Low) is separated by the A171, and from observations, development within these is predominantly clustered around the access roads.
7. The appellant contends that the entrance to the village starts "some 370 metres northeast of the appeal site (on the north side of the A171) (at Long Lease Farmhouse) and some 268 metres before the appeal site on the south side of the A171 (at Hawsker Station)". From my observations, Hawsker has at least three village signs, two of which were on the A171 and the other on the B1447. The one closest to the appeal site was on the opposite side of the A171 and close to the junctions of Low Hawsker, High Hawsker and the B1447. This sign clearly marks the entrance to Hawsker. The other village signs are set further from the appeal site.
8. Even if there were a number of facilities located outwith the village signs, for example, the repair garage, car wash, Hawsker-cum-Stainsacre Primary School and All Saints Church, the closest entrance to the village was positioned a significant distance away from the appeal site.
9. In the context of the above, and based on my observations, the appeal site falls outside the Village. I therefore agree with the Council's assessment that the appeal site forms part of the open countryside, beyond the extent of the main built-up area of the village. Consequently, the proposed development conflicts with Strategic Policy M and Policy CO8 of the Local Plan.
10. Strategic Policy B directs development in accordance with the settlement hierarchy. It states that development will only be permitted in open countryside in certain circumstances listed 1 to 5. Item 2. relates to where there is an essential need for development to meet the needs of farming, forestry and other rural enterprise or land management activities.
11. I acknowledge that the appellant has connections with farming and that they currently occupy the adjacent store/agricultural building. However, they contend that a dwelling based on agricultural or forestry grounds could not be sustained. From the evidence before me, the proposed development would therefore be contrary to Strategic Policy B of the Local Plan.
12. For the above reasons, I conclude that the appeal site is not a suitable location for new housing as the proposal would conflict with Strategic Policies M and B and Policy CO8 of the Local Plan, which, amongst other matters, direct the location of new housing within 'smaller villages'.

Character, Landscape and Scenic Beauty

13. Paragraph 189 of the Framework states, amongst other matters, that great weight should be given to conserving and enhancing landscape and scenic beauty in NPs,

which have the highest status of protection. Strategic Policy C relates to the quality and design of development and seeks to maintain and enhance the distinctive character of the NP.

14. The boundaries to the appeal site comprise a mix of post and rail fence (to the A171), post and wire fence separating the site from the adjoining Cinder track and storage/agricultural building and metal sheeting and fencing to Morfa Cottage. The site is sloped towards the centre, which the appellant describes as a hollow, with ground levels rising towards the store/agricultural building. Nearby properties are predominantly red brick with tiled or slate pitched roofs. The character of the appeal site is derived, in my mind, from its countryside appearance and open, undeveloped character, which contributes positively to the coastal hinterland within which it is set.
15. The undeveloped nature of the appeal site, together with its location close to the bend of the A171, and the position of the appellant's store/agriculture building, currently provides views through the site towards the gable of Morfa cottage and beyond when travelling from Hawsker towards Whitby. The appeal site also creates a distinctive break between the end of the ribbon of development leading from Hawsker Station and the sporadic buildings and Hawsker village. Furthermore, the combination of the predominantly open boundaries and sloping nature allows relatively unobstructed views through the site when on the Cinder track towards the undulating open countryside and coastline. This spaciousness provides visual value when travelling on the A171, which reflects the distinctive character of the NP.
16. I acknowledge that the proposed development would be single-storey, which would take advantage of the hollow, and would result in the north east elevation appearing low when viewed from the A171. However, given the position of the proposed dwelling when viewed from the southeast, it would interrupt views towards the flank elevation of Morfa Cottage and beyond. Its presence would therefore erode the current undeveloped space and thereby detract from its open character.
17. I note the appellant's attempts to site the proposed dwelling into the current pattern of development, and that materials used would be similar to those in the nearby store/agricultural building; however, notwithstanding my findings above, its design fails to complement the architectural character and form of the local vernacular to satisfy the requirements of Strategic Policy C of the Local Plan.
18. For the above reasons, I conclude that the proposed development would have an unacceptable adverse effect on the character of the surrounding area, resulting in harm to the NP. While the harm to the NP would be localised, it would nevertheless cause discernible harm to the landscape and scenic beauty of the NP. The proposal, therefore, conflicts with the first statutory purpose of the NP, which is to conserve and enhance the natural beauty. There would also be conflict with the aims of Strategic Policy C of the Local Plan. In line with paragraph 189 of the Framework, I give great weight to conserving and enhancing the landscape and scenic beauty of the NP.

Local need

19. Strategic Policy M and Policy CO8 of the Local Plan are clear that housing proposals will be expected to meet the housing needs of the local community.
20. The proposed dwelling would be 2 bed and would therefore meet the identified need set out in paragraph 7.27 of the supporting text to Strategic Policy M. Notwithstanding this, Strategic Policy M is clear that these homes should be delivered through the

development of sites in listed settlements. Given the above, and even if I were to conclude otherwise on this issue, the provision of local need housing would not, in my mind, outweigh the harm I have previously identified in respect of location and the effect on the landscape and scenic beauty of the NP.

Other considerations

21. The appellant contends that the dwelling would be built on previously developed land (PDL) associated with the railway/railway sidings and close to the former railway bridge. The Framework defines PDL as being, amongst other matters, land which has been lawfully developed and is, or was, occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising of large areas of fixed surface infrastructure.
22. I have a number of historic maps before me, including the Council's maps dated 1892 and 1930 and those within the appellant's Planning Statement. These show the railway and Hawsker Station, and incremental development along the railway line.
23. Given the distance between the appeal site and Hawsker Station, I cannot be certain that the small building which the appellant has drawn my attention to was associated with the station. Furthermore, despite the railway line no longer being largely visible, I did see that the station had a short section of track set behind the platform, terminating approximately prior to the Station building. In my mind, this is the siding associated with the railway and was a significant distance from the appeal site. From the evidence before me, and in the absence of anything to the contrary, the appeal site is not PDL.

Other Matters

24. The appeal site's proximity to walking and cycling networks, together with access to the A171 and bus stops, is not in dispute. I therefore give neutral weight to these matters in my assessment.
25. The appellant contends that the proposed dwelling would add public interest to the National Park; however, for the above reasons, I have found that it would harm the character of the surrounding area and cause localised harm to the NP.
26. I note the letters of support to the planning application; however, matters raised and the lack of objection from either the Parish Council or the Environmental Health Officer do not outweigh or alter my conclusion.
27. Whether or not occupants of properties on Stainsacre Lane, Hawsker Lane or around All Saints Church consider themselves part of Hawsker or utilise its facilities and services is not determinative to the appeal. Furthermore, whether or not the proposed development would present future opportunities towards net environmental gains, together with the absence of harm to the living conditions of nearby residents, does not outweigh the harms identified above.
28. The appellant has drawn my attention to a scheme on land adjacent to 135 High Street, Hinderwell village (No 135), which they contend has been granted planning permission¹ for, amongst other matters, the construction of one dwelling. From the evidence before me, Hinderwell is a Larger Village as defined by Strategic Policy B.

¹ Ref NYM/2021/0363/FL

Whilst it is located at the southern end of Hinderwell, the Council considers it to be at the edge. Therefore, to my mind, the site is located within the village. In contrast, I have found the appeal before me to be located outside the village and as such No 135 is not comparable to the scheme before me.

29. The Council has drawn my attention to planning application Ref NYM/2025/0119 for the construction of a vehicular access and hardstanding turning area for agricultural purposes on the appeal site by the appellant. This, together with the decision by the Council not to undertake a site visit after issuing its decision, falls outside the scope of my assessment, which must focus on the planning merits of the appeal proposal.
30. I have taken into account that the development may assist the appellant in their physical and mental health; however, in the absence of any evidence to demonstrate that the proposed development could not be achieved in a less harmful way, and when set against the need to conserve and enhance the landscape and scenic beauty of the NP, and in the public interest, dismissing the appeal is a proportionate response in this case.

Planning Balance and Conclusion

31. I acknowledge that the creation of one dwelling within the NP for local occupancy would support the Government's objective of significantly boosting the supply of homes. It would also bring some limited economic benefits to the construction industry. However, even if it were to provide local need occupancy and benefits towards new habitat creation, one dwelling would make a limited contribution to the housing supply, and the benefits would not, in my mind, outweigh the great weight which should be given to conserving and enhancing the landscape and scenic beauty of NPs, and harm I have identified above.
32. On balance, I find that the proposal conflicts with the development plan taken as a whole, and material considerations do not indicate the decision should be made other than in accordance with the development plan.
33. For the reasons given above, the appeal should be dismissed.

L Clark

INSPECTOR