



Appeal Decision

Site visit made on 9 March 2005

by **Michael R Lowe BSc (Hons)**

an Inspector appointed by the Secretary of State for
Environment, Food and Rural Affairs

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date
25 May 2005

Appeal Ref: CROW/8/M/04/3082

Site Address: Land at Sancton Dale, Sancton, East Riding of Yorkshire

Grid Ref 491090 440020

- This appeal is made under section 6(1) of the Countryside and Rights of Way Act 2000 (the 2000 Act) against the above land having been shown on a provisional map as open country.
- The appeal is made by John A Southwell, and is dated 21 July 2004.
- The provisional map was issued by the Countryside Agency (the Agency) under section 5 of the 2000 Act, and relates to the east of England (Region 8).
- The ground of appeal is that the land does not consist wholly or predominantly of mountain, moor, heath or down, and to the extent that the Agency have exercised their discretion under section 4(5)(b) of the 2000 Act to treat land which is not open country as forming part of an area of such country, they should not have done so.

Summary of Decision: the appeal is dismissed.

The Appeal Site

1. The appeal site lies approximately 1.5 kilometres east north east of Sancton Village, to the south east of Dale Road Track. The appeal site is adjacent to other land mapped as open country on the provisional map and the subject of other appeals.

The Main Issue

2. I consider the main issue to be whether the appeal site qualifies as mountain, moor, heath or down (MMHD) as a result of its vegetation and general character. The Agency have stated that they have not exercised their discretion under section 4(5)(b) of the 2000 Act to treat land which is not open country as forming part of an area of such country, accordingly this part of the ground of appeal does not apply.

Reasons

3. The appellant disputes that the appeal site is MMHD. He submits that the appeal site is semi-improved grassland which has been re-seeded in the last 7 years and, since that time, has been treated with herbicide on a regular basis. Although the Agency now accept that the appeal site is mostly semi-improved grassland, the Ramblers' Association submit that the appeal site is predominantly unimproved calcareous grassland with open character.
4. At the site visit I observed that the vegetation comprised grassland with the characteristics of unimproved calcareous grassland, including a variety of herb species. Whilst I noted some evidence of previous agricultural improvement, the grassland lacked the significant

presence of ryegrass and clover. In my view the appeal site qualifies as unimproved grassland on the basis that it is more akin to unimproved grassland than to semi-improved grassland. I also consider that the appeal site is generally within an open landscape and I therefore conclude, on the main issue, that the appeal site qualifies as MMHD as a result of its vegetation and general character.

Conclusion

5. Having regard also to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

6. For the above reasons I hereby dismiss the appeal and, in so far as it relates to the appeal site, approve the provisional map.
7. The appeal site is as illustrated on the map accompanying the appeal form.



INSPECTOR