

**Town and Country Planning Act 1990**  
**North York Moors National Park Authority**

**Notice of Decision of Planning Authority on Application for  
Permission to Carry out Development**

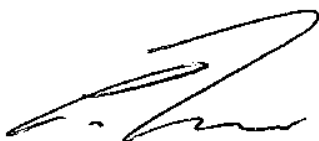
To Mr Mark Skinn  
6 The Cliff  
Iburndale  
Whitby  
YO22 5DS

The above named Authority being the Planning Authority for the purposes of your application validated 02 April 2019, in respect of **construction 1 no. local occupancy letting dwelling with associated access, parking and amenity space** at **6 The Cliff, Iburndale** has considered your said application and has **refused** permission for the proposed development for the following reason(s):

1. The site, located within Iburndale, is considered to be outside of the any settlement listed in the National Park's Settlement Hierarchy and as such lies within open countryside for new housing purposes. The development of this plot would be considered to be wholly out of keeping with the form and grain of the pattern of development within the locality. If permitted, this tandem form of development would not only result in the loss of an open space, it would urbanise and intensify the density of development in the locality which would be considered to be out of keeping and detrimental to the verdant rural character of the environment and landscape of this part of the North York Moors National Park.
2. Core Policy J seeks to ensure that the limited opportunities for housing development in villages are restricted to proposals supporting the development of local needs housing and requires applicants to demonstrate that the needs of the identified occupant are genuine, that the proposal represents the most practical and sustainable. It has not been demonstrated that there is need for a local occupancy dwelling at this location.
3. The development, by means of its scale, height, massing, materials and design is not considered to preserve or enhance the streetscene or vernacular setting that contribute to the character and quality of the wider environment. As a result, the development would result in the loss of an open space which is considered to contribute to the amenity, character and setting of the wider setting of Iburndale contrary to the provisions of Development Policy 3 of the North York Moors Core Strategy and Development Plan Policies.
4. If approved, the proposal would make it increasingly difficult for the Local Planning Authority to resist future applications for new housing on inappropriate sites which would cumulatively pose a major threat to the character, special qualities and distinctiveness of the more rural settlements of the National Park and therefore have a detrimental impact the wider landscape of the Park, contrary to the aims of Core Policy B of the North York Moors Core Strategy and Development Plan Policies.

**Explanation of how the Authority has Worked Positively with the Applicant/Agent**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and concluded that the scheme represents a form of development so far removed from the vision of the sustainable development supported in the Development Plan that no changes could be negotiated to render the scheme acceptable and thus no changes were requested.



Mr C M France  
Director of Planning

Date 28 May 2019

**Please Note your Rights of Appeal are attached to this Decision Notice**

## **Non - Householder Rights of Appeal**

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for non-householder development, they may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice (12 weeks in the case of a minor commercial application). The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

- (2) If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, the owner of the land may claim that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the council of the county/district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Note: If an aggrieved applicant wishes to exercise their right of appeal as above mentioned, they should do so using a form which you can get from the Secretary of State at:

**Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN**  
(Tel: 0303 444 00 00) or online at [www.planningportal.gov.uk/planning/appeals](http://www.planningportal.gov.uk/planning/appeals)

### **Notes**

1. Please note, only the applicant possesses the right of appeal.
2. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within 28 days of the date of this notice.
3. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.