

North York Moors National Park Authority

The Old Vicarage, Bondgate, Helmsley, York YO62 5BP
Tel: 01439 772700
Email: general@northyorkmoors.org.uk
Planning enquiries: planning@northyorkmoors.org.uk
www.northyorkmoors.org.uk



Andy Wilson
Chief Executive

Mr John Cook
Burgate Farm
Harwood Dale
Scarborough
YO13 0DS

Your ref:

Our ref: NYM/2019/0320/AGRP

Date: 05 July 2019

Dear Mr Cook

Notification under Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) for proposed excavating of silage clamp and use of material to create banks to act as retaining wall together with laying of concrete/asphalt at Burgate Farm, Harwood Dale

Thank you for your notification under the above Order, which was validated on 10 May 2019.

I am writing, on behalf of the National Park Authority, to advise you that your proposal for proposed excavating of silage clamp and use of material to create banks to act as retaining wall together with laying of concrete/asphalt at **Burgate Farm, Harwood Dale**, as shown on the submitted plans, has been approved subject to the following condition:

1. To ensure there is no biodiversity loss, the new development including the removal and subsequent deposition of spoil must not deleteriously affect the existing hedgerow by retaining a buffer of at least 1 metre from any hedge plants.

The work must be carried out in accordance with the detailed specifications and plans comprised in the notification hereby approved and commenced within five years of the date of this letter, otherwise a new formal notification will be required.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C M France'.

Mr C M France
Director of Planning



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

If you are aggrieved by this decision you have the same rights of appeal that you would have if a planning application had been refused and these are set out below for your information.

Rights of Appeal

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, 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. 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

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.