

**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**

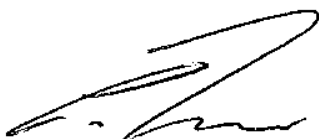
To Mr G Long  
c/o Cheryl Ward Planning  
5 Valley View  
Ampleforth  
York  
YO64 4DQ

The above named Authority being the Planning Authority for the purposes of your application validated 14 June 2019, in respect of **change of use of land to garden and for the siting of 1 no. mobile caravan unit to provide residential accommodation, construction of double garage and relocation of vehicular access at Brackenrigg, Fylingdales** has considered your said application and has **refused** permission for the proposed development for the following reason(s):

1. Given the scale and specification of the accommodation proposed, the Local Planning Authority does not consider that this fulfils the definition of annexe accommodation ancillary to the main dwelling and the proposal is therefore contrary to Development Policy 19 of the Core Strategy and Development Policies Document. The siting of a mobile home on the land for permanent occupation is tantamount to the construction of a new dwelling in the open countryside which is not essential to meet the needs of farming, forestry or other essential land management activities as required by Core Policies B and J and paragraph 79 of the National Planning Policy Framework.
2. The siting of the timber clad mobile home, large double garage and extension of the domestic curtilage into the field adjacent to Brackenrigg would extend the existing built form of development centred around The Flask Inn, holiday park and service station further west, into the open countryside resulting in a detrimental impact on the setting of the existing development and the wider landscape of this area of the National Park particularly given the relatively open nature of the site and long distance views. As such the proposal is contrary to Core Policy A and Development Policies 19 and 20 of the Core Strategy and Development Policies Document.

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.



Mr C M France  
Director of Planning

Date 23 July 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.
4. Prospective appellants requesting an inquiry into their appeal must notify the Local Planning Authority and Planning Inspectorate via email ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days prior to appeal submission.