

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 Winn-Darley
c/o Rural Solutions
fao: Mrs Fiona Tiplady
Canalside House
Brewery Lane
Skipton
North Yorkshire BD23 1DR

The above named Authority being the Planning Authority for the purposes of your application validated 07 February 2019, in respect of **alterations to and change of use of 2 no. buildings formerly used in connection with mineral extraction to agricultural use together with construction of extensions to one of the buildings at Land at Spaunton Quarry, Kirkbymoorside** has considered your said application and has **refused** permission for the proposed development for the following reason(s):

1. The site forms the greatest remaining part of the final outstanding restoration of this former large limestone quarry. The retention of the former two quarry buildings, albeit modified and extended, would have an undermining effect and seriously dilute the character and appearance of the ongoing restoration of the former quarry to a more natural form and thus detract from the Authority's approved Landscape Restoration Plan which sets a vision for an attractive landform and landscape post quarrying. The buildings are not of architectural or historic importance and do not make a positive contribution to the landscape and character of the National Park. As such their retention through conversion would be contrary to the provisions of Core Policy A, and Development Policy 8 of the NYM Core Strategy which, amongst other things, seek to retain traditional buildings which make an important contribution to the quality and character of the landscape, together with seeking to ensure development conserves and enhances the wider landscape and Special Qualities of the National Park, and avoids damage to the landscape.
2. The Local Planning Authority does not consider that the benefits to agriculture set out in the application justification outweigh the harm that would be likely to accrue from the significant harm to the Landscape Restoration Plan vision for the site which involves open access for the public to enjoy an attractive semi-natural landscape and the undermining of the social/cultural/heritage value of the common land in the locality. As such the proposals would be contrary to the provisions of Core Policy A of the NYM Core Strategy which, amongst other things, seeks to maintain and enhance the natural environment and landscape and not detract from the quiet enjoyment, peace and tranquillity of the Park. Furthermore the proposal would conflict with Development Policy 12 which seeks to ensure the character and appearance of the Park is maintained by ensuring new farm buildings are related physically and functionally to existing buildings associated with the business. Insufficient justification has been submitted to demonstrate why buildings could not be located at Spaunton Estate's existing moor farms thus avoiding the creation of livestock and agricultural storage buildings in this isolated location away from any existing agricultural buildings.

Conditions/Reasons for Refusal



Mr C M France
Director of Planning

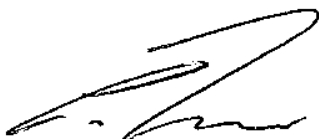
Date 06 August 2019

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

3. The proposed development involves the creation of agricultural buildings for use by livestock with welfare and husbandry requirements which are likely to lead to pressure for a farm workers dwelling(s) which would be likely to have a harmful an urbanising impact on the locality contrary to the provisions of NYM Core policy A and Development Policy 12.

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

Officers have previously explained to the applicant the overriding desire by the LPA to complete the quarry restoration including demolition of the application buildings. No matters raised during the processing of the application were sufficient to outweigh the presumption in favour of following Core Policy A and DP 12 and resisting this sporadic development in the countryside.



Mr C M France
Director of Planning

Date 06 August 2019

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

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) at least 10 days prior to appeal submission.