

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

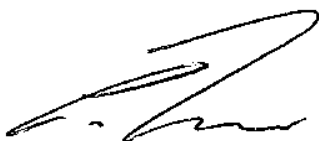
**Notice of Decision of Planning Authority on Application for
Permission to Carry out Development**

To Mr & Mrs T Banister
c/o Garner Planning
Stramongate House
53 Stramongate
Kendal
LA9 4BH

The above named Authority being the Planning Authority for the purposes of your application validated 24 July 2019, in respect of **construction of 1 no. open market dwelling and demolition of existing dwelling and most out buildings at Oakdale House, 9 Back Lane, Osmotherley** has considered your said application and has **refused** permission for the proposed development for the following reason(s):

1. The proposed siting to the rear of the existing dwelling is not considered to be in accordance with the requirements of the NYM Core Strategy & Development Policies as it does not fit within the required criteria of the Replacement Dwelling Policy (DP 21) or Housing Policy (CP J) as it is not a replacement on the same footprint nor in a location which would be considered to be an infill plot. As such the proposal is not considered to be a replacement dwelling and represents a form of random sporadic development which does not respect the form and grain of the existing settlement pattern and would be harmful to the character and appearance of the street scene and surrounding open countryside.
2. The proposal seeks to avoid the imposition of an occupancy condition on the new dwelling. The re-siting of the new dwelling from the front part of the curtilage in a location within the main built up part of the village to a location outside the main built up part of the village in the rear part of the curtilage creates a new dwelling in the open countryside. This conflicts with the combined objectives of the adopted Core Policy J, Development Policy 21 and NYM Housing Supplementary Planning Document (s 6.3) together with the draft Local Plan Strategic Policy M and Large Village Policy CO8. As the Authority's planning framework for housing as a whole, there is no policy support for the creation of a new open market dwelling sited further into the countryside to replace one located in the main built up part of the village. In the absence of at least a local occupancy condition (to reflect proposal circumstances and thrust of policies) , the proposal would undermine the Park wide spatial strategy whereby housing outside the main built up parts of larger settlements should meet affordable housing or essential rural worker need rather than general open market housing need.
3. Although the existing property does not contribute positively to the character and appearance of the Conservation Area, the Authority cannot support the application on heritage or design grounds as the proposed development relates poorly to the existing settlement pattern. As a result of its inappropriate siting and the lack of local distinctiveness in its design the proposal will cause harm to the significance of Osmotherley Conservation Area which the Authority has a duty to have special regard to the character and appearance of under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a Core Policy 4 of the NYM Local Development Framework and conflict with pp 196 of the NPPF as the public benefit of the proposal does not outweigh the harm to the designated heritage asset.

Continued/Reasons for Refusal



Mr C M France
Director of Planning

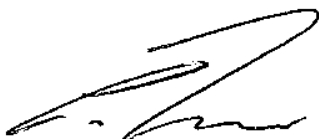
Date 09 December 2019

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

4. Although the existing modern property is of relatively poor quality, its qualities are not considered justification for its demolition and construction of a new building which is also not informed by the character and appearance of the Conservation Area. In particular, the architectural style, scale and massing of the proposed building do not reflect the local distinctiveness or special interest of the settlement required by Development Policy 3 (Design); its location and angle on the plot are not informed by historical settlement morphology; and, the building materials are not locally derived and are not of particular quality. The Authority's concern also extends to the proposed materials which, being external balconies and metalworking, steel rainwater goods, slate roof and pre-weathered timber vertical boarding which do not share affinity with the special interest of the built heritage within the Conservation Area.

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 09 December 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.