

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

JE, MP & T Else
fao: Mr Matthew Else
Grange Farm
Staintondale
Scarborough
YO13 0EN

Your ref:

Our ref: NYM/2019/0838/AGRP

Date: 24 December 2019

Dear Sir/Madam

Notification under Part 6 of Schedule 2 of the 2015 Town and Country Planning (General Permitted Development) Order (or any order revoking and re-enacting that Order) for proposed cattle track at Grange Farm, Staintondale

Thank you for your notification under the above Order, which was validated on 11 December 2019. A receipt for the fee paid can be found at the bottom of this letter.

The above named Authority being the Planning Authority for the purposes of your application has considered the above application for prior approval and has refused permission for the proposed development for the following reason:

1. Although the proposal has been submitted as a notification of 'permitted development' under the terms of Part 6 of the above Order, after consideration the Authority do not accept, in this case, that permitted development rights apply as the operational development to construct the cattle track has taken place in so far as the laying of concrete sleepers and laying of an artificial grass surface as referred to in the Design and Assess Statement submitted as part of the prior notification of agricultural or forestry development received 11 December 2019.

I am writing, therefore, to inform you that the notification procedure in this case is not appropriate and full planning consent will be required if you wish to apply for the development you have outlined. The full planning permission forms are available on the Authority's website using the following link:

<http://www.northyorkmoors.org.uk/planning/planning-applications/forms-and-fees>

A further fee will be required upon submission of the full planning application.

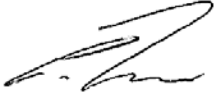
Please note that as there has been an overpayment of the prior notification fee, a refund of £138 will be forwarded to you under separate cover.

You have a right of appeal to the Planning Inspectorate against this decision. Alternatively you may wish to contact Mrs Hilary Saunders to discuss the matter further.



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

Yours faithfully



Mr C M France
Director of Planning

Date	Amount Received	Receipt Ref	Payee Name
11/12/2019	£234	190838	JE, MP & T Else Grange Farm BGC

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.