

**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 John Guthrie  
c/o Broadland Properties Limited  
fao: Mr John Guthrie  
137 Scalby Road  
Scarborough  
YO12 6TB

The above named Authority being the Planning Authority for the purposes of your application validated 23 December 2019, in respect of proposed development for the purposes of **creation of pond (retrospective) at land west of Little Hilla Green Farm, Hackness** has considered your application and has **granted** permission for the proposed development subject to the following conditions:

1. The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

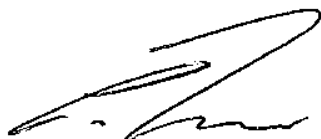
<b>Document Description</b>	<b>Document No.</b>	<b>Date Received</b>
Location Plan	EX10 01	9/01/2020
Block plan and section	EX20 01	9/01/2020

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
2. The pond hereby permitted shall be used as a wildlife pond only and shall not be used for any commercial purpose, including any sporting or shooting activities.
3. The pond hereby approved shall not be stocked with fish or aquatic invertebrates.
4. Other than the existing bench sited by the lower pond, no further benches, seats, or other infrastructure shall be sited within the development site hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

**Reasons for Conditions**

1. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
2. In order to enable the Local Planning Authority to retain control over the scale of activity at the site and ensure compliance with Core Policy C of the Local Development Framework.
3. In order that a variety of amphibians and aquatic invertebrates can occur naturally and be supported and in order to comply with the provisions of NYM Core Policy C which seeks to protect species protected under national and international legislation.
4. In the interests of the visual amenities of the locality and to comply with the provisions of NYM Core Policy A which seeks to conserve and enhance the special qualities of the National Park.

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



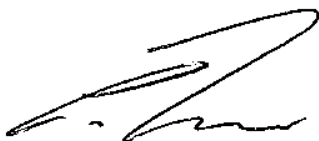
Mr C M France  
Director of Planning

Date 17 February 2020

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

**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 confirmed to the applicant/agent that the development is likely to maintain the economic, social and environmental conditions of the area.



Mr C M France  
Director of Planning

Date 17 February 2020

## 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 of Department of Communities and Local Government 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. No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed Development is situated; or of obtaining approval under any other Bye-Laws, local Acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.
3. In your own interests your attention is particularly drawn to the conditions under which approval has been given to your proposals. Failure to comply fully with the conditions could lead to enforcement action resulting in work already done being demolished or prosecution in Magistrates' Court.
4. 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.
5. 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.