

**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**

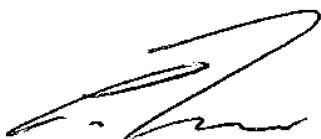
To Mr Michael Fenby  
c/o Bell Snoxell Building Consultants  
FAO Mr Louis Stainthorpe  
Mortar Pit Farm  
Sneatonthorpe  
Whitby YO22 5JG

The above named Authority being the Planning Authority for the purposes of your application validated 26 February 2020, in respect of **alterations and conversion of garage to annex including extension at Glebe Cottage, Thorpe Lane, Robin Hoods Bay** has considered your said application and has **refused** permission for the proposed development for the following reason(s):

1. The proposal by reason of the size of the extension proposed and the level of accommodation created would be contrary to the provisions of Development Policy 19 of the NYM Local Development Framework which seeks to ensure that detached annex accommodation is provided within existing buildings and the accommodation provided is ancillary to the host dwelling in terms of its scale and specification.
2. The existing access, by which vehicles associated with this proposal would leave and re-join the County Highway is unsatisfactory since the required driver to pedestrian visibility of 2 metres x 2 metres cannot be achieved at the junction with the County Highway and therefore, in the opinion of the Planning Authority, the intensification of use which would result from the proposed development is unacceptable in terms of highway safety.

**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 22 April 2020

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

## **Householder Rights of Appeal**

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for householder development, they may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990. As this is a decision to refuse planning permission for a householder application, if you want to appeal against your Local Planning Authority's decision then you must do so within 12 weeks 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](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.