

**Town and Country Planning Act 1990: Sections 191 and 192
(as amended by Section 10 of The Planning and Compensation Act 1991)**

North York Moors National Park Authority

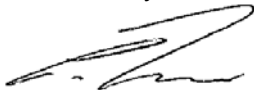
Town and Country Planning (Development Management Procedure) Order 2015:

Certificate of Lawful Use or Development

To Mr D Pattinson
c/o Cheryl Ward Planning
5 Valley View
Ampleforth
YO62 4DQ

The North York Moors National Park Authority hereby certify that on **22 April 2020** the operation described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red and blue on the plan attached to this certificate was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

1. certificate of lawfulness for the established use of tracks within the agricultural unit for in excess of 10 years and remedial works to repair and maintain tracks in excess of four years



Mr C M France
Director of Planning

Date 22 June 2020

First Schedule

The creation of tracks within the agricultural unit described in the Second Schedule for in excess of 10 years and remedial works to repair and maintain tracks in excess of four years.

Second Schedule

Land at Hogarth Hill Farm, Boggle Hole Road, Fylingdales, shown edged in red (surfaced tracks) and blue (grass track) on the attached plan.

Notes

- 1 This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
- 2 It certifies that the operation specified in the First Schedule taking place on the land described in the Second Schedule would be lawful on the specified date and, thus, was not liable to enforcement action under Section 172 of the 1990 Act on that date.
- 3 This certificate applies only to the extent of the operation described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
- 4 The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

Notes

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse an application for a Certificate of Lawful Use or development or to refuse it in part they may appeal to the Secretary of State under Section 195 of the Town and Country Planning Act 1990.
2. Notice of appeal in writing must be given to the Secretary of State within six months of the date of this notice of decision, or within such longer period as the Secretary of State may allow. Copies of the following documents must be furnished to the Secretary of State:-
 - (a) The application made to the Local Planning Authority.
 - (b) All relevant plans, drawings, statements and particulars submitted to them (including the Certificate as to ownership or notice to owners etc).
 - (c) The notice of decision.
 - (d) All other relevant documents and correspondence with the Local Planning Authority.

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

3. Please note, only the applicant possesses the Right of Appeal.

Plan to Accompany Certificate of Lawful Use Town and Country Planning Act 1990

FOR: certificate of lawfulness for the established use of tracks within the agricultural unit for in excess of 10 years and remedial works to repair and maintain tracks in excess of four years

Scale: 1:4000



AT: Hogarth Hill Farm, Boggle Hole Road, Fylingdales

NYM/2020/0299/CLE

North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley YO62 5BP
01439 772700

