

**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 JC Malthouse  
c/o Cundalls  
fao: Mr William Tyson  
15 Market Place  
Malton  
YO17 7LP  
North Yorkshire

The above named Authority being the Planning Authority for the purposes of your application validated, in respect of proposed development for the purposes of **erection of extension to agricultural building to house livestock at Thirlsey Farm, Suffield** has considered your application and has **granted** permission for the proposed development subject to the following:

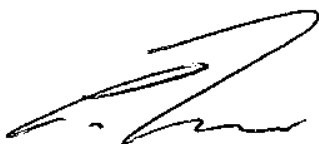
**Condition(s)**

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. 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	c012 SP-001	01 April 2020
Site Plan	N/A	01 April 2020
Elevation & Cross Section	c012 GA-01	28 May 2020
Roof Plan	c012 GA-02	28 May 2020
Technical Specification	c012 3D-01	28 May 2020
Design & Access Statement	Author: Cundalls	18 May 2020

- or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. The external surface of the roof of the building hereby permitted shall be coloured and thereafter maintained dark grey and shall be maintained in that condition in perpetuity unless otherwise be agreed in writing with the Local Planning Authority.
  4. If the use of the building for the purposes of agriculture within the unit permanently ceases within five years from the date on which the development was substantially completed, the building shall be removed from the land and the land shall, so far as is practicable, be restored to its condition before development took place unless the Local Planning Authority has otherwise agreed in writing or unless planning permission for change of use of the building to a purpose other than agriculture has been approved.

Continued/Conditions



Mr C M France  
Director of Planning

Date 13 July 2020

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5. Prior to the development being brought into use details of a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for a screening belt of native trees and hedging to the north east and south and shall include details of any existing hedges and trees to be retained on the site together with any measures for managing/reinforcing these and shall specify plant species, sizes and planting densities for any new areas of planting. The approved details shall be carried out no later than the first planting season following the occupation of the buildings, or completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. The approved landscaping scheme shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

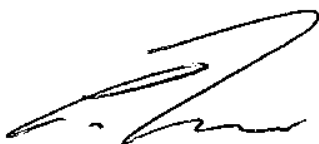
**Informative(s)**

1. The applicant is advised that the building should be fitted with guttering to storage or soakaway to prevent clean water becoming fouled by mud created by vehicle movements.

**Reason(s) for Condition(s)**

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. 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.
3. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
4. In order to comply with the provisions of NYM Development Policy 12 which seeks to ensure that there is a functional requirement for the building in the long term to justify an exception being made to normal planning policies which seek to restrict new development in the countryside.
5. In order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features.

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



Mr C M France  
Director of Planning

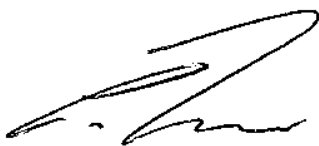
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**Explanation of how the Authority has Worked Positively with the Applicant/Agent**

The Local Planning Authority has acted positively and proactively in determining this application by identifying areas of the application which required further information/clarification with the applicant's agent and requesting the submission of additional information to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



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Director of Planning

Date 13 July 2020

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

## 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.



## Discharging of Conditions Advice Note

### Discharge of Conditions Before Work Starts

There are a number of conditions attached to your planning permission. Please read these carefully and note in particular the condition(s) which require the approval of the National Park Authority either **before** the commencement of development or **before** certain elements of the development are carried out. It is extremely important that these conditions are fully complied with as failure to do so may have the effect of invalidating your planning permission.

Please note that under current planning legislation, there is a fee payable for discharging conditions.

If you have a number of conditions which require formal discharge and all the details are submitted together, the Authority would only charge once for the written confirmation. However, please be advised that should the details be sent in separately then a fee will be charged for each submission.

In order to satisfy the requirements of the condition(s) you should, in writing, enclose the necessary information, relevant fee, specify the site address and set out the condition(s) you wish to discharge. Alternatively you may wish to complete the application form which is available on the Authority's website at <http://www.northyorkmoors.org.uk/planning/planning-applications/forms-and-fees/Application-for-approval-of-details-reserved-by-condition.pdf>.

The current fee schedule is also available on the Authority's website and can be found at <http://www.northyorkmoors.org.uk/planning/planning-applications/forms-and-fees/Planning-Application-Fee-Sheet.pdf>.

Should you require any assistance in submitting the application, please do not hesitate to contact the Development Management Administration Team. If you wish to discuss the specific conditions or the requirements associated with these in more detail, please contact the planning officer who dealt with the original planning application.

### Important Information

Please be advised that in the event of any non-compliance with conditions, the Authority may consider taking enforcement action to remedy the situation.

Should any element of the approved development change prior to work commencing on site or during the construction phase for whatever reason, it is advisable for you to contact the Authority to discuss whether these alterations require an additional grant of planning permission.

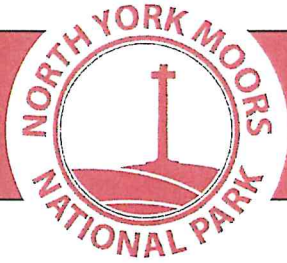
Please be advised that the Authority is now recovering a proportion of the cost of enforcement action from owners/occupiers where a breach of planning control is found to have occurred that is considered harmful and therefore expedient for the Authority to pursue. The cost recovery will normally commence shortly after the breach is confirmed and a remedy requested. All work following this will be charged on an hourly basis, plus associated expenses including legal services and travel. An invoice will be issued following each element of the investigation. Where invoices go unpaid, action will be taken to recover the outstanding debt including all legal and administration costs which have been incurred in doing so.

### Thank you for your co-operation

Telephone: 01439 772700 (9am to 5pm Monday to Friday)

Email: [planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk)

Website: [www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk)



## Notification of Commencement of Development

Submission of this notice will allow us to help you by monitoring your development effectively.

Please return this notice at least two weeks before work begins on site to:

Mr Christopher Knowles, Compliance Officer, North York Moors National Park Authority,  
The Old Vicarage, Bondgate, Helmsley, North Yorkshire, YO62 5BP

Please complete the following details (please print):

Planning application reference number(s): NYM/ \_\_\_\_\_

Address of works: \_\_\_\_\_

I confirm that development will begin on site on: \_\_\_\_\_

Name: \_\_\_\_\_

Contact telephone no(s): \_\_\_\_\_

Email address: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

### Important Information

Once the development has commenced the Authority's Compliance Officer will inspect the site to ensure that the requirements of all conditions are fully met and that your approved plans are being followed. In the event of any non-compliance the Authority may consider taking enforcement action to remedy the situation.

Should any element of the approved development change prior to work commencing on site or during the construction phase for whatever reason, it is advisable for you to contact the Authority to discuss whether these alterations require an additional grant of planning permission.

**Thank you for your co-operation**

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