

**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 & Mrs Nicholas & Beata Coldbeck  
The Old Post Office  
Harwood Dale  
Scarborough  
YO13 0LA

The above named Authority being the Planning Authority for the purposes of your application validated 08 June 2020, in respect of proposed development for the purposes of **change of use of land to form manege at The Old Post Office, Harwood Dale** has considered your application and has **granted** permission for the proposed development subject to the following:

**Condition(s)**

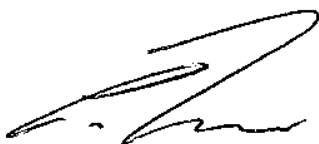
1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

<b>Document Description</b>	<b>Document No.</b>	<b>Date Received</b>
Location Plan (revised) & email	N/A	27 July 2020
Typical Elevation with a Gate	N/A	10 June 2020
Typical Section (1:20)	N/A	10 June 2020

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.

3. There shall be no commercial use of the manege hereby permitted and it shall be used only for the horses kept for hobby/domestic purposes ancillary to the occupation of the property known as The Old Post Office and for no other purpose unless a separate grant of planning permission has first been obtained from the Local Planning Authority.
4. No external lighting shall be installed in the development hereby permitted. Any variation to this will require a new grant of planning consent from the Local Planning Authority.
5. No trees, shrubs or hedges to the west of the site shall be felled, uprooted, wilfully damaged or destroyed, cut back or removed without the prior written consent of the Local Planning Authority. Any work approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations. If any retained tree/hedge is removed, uprooted, destroyed or dies within five years of the completion of the development, it shall be replaced with trees, shrubs or hedge plants of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Continued/Condition(s)



Mr C M France  
Director of Planning

Date 13 August 2020

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

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6. The new hedge planting, as indicated on the submitted location plan received 27 July 2020, shall consist of at least six native species including those such as: hawthorn, holly, blackthorn, hazel, dog rose, dogwood, field maple and guelder rose; and shall be carried out no later than the first planting and seeding seasons following the completion of the development or in accordance with a programme agreed by the Local Planning Authority. Any trees or plants planted in accordance with this condition which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

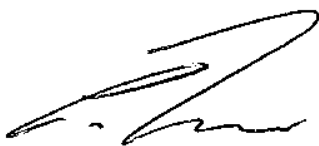
**Informative(s)**

1. Please note that the footpath situated to the east the development site hereby approved must be kept free from obstruction and open for use at all times before, during and after any works.
2. In relation to the landscaping scheme and condition 6 above, the applicant's attention is drawn to the hedgerow planting advice provided on Page 34 of Part 3 'Trees and Landscape' of the Authority's adopted Design Guide, together with the two guidance sheets enclosed with this decision.

**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 Strategic Policies A and C which seek to conserve and enhance the special qualities of the NYM National Park.
3. In order to comply with NYM Local Plan Policy CO20 which seeks to ensure that proposals for equestrian development are well related to an existing buildings and to enable the Local Planning Authority to control any commercial use of the facilities which could give rise to conditions detrimental to the special qualities of the National Park and the residential amenities of adjoining occupiers which would be contrary to NYM Strategic Policy A.
4. In order to comply with the provisions of NYM Strategic Policy A which seeks to ensure that new development does not detract from the quality of life of local residents and in accordance with Local Plan Policy ENV4 which seeks to protect dark night skies.
5. In the interests of the satisfactory appearance of the development and in order to comply with the provisions of NYM Local Plan Strategic Policies E and G and Policy ENV1 which seek to protect the landscape and conserve and enhance the quality and diversity of the natural environment.

Continued/Reason(s) for Condition(s)



Mr C M France  
Director of Planning

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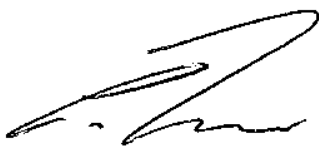
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6. In the interests of the satisfactory appearance of the development and in order to comply with the provisions of NYM Strategic Policy C which seeks to ensure that development proposals incorporate suitable landscaping details.

**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 matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal 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.



Mr C M France  
Director of Planning

Date 13 August 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.