

**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**

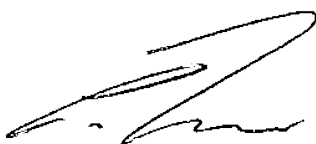
To Mr and Mrs Fiddler
c/o Cheryl Ward Planning
5 Valley View
Ampleforth
YO62 4DQ

The above named Authority being the Planning Authority for the purposes of your application validated 22 May 2020, in respect of **construction of two storey oak garage and home office following demolition of existing garages at Peony Bank Farm, Egton Road, Aislaby** has considered your said application and has **refused** permission for the proposed development for the following reason(s):

- 1 The proposed development by reason of its scale, in footprint and height, overall massing, bulk and design would detract from the character and form of the original dwelling and its setting within the locality. The varying topography of the site, combined with the proposed height of the development, would result in a building that would be elevated above the existing dwelling and as such would not be clearly subservient to the original dwelling. As such the development is deemed to be contrary to Strategic Policy C and Policy CO17 of the NYM Authority's Adopted Policies and the advice contained within Part 2, Sections 2 and 3.7 of the Authority's adopted Design Guide.

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

Negotiations have taken place with the aim of making changes to ensure the proposal complies with the relevant policies of the Development Plan/delivers a sustainable form of development as set out in the National Planning Policy Framework, though unfortunately such changes were not implemented/accepted.



Mr C M France
Director of Planning

Date 28 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 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

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.