

**Town and Country Planning Act 1990
North York Moors National Park Authority**

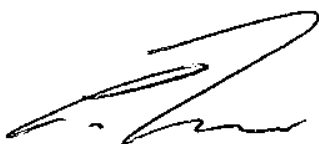
**Notice of Decision of Planning Authority on Application for
Permission to Carry out Development**

To Mr & Mrs Morley
c/o ELG Planning
fao: Mr David Boulton
Gateway House
55 Coniscliffe Road
Darlington
DL3 7EH

The above named Authority being the Planning Authority for the purposes of your application validated 13 August 2020, in respect of **formation of a vehicular farm access and associated track (part retrospective)** at **Newlands Farm, Newlands Road, Cloughton**, has considered your said application and has **refused** permission for the proposed development for the following reason(s):

1. The Planning Authority considers that the required Clear visibility of 215 metres cannot be achieved along the public highway in either direction from a point 2.4 metres from the carriageway edge measured down the centre line of the proposed access road cannot be achieved and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety. The proposal therefore fails to comply with NYM Local Plan Policy CO2 (Highways) which requires development to be of a scale which is compatible with the adjacent road network without detriment to highway safety. By reason of the compromised visibility and associated reduction in highway safety, the proposal would also be contrary to paragraph 108 (b) which requires a safe and suitable access to be achieved for all users of the site. Allowing the proposal would mean that the Authority would be failing in its duty and would create a new access that would be highly unsafe for users of the site and the public highway.
2. It has not been demonstrated to the satisfaction of the Local Planning Authority that there is compelling evidence to support an existing need for a new track and that existing tracks or alternative arrangements cannot meet that need. Consequently, the application does not meet points 2 and 3 of NYM Local Plan Policy BL6.
3. The proposed development relies on the removal of vegetation from land which is not within the applicant's ownership and/or control. The proposed sight lines have already been deemed as inadequate by the Local Highway Authority and for that reason, in combination with the lack of certainty that the proposed works can be delivered and thereafter maintained, the proposal would be prejudicial to highway safety which is contrary to the requirements NYM Local Plan Policy CO2 (Highways).

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



Mr C M France
Director of Planning

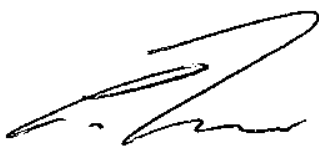
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Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.



Mr C M France
Director of Planning

Date 08 October 2020

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

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**Notice of Decision of Planning Authority on Application for
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Rights of Appeal**

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for non-householder development, they may appeal to the Secretary of State 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.

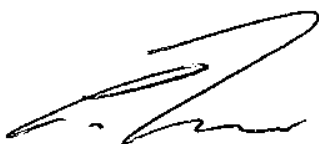
- (2) If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, the owner of the land may claim that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable 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

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.



Mr C M France
Director of Planning

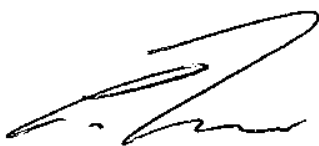
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3. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 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.
4. Prospective appellants requesting an inquiry into their appeal must notify the Local Planning Authority and Planning Inspectorate via email (inquiryappeals@planninginspectorate.gov.uk) at least 10 days prior to appeal submission.



Mr C M France
Director of Planning

Date 08 October 2020

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