



The Planning Inspectorate

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Mrs Wendy Strangeway
North York Moors National Park Authority
Development Control Support Officer
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP

Your Ref: NYM/2018/079/FL
Our Ref: APP/W9500/W/19/3243322
Further appeal references at foot of letter

13 October 2020

Dear Mrs Strangeway,

Town and Country Planning Act 1990
Appeals by Mr George Winn Darley, Mr George Winn-Darley
Site Addresses: Spaunton Quarry, Land at Spaunton Quarry, Kirkbymoorside,
YO6 6NF and Spaunton Quarry, Kirkbymoorside, YO6 6NF

I enclose a copy of correspondence from Mr George Winn-Darley applying for an award of costs against you

Apologies for the late submission I inherited this Appeal and assumed Costs applications had been dealt with.

To be discussed at the Hearing .

It will remain open to both parties to amend or add to submissions at the hearing when the application is dealt with.

Yours sincerely,

Hazel Stanmore-Richards

Hazel Stanmore-Richards

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search

Linked cases: APP/W9500/W/20/3246365

COSTS APPLICATION

National Planning Practice Guidance¹ includes guidance on the award of costs against appeal parties.

The appellant is concerned that notwithstanding the submission of a detailed planning application, the information they have submitted has not received a proper assessment by the officers of the NYMPA with the resultant impact being members of the Planning Committee not being aware of the comprehensive landscape and visual assessment evidence which was submitted as part of the application process. This detailed evidence by 'competent' professionals was not given due weight in the decision process.

The appellant feels it is appropriate to submit a costs application in this instance.

Paragraph: 049 Reference ID: 16-049-20140306 considers 'What type of behaviour may give rise to a substantive award against a local planning authority?' It is considered that the determination of the application that is appealed, has involved the NYMPA:

- Making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; and
- Failure to produce evidence to substantiate the reason for refusal (which includes purposefully using Development Policy 8 as an additional policy reason for refusal when that policy does not relate to leisure facilities).

Additional information is provided below.

I. Making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.

With regard to the published officer's report:

- the published picture is not of the application site
- the site plan on page 2 is the wrong one. An amended plan showing only one entrance to the leisure site has been submitted.
- there is no consideration that the existing building is to be appropriately upgraded with timber cladding. Further, three design concepts were submitted to the NYMPA for discussion on alternative materials etc.

¹ <https://www.gov.uk/guidance/appeals#behaviour-that-may-lead-to-an-award-of-costs-against-appeal-parties>

The report is misleading in the fact that it states that there is a need to omit 'the retention of the poor quality brick quarry building as the caravanners amenity building' but in reality the proposal is not to keep the current brick quarry building as the proposal is for the base structure to be fully upgraded in terms of its exterior with timber cladding. It is clearly important to the success of the enterprise that this building is aesthetically very pleasing.

No consideration has been made of the applicants / appellants comprehensive landscape and visual assessment which fully documents in an objective manner that the scheme does not compromise the landscape of the National Park.

2. Failure to produce evidence to substantiate the reason for refusal on appeal.

The officer report and subsequent decision states that the proposed development by reason of the retention of the prominent unattractive brick quarry building would have an undermining effect and dilute the character and appearance of the ongoing restoration of this former quarry to a more natural form.

This assessment is firstly inaccurate as the 'prominent unattractive brick quarry building' was not being retained, Further, the assessment was not supported by any formal comments from the Councils landscape officer as part of the application and no substantive assessment has been produced by the officer to justify this assessment.

The use of Development Policy 8 is unwarranted as it relates to development proposals which are not related to tourism development. The use of this policy at the Planning Committee and in the reason for refusal seeks to undermine the fact that Development Policy 14 is the pertinent policy and that it very clearly states that

New tourism development and the expansion or diversification of existing tourism businesses will be supported where:

4. **it will make use of an existing building.** Proposal for new buildings will be expected to demonstrate that the facility **cannot be satisfactorily accommodated within an existing building** in that location.

For the above reasons is it considered that an award of costs against the LPA is justified in this instance.