

North York Moors National Park Authority

Town and Country Planning Act 1990

Appeal by: Mr Winn-Darley

Against:

Refusal of planning permission for use of part of the former quarry for leisure purposes in the form of 1 no. additional log cabin, 12 no. touring caravan pitches with associated package treatment plant and access road and change of use of quarry building to visitor club/meeting facility

Location: Land at Spaunton Quarry, Kirkbymoorside

LPA Ref : **NYM/2018/0791/FL**

PINS Ref : **APP/W9500/W/19/324332**

Costs Rebuttal by Local Planning Authority For Hearing Appeal – 16th October 2020

Awards of Costs.

The online NPPG explains that costs may be awarded on appeal where either; a party has behaved unreasonably and where the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Unreasonableness may be either procedural or substantive relating to the merits of the appeal. Examples include; having to utilise expert witnesses to provide detailed technical advice.

Basis of Applicants request for Costs.

- That vague, generalised or inaccurate assertions about the proposals impact were made which were unsupported by any objective analysis. To evidence this , officers picture in the report was of the wrong site, an incorrect site plan was referred to and importantly there was little discussion of the various merits of the three different design concepts for remodelling the building were not properly considered.
- Failure to produce evidence to substantiate the reason for refusal. To evidence this the reason refers to retention of an unattractive brick building when the proposal sought to remodel the building into an attractive rural building. There was no formal comments from the Councils Landscape officer. Failure to give weight to that part of the tourism policy which seeks that proposals will be expected to make use of an existing building.

LPA Comments.

In respect of the claim that the officer report showed the wrong site. This is incorrect, the site is a large site over a hectare and the photo seeks to show the whole site in the middle ground of the photo and also show it in its landscape setting. This was explained verbally to the committee at the agents request before the decision was taken. Dozens of other photos both longer distance and on the site were shown during the committee presentation.

The site location plan showing two accesses to the site was produced by the agent and a revised plan was only submitted after officers pointed out the disparity between the written documentation and the submitted plans. The single vehicle and single pedestrian accesses were pointed out to Members at both the Committee site visit and the Committee presentation.

The written report and presentation and reasons for refusal explain the objection in principle to the retention of the quarry office building and the issue was not about timber cladding or roof sheeting choice to recreate a fantasy rural building. As such the merits of three different remodelling approaches were not considered determinative.

In respect of formal comments from a Council appointed Landscape officer, the National Park Authority is not a Council and it does not have a designated Landscape officer. This National Park was designated in 1952, the statutory purposes of which were: To conserve and enhance the natural beauty, wildlife, and cultural heritage of the Park, and to Promote opportunities for the enjoyment and understanding of the special qualities of the Park by the public. Landscape impact is inevitably a key consideration in an area nationally designated for the highest protection in the land because of its high landscape quality and planning officers are trained to deal with this issue and deal with it daily.

In respect of the policy consideration about using existing buildings where possible. The context of this policy is that the building is lawful and can remain in situ and thus any enhancement should be seen as a net benefit. The building in question is unauthorised, it is subject to form enforcement action for its removal and as such the baseline is that of an empty site. As such that part of the policy which seeks to use a (lawful) building is not engaged and any pragmatic assessment needs to recognise the opportunity costs of the benefits of the cleared site.

MH 13/10/20