

**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**

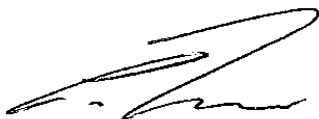
To Mr Robert Walker  
South Moor Farm  
Dalby Forest Drive  
Langdale End  
Scarborough  
YO13 0LW

The above named Authority being the Planning Authority for the purposes of your application validated 17 August 2020, in respect of **use of land to form 1 no. grass runway for personal use by owner and emergency use together with erection of wind sock (revised scheme following dismissal at appeal of NYM/2016/0817/FL) at South Moor Farm, Dalby Forest Drive, Eberston** has considered your said application and has **refused** permission for the proposed development for the following reason(s):

1. The Local Planning Authority considers that it cannot be satisfactorily demonstrated that protected bird species, notably Goshawk (Schedule 1, Wildlife & Countryside Act) and Nightjar (Section 41, NERC Act, Annex 1, EU Birds Directive) would not be adversely affected by the proposed development, or that it would not have a significant effect on the interest features of the North York Moors Special Protection Area (SPAs), because flights to and from the proposed airstrip could potentially cause disturbance to the species for which the special protection area is designated. The proposal is therefore contrary the statutory purposes of the National Park Authority where conservation of wildlife is explicit, and Strategic Policies A and H of the Local Plan. Furthermore, the failure to demonstrate that protected species would not be harmed runs contrary to national policy contained in the online National Planning Guidance and Chapter 11 of the NPPF which states that conservation of wildlife is important and that it is essential for the presence or otherwise of protected species, and the extent that they may be affected by a proposed development to be established before planning permission is granted.
2. The proposed development would be contrary to Policy ENV2 of the NYM Local Plan which seeks to ensure that development proposals do not have unacceptable impact on the tranquillity of the surrounding area in relation to visual intrusion; noise; activity levels; and traffic generation. The proposal would interfere with these qualities which are increasingly rare and are highly valued and is a very strong special quality of the National Park and would adversely affect enjoyment of the National Park.

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

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and concluded that the scheme represents a form of development so far removed from the vision of the sustainable development supported in the Development Plan that no changes could be negotiated to render the scheme acceptable and thus no changes were requested.



Mr C M France  
Director of Planning

Date 16 November 2020

## 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](http://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.
4. Prospective appellants requesting an inquiry into their appeal must notify the Local Planning Authority and Planning Inspectorate via email ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days prior to appeal submission.