

**Town and Country Planning Act 1990: Sections 191 and 192
(as amended by Section 10 of The Planning and Compensation Act 1991)**

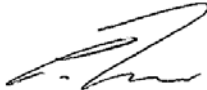
North York Moors National Park Authority

**Town and Country Planning (Development Management Procedure) Order 2015:
Certificate of Lawful Use or Development**

To Mr I Davies
c/o Cheryl Ward Planning
5 Valley View
Ampleforth
YO62 4DQ

The North York Moors National Park Authority hereby certify that on **16 February 2021** the operation described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan attached to this certificate was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

1. That the developments described in the First Schedule have been carried on for more than four years in respect of the use of the building and ten years in respect of the ties to High Mitten Hill Farm in breach of condition 1 of planning approval NYM/2009/0334/FL.



Mr C M France
Director of Planning

Date 26 April 2021

First Schedule

The use of the building edged red on the attached plan as a separate dwelling, occupied independently of High Mitten Hill Farm as described in the Second Schedule

Second Schedule

High Mitten Cottage, Hawsker, Whitby YO22 4LW

Notes

- 1 This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).
- 2 It certifies that the use, operation or other matter specified in the First Schedule on the land described in the Second Schedule was lawful on the specified date and, thus, was not liable to enforcement action under Section 172 of the 1990 Act on that date.
- 3 This certificate applies only to the extent of the use, operation or other matter described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use, operation or other matter which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The lawfulness of any use, operation or other matter under Section 191 of the Town and Country Planning Act 1990 (as amended) for which a certificate is in force shall be conclusively presumed.
5. A certificate under Section 191 of the Town and Country Planning Act 1990 (as amended) in respect of any use shall also have effect, for the purposes of the following enactments, as if it were a grant of planning permission -
(a) section 3(3) of the Caravan Sites and Control of Development Act 1960 or section 7(1) of the Mobile Homes (Wales) Act 2013; (b) section 5(2) of the Control of Pollution Act 1974; and (c) section 36(2)(a) of the Environmental Protection Act 1990.

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

Notes

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse an application for a Certificate of Lawful Use or development or to refuse it in part they may appeal to the Secretary of State under Section 195 of the Town and Country Planning Act 1990.
2. Notice of appeal in writing must be given to the Secretary of State within six months of the date of this notice of decision, or within such longer period as the Secretary of State may allow. Copies of the following documents must be furnished to the Secretary of State:-
 - (a) The application made to the Local Planning Authority.
 - (b) All relevant plans, drawings, statements and particulars submitted to them (including the Certificate as to ownership or notice to owners etc).
 - (c) The notice of decision.
 - (d) All other relevant documents and correspondence with the Local Planning Authority.

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

3. Please note, only the applicant possesses the Right of Appeal.

Plan to Accompany Certificate of Lawful Use Town and Country Planning Act 1990: Sections 191 and 192 (as amended by Section 10 of The Planning and Compensation Act 1991)

certificate of lawfulness for the independent use of the dwelling unit in excess of four years and severing of ties from High Mitten Hill Farm in excess of ten years in breach of condition 1 of planning approval NYM/2009/0334/FL

Scale: 1:1250



High Mitten Hill, Back Lane, Hawsker

North York Moors National Park Authority
The Old Vicarage

NYM/2021/0113/CLE



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