

**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**

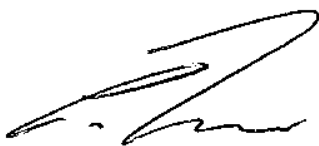
To Mr David Calum  
c/o Mr Peter Midgley  
Viewly Hill  
15 West Street  
Swinton  
Malton

The above named Authority being the Planning Authority for the purposes of your application validated 04 June 2021, in respect of **construction of single storey extension at Ellerbeck House, Priestmans Lane, Thornton le Dale** has considered your said application and has **refused** permission for the proposed development for the following reason(s):

1. By reason of scale, form, design and position of the proposed development, the proposal is considered to be contrary to Strategic Policy C and Policy CO17 of the Authority's Adopted Policies within the NYM Local Plan, together with the Authority's adopted Design Guide Part 2: Extensions and Alterations to Dwellings. These policies and guidance seek to ensure that new development achieves a high standard of design which is compatible with the scale and character of the host property and its setting. In this case, the proposal seeks to add a further addition to a modern extension projecting from the garage and consequently, its scale and design is not considered to reflect the character of the host building nor the linear form of the whole site.
2. Taken together with the existing extensions, the proposal is considered likely to exceed the amount of new habitable floor area permitted under NYM Local Plan Policy CO17. Although the agent has submitted figures in support of the proposal, insufficient information has been provided within the application process to enable the Authority to make a full assessment of this issue and therefore it is not considered that part 3(a) of NYM Local Plan Policy CO17 has adequately been met.

**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 raising those with the Applicant's Agent. However, amended details have not been forthcoming and in view of the site history and the requirements of the adopted Local Plan Policies, it has not possible to negotiate a satisfactory way forward within the timeframe allowed and due to the conflict which has been clearly identified within the reason for the refusal, approval has not been possible.



Mr C M France  
Director of Planning

Date 30 July 2021

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

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**Rights of Appeal**

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to:
- a) refuse an application for planning permission or grant it subject to conditions;
  - b) refuse an application for any consent, agreement or approval required by a condition imposed on a grant of planning permission or grant it subject to conditions; or
  - c) refuse an application for any approval required under a development order
- they may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990 within 12 weeks of the date of this notice. 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.

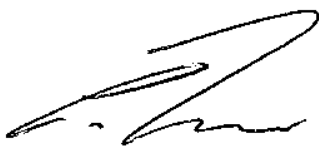
- (2) If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, the owner of the land may claim that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable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



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Director of Planning

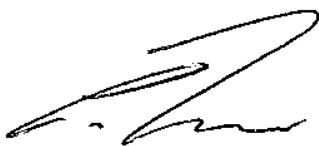
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2. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your Local Planning Authority's decision on your 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.



Mr C M France  
Director of Planning

Date 30 July 2021

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