

**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 The Mulgrave Estate
c/o John Long Planning Ltd
45 The Street
Surlingham
Norwich
NR14 7AJ
Norfolk

The above named Authority being the Planning Authority for the purposes of your application validated 14 December 2021, in respect of **construction of 1 no. principal residence dwelling and garage/cart shed with associated amenity space, parking and access at land rear of Cross Farm Buildings, High Street, Egton** has considered your said application and has **refused** permission for the proposed development for the following reason(s):

- 1 The site is not considered to form a suitable small site as it is not well related to the scale, form and grain of the existing surrounding residential development (existing and approved) within this area of Egton and would be likely to have an overbearing and detrimental impact on neighbouring residential amenity. As such the proposal is contrary to Strategic Policy M and Policy CO7 of the Local Plan which seek to confine new housing development to suitable sites within the main built up areas of the settlements of the National Park.
- 2 The proposal would create a large three bed dwelling with a total habitable floor space of over 150m² which the Local Planning Authority does not consider would meet the identified need for smaller dwellings and would therefore be contrary to Policy CO7 of the Local Plan insofar as the limited opportunities for housing development would not be used to provide for the type of housing needed to maintain a sustainable local community.
- 3 If approved, the proposal would make it increasingly difficult for the Local Planning Authority to resist future applications for new housing on inappropriate sites which would cumulatively pose a major threat to the character, special qualities and distinctiveness of the more rural settlements of the National Park and therefore have a detrimental impact the wider landscape of the Park, contrary to the aims of Strategic Policy G of the North York Moors Local Plan.
- 4 In the absence of a speed survey to demonstrate that the access will not be unsafe, it is considered that the access would be harmful to highway safety for users of the highway, contrary to Policy CO2 of the NYM Local Plan.

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 07 February 2022

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:
- refuse an application for planning permission or grant it subject to conditions;
 - 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
 - refuse an application for any approval required under a development order

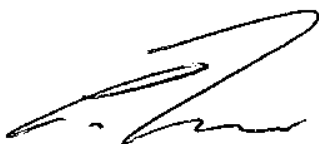
they may appeal to the Secretary of State of Department of Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice (12 weeks in the case of a minor commercial application). The Secretary of State can allow 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



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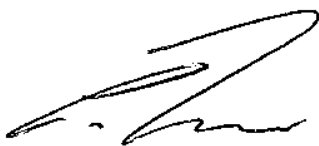
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Notes

1. Please note, only the applicant possesses the right of appeal.
2. No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed Development is situated; or of obtaining approval under any other Bye-Laws, local Acts, orders, regulations, and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.
3. In your own interests your attention is particularly drawn to the conditions under which approval has been given to your proposals. Failure to comply fully with the conditions could lead to enforcement action resulting in work already done being demolished or prosecution in Magistrates' Court.
4. 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.
5. 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 07 February 2022

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