

**Town and Country Planning Act 1990
North York Moors National Park Authority**

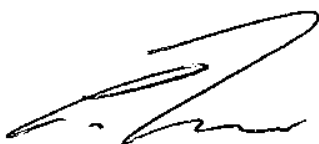
**Notice of Decision of Planning Authority on Application for
Permission to Carry out Development**

To Egton and Mulgrave Estates
c/o Compass Point Planning and Rural Consultants
fao: Ms Andrea Long
The Old Vicarage
Vicarage Square
Lythe
Whitby
North Yorkshire
YO21 3RW

The above-named Authority being the Planning Authority for the purposes of your application validated 25 November 2021, in respect of **outline application for construction of 9 no. dwellings with associated accesses, parking and amenity spaces together with public car park and mixed-use industrial units with associated access at land north east and east of 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 considered to lie outside of the main built up part of the settlement of Egton and does not constitute a suitable small site as defined by Strategic Policy M and Policy CO7 of the North York Moors Local Plan in that the site is not located within the main built up part of the village and does not fit in with the existing pattern of the settlement. If permitted, this development would represent harmful sporadic development and extend outwards the main built up form of the village to the detriment of the character of the environment and landscape of this part of the North York Moors National Park.
- 2 The site proposed for industrial units is considered to lie outside of the main built up part of the settlement of Egton and does not comprise the re-use of or small extension to an existing building. Furthermore it has not been demonstrated that the proposed industrial units would not result in noise disturbance that would be detrimental to the amenities of occupiers of existing or proposed residential properties. If permitted this proposal would be of a scale and in a location that would have a detrimental impact on the character of the locality and residential amenity contrary to Policy BL1 of the NYM Local Plan.
- 3 The site of the proposed car park is on agricultural land outside the main built up part of the settlement and would have a detrimental impact on the character of the locality. Furthermore, there is no adequate justification that the proposed car park would meet an identified need or benefit both the community and visitors to the National Park. The proposal would therefore be contrary to Policy CO3 of the NYM Local Plan.

Continued/Reasons for Refusal



Mr C M France
Director of Planning

Date 13 April 2022

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

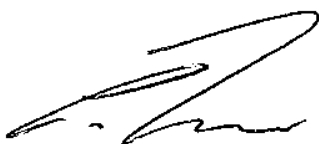
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- 4 The proposal development would be located on the edge of the Egton Conservation Area in an area which contributes positively to its historical values and would go beyond the development limits of the village, negatively impacting the existing archaeology evident on the HER and LiDAR. Furthermore the proposed design/layout of the housing, including features such as parking to the front, would not follow the form and grain of Egton, and would be very suburban in design, out of character with the locality. The proposal is therefore not suitable for such a prominent site in a North York Moors village, particularly given that it is also the gateway to a conservation area and its development would be to the detriment of the conservation area, contrary to NYM Local Plan Strategic Policy I and Policy ENV11.
- 5 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 significant 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 B of the North York Moors 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.



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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.

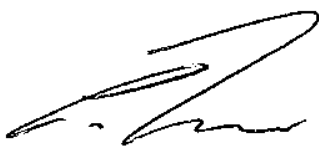
- (2) If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, the owner of the land may claim that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable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

Notes

- Please note, only the applicant possesses the right of appeal.
- 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



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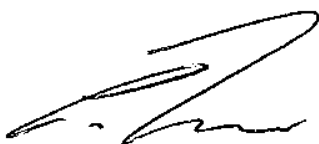
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obtaining approval under any other Bye-Laws, local Acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.

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.



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Director of Planning

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