

**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 Andrew Fiddler
Peony Bank Farm
Aislaby
Whitby
TO211SX

The above named Authority being the Planning Authority for the purposes of your application validated 13 April 2022, in respect of proposed development for the purposes of **variation of conditions 1 and 3 of planning approval NYM/2017/0422/CU to allow the use of Care Home as 50 bedroom worker accommodation for Anglo American (formerly Sirius Minerals PLC) employees for a further five year period at Hawkesgarth Lodge, Station Road, Hawsker** has considered your application and has **granted** permission for the proposed development subject to the following:

Condition(s):

1. The permission hereby granted is valid only for five years from the date of this permission and the use shall be discontinued and the site restored to its former condition before this consent expires.
2. The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date Received
Site Location Plan		29 Jun 2017
Proposed Block Plan	D11245-03 Rev.A	28 Aug 2017
Email from Andrew Fiddler		14 Sept 2017
Traffic Management Plan		18 Sep 2017

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. The accommodation hereby approved shall not be occupied other than by employees of and contractors working for Anglo American and shall not used for residential purposes other than temporary workers accommodation. Any use of the accommodation by members of the public will require a further grant of planning permission from the Local Planning Authority.
4. Visibility splays giving clear visibility of 45 metres to the south and 24 metres to the north, measured along both channel lines of the major road, Hawsker Lane from a point measured 2.4 metres down the centre line of the access road shall be maintained clear of any obstruction and retained for their intended purpose at all times. The eye height will be 1.05 metres and the object height shall be 1.05 metres.

Continued/Condition(s)



Mr C M France
Director of Planning

Date 08 June 2022

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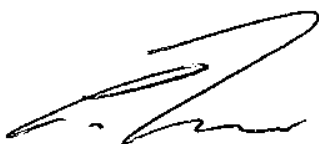
5. Visibility splays giving clear visibility of 19 metres to the west and 22 metres to the east, measured along both channel lines of the major road Summerfield Lane from a point measured 2.4 metres down the centre line of the access road shall be maintained clear of any obstruction and retained for their intended purpose at all times. The eye height will be 1.05 metres and the object height shall be 1.05 metres.
6. The parking facilities shown on the approved drawing D11245-03 Rev.A shall be maintained clear of any obstruction and retained for their intended purpose at all times.
7. The development shall at all times be carried out and operated in accordance with the terms and conditions of the Travel Management Plan received on 18 September 2017 unless agreed otherwise in writing with the local planning authority in consultation with the local highway authority.

Reason(s) for Condition(s)

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to conserve and enhance the special qualities of the National Park.
3. The site is in a location where new residential development would be contrary to Strategic Policy M of the North York Moors Local Plan, but the temporary workers accommodation has been permitted to provide facilities for employees of Anglo American.
- 4 & 5. In accordance with Policy CO2 of the North York Moors Local Plan and in the interests of road safety.
6. In accordance with Policy CO2 of the North York Moors Local Plan and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
7. In accordance with Policy CO2 of the North York Moors Local Plan and to establish measures to encourage more sustainable non-car modes of transport.

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

The Local Planning Authority has acted positively in determining this application by assessing the scheme against the Development Plan and other material considerations and subsequently granting planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



Mr C M France
Director of Planning

Date 08 June 2022

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

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 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.
- 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.
- 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.
- 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.