

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

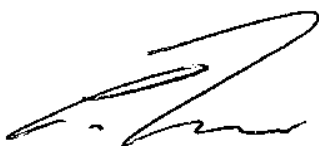
**Notice of Decision of Planning Authority on Application for  
Permission to Carry out Development**

To Mr W and Mrs D Fletcher  
c/o Cheryl Ward Planning  
fao: Cheryl Farrow  
24 Westfield Mews  
Kirkbymoorside  
York  
YO62 6BA

The above named Authority being the Planning Authority for the purposes of your application validated 03 February 2023, in respect of **construction of one local occupancy dwelling with associated landscaping and parking at land adjacent to Willow Wood Way, Stainsacre**, has considered your said application and has **refused** permission for the proposed development for the following reason(s):

1. Policy CO8 of the North York Moors Local Plan only permits local occupancy dwellings on suitable small sites within the main built up area of a smaller village such as Stainsacre. The application site is located well beyond what constitutes the main built up area of the village of Stainsacre (beyond an exception site affordable housing development) and therefore would not comply with the criteria of Policy CO8, and for the purposes of the policies in the North York Moors Local Plan, the site falls within open countryside. Strategic Policy M and Policy CO10 of the North York Moors Local Plan restrict new residential development in the open countryside to that which is proven as essential for farming, forestry or other essential land management activities. If permitted, the proposal would represent 'sporadic' development in the countryside which would significantly harm the landscape character and special qualities of this part of the National Park. This would conflict with Strategic Policies A, B and M and Policy CO10 of the North York Moors Local Plan which set out the spatial strategy for development and seek to conserve and enhance the special qualities of the National Park.
2. The proposed scheme fails to provide special justification as to why it should be considered to be acceptable, being contrary to the requirements of Strategic Policy M and Policy CO10 of the North York Moors Local Plan. It is also not considered to meet the requirements of Strategic Policy C of the North York Moors Local Plan which seeks to maintain and enhance the distinctive character of the National Park with development that is of high quality design that reflects architectural character and form of the local vernacular. Furthermore, it is also not considered that the design of the proposed building is of exceptional quality (that special justification may be considered to grant approval in accordance with Paragraph 80 of the National Planning Policy Framework which states that very occasionally approval may be granted for an isolated new dwelling where the design is considered to be truly outstanding and ground breaking).

Continued/Reason(s) for Refusal



Mr C M France  
Director of Planning

Date 31 March 2023

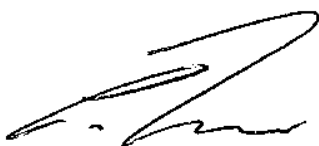
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3. The proposal would create a large, four storey, four bed dwelling with a total internal floor space of over 370sq.m, which the Local Planning Authority does not consider would meet the identified need for smaller dwellings and would therefore be contrary to Policy CO8 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.

**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 31 March 2023

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](http://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.