

Clarke Telecom  
fao: Mr Jamaal Hafiz  
Unit E Madison Place  
Northampton Road  
Manchester  
M40 5AG

Your ref:  
Our ref: NYM/2023/0107  
Date: 05 April 2023

Dear Sir/Madam

**Prior notification for erection of 17.5 metre high mast with antennas and remote radio heads together with associated ground based equipment under Part 16 (revised scheme following refusal of NYM/2022/0453) Schedule 2 of the 2015 Town and Country Planning (General Permitted Development) Order (or any order revoking and re-enacting that Order) at Gateway Centre Garages, Whitegate Close, Staithes**

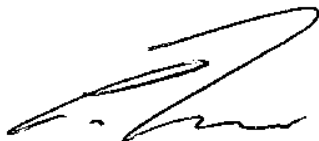
Thank you for your notification under the above Order, which was validated on 20 February 2023.

The above named Authority being the Planning Authority has considered the above application for prior approval and has refused permission for the proposed development for the following reason(s):

1. The proposed single 17.5m mast, would, by reason of its height towering above nearby buildings and trees, constitute a dominating and unduly obtrusive feature in the wider townscape and have an adverse impact on the landscape and character of this part of the National Park contrary to Strategic Policy A and Policy BL10 of the Authority's Adopted Policies as set out in the Local Plan, which seek to conserve and enhance the landscape and ensure that the development does not have an unacceptable adverse visual impact upon the character of the locality and the wider landscape.

You have a right of appeal to the Planning Inspectorate against this decision. Alternatively, you may wish to contact Mrs Hilary Saunders to discuss the matter further.

Yours faithfully



Mr C M France  
Director of Planning

**Working together to sustain the landscape and life of the  
North York Moors for both present and future generations to enjoy**

The Old Vicarage, Bondgate, Helmsley, York YO62 5BP  
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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 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

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.