

**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 & Mrs Metters
c/o Patrick Cuddy Architect
fao: Mr Patrick Cuddy
Town Farm House
9 High Market Place
Kirkbymoorside
York
YO62 6AT

The above named Authority being the Planning Authority for the purposes of your application validated 31 August 2023, in respect of **alterations, construction of two storey rear extension together with demolition of conservatory and construction of replacement sun room and relocation of oil tank at Quarry Cottage, Raw** has considered your said application and has **refused** permission for the proposed development for the following reason(s):

1. The proposed rear extension to the dwelling, when taken with the existing side extension, would cumulatively result in a significant increase in the habitable floor space of the original dwelling, in excess of the 30% threshold set out under Policy CO17 of the North York Moors Local Plan. The proposal would further extend what is a modestly sized three bedroom cottage significantly beyond its original size and would consequently have a detrimental impact on the mix of dwelling types needed to sustain balanced communities within the National Park and result in the loss of a smaller more affordable dwelling.
2. It is considered that the proposed rear extension would by virtue of its scale, height, form, position, and design detract from the very linear form of the host property and dominate the rear elevation of the property, which acts as the principal entrance. Furthermore, the choice of materials takes no reference from those of the host property such that the extension would appear very much as a separate, unrelated structure, exacerbating its prominence on and dominance of the rear elevation. As such it is considered that it would have a detrimental impact on the character and form of the original dwelling and its setting in the landscape contrary to Strategic Policy C and Policy CO17 of the North York Moors Local Plan.

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal – which may lead to the submission of a more acceptable proposal in the future.



Mr C M France
Director of Planning

Date 26 October 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:
 - 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 in accordance with Section 78 of the Town and Country Planning Act 1990 within 12 weeks of the date of this notice. 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

1. Please note, only the applicant possesses the right of appeal.
2. 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.
3. 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.