

**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**

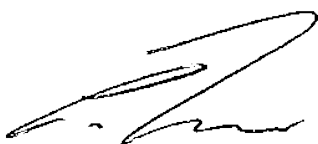
To: Mr James Robson  
44 Throxenby Lane  
Scarborough  
North Yorkshire  
YO12 5HW

The above named Authority being the Planning Authority for the purposes of your application validated 27 September 2023, in respect of proposed development for the purposes of **erection of agricultural storage building at Inglegarth, High Cragwell, Aislaby** has considered your application and has **granted** permission for the proposed development subject to the following:

**Condition(s):**

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved.
3. The building hereby approved shall be used for storage purposes associated with the management of the surrounding agricultural land only. No livestock are to be kept in the building and the building shall not be used for domestic purposes.
4. If the use of the building for the purposes of agriculture within the unit permanently ceases within five years from the date on which the development was substantially completed, the building shall be removed from the land and the land shall, so far as is practicable, be restored to its condition before development took place.
5. The external surface of the roof of the building hereby permitted shall be coloured and thereafter maintained dark grey or black and shall be maintained in that condition in perpetuity.
6. The external elevations of the storage building hereby approved shall, within three months of first being brought into use, be clad in vertical timber boarding left to weather naturally and shall thereafter be so maintained.
7. No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be Dark Skies compliant, and no other lighting shall be installed on the site. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
8. All new doors in the building hereby approved shall be of a vertical boarded, ledged, braced (and framed) timber design and side hung. They shall be left to weather naturally or dark brown stained and shall be maintained in that condition in perpetuity.

Continued/Reason(s) for Condition(s)



Mr C M France  
Director of Planning

Date 24 November 2023

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North York Moors National Park Authority**

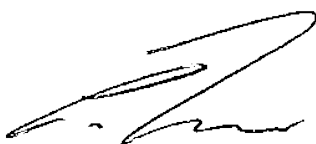
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**Reason(s) for Condition(s)**

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. In order to enable the Local Planning Authority to retain control over future changes of use to the property which would otherwise be permitted by the Town and Country Planning (Use Classes) Order 2010 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) or the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), and to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan , which seek to enhance and conserve the special qualities of the National Park and ensure that development does not have an adverse effect on the amenities of adjoining occupiers.
4. In order to comply with the provisions of Strategic Policy A and Policy BL5 of the North York Moors Local Plan which seeks to ensure that there is a functional requirement for the building in the long term to justify an exception being made to normal planning policies which seek to restrict new development in the countryside.
- 5 & 6 For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
7. In accordance with Policy ENV4 which seeks to protect dark night skies.
8. For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.

**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 confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.



Mr C M France  
Director of Planning

Date 24 November 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 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.



## Discharging of Conditions Advice Note

### Discharge of Conditions Before Work Starts

There are a number of conditions attached to your planning permission. Please read these carefully and note in particular the condition(s) which require the approval of the National Park Authority either before the commencement of development or before certain elements of the development are carried out. It is extremely important that these conditions are fully complied with as failure to do so may have the effect of invalidating your planning permission.

Please note that under current planning legislation, there is a fee payable for discharging conditions.

If you have a number of conditions which require formal discharge and all the details are submitted together, the Authority will only charge once for the written confirmation. However, please be advised that should the details be sent in separately then a fee will be charged for each submission.

In order to satisfy the requirements of the condition(s) you should, in writing, enclose the necessary information, relevant fee, specify the site address and set out the condition(s) you wish to discharge. Alternatively you may wish to complete the application form which is available on the [Authority's website](#).

The current fee schedule is also available on the [Authority's website](#).

Should you require any assistance in submitting the application, please do not hesitate to contact the Development Management Administration Team. If you wish to discuss the specific conditions or the requirements associated with these in more detail, please contact the planning officer who dealt with the original planning application.

### Important Information

Please be advised that in the event of any non-compliance with conditions, the Authority may consider taking enforcement action to remedy the situation.

Should any element of the approved development change prior to work commencing on site or during the construction phase for whatever reason, it is advisable for you to contact the Authority to discuss whether these alterations require an additional grant of planning permission.

**Thank you for your co-operation.**

Telephone: 01439 772700 (9am to 5pm Monday to Friday)  
Email: [planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk) Website: [www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk)

North York Moors National Park Authority, The Old Vicarage, Bondgate, Helmsley, York, YO62 5BP