

Householder planning appeal for planning application NYM/2023/0784

Submitted to the Planning Inspectorate on 13 March 2024

Before you start

Local planning department North York Moors National Park

About you

Was the original planning application made in your name? No

Applicant name Mr A Hodgson

Your name Cheryl Farrow

Your email

About the original planning application

Planning application number NYM/2023/0784

Planning application form 01 Sept 23 - plann app forms.pdf

Decision letter 12 Jan 24 - Decision.pdf

About your appeal

Your appeal statement 06 Mar 24 - Grounds of Appeal - V2.pdf

Documents to support your appeal No files uploaded

Visiting the appeal site

Address of the appeal site	Underhill Cottage Blue Bank Sleights, Whitby YO22 5EU
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Do you own the whole appeal site?	Yes
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Can the Inspector see the whole of the appeal site from a public road?	No, Access is off Blue Bank and down steep, single track road to appeal site.
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Any health and safety issues?	No
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**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**

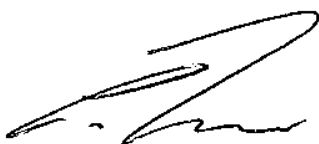
To Mr A Hodgson
c/o Cheryl Ward Planning
fao: Cheryl Farrow
24 Westfield Mews
Kirkbymoorside
York
YO62 6BA

The above named Authority being the Planning Authority for the purposes of your application validated 20 November 2023, in respect of **construction of first floor rear extension with balcony (revised scheme following refusal of NYM/2023/0276)** at **Underhill Cottage, Blue Bank, Sleights** has considered your said application and has **refused** permission for the proposed development for the following reason(s):

1. The proposed extension, by reason of scale, height, form, position and design, would detract from the character and form of the original dwelling and the development is therefore considered contrary to Strategic Policy C, Policy CO12 and Policy CO17 of the Authority's Adopted Policies, as set out within the Local Plan.

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 12 January 2024

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.