

Mr Martin Harrison
40 Iburndale Lane
Sleights
North Yorkshire
YO22 5DP

Your ref:
Our ref: NYM/2024/0336
Date: 24 May 2024

Dear Sir/Madam

**Application for verification check of condition 1 of planning approval
NYM/2021/0360/FL to seek confirmation that a trial excavation constitutes a material
start of the approved development at 40 Iburndale Lane, Sleights**

Thank you for your submission of details reserved by condition (CVC) validated 17 May 2024, regarding the above.

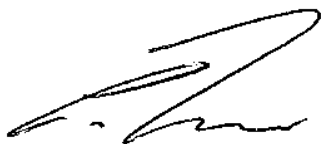
I am writing, on behalf of the National Park Authority, to confirm refusal of the following details:

Condition 1: It is not considered that a material operation has been undertaken that constitutes the initiation of planning permission NYM/2021/0360/FL within three years of the date of decision as the exposure of the existing foundations does not fall within the definition of “material operation” as set out in section 56 (4) of the Town and Country Planning Act 1990.

You are advised that a further grant of planning permission will be required if you are unable to make a material start on the current planning permission before 5 July 2024 and wish to proceed with the development in the future. The necessary [application forms](#) can be found on our website and the fee would be £258.

If you have any queries regarding this decision, please do not hesitate to contact the case officer, Mrs Jill Bastow on the above number.

Yours faithfully



Mr C M France
Director of Planning

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/Listed Building consent 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/Listed Building consent 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 (8 weeks in the case of a householder application) or in the case of a Listed Building consent in accordance with Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 within six months 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/Listed Building consent 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 planning permission or Listed Building consent 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/ Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- (3) In relation to Listed Buildings attention is drawn to Section 8 (2)(C) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the effect of which is that demolition of a Listed Building may not be undertaken (despite the terms of the consent granted by the Local Planning Authority) until notice of the proposal has been given to English Heritage, Architectural Investigation Section, 37 Tanner Row, York, YO1 6WP, and they subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it.
- (4) In relation to Listed Buildings in certain circumstances a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Buildings and Conservation Areas) 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

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.