

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**

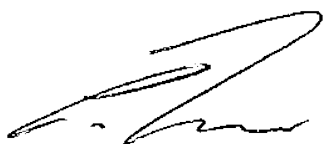
To: Glen Farrow
c/o Hayward Architects
fao: Mr Lee Ward
Ground Floor
19 Station Road
Hinckley
LE10 1AW

The above named Authority being the Planning Authority for the purposes of your application validated 19 April 2024, in respect of proposed development for the purposes of **installation of biomass boiler within farm building with associated flue at Low Newbiggin House, Egton** 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 All flues associated with the proposed development shall be coloured matt black and maintained in that condition in perpetuity.
- 4 Prior to the installation of any plant / mechanical extraction for the proposed development a scheme to control noise from the premises shall be submitted to and approved in writing by the Local Planning Authority.
 - i) The scheme shall ensure that the rating level of noise emitted from any plant associated with the proposed development shall be 5 dB(A) below the background noise level (as measured as an LA90) at any time as measured at the nearest noise sensitive receptor.

The measurement and assessment shall be made in accordance with BS 4142:2014+A1:2019 (Methods for rating and assessing industrial and commercial sound)
 - ii) The scheme shall be implemented in full prior to operation and retained thereafter; any variation to the agreed scheme shall be agreed in writing with the Local Planning Authority prior to any works being undertaken. All equipment shall be maintained according to manufacturers recommendations.
- 5 If the use of the biomass boiler hereby approved permanently ceases, it shall be removed from the site within six months of that cessation and the site/building shall, as far as practical, be restored to its condition before development took place.



Mr C M France
Director of Planning

Date 27 June 2024

Please Note your Rights of Appeal are attached to this Decision Notice

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Informative(s)

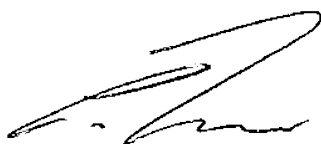
- 1 The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 08457626848 or on the [ground stability website](#)

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 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.
- 4 To reduce an increase in background noise levels and to prevent a loss of amenity to the residential properties
- 5 In order to return the land to its former condition and comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to conserve and enhance the landscape of the National Park.

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 27 June 2024

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Rights of Appeal

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to:
- refuse an application for planning permission or grant it subject to conditions;
 - 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
 - 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](#)

Notes

- Please note, only the applicant possesses the right of appeal.
- 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.
- 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.
- 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.