

**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 Arqiva Ltd
fao: Mr Peter Hayne
Blackhill Transmitting Station
Salsburgh
Shotts
North Lanarkshire
Scotland M17 4NZ



The above named Authority being the Planning Authority for the purposes of your application registered 15 October 2012, in respect of proposed development for the purposes of **variation of condition 1 of planning approval NYM4/036/0032H/PA to allow the siting of 20 metre lattice mast and associated equipment for a further ten years at Television Relay Transmitting Station land adjacent to Toft House Farm, Main Road, Aislaby** has considered your said application and has **granted** permission for the proposed development subject to the following condition(s):

1. *The permission hereby granted is valid only for five years from the date of this permission and the development shall be removed from the site before this consent expires and the site restored to its former condition before that date.*
2. The development hereby approved shall only be carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved unless otherwise agreed in writing with the Local Planning Authority.
3. The lattice mast and all antennae and microwave dishes shall be finished a dark grey colour (BS18 B 25 or similar) within three months of the date of this application and shall thereafter be so maintained.
4. All equipment cabins and associated apparatus shall be finished a dark green colour (BS12 B25 or similar) within three months of the date of this application and shall thereafter be so maintained.
5. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Continued/Reasons for Conditions

Mr C M France
Director of Planning

Date: **10 DEC 2012**

DecisionApprove

Rights of Appeal

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the office of 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. The Secretary of State can allow a longer period for the giving of a notice of appeal, but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to 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 on the appropriate planning/householder planning appeal form obtainable from:

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol, BS1 6PN

Or online at: www.planningportal.gov.uk/pcs



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. Where an enforcement notice has been served in the last two years the period in which the applicant can appeal against the decision reduces to 28 days.

NYMNP
28 APR 2017

Continuation of Decision No. NYM/2012/0706/FL

Reason(s) for Condition(s)

1. In order that the Local Planning Authority can ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
2. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
- 3 & 4. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
- 5 & 6. In order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features.

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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Development Plan Policies Relevant to the Decision

Local Development Framework DP25 – Telecommunications

Reason for Approval

The proposed on-going location of a 20 metre mast in this location will enable local communications to be maintained and improved, whilst having no detrimental impact on the special qualities of the National Park or the setting of the neighbouring Conservation Area. The development is in accordance with Development Policy 25 of the NYM Local Development Framework.



Mr C M France
Director of Planning

NYMNP
28 APR 2017

Date ... **10 DEC 2012**