

TOWN AND COUNTRY PLANNING ACT, 1990: SECTION 191 AND 192
(as amended by section 10 of the Planning and Compensation Act 1991)

NORTH YORK MOORS NATIONAL PARK AUTHORITY

**TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988:
ARTICLE 26A**

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

To Mr Martin Warner
C/o Edwardson Associates
Paddock House
10 Middle Street South
Driffield
YO25 6PT

Received 12.05.06 § (Agent)

The North York Moors National Park Authority hereby certify that on 25 July 2005 the operation described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan attached to this certificate was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:



Mrs V A Dilcock
Chief Planning Officer

Date **11 MAY 2006**

First Schedule

certificate of lawfulness for use of land for ten years as a seasonal touring caravan park for 200 touring caravans on a seasonal basis, being between 1 March to 31 October in any year and for associated amenity space.

Second Schedule

Sandfield House Farm Caravan Park, Sandsend Road, Whitby shown edged red on the attached plan. The area shown green on the attached plan to be maintained as amenity space associated with the Caravan Park.

Notes

1. This certificate is issued solely for the purpose of section 91 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the operation specified in the First Schedule taking place on the land described in the Second Schedule was lawful on the specified date and, thus, was not liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the operation described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

NOTES

1. If the applicant is aggrieved by the decision of the local planning authority to refuse an application for a certificate of lawful use or development or to refuse it in part he may appeal to the Deputy Prime Minister under Section 195 of the Town and Country Planning Act 1990.
2. Notice of appeal in writing must be given to the Deputy Prime Minister within six months of the date of this notice of decision, or within such longer period as the Deputy Prime Minister may allow. Copies of the following documents must be furnished to the Deputy Prime Minister:-
 - (1) The application made to the local planning authority.
 - (2) All relevant plans, drawings, statements and particulars submitted to them (including the Certificate as to ownership or notice to owners etc.).
 - (3) The notice of decision.
 - (4) All other relevant documents and correspondence with the local planning authority.

Note: If an aggrieved applicant wishes to exercise his right of appeal as above mentioned, he should do so on the appropriate form obtainable from:-

The Planning Inspectorate
Room 325
Hawk Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

NYMNPd
28 FEB 2011

20110124

NYM / 2011 / ENQ.6714

22nd February 2011

Chief Planning Officer
North York Moors National Park
Planning Department
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP



Our Ref: 8024

Dear Sir,

Re: Sandfield House Farm Caravan Park, Sandsend Road, Whitby, YO21 3SR

Further to receipt of pre-application advice from Planning Officer Cheryl Ward, dated 25.01.11 (Ref NYM/2011/ENQ.6714), please find attached herewith an application for the Variation of Condition following grant of Planning Permission.

Planning permission to certify the existing use was given on 11th May 2006 through a Certificate of Lawful Use or Development. The reference number for this decision is NYM/2005/0588-CLE. Within this Certificate, the use of the site as a seasonal caravan park for 200 touring caravans is given on a seasonal basis being between 1st March- 31st October in any year and for associated amenity space.

This application is to extend the permitted season on a permanent basis until the 8th November in any year.

The extension is required to enable the caravan park to remain open for Whitby Goth Weekend, held on the 4-7th November 2011. In past years this event has fallen within the permitted season of the park and is a critical source of business. As it is uncertain when the future Goth Weekends or similar events will be held, the extension is requested on a permanent basis rather than for the forthcoming season only.

The following documents and items are attached for your consideration;

1. A completed application for the variation of a condition following grant of planning permission (1 original copy and 3 copies).



2. A copy of the Certificate of Lawful Use or Development for Sandfield House Farm Caravan Park. This document includes a site location plan clearly indicating the boundaries of the seasonal touring caravan park (4 copies).
3. A cheque for £170.00 made out to the North York Moors National Park Authority to pay for the application.

I trust the above and attached are in order, however should you have any queries please do not hesitate to get in touch.

Yours Sincerely

Louis Stainthorpe BSc (Hons), MRICS, RMaPS, MBEng
(Director)

cc. Ms Fiona Archer

