



For official use only
Date Received

19 MAY 2017

REGISTRY

COV - **PLANNING APPEAL FORM**

If you need this document in large print, in audio format or in Braille, please contact our helpline on 0303 444 5000. To help you fill in this form correctly please refer to the enclosed guidance leaflet "How to complete your planning appeal form".

WARNING: The appeal and essential supporting documents must reach the Inspectorate within the appeal period. If your appeal and essential supporting documents are not received in time we will not accept the appeal.

PLEASE PRINT CLEARLY IN CAPITALS USING **BLACK** INK

A. APPELLANT DETAILS

See section A of the guidance leaflet. The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name **MR JAMES WALLIS**

Company/Group name (if applicable) **WALLIS METALS**

Address **NICHOLAS LANE**
GOLDTHORPE
ROTHERHAM Postcode **S63 7 9AS**

Daytime phone _____ Fax _____

I prefer to be contacted by Post Email*

*Email address _____

B. AGENT DETAILS (IF ANY) FOR THE APPEAL

See section B of the guidance leaflet.

Name **MR DAVID GREEN**

Company/Group name (if applicable) _____

Address **2 HARROWING DRIVE**
WHITBY Postcode **YO21 1JW**

Your reference _____

Daytime phone _____ Fax _____

I prefer to be contacted by Post Email*

*Email address _____

WYMNPA
21 JUN 2017

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

See section C of the guidance leaflet.

Name of the LPA NORTH YORK MOORS NAT. PARK

LPA's application reference number NYM/2017/0006/FL

Date of the application 18 12 2016

Did the LPA validate and register your application? Yes No

Date of the LPA's decision notice 28 02 2017

D. APPEAL SITE ADDRESS

See section D of the guidance leaflet.

Address LAND OFF FRONT STREET
GROSMONT

Postcode YO22/NBA SP F

Note: Failure to provide the full postcode may delay the processing of your appeal.

Please answer the questions below:

- 1 Is the appeal site within a Green Belt? Yes No
- 2 Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? If yes, please describe them on a separate sheet. Yes No

E. DESCRIPTION OF THE DEVELOPMENT

See section E of the guidance leaflet.

Has the description of the development changed from that on the application form? Yes No

ERECTION OF TIMBER DECKING FOR USE AS PRIVATE GARDEN

Area of the whole appeal site (i.e. the boundary) in ~~hectares~~ sq. metres 1.70

Area of floor space of proposed development in square metres 21.5

Does the proposal include demolition of non - listed buildings within a conservation area? Yes No

F. REASON FOR THE APPEAL

See section F of the guidance leaflet.

- The reason for this appeal is that the LPA has (please tick which applies):
- 1 Refused planning permission for the development described in Section E. 1
- 2 Refused permission to vary a condition(s) 2
- 3 Refused prior approval of permitted development rights 3
- 4 Granted planning permission for the development subject to conditions to which you object 4
- 5 Refused approval of the matters reserved under an outline planning permission 5
- 6 Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object 6
- 7 Refused to approve any matter required by a condition on a previous planning permission (other than those above) 7
- 8 Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval 8
9. Failed to give notice of its decision within the appropriate period because of a dispute over provision of local list documentation 9

G. CHOICE OF PROCEDURE (continued)

◆ If the inquiry procedure is considered suitable we will seek details of your availability when sending the appeal start letter.

d) Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below.

Yes No

H. FULL STATEMENT OF CASE

See section H of the guidance leaflet to help you decide what to include in your full statement of case.

There is no further opportunity to add to your statement of case at a later stage.

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?

Yes No

Have you made a costs application with this appeal?

Yes No

SEE ATTACHED STATEMENT



H. FULL STATEMENT OF CASE (continued)

[The body of the page contains extremely faint and illegible text, likely representing the full statement of case mentioned in the header.]

NYM/NPA
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Please continue on a separate sheet if necessary

**I. (part one) APPEAL SITE OWNERSHIP
DETAILS**

This must be completed for all appeals.
See section I of the guidance leaflet.

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s) and be sure that you have told them that you have made an appeal.

You must tick below which of the "certificates" applies.

Please tick **ONE** box only ✓

If you are the sole owner of the whole appeal site, certificate A will apply:

CERTIFICATE A

A ✓

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner of any part of the land to which the appeal relates:

OR

CERTIFICATE B

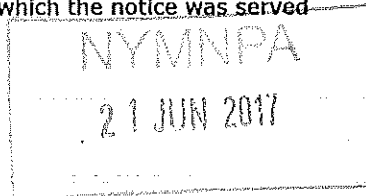
B

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:

Owner's name

Address at which the notice was served

Date the notice was served (this must be within the last 21 days)



OR

C/D

CERTIFICATES C & D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D in the guidance leaflet and attach it to the appeal form.

**I. (part two) AGRICULTURAL HOLDINGS
CERTIFICATE**

This must be completed for all appeals.
See section I of the guidance leaflet.

We need to know whether the appeal site forms part of an agricultural holding.
Please tick either (a) or (b).

Please tick **ONE** box only ✓

a) None of the land to which the appeal relates is, or is part of, an agricultural holding:

A ✓

OR

b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below:

B

Please note: If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under "Tenant's name".

Tenant's name

Address at which the notice was served

Date the notice was served (this must be within the last 21 days)

J. ESSENTIAL SUPPORTING DOCUMENTS

See section J of the guidance leaflet.

If we do not receive ALL your appeal documents by the end of the appeal period we will not accept your appeal.

You must send the documents listed 1-6 below with your appeal form. Please tick the boxes to show which documents you are enclosing.

- 1 A copy of the **planning application** sent to the LPA. 1
- 2 A copy of the **site ownership certificate and agricultural holdings certificate submitted** to the LPA at **application stage** (this is usually part of the LPA's planning application form). 2
- 3 A copy of the **LPA's decision notice** (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application. 3
- 4 A **site plan** (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show **two named roads** so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. 4
- 5 Copies of all **plans, drawings and documents** sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA. Please number them clearly and list the numbers here or on a separate sheet. 5

No1. BLOCK PLAN. No2 Existing plan and section. No3 Proposed plans and section

- 6 Copies of any **additional plans, drawings and documents** sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). Please number them clearly and list the numbers here or on a separate sheet. 6

You must send copies of the following, if appropriate:

- 7 A copy of the **design and access statement** sent to the LPA (if required). 7
- 8 A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure. 8
- 9 Additional plans, drawings or documents relating to the application **but not previously seen by the LPA**. Acceptance of these will be at the Inspector's discretion. 9

Please number them clearly and list the numbers here or on a separate sheet:

- 10 Any relevant **correspondence** with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements. 10
- 11 If the appeal is against the LPA's refusal or failure to approve the **matters reserved under an outline permission**, please enclose:
 - a) the relevant outline application; 11a
 - b) all plans sent at outline application stage; 11b
 - c) the original outline planning permission. 11c
- 12 If the appeal is against the LPA's refusal or failure to decide an application which relates to a **condition**, we must have a copy of the **original permission** with the condition attached. 12
- 13 A copy of any **Environmental Statement** plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). 13
- 14 If the appeal is against the LPA's refusal or failure to decide an application because of a dispute over the local list documentation, a copy of the letter sent to the LPA which explained why the document was not necessary and asked the LPA to waive the requirement that it be provided with the application. 14

K. OTHER APPEALS

See section K of the guidance leaflet.

If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.

L. CHECK SIGN AND DATE

See section L of the guidance leaflet.

Please tick the boxes to confirm that the following actions have been carried out

1 I have completed all sections of the form and the details of the ownership (sections I one and two) are correct to the best of my knowledge.

2 I have enclosed **all** the essential supporting documents listed in section J.

3 I have sent a copy of this appeal form and relevant documents to the LPA (if you do not we will not normally accept your appeal).

4 I have signed and dated the form (*unsigned forms will be returned to you*).

Signature Date 28 April 2017

Name (in capitals) D.M. GREEN On behalf of (if applicable) MR. J. WALLIS



The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found in the guidance leaflet.

M. NOW SEND

Remember, it is your responsibility to make sure that we **RECEIVE** your appeal form and **ALL** supporting documents within the time limit. See section M of the guidance leaflet

Send **THIS** form (not a photocopy of it) to us at:

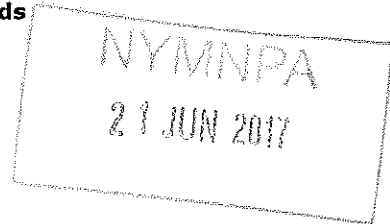
Initial Appeals
Temple Quay House
2 The Square
BRISTOL
BS1 6PN

Helpline: 0303 444 5000

Send a copy to the LPA

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again; send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

You may wish to keep a copy of the completed form for your records



When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

H. FULL STATEMENT OF CASE

The Proposed Development

This appeal relates to a small plot of scrubland on the south side of Front Street in the village of Grosmont. The plot of land has a road frontage of 9.0 metres and a depth of between 6.9 metres and 7.1 metres. The site is enclosed by a brown stained timber post and rail fence with a gated pedestrian access. There is a hedge between the fence and the back of the Front Street pavement. The site slopes quite steeply down from the street level.

Immediately to the west of the site is a similar sized plot of land used as an allotment style vegetable garden with a small greenhouse. To the north, on the opposite side of Front Street, are a row of detached dwelling houses.

It is proposed to provide a timber decking platform (6.0m x 3.6m) on steel supports surrounded by a 1.1m high balustrade comprising stainless steel posts and glazed panels. The purpose of the structure is to provide a seating area at road level to be used for leisure purposes by the appellant and his family. Mr Wallis has a particular talent for painting and he intends to use the terrace area for pursuing this hobby. The proceeds from any sales of his artwork would be donated to the local community.

It is understood that the plot of land the subject of this appeal has previously been used as a private garden in a similar fashion to land to the west. It is not known when the site was last used actively as a garden but in the absence of evidence of any alternative use having been established it is concluded that this use has not been abandoned in planning terms.

Planning Policy

The policies applicable to the proposed development are those identified by the Local Planning Authority as listed below -

- Core Policy A of the North York Moors Local Development Framework advocates the encouragement of sustainable development and emphasizes the need for new development to be of a scale and character that will not have an unacceptable impact on the wider landscape or be prejudicial to the enjoyment, peace and tranquillity of the National Park, nor detract from the quality of life of local residents or the experience of visitors.
- Development Policy 3 of the North York Moors Core Strategy and Development Plan states that development will only be permitted where it will

enhance views into and out of the site, spaces about and between buildings and other features that contribute to the quality and character of the environment and will not result in the loss of an open space which contributes to the amenity, character and setting of a settlement. High design standards are required which reflect or compliment the local vernacular architecture.

Grounds of Appeal

The application was refused for the following reason to which the appellant's response is as follows.

The proposed scheme does not respect or enhance the character, special qualities and distinctiveness of the locality or the wider designated National Park landscape. If permitted the development would be visually harmful and would detract from the character and appearance of this transitional area between open countryside and the rural settlement by reason of its domestic appearance, heavily engineered design and domestic recreational use. As such the proposal is contrary to the provisions of Core Policy A and Development Policy 3 of the NYM Core Strategy and Development Policy Documents which seek to resist the loss of open spaces which contribute to the amenity, character and setting of a settlement.

It is considered that the principle determining issue in this appeal is the impact of the development, in terms of its appearance and use, on the character of this site and the immediate locality. The Local Planning Authority has described the application as involving a "change of use of land to domestic". This was not how the development was described on the application form and it should more properly be described as being for use as a private garden. The proposal is for occasional leisure use by the appellant and his family during the summer months. There is no intention to erect any buildings on the site. As there is neither the creation nor extension of a residential curtilage the land would not have the benefit of any "permitted development" rights.

This development will not be readily visible from any public viewpoints for reasons of its woodland setting and the screening afforded by the existing hedge on its Front Street boundary. The platform level of the decking is no higher than the existing adjacent footpath alongside Front Street and it is intended that tree/shrub planting will be carried out within the site which will effectively screen the supports for the decking structure. The proposed development is on such a minor scale and in a setting so closely related visually to a backdrop of houses with a narrow frontage onto a busy road and immediately adjacent to an allotment style garden with a greenhouse, that it cannot be demonstrated that it would be visually harmful. The Local Planning Authority concede that this is a transitional area between open

countryside and a built up area and in this environmental context it is felt that the proposed development will have a neutral impact and will not adversely affect the landscape setting of the village or the amenities of neighbours. The site will be retained and maintained as private open space and its use as a seating area for seasonal family leisure use will not lead to any demonstrable harm in planning terms or conflict with established planning policies.

In order to provide safeguards in the interests of the amenities of the area the appellant will be happy to accept conditions to any permission which the Inspector may feel to be appropriate. For example these might include landscaping details, a personal permission and/or restrictions on the use of the site.

NYMNPA
21 JUN 2017

