



TOWN AND COUNTRY PLANNING ACT 1990
YORKSHIRE DALES NATIONAL PARK AUTHORITY
(Local Planning Authority)

**NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR:
PERMISSION TO CARRY OUT DEVELOPMENT**

To: Mr D Ward
3 Kelberdale Terrace
Leyburn
North Yorkshire
DL8 5AR

Decision No: R/58/12G

The above named Authority being the Local Planning Authority for the purposes of your application received on 23/04/03 for full planning permission for the erection of steel portal frame farm building at Town Head Farm, Thoraby, SD997866 have considered the said application and have GRANTED permission for the proposed Development subject to the following Conditions:

1. The development hereby permitted shall be carried out in accordance with the application as amended in respect of a) site area by drawing no 2847 received under covering letter from David Ward MBIAT dated 18th December 2003; b) in respect of site layout and landscaping by Drawing No 2847; and c) in respect of design by Drawing Nos 2848 and 2894, all received under cover of letter from David Ward MBIAT dated 16th March 2004 and received by the Local Planning Authority on the 27th April 2004, except as may be varied by written agreement with the Local Planning Authority.
2. Within three months of the date of this permission, there shall be submitted to the Local Planning Authority a scheme of landscaping based on the details indicated on approved Drawing No 2847 received under cover of letter from David Ward MBIAT dated 16th March 2004. The scheme shall provide details of the following: i) all existing trees, hedgerows and other plants, walls, fences and other features which it is proposed to retain on the site the subject of this permission and on adjoining land in the same ownership; ii) the areas whether within or adjoining the site to which this permission relates in which new plantings of trees and/or shrubs will take place, the species of plants to be used, their size, their number, their spacing and the means to be used to support and protect them; iii) other landscape treatments to be carried out or features to be created, for example, earth mounding or remodelling of existing landforms.
3. All planting and other operations comprised in the landscaping scheme referred to in condition 2 above, subject to such modifications as maybe required by the Local Planning Authority, shall be carried out by 28th February 2005.
4. Notwithstanding the provision of the landscaping scheme approved under this permission any plants (trees/shrubs, etc) planted in accordance with that scheme which within a period of five years from the planting taking place die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to a variation of the scheme.

Date: 14 JUN 2004

Designation
HEAD OF PLANNING

FOR NOTES AND RIGHTS OF APPEAL SEE OVERLEAF

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RIGHTS OF APPEAL

1. If an applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State for the Environment (The Planning Inspectorate) in accordance with Section 78 of the Town and Country Planning Act 1990, within 3 months of the date of this notice. The Secretary of State has power to allow a longer period for the giving of a notice of appeal, but he/she 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/her 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 imposed by them, having regard to the statutory requirements (including reference to office and industrial development) to the provisions of the development order, and to any directions given under the order.
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 for the Environment, and the owner of the land claims 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, they may serve on North Yorkshire County Council a purchase notice requiring the Council to purchase their interests in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
3. 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 reference of the application to him/her. The circumstances in which such compensation is payable are set out in Part V of the Town and Country Planning Act 1990.

NOTE:

If you wish to exercise your right of appeal as above mentioned, you should do so on the appropriate form obtainable from:

The Planning Inspectorate
Hawk Wing
Room 3/23
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

(approval/refusal)

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Continuation Sheet 1

5. Notwithstanding the provisions of Part 6 of the Town and Country Planning General Permitted Development Order 1995, or any Order revoking and re enacting that Order, no development shall take place within the areas indicated on Drawing No 2847 received under cover of letter from David Ward MBIAT dated 16th March 2004 as to remain "clear of planting" except with the express grant of planning permission by the Local Planning Authority.
6. Those areas of roadside verge within the site as indicated on the copy of Drawing No 2847 received under cover of letter from David Ward MBIAT dated 18th December 2003, shall, within three months of the date of this notice, be cleared of all agricultural plant, machinery and vehicles; stored materials; and waste. Those areas of roadside verge shall thereafter be retained free of all such items, and shall not thereafter be used or treated in any manner which could inhibit the restoration of a cover of natural vegetation.
7. The roof sheets shall be factory painted 4800 British Standard Colour Range BS 08 B 29 (dark brown) and not painted in-situ.
8. All external timber shall be permanently stained dark brown using a proprietary timber stain, not creosote.
9. No builder's, manufacturer's, or contractor's sign shall be affixed to the building except as required for 'plating' under BS 5502, and any such sign shall be of a size and in a position agreed with the Local Planning Authority.
10. When any building, enclosure, structure and any related work the subject of this permission ceases to be used for the purpose for which it was built, namely for agricultural purposes, it shall be demolished and removed from the site together with all hardstandings and ancillary equipment (including fittings within buildings) to leave the site cleared unless planning permission has been obtained for another use of the building.
11. The lower external walls of the west and east elevations shall be built up in local natural stone laid and pointed to match in type, style and colour a sample panel of stonework measuring not less than 1 metre x 2 metres, and including a corner, which shall have been built up on the site and which shall have been inspected on behalf of and approved in writing by the Local Planning Authority.
12. The doors shall be of vertically boarded timber treated in accordance with Condition 8 above.

Reasons:

1. To prohibit the development being carried out in a way that, in the absence of Local Planning Authority assessment and approval, may prove unacceptable and contrary to the public interest.
- 2, 3, 5, 6, 11. To ensure that development is assimilated within the local landscape, and contributes to the visual improvement of the area.
4. To mitigate against the potential failure of plants and the extent to which that failure might threaten the success of the landscaping scheme.
7. To ensure that this colour does not break down and become unsightly.
- 8, 12. To assist the building in becoming, through colour treatment, a restful and non-assertive feature which respects its landscape setting.
9. To influence the appearance of the building with the purpose of assimilating it visually into its landscape setting thereby pursuing the conservation objectives of

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the Local Planning Authority.

10. To remove buildings and other features which have ceased to be used for agriculture and whose appearance detracts from the appearance of the landscape in the interests of protecting the natural beauty of this part of the National Park.

Notes to Applicant:

Reason for approval:

In its amended form, the proposed development represents an acceptable compromise between the needs of the applicants and the obligations of the Planning Authority to protect the landscape of the area and residential amenity, and therefore is acceptable under Yorkshire Dales Local Plan Policy AD1.

NOTE:-

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.

DCPermitRpt