

NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990

Mr Sammy Smith
9 Lynwith Lane
Carlton
Selby
North Yorkshire
DN14 9SA

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

This decision does **not** constitute approval under the Building Regulations

Please read notes at the end of this notice

The above named council being the Local Planning Authority for the purposes of your application dated 31 January 2022 in respect of the following:

Proposal: Change of use from Agricultural to Business Use for horse training services (retrospective)

Location: Land Adjacent, Carlton Equestrian Centre, Hirst Road

have considered your application and have determined to GRANT permission in accordance with the application drawings and particulars subject to the following conditions and reasons

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004

02. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

LOC01 - Location Plan

LAY02 - Layout Plan

Highways Information Supporting Plan submitted to LPA on 21st April 2022

Reason:

For the avoidance of doubt

03. Within 3 months of the date of this decision the access to the site at Land Adjacent, Carlton Equestrian Centre, Hirst Road shall be set out and constructed in accordance

with the 'Specification for Housing and Industrial Estate Roads and Private Street Works" published by the Local Highway Authority and the following requirements:

- o The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number A1 or E20 and the following requirements.
 - o Any gates or barriers must be erected a minimum distance of 13 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
 - o Provision should be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the specification of the Local Highway Authority.
 - o The final surfacing of any private access within 13 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
 - o Measures to enable vehicles to enter and leave the site in a forward gear.
- All works must accord with the approved details.

Reason:

To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

04. Within 3 months of the date of the decision the access, parking, manoeuvring and turning areas for all users at Land Adjacent, Carlton Equestrian Centre, Hirst Road have been constructed in accordance with the details approved in writing by the Local Planning Authority.

Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

05. The storage and disposal of manure for the site should be undertaken in accordance with the details submitted to the Local Planning Authority on 3rd May 2022.

Reason:

In order to reduce the likelihood of pollutants entering the soil and watercourse.

06. The number of horses on the site shall not exceed 3 at any one time

Reason:

To control the scale of the commercial use of the site in relation to amenity.

INFORMATIVES:

01. The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application.

The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF

02. Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:

<https://euwest1.protection.sophos.com?d=northyorks.gov.uk&u=aHR0cHM6Ly93d3cubm9ydGh5b3Jrcy5nb3YudWsvC2l0ZXMvZGVmYXVsdC9maWxlcy9maWxlcm9vdC9UcmFuc3BvcnQIMjBhbmQIMjBzdHJlZXRzL1JvYWRzJTJDJTlwaGlnaHdheXMIMjBhbmQIMjBwYXZlbWVudHMvU3BIY2lmaWNhdGlubl9mb3JfaG91c2luZ19fX2luZF9lc3Rfcm9hZHNfX19zdHJlZXRfd29ya3NfMm5kX2VkaS5wZGY=&i=NjFmMjc5ZWVmZjY5MTcwZmJjYzg2OWEz&t=eFg5dzZLYWZMRG52Y2JZUEM5dGdYWGIIL2oxOVpvMTZ6M3VvYUk2M3ZLWT0=&h=55a5ffac39c2453e82c53cf4d5b1e8de> .

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.



Mr M Grainger
Head Of Planning

Date: 3 May 2022

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- 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, then if you want to appeal against your local planning authority's decision on your application you must do so within 28 days of the date of this notice.
- 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.
- If this is a decision to refuse planning permission for a householder application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice
- If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice
- If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- If you want to appeal against any other local planning authority's decision then you must do so within 6 months of the date of this notice
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- 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.
- If you intend to submit an appeal that you would like examined by **Inquiry** then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

Purchase Notice

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by carrying out any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with Part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on referral of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.

Circular 10/82 - Access for the disabled

Section 76 of the Town and Country Planning Act 1990 places a duty on local planning authorities to draw the attention of developers to the relevant provisions of The Chronically Sick and Disabled Persons Act 1970. These sections cover buildings or premises to which the public are to be admitted and to offices, shops, railway premises and factories. These sections require any person providing such premises to make provision, where reasonable and practicable, for the means of access, parking and sanitary conveniences to meet the needs of disabled people.

NOTE

No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under Building Regulations, of the District Council in whose area where 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.