



**Working for you**

Mr N Chippindale  
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Suite 9C  
Joseph Hanover Walk  
Leeds  
West Yorkshire (Met County)  
LS3 1AB

FAO Mrs Sarah Worthington

Your Ref: PP-03114691

**NOTICE OF DECISION ON PLANNING APPLICATION**

**TOWN AND COUNTRY PLANNING ACT 1990**

PROPOSAL: Outline application for residential development with access and scale considered (site area 3.31ha)

LOCATION: Kingsley Farm Kingsley Road Harrogate North Yorkshire HG1 4RF

APPLICANT: Mr N Chippindale

Harrogate Borough Council being the Local Planning Authority for the purposes of the application received on 10 January 2014 for Outline Planning Permission, as described above, have resolved to  
**GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS.**

The conditions to which the permission is subject are as follows:

- 1 Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission. The development hereby permitted shall begin either before the expiration of two years from the date of approval of the last of the reserved matters for the first phase, or before the expiration of five years from the date of this permission, whichever is the later.
- 2 This permission in terms of:-

i) access relates solely to the point of access with Kingsley Road , the footpath link north to the existing public right of way and the access points into the adjacent fields, and

ii) scale relates solely to the two storey form and a maximum of 61 units,

and does not imply any approval of the details of siting or layout shown on the submitted site layout drawing 1080.9. Further, no development shall take place without the prior written approval of the Local Planning Authority of all remaining reserved matters details including those of:-

- a Appearance
- b Landscaping, and
- c Layout

Thereafter the development shall not be carried out otherwise than in strict accordance with the approved details.

- 3 Prior to the commencement of any construction works related to the development hereby approved details of security arrangements for construction equipment and materials shall be submitted to and approved in writing by the Local Planning Authority. The approved security measures shall be in place during the construction phase.
- 4 No development of any dwelling type in the development hereby approved shall take place until;-

i) a Design Stage Code for Sustainable Homes Certificate issued by BRE or STROMA to a minimum of Code Level 4, and

ii) details of how Secure by Design principles have been incorporated into the design,

for that dwelling type has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved details.

- 5 A Post Construction Stage Certificate for each dwelling/dwelling type assessed shall be provided to the Local Planning Authority in writing, confirming that Code Level 4 has been met, prior to the first occupation of the first dwelling comprised in the development to which the certificate relates.
- 6 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the residential development or other works until:

(i) An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations, and

(ii) Details of highway improvement works including

a. A traffic calming scheme, and programme for public consultation of measures on the public highway at Kingsley Drive.

b. Provision of footway with full face kerbs linking the site access to Kingsley Drive and programme for its delivery.

together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the development shall not be brought into use until these highway works have been constructed in strict accordance with the approved details.

7 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

(i) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:

- (a) the proposed highway layout including the highway boundary
- (b) dimensions of any carriageway, cycleway, footway, and verges
- (c) visibility splays
- (d) the proposed buildings and site layout, including levels
- (e) accesses and driveways
- (f) drainage and sewerage system
- (g) lining and signing
- (h) traffic calming measures
- (i) all types of surfacing (including tactiles), kerbing and edging.

(ii) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:

- (a) the existing ground level
- (b) the proposed road channel and centre line levels
- (c) full details of surface water drainage proposals.

(iii) Full highway construction details including:

- (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
- (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
- (c) kerb and edging construction details
- (d) typical drainage construction details.

- (iv) Details of the method and means of surface water disposal.
- (v) Details of all proposed street lighting.
- (vi) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (vii) Full working drawings for any structures which affect or form part of the highway network.
- (viii) A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

- 8 No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

- 9 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 42 metres in a southerly direction and 39 metres in a northerly direction measured along both channel lines of Kingsley Road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 10 There shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until details of measures to maintain the free flow of traffic on the highway network have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. The measures shall include but not be limited to:
- i) Details of the routes to be used by HCV construction traffic.
  - ii) Traffic Management Plan
  - iii) Parking / Storage areas
- 11 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of

mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

- 12 Any doors and windows on elevations of a building adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement
- 13 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until sections 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section 4 has been complied with in relation to that contamination.

#### 1. SITE CHARACTERISATION

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- \* human health,
- \* property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- \* adjoining land,
- \* groundwaters and surface waters
- \* ecological systems
- \* archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

## 2. SUBMISSION OF REMEDIATION SCHEME

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

## 3. IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise approved in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

## 4. REPORTING OF UNEXPECTED CONTAMINATION

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirement of section 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section 3.

- 14 No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of:-
- i. Arrangements for the provision of primary education facilities, and either -
  - ii. Full details of public open space to serve the development in accordance with Policy C1 of the Harrogate District Core Strategy and agreement has been reached with the Local Planning Authority as to the provision of the same and its subsequent management and maintenance, or



iii. Alternative arrangement for the provision of open space.

- 15 All preparatory and construction work activities shall take place between the hours of 0800 to 1800 Monday to Friday, 0800 to 1300 Saturday and no there shall be no such work undertaken on Sundays and Statutory Holidays.
- 16 Prior to the commencement of the preparatory and construction phrases a detailed assessment shall be provided by a suitably competent person for the written approval of the Local Planning Authority. Such an assessment shall identify all dust mitigation measures to be employed during the preparatory and construction phrase. Such measures as approved shall be fully instigated and maintained during the preparatory and construction phase.
- 17 The development shall not be begun until a detailed assessment of the requirement for the provision of affordable housing as part of the development with regard to the Planning Practice Guidance "Planning obligations"(or any guidance or legislation revoking and re-enacting that Guidance with or without modification), has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include where appropriate a scheme of provision of affordable housing which shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it and the affordable housing shall be provided in accordance with the scheme as approved by the Local Planning Authority. The scheme shall include:
- a. The numbers, type, tenure and location on the site of the affordable housing provision to be made. This shall be based on a contribution of not less than 40% of housing units/bed spaces where no reduction in the contribution is allowed for in the Planning Practice Guidance.
  - b. The timing of construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - c. The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing if no such provider is involved);
  - d. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - e. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The development shall not be occupied until the approved scheme has been carried out and it shall thereafter be retained.

- 18 As part of the submission of layout details under the reserved matters required by condition 2 above :-
- a) a detailed Arboricultural Implication Assessment, Tree Protection Plan & Arboricultural Method Statement in accordance with BS 5837:2012 shall be submitted. No tree work shall commence until such a submission has been approved and work shall be carried out in strict accordance with the terms of that approval.

- b) an Ecological Appraisal of the proposed layout shall be submitted. Such an Appraisal shall:-
- i) provide for the retention and protection of ditches and hedgerows, with artificial lighting being directed away from the hedgerows.
  - ii) provide for planting of new species-rich hedgerows around the site and connecting existing hedgerows together, using native tree and shrub species.
  - iii) provide details of the measures to be provided for the protection during the construction phase of development of hedgerows, wet ditches and broadleaf trees identified for retention. Such measures shall include the erection of tree protection fencing around the tree and hedgerow root protection zones.
  - iv) provide, unless otherwise agreed in writing with the Local Planning Authority, bat surveys in respect of any mature broadleaf trees that it is proposed to remove.
  - v) provide for the incorporation of a variety of bird boxes and bat bricks into the development.
- 19 A detailed scheme for landscaping, including the planting of trees and or shrubs shall be submitted to the Local Planning Authority as part of the submission of reserved matters; such scheme shall specify types and species, a programme of planting and the timing of implementation of the scheme, including any earthworks required.
- 20 In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to survive for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced by the developer with such live specimens of such species in such number as may be approved by the Local Planning Authority.
- 21 Any vegetation clearance or building demolition shall be undertaken outside of the main breeding bird season (March to August inclusively) unless preceded, within 48 hours of the commencement of works, by a survey by a suitably experienced ecologist confirming no presence of breeding birds a copy of which shall have been submitted to the Local Planning Authority
- 22 Unless otherwise agreed in writing by the local planning authority , no building or other obstruction shall be located over or within:-
- i) 3 metres either side of the centre line of the water main i .e. a total protected strip width of 6 metres, that crosses the site.
  - ii) 6 metres either side of the centre line of the 600mm sewer i.e. a total protected strip width of 12 metres, that crosses the site.
- 23 The site shall be developed with separate systems of drainage for foul and surface water on and off site.
- 24 No development shall take place until:-



i) a condition survey of the receiving watercourse (Star Beck) has been undertaken and the results, including how any identified remedial issues will be dealt with, have been submitted to and approved by the Local Planning Authority.

ii) details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. The submitted surface water drainage information shall describe how will the drainage scheme be maintained in the future and who will be responsible in perpetuity and include detailed drawings of the proposed surface water drainage system including rates of discharge, on-site storage and long term storage, SUDs proposals & outfall location.

iii) detailed plans showing showing how surface water will be managed during the construction phases of the development have been submitted to and approved by the Local Planning Authority.

The development shall be carried out in strict accordance with the details as approved and there shall be no piped discharge of surface water from the application site until works to provide a satisfactory outfall for surface water have been completed in accordance with those approved details.

- 25 Further to condition 24, and unless otherwise approved by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved surface water and foul drainage works.

The reasons for the conditions are shown below:-

- 1 To ensure compliance with sections 91-94 of the Town and Country Planning Act 1990.
- 2 For the avoidance of doubt and to safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 3 To reduce the potential for theft.
- 4 To safeguard the environment and mitigate climate change in accordance with Harrogate District Core Strategy Policy EQ1 and to reduce crime and the fear of crime
- 5 In the interests of privacy and residential amenity.
- 6 In the interests of the safety and convenience of highway users.

- 7 To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
- 8 To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
- 9 In the interests of road safety.
- 10 To avoid interference with the free flow of traffic and to secure safe and appropriate access and egress to the site in the interests of safety and convenience of highway users and the amenity of the area.
- 11 To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
- 12 To protect pedestrians and other highway users
- 13 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies SG4 and EQ1 of the Harrogate District Core Strategy.
- 14 In order to secure compliance with Policy C1 of the Harrogate District Core Strategy in relation to the provision of open space and educational facilities for residential development.
- 15 In order to protect the residents in the surrounding area.
- 16 In order to protect the surrounding area.
- 17 To ensure that affordable housing is provided on site, in accordance with "saved" Policy H5 of the Local Plan.
- 18 to 20. To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 21 To ensure protection of local flora and fauna.
- 22 In order to allow sufficient access for maintenance and repair work at all times.
- 23 In the interest of satisfactory and sustainable drainage
- 24 To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.
- 25 To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

INFORMATIVES:

- 1 In formulating the design and layout of the development it is considered imperative that development of this edge of settlement site constitutes exceptionally high quality design, layout and use of materials, that respects its context. Development should be sensitively designed in order to enhance the setting of the traditional farmstead.

The site could accommodate a more contemporary design approach provided it is locally distinct. Sustainability is also paramount and should be integral to the design of any scheme.

The layout and design of buildings should be used positively to create a sense of place and to aid legibility through the site- particularly at street corners. Due regard should be given to the orientation of buildings and to the appearance of visible 'rear' elevations in order to avoid 'closed' or negative elevations to the detriment of the streetscene.

Existing landscape features should be retained.

Opportunities to create views/ surprise vistas through the site and beyond should be maximised. The design and form of buildings should be used to create vistas and as stops to vistas where appropriate. Attractive linkages should be created and existing linkages enhanced. The scheme should maximise green linkages to connect with open countryside and the wider pedestrian network.

Existing trees and hedgerows form a key part of the landscape structure on the site and should be protected and retained.

The agricultural character and tree cover should be enhanced in the proposed scheme and planting proposals should extend beyond the red line boundary to include landscape improvements to the areas within the blue line comprising enhancements to existing hedgerows and planting of individual trees within the hedgerows.

Additional planting along the site boundaries will serve to consolidate existing boundary vegetation to ensure that the development is set behind a wooded edge, which will help assimilate the development into the wider landscape and aid transition from settlement edge to open countryside.

Appropriate planting should serve to soften and screen the modern housing development, filtering views of dwellings and gardens/fences with tree planting. Additional tree planting should be carried out along the south-western corner of the site to screen views from this direction into the site. Medium sized treed should be planted in and amongst the dwellings

Spring Wood is loosely connected to the site via the network of field boundary hedgerows and the railway line to the north. Improvements to the landscape fabric of

the site within the blue line boundary should be explored to connect to the surrounding high value habitats. These hedgerows should be enhanced to provide a woodland belt as part of the new development along the west boundary and the existing hedgerow to the south should be reinforced. The land to the north should be planted as native woodland with opportunities to create areas of species rich grassland.

Built form density should allow sufficient space between buildings for open space and appropriate planting. Adequate provision should be made for street trees. Sufficient space between blocks would prevent an over intensive development and allow for views between dwellings and across the site. Dwellings should sit within plots rather extend the full width and be set back from the street allowing for the planting of street trees.

Densities should vary across the site and the development of a harsh urban edge avoided. Any height variations in the buildings should allow for lower heights at the site edges and in areas of lower density. Dwellings should be loosely spaced and interspersed with tree planting to complement the wooded character of the landscape and the rurality of the area and to soften the built form. The layout should be organic, exhibiting a non-uniform building line.

Development of the site should make provision for a well-integrated and inclusive mix of housing types and sizes and access to community facilities and services. In the interests of integration and inclusivity, affordable units should be dispersed throughout the site rather than contained within an 'enclave'. Consideration should be given to interspersing some affordable units within the centre of the site alongside open market housing in the interests of fostering community cohesion and diversity. Details regarding specific house types and tenure should be provided and identified on the layout plan and associated ledger to aid assessment of the proposal. The provision of linkages to existing facilities, recreation space and open countryside should be integral to the scheme.

- 2 In respect of Condition 3 the Police Architectural Liaison Officer advises that adequate security must be in place during the construction phase. This should include robust perimeter fencing of the site and a monitored alarm system for the site cabins, including those cabins housing materials.

Security of plant equipment and security of any fuel storage should be demonstrated.

There should be a dedicated secure area in which contractors can park their vehicles, which may have a significant value of tools stored in them when the contractor is working on site. Theft from such vehicles in these circumstances is not uncommon and should be addressed.

The name of the contractor and signage with an emergency contact telephone no. should be displayed at several places on the perimeter fencing. This allows the public to report suspicious circumstances.

- 3 In respect of condition 6 there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Local Highway Authority.
- 4 In respect of the Ecological Appraisal required under condition 18 consideration could also be given to the creation of a pond or areas of species rich grassland.
- 5 In respect of condition 22 Yorkshire Water advise that a 12" live water main crosses the site. No new building should encroach within 3 metres either side of the main and access should be maintained to facilitate any repair needed.

In addition on the Statutory Sewer Map there is a 600mm diameter public combined water sewer recorded to cross the site. The presence of the pipe(s) may affect the layout of the site. Owing to the repeal of section 18 of the Building Act 1984, an appropriate planning condition is necessary to adequately protect the pipe(s) from being built over or near to which will also be in the interests of future occupiers. A stand-off distance of 6 metres is therefore required at each side of the sewer centre-line.

A developer may, where it is reasonable to do so, require a sewerage undertaker to alter or remove a pipe where it is necessary to enable that person to carry out a proposed improvement of land. This provision is contained in section 185 of the Water Industry Act 1991 that also requires the developer to pay the full cost of carrying out the necessary works.

- 6 In respect of conditions 23 and 24 Yorkshire Water advise that the separate system should extend to the public sewer. Foul water domestic waste should discharge to the 600mm diameter public combined water sewer recorded crossing the site. If sewage pumping is required, the peak pumped foul water discharge must not exceed 6 litres per second.

Please note that the surface water attenuation system specified on the drawing 'tubosider' is not suitable for adoption by Yorkshire Water.

The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0845 120 84 82, Fax 01274 303 04 7) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption- a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

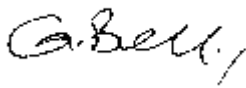
You can see the officer's report on the application by visiting [www.harrogate.gov.uk/planning](http://www.harrogate.gov.uk/planning), selecting Planning Committees then Planning Committee – view Agenda and Minutes and selecting the date of committee which is the same as the date of decision on the decision notice. Alternatively, you can see the application report by

either contacting Planning Enquiries Tel No: 01423 556666 or e-mailing DDS-  
PlanningEnquiries@harrogate.gov.uk.

STATEMENT OF COMPLIANCE WITH ARTICLE 31 OF THE TOWN AND COUNTRY  
DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2012

In dealing with this planning application Harrogate Borough Council as the Local Planning Authority has adopted a positive and proactive manner. The Council offers a pre-application service for planning proposals and applicants are encouraged to undertake this. Proposals are assessed against the National Planning Policy Framework, the documents that form the Development Plan, and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption, and are referred to in this notice of decision. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed through seeking solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary.

Signed:



G Bell  
Chief Planner

Date of Decision: 31.03.2015

Date of Issue: 31.03.2015

**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 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.

**Discharging Conditions** – A fee is payable for the discharge of conditions attached to planning and other applications. Applications must be made in writing clearly identifying the application number and the conditions. The standard application form can be used but is not mandatory. The scale of fees can be found on the planning website [www.harrogate.gov.uk/planning](http://www.harrogate.gov.uk/planning). Please note a fee is payable for each separate request and applications should be determined within 8 weeks of a valid request being received.

**NOTE TO APPLICANT/AGENT:** The Borough Council posted a site notice publicising this application. If it is still on display, please remove it.

IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES SET OUT OVERLEAF.



## **NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS**

### **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 for Communities and Local Government under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, Tel 0303 444 5000 or visit [www.planningportal.gov.uk/planning/appeals](http://www.planningportal.gov.uk/planning/appeals). The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:
  - 28 days from the date of the decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
  - 28 days from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).
- The Secretary of State need not consider an appeal if it seems to him 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 provision 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

### **Purchase Notices**

- If either the local planning authority or the Secretary of State for Communities and Local Government 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 render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Borough Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.