

TOWN AND COUNTRY PLANNING ACT 1990
NORTH YORKSHIRE COUNTY COUNCIL

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

TO:

Mr J Allison
Middleton Lodge
Middleton Tyas
Richmond
DL10 6NJ

Sherburn Stone Co. Ltd.
15 Front Street
Sherburn Hill
Durham
DH6 1PA

Wardell Armstrong
City Quadrant
11 Waterloo Square
Newcastle upon Tyne
NE1 4DP

The above-named Council being the Planning Authority for the purposes of your application dated 18 December 2006 in respect of proposed development for the purposes of Mineral extraction as an extension to Barton Quarry connected by a conveyor tunnel under Kneeton Lane; the enhancement of the Estate parkland and public access to part of the grounds of Middleton Lodge Estate; the renovation and conversion of the Stable Block into a restaurant, functions rooms and an estate shop; the creation of a themed quarry garden with a 50m high fountain and water feature in a landform created by the mineral extraction area; the reconstruction and renovation of a Georgian walled garden into working kitchen gardens and the renovation and conversion of the outbuildings on the walled garden into two holiday cottages at Middleton Lodge, Middleton Tyas have considered your said application and have refused permission for the proposed development for the following reasons:-

Reasons for Decision:

- i) The development is contrary to 'saved' Policies 3/2, 3/3 and 3/4 of the North Yorkshire Minerals Local Plan (1997) in that the site is neither a Preferred Area or Area of Search nor does it constitute a small scale extension by virtue of its geographical extent and scale in relation to the existing quarry working, mineral quantity and annual production.
- The site is not required in order to maintain the landbank of permitted reserves as it is not within a site identified as a Preferred Area and so is not acceptable in principle.
 - The site is not within an area identified as an Area of Search and so is not required to address any circumstance of insufficiency of aggregate mineral supply from the Preferred Areas.
 - Due to the individual nature of mineral workings the assessment of small scale extensions will be based on mineral quantity, working life, annual production and the geographical extent and scale in relation to the existing quarry area and it is considered that this development does not fit within the criteria of 'saved' Policy 3/4.
- ii) The mitigation measures proposed by the applicant to limit the impact of the proposed development on the environment and residential amenity and the enabling development arguments are insufficient to override the Policy objection referred to above. There are no material considerations indicating a determination otherwise than in accordance with the development plan for the area.

Date: 10 July 2009

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Corporate Director, Business and Environmental Services

FOR RIGHTS OF APPEAL SEE OVERLEAF

Dated: 10 July 2008

NOTE:-

In accordance with Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (EIA Regulations 1999) and Article 22(2) of the Town and Country Planning (General Development Procedure) Order 1995 notice is hereby given that the County Council, in determining the above application, has taken into consideration the accompanying Environmental Statement and other environmental information (as defined by Regulation 2 of the EIA Regulations 1999). Furthermore, in determining the application the County Council has taken into consideration Minerals Policy Statement 1, Planning Policy Statement 7, Planning Policy Guidance Note 15, the relevant policies of The Yorkshire and Humber Plan Regional Spatial Strategy to 2026 (May 2008), the relevant saved policies of the North Yorkshire Minerals Local Plan (1997), the relevant policies of the Richmondshire District Council Local Plan (1999) and all other material considerations.

RIGHTS OF APPEAL

- (1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he/she may appeal to the Secretary of State for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990, within six 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 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 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 Communities and Local Government, 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, he/she may serve on the Council of the county district in which the land is situated, a purchase notice requiring that Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

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

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Tel: 0117 372 6372