

North York Moors National Park Authority

Local Planning Authority Costs Application Rebuttal

Appeal by: Mr and Mrs Coldbeck

Appeal type: Written

Against: North York Moors National Park Authority

Planning Inspectorate ref(s): 6008430 and 6008431

Our ref: NYM/0004/2026

Location: The Old Post Office, Harwood Dale, Scarborough, YO13 0LA

In order for a costs award to be made against the Local Planning Authority it must be demonstrated that the Local Planning Authority has acted unreasonably in the course of the appeal. The appellant is seeking to demonstrate that the Local Planning Authority has served Notice, effectively where Planning Permission was not required and as such the Local Planning Authority has acted unreasonably. The Local Planning Authority vigorously defend this position in our Statement and within this rebuttal.

There is no requirement for the Local Planning Authority to serve a Planning Contravention Notice, pursuant to an Enforcement Notice. It appears to the Local Planning Authority, that a breach has occurred. It remains the view of the Local Planning Authority that the alterations to the boundary treatment in this case, requires Planning Permission. Officers note that the changes to the boundary include the removal of a section of stone wall to the east on the road frontage and the replacement with a metal gate sometime after 2011.

The Local Planning Authority has assessed the impact of the development, primarily in terms of the impact on the significance of the designated heritage asset. Officers have visited the site in order to establish the harm caused and set this out in our Appeal Statement.

The requirements of the Notice seek to remedy the harm, resulting from the unauthorised development. The Local Planning Authority would have been happy to respond to a pre-application enquiry seeking an appropriate boundary treatment to ensure that the significance of the designated heritage asset is protected. However, no contact was made by the appellant prior to the work being undertaken.

It is considered that the Local Planning Authority has exercised powers set out under the Planning Acts, to protect the significance of a designated heritage asset, in the public interest.