

From:
To:
Subject: Fwd: Pd: We have processed your appeal: 6008430
Date: 20 April 2026 23:28:26
Attachments: [Application for an Award of Costs.docx](#)
[90c0f42e-66a5-436e-be26-4e3df1844b91-appellant-submission.pdf](#)
[Ground B Appeal Statement.docx](#)
[Ground F Appeal Statement.docx](#)
[Police Incidents.docx](#)
[Ground D Appeal Statement.docx](#)

----- Forwarded message -----

From: Beata Coldbeck
Date: Mon, Apr 20, 2026 at 11:20 PM
Subject: Pd: We have processed your appeal: 6008430
To: Nick Coldbeck

2026 23:16

Dear Sir/Madam,

Please find attached a copy of my appeal form (Appeal Reference: 6008430), together with the supporting documents submitted in accordance with the requirements of the appeals process.

Yours faithfully,

Mr and Mrs Coldbeck

2026 22:47 [Appeal a planning decision](#) <
appeal.a.planning.decision@notifications.service.gov.uk>
napisal(a):



We have processed your appeal.

Appeal details

Appeal reference number: 6008430

Address: The Old Post Office, Harwood
Dale, Scarborough, scarborough, YO13 0LA
Enforcement notice reference:
NYM/0004/2026

What happens next

1. Download a copy of your appeal form
<https://appeal-planning-decision.service.gov.uk/appeal-document/90c0f42e-66a5-436e-be26-4e3df1844b91>.
2. [Find the email address for your local planning authority](#).
3. Email the copy of your appeal form and the documents you uploaded to your local planning authority.
4. We will check and confirm that your appeal form has everything that we need.

You must send a copy of your appeal form and documents to the local planning authority, it's a legal requirement.

Give feedback

[Give feedback on the appeals service](#) (takes 2 minutes)

Planning Inspectorate
[Contact us](#)

Appeal 6008430

Submitted on 20 April 2026.

Before you start

Local planning authority	North York Moors National Park
Appeal type	Enforcement notice
Decision date	

Prepare appeal

Who is appealing against the enforcement notice?	Additional appellants
What is the name of the individual appealing against the enforcement notice?	nicholas COLDBECK
What is the name of the individual appealing against the enforcement notice?	beata coldbeck
Select your name	Beata coldbeck
What is your phone number?	
What is the address of the appeal site?	The Old Post Office Harwood Dale Scarborough scarborough YO13 0LA
Is the appeal site address your contact address?	Yes
What is nicholas COLDBECK's interest in the land?	Owner
What is beata coldbeck's interest in the land?	Owner
Will an inspector need to access the land or property?	No
Are there any health and safety issues on the appeal site?	No
Enter the description of the alleged breach	Without planning permission, the erection of gates and fencing in the approximate position marked by a black star.

Choose your grounds of appeal

Ground (b)

Ground (d)

Ground (f)

Facts for ground (b)

The property has long been accessed via gates at the upper (commercial) and lower (private) entrances, in place for over four years, establishing a lawful fallback. The works replace those gates in the same locations, serving the same functions, with no change of use or material planning impact. The replacement was undertaken for safety and security reasons, including police advice. The former five/seven-bar gates were easily climbable—even by children—and appeared jumpable to horses, creating unsafe access for animals and intruders. The works also improve security for agricultural machinery and livery equipment, reducing theft risk. Claims of harm to character or amenity are not accepted. Similar gates exist nearby, and the public footpath remains accessible via an operable gate. The works are an upgrade of an existing feature, not new development, and no breach of planning control has occurred.

Do you have any documents to support your ground (b) facts?

Yes

Ground (b) supporting documents

[Police identifies.docx \(/document/bb6dd6fa-1836-4382-184853e5e950\)](#)
[PHOTO of Neighbour's Gate and Fencing 1.jpg \(/document/d14ebac8-8779-4f83-861a-2c1cdc9ee586\)](#)
[PHOTO of our private access past gate and fencing.jpg \(/document/3c1e9a4e-bd1d-428a-81db-3a34bb123f6e\)](#)
[PHOTO of our commercial access past gate.jpg \(/document/c0a39d56-8262-40a1-bb2c-927968b3abdc\)](#)
[PHOTO of Neighbour's Gate and Fencing 4.jpg \(/document/d0f63070-6b96-457c-8f6c-9970b46fb089\)](#)
[PHOTO of our private access current gate and fencing.jpg \(/document/bd9a3de2-4936-405f-896c-a4b31fb8e260\)](#)
[PHOTO of Neighbour's Gate and Fencing 2.jpg \(/document/63d08186-67e6-4c48-bbaa-a53097382ca8\)](#)
[PHOTO of our commercial access current gate.jpg \(/document/f4ea3609-7935-471e-8730-d5fd6aae6385\)](#)
[Ground B Appeal Statement.docx \(/document/a912f3c4-5d9f-4834-ad9e-dfb5fd76a9e7\)](#)
[PHOTO of Neighbour's Gate and Fencing 3.jpg](#)

Facts for ground (d)

The property has been served by gated access for a continuous period exceeding four years. At purchase in 2017, the upper yard (commercial access) had seven-bar gates. The lower yard (private access) showed installed hinges, indicating an intended gated arrangement, and gates were installed there in 2021, completing that existing arrangement. The current works comprise replacement and upgrading of pre-existing gates in the same locations, serving the same access points and functions. There is no change of use or material change in planning impact; differences relate only to design and security. The gates therefore form part of a continuous access arrangement exceeding four years. The works represent continuation and improvement of an existing feature rather than new operational development. Accordingly, the matters alleged are immune from enforcement due to the passage of time.

Do you have any documents to support your ground (d) facts?

Yes

Ground (d) supporting documents

[PHOTO of our commercial access current gate.jpg \(/document/e9618466-c6f4-4ab7-bd6b-037bf95a47a3\)](#)
[PHOTO of our private access past gate and fencing.jpg \(/document/fa8a851c-be37-4193-b1db-354dd413c14e\)](#)
[Ground D Appeal Statement.docx \(/document/a2870605-a141-4b82-9d93-51435ce7dcba\)](#)
[PHOTO of our commercial access past gate.jpg \(/document/186e3b3b-7f3d-421a-8b75-7928c337f82c\)](#)
[PHOTO of our private access current gate and fencing.jpg \(/document/31eaa302-0f1b-4eb2-b903-f953bd1a3fda\)](#)

Facts for ground (f)

The property has long been accessed via gates at the upper (commercial) and lower (private) entrances, which have been in place for over four years, establishing a lawful fallback position. The works comprise the replacement of those gates in the same locations, serving the same functions, with no material change in use or planning impact. The previous five/seven-bar gates were inadequate for safety and security: they were easily climbable—even by children—and appeared jumpable to horses. A serious accident occurred when a horse attempted to jump a gate, resulting in life-altering injury and emergency service attendance. The replacement gates address these risks. The site

has experienced incidents of trespass, theft and vandalism, and the works follow police advice to improve security. The gates also safeguard young children, contain livestock, and protect machinery and livery equipment. Public footpath access remains fully available via an operable gate.

Do you have any documents to support your ground (f) facts?

Yes

Ground (f) supporting documents

[Police Incidents.docx \(/document/1b3336fb-5545-4aeb-b50f-0caa2f63354b\)](#)
[PHOTO of Neighbour's Gate and Fencing 3.jpg \(/document/b31ef732-63ed-47c0-91a2-114c25c9d09c\)](#)
[PHOTO of Neighbour's Gate and Fencing 1.jpg \(/document/864bd963-4579-4440-bfc4-1f15174f92ce\)](#)
[PHOTO of Neighbour's Gate and Fencing 2.jpg \(/document/bcb9cdf4-b566-4adb-a2da-2d7436d81cee\)](#)
[Ground F Appeal Statement.docx \(/document/c946852f-ee9c-49ce-8a1d-2ef3cc74235e\)](#)
[PHOTO of our private access current gate and fencing.jpg \(/document/7335efea-522d-479d-9a8d-3f025557fbe1\)](#)
[PHOTO of our commercial access current gate.jpg \(/document/123dc9ac-2f0b-45ae-b46d-57e0ba0273e3\)](#)
[PHOTO of our private access past gate and fencing.jpg \(/document/e32cde82-c560-4dc4-937c-683798c243e6\)](#)
[PHOTO of our commercial access past gate.jpg \(/document/711316cb-7cfb-4ffe-b55d-a60b43470b6b\)](#)
[PHOTO of Neighbour's Gate and Fencing 4.jpg \(/document/6d4248e2-6928-42b3-9a69-f749dd6f3489\)](#)

How would you prefer us to decide your appeal?

Written representations

Are there other appeals linked to your development?

No

Upload documents

Enforcement notice

[ENFORCEMENT NOTICE - ENFORCEMENT NOTICE NYM0004-2026 Old Post Office.pdf \(/document/493e6c81-ddc4-4e97-bee8-642f780e8100\)](#)

Enforcement notice plan

[ENFORCEMENT NOTICE - ENFORCEMENT NOTICE NYM0004-2026 Old Post Office.pdf](#)

Do you want to apply for an award of appeal costs?	Yes
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Application for an award of appeal costs	Application for an Award of Costs.docx (/document/c6f9b5d9-ab1e-45c5-af44-dc2826c0e150)
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Do you have any other new documents that support your appeal?	No
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Ground (b): That the alleged breach of planning control has not occurred

This appeal is made pursuant to Section 174 of the Town and Country Planning Act 1990 on Ground B, namely that the matters alleged in the Enforcement Notice do not constitute a breach of planning control.

Contrary to the assertions made in the Enforcement Notice issued by the North York Moors National Park Authority, the works undertaken do not comprise the erection of new gates, but the replacement and upgrading of pre-existing gates. Gates have historically been present at the property, serving both the upper (commercial) and lower (private) access points, and have been in situ for a period exceeding four years, establishing a lawful fallback position. The works carried out relate solely to the replacement and enhancement of those existing gates, undertaken primarily in response to legitimate safety and security concerns.

The works undertaken do not result in a form of development that is materially different in planning terms from that which previously existed. The replacement gates occupy the same positions, serve the same access points, and perform the same function as the former gates. There has been no change to the use of the land, no intensification of activity, and no alteration to the planning unit. The differences relate solely to design and level of security, which do not give rise to any materially different impact on the character of the area or on public amenity. A change in appearance alone does not, in itself, amount to materially different development in planning terms where the function, siting, and impact remain unchanged. Accordingly, the works represent a continuation and improvement of an established feature, rather than the creation of new operational development.

Furthermore, and in the alternative, the gates fall within the scope of permitted development as set out in Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. The gates are approximately 2 metres in height and are positioned more than 1 metre from the adjacent highway. As such, they do not require express planning permission.

The replacement of the gates was undertaken for legitimate and proportionate reasons, including safety and security considerations. These included advice received from the police to secure the property against further potential crime, particularly given its location in the centre of the village and its exposure to both local residents and visiting members of the public associated with nearby holiday accommodation, as well as restaurant and public house uses which attract visitors and tourists into the area. The property is also situated adjacent to the public highway and is therefore subject to a high level of visibility and occasional intrusive motorists, particularly when the road is used as a diversion route.

In addition, a serious horse-riding accident previously occurred at the property, involving a horse attempting to jump a traditional five/seven-bar gate. This resulted in a life-altering injury to the rider and required the attendance of emergency services, including both a land and air ambulance. The incident clearly demonstrated the limitations of such gates in this context and reinforced the need for a more secure and appropriate form of gating.

The works were therefore necessary not only to address these safety concerns, but also to safeguard our very young children. The previous gates were easily climbable—even by small children—and left the property vulnerable to unauthorised access and potential criminal activity. They also presented a hazard by appearing jumpable to horses, creating an additional risk to both our own horses and those belonging to livery clients.

The replacement gates ensure appropriate containment of horses and other livestock, and improve security for agricultural machinery, equipment, and the belongings of livery users, including tack and horse trailers. Collectively, these factors demonstrate that the works represent a reasonable and proportionate improvement to an existing arrangement, rather than the introduction of a new or materially different form of development.

The Enforcement Notice also alleges harm to public amenity. This is not accepted. The public footpath crossing the property remains fully accessible at all times via an operable gate, and there has been no obstruction or interference with public access. There is no evidence that the replacement gates result in any greater harm than the previous gates, nor that they introduce a form of boundary treatment that is uncommon within the locality.

In addition, the Notice asserts that the gates are out of keeping with the character of the area. This is also disputed. Similar gates are common within the immediate locality and throughout the National Park, forming part of the established rural character (see attached photographs of gates and fencing at neighbouring properties in close proximity to the site). The appeal development is consistent with this pattern and does not introduce any materially different or harmful feature.

For the reasons set out above, the works undertaken do not constitute development requiring planning permission and therefore do not amount to a breach of planning control. Accordingly, the Enforcement Notice should be quashed.

Ground (d): at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;

This appeal is made pursuant to Section 174 of the Town and Country Planning Act 1990 on the basis that the matters alleged in the Enforcement Notice are immune from enforcement by reason of the passage of time.

Gates have formed part of the property for a period exceeding four years. At the time of our purchase in 2017, the upper yard (commercial access) was already served by five/seven-bar gates. The lower yard (private access) was also clearly intended to be gated, as evidenced by the presence of installed hinges, and gates were installed at that location in 2021. The presence of gate hinges at this location demonstrates that a gate formed part of the established arrangement and lawful use of the access. The installation of a gate at that point therefore represents the continuation and completion of that arrangement, rather than the introduction of a new and separate act of development.

As set out under Ground (b), the works undertaken do not constitute the erection of new gates in planning terms, but rather the replacement and upgrading of pre-existing gates. The siting, function, and purpose of the gates have remained consistent, and the changes made relate only to their design and level of security. The function of the gates as access control points remains unchanged. The increased level of security does not alter their fundamental purpose or give rise to any materially different planning consequences.

In these circumstances, the current gates are not materially different in planning terms from those previously in place. The works therefore represent a continuation and improvement of an established feature, rather than a new act of operational development.

Accordingly, the relevant period for enforcement runs from the original presence of gates on the site, not from their subsequent replacement. As gates have been present for a continuous period exceeding four years, any operational development is lawful and immune from enforcement. Where works amount to the replacement or upgrading of an existing feature, and do not result in a materially different form of development, they do not constitute a new act of operational development for the purposes of enforcement time limits.

For these reasons, the Enforcement Notice should be quashed.

Ground (f): that steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach

This appeal is made pursuant to Section 174 of the Town and Country Planning Act 1990, on the basis that the steps required by the Enforcement Notice exceed what is necessary to remedy any alleged breach of planning control or any purported injury to amenity.

At the outset, it is also contended that the alleged breach of planning control, as stated in the Enforcement Notice issued under Section 172, has not in fact occurred. Contrary to the assertions made, no new gates have been erected; rather, pre-existing gates have been replaced in the same locations, serving the same accesses and functions. The Authority's claim that new development has taken place is therefore factually incorrect. The previous gates had been in place for over four years, establishing a lawful fallback position, and the current gates are not materially different in planning terms.

The Enforcement Notice is further undermined by errors and inconsistencies. It incorrectly describes the breach as operational development and/or a material change of use, and misstates the relevant time period. It also asserts harm to public amenity, which is not accepted. The public footpath through the site remains fully accessible at all times via an operable gate, and no obstruction or diminution of access has occurred. The claim that the gates are out of keeping with the character of the area is similarly disputed, as comparable gates are prevalent within the locality and form part of the established rural character.

The appellant was surprised to receive the Enforcement Notice without any prior engagement or opportunity to clarify the nature of the works. No preliminary enquiry or Planning Contravention Notice was issued. While not mandatory, this omission meant that no reasonable opportunity was provided to explain the factual background before formal enforcement action was taken.

In any event, and without prejudice to the above, the steps required by the Notice are excessive and disproportionate. The works represent a continuation and improvement of an existing arrangement, not a materially different form of development. The replacement was undertaken for clear and evidenced safety and security reasons, including advice from the police to reduce the risk of crime. The previous five/seven-bar gates were inadequate, being easily climbable—even by small children—and appearing jumpable to horses, thereby creating unsafe access for both animals and potential intruders.

A serious horse-riding accident previously occurred at the property, involving a horse attempting to jump a traditional five/seven-bar gate. This resulted in life-altering injuries to the rider and required the attendance of emergency services, including both a land ambulance and an air ambulance. This incident clearly demonstrated the limitations of such gates in this context and reinforced the need for more secure and appropriate gating.

The property has also been subject to ongoing security concerns, including incidents of vandalism, theft, burglary, trespass, and reported threats involving neighbouring individuals. In response, and following police advice, the former gates were replaced with more secure alternatives. The works also improve the protection of agricultural machinery, equipment, and livery users' belongings.

In addition, the measures are necessary to safeguard the appellant's young children, aged six and three. The property adjoins a single-lane public highway subject to the national speed limit, with restricted visibility and a blind approach, creating clear safety risks. Secure gating at the access point is therefore a necessary and proportionate measure. The gates also provide an essential boundary to prevent unauthorised access, which has previously occurred where individuals have treated the property as open and entered without permission.

Furthermore, the property accommodates horses and livestock requiring appropriate containment. There have been repeated instances of third parties leaving gates open, resulting in animals escaping, further demonstrating the need for secure and effective boundary treatment.

Taken together, these considerations demonstrate that the works are reasonable, necessary, and proportionate. Any requirement to remove or materially alter the gates would go beyond what is necessary to remedy the alleged breach or any perceived harm. A lesser form of control—such as retention of the gates as installed, or minor modification if strictly required—would adequately address any planning concerns while preserving essential safety, security, and welfare benefits.

In light of the above, the Enforcement Notice is based on an incorrect understanding of the facts and imposes requirements that are excessive and unjustified. Accordingly, it fails the test of necessity and proportionality, and the appeal under Ground (f) should be allowed.

Mr Nick John Coldbeck
The Old Post Office
Harwood Dale
Scarborough
YO13 OLA

Your ref:
Our ref: NYM/0004/2026
Date: 13 March 2026

Dear Mr Nick John Coldbeck

Important: This communication affects your property

Enforcement Notice served under section 172 of the Town and Country Planning Act 1990 (as amended) for fencing and gates at The Old Post Office, Harwood Dale

The National Park Authority has issued an Enforcement Notice relating to the above land and I now serve on you a copy of that Notice as you have an interest in the land. Further copies of the Notice may be served on other persons, as set out in the Notice.

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the Notice. Unless an appeal is made the Notice will take effect on **22 April 2026** and you must then ensure that the required steps, for which you may be held responsible, are taken within the **3 month** time period specified in the Notice.

Please see the enclosed information sheet from The Planning Inspectorate which tells you how to make an appeal. If you decide that you want to appeal against the Enforcement Notice you must ensure that you send your appeal so that it is received by The Planning Inspectorate before the date on which the Notice takes effect.

The grounds for appeal are contained in Section 174 of the Town and Country Planning Act 1990 (as amended) and are stated on The Planning Inspectorate website.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of **£524** to the National Park Authority, made payable to the North York Moors National Park Authority. This is double the amount payable for a normal planning application. Joint appellants need only pay one fee.

Where planning advice is required prior to the submission of a planning application charges will also be incurred. Details of the scheme of charging are available from the Authority's website (<https://www.northyorkmoors.org.uk/planning/planning-and-administration-advice>).

I trust the above clarifies the planning position however should you wish to discuss this matter further please do not hesitate to contact me.

Yours sincerely

Peter Jones

Mr Peter Jones
Head of Development Management

Working together to sustain the landscape and life of the
North York Moors for both present and future generations to enjoy

The Old Vicarage, Bondgate, Helmsley, York YO62 5BP
01439 772700 general@northyorkmoors.org.uk
planning@northyorkmoors.org.uk northyorkmoors.org.uk



Mrs Beata Coldbeck
The Old Post Office
Harwood Dale
Scarborough
YO13 OLA

Your ref:
Our ref: NYM/0004/2026
Date: 13 March 2026

Dear Mrs Beata Coldbeck

Important: This communication affects your property

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The National Park Authority has issued an Enforcement Notice relating to the above land and I now serve on you a copy of that Notice as you have an interest in the land. Further copies of the Notice may be served on other persons, as set out in the Notice.

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Where planning advice is required prior to the submission of a planning application charges will also be incurred. Details of the scheme of charging are available from the [Authority's website](https://www.northyorkmoors.org.uk/planning/planning-and-administration-advice) (<https://www.northyorkmoors.org.uk/planning/planning-and-administration-advice>).

I trust the above clarifies the planning position however should you wish to discuss this matter further please do not hesitate to contact me.

Yours sincerely

Peter Jones
Mr Peter Jones
Head of Development Management

Continued...



**North York Moors
National Park**

Important – This communication affects your property

Enforcement Notice

**Town and Country Planning Act 1990
(as amended by the Planning and Compensation Act 1991) ('the Act')**

Reference: NYM0004/2026

Served by North York Moors National Park Authority (hereafter referred to as the 'Authority')

1. **This Notice** is issued by the Authority because it appears to them that there has been a breach of planning control, within paragraph (a) of Section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. **The Annex at the end of the notice and the enclosures to which it refers contain important additional information.**

2. **The land to which the Notice relates**

The land ("the Land") at The Old Post Office, Harwood Dale shown edged in red on the attached plan ("the Plan").

3. **The matters which appear to constitute the breach of planning control**

Without planning permission, **the erection of gates and fencing in the approximate position marked by a black star.**

4. **Reasons for issuing this Notice**

It appears to the Authority that the operational development/material change of use (delete as appropriate) has occurred without planning permission in the last four/ten years (delete as appropriate) and it is therefore expedient to take enforcement action for the following reasons:

In the interests of the public amenity and character of the area. The development is considered to be contrary to Strategic Policy A - Achieving National Park Purposes and Sustainable Development.

The Authority does not consider that planning permission could be granted, and no conditions could overcome the concerns and policy conflict that is referred to above.

5. What you are required to do

- i. **Remove the gates and fencing**

6. Time for compliance

Within **3 months** from the date upon which this notice takes effect.

7. When this Notice takes effect

This Notice takes effect on **22 April 2026**, unless an appeal is made against it beforehand.



Signed:

Dated: 09/03/2026

Mr Chris France
Director of Planning
North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP

Nominated Officer: Rosie Gee
Telephone Number: 01439 772700

Annex

Your right of appeal

You can appeal against this Notice, but any appeal must be received, or posted in time to be **received**, by the Planning Inspectorate acting on behalf of the Secretary of State **before** the date specified in paragraph 7 of the notice.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal.

What happens if you do not appeal

If you do not appeal against this Enforcement Notice, it will take effect on the date specified in paragraph 7 of the Notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in paragraph 6 of the Notice. **Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.**

Grounds of appeal

The grounds of appeal are set out in Section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:

- a) that, in respect of any breach of planning control which may be constituted by the matters stated in the Notice, planning permission ought to be granted, as the case may be, the condition or limitation concerned ought to be discharged;
- b) that those matters have not occurred;
- c) that those matters (if they occurred) do not constitute a breach of planning control;
- d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- e) that copies of the Enforcement Notice were not served as required by section 172;
- f) that steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all these grounds may be relevant to you.

Statement on grounds of appeal

You must submit to the Secretary of State, either when giving notice of appeal or within 14 days from the date on which the Secretary of State sends you a notice so requiring, a statement in writing specifying the grounds on which you are appealing against the Enforcement Notice and stating briefly the facts on which you propose to rely in support of each of those grounds.

Statutory provisions

A copy of sections 171A, 171B and 172 to 177 of the 1990 Act are attached for your information.

Planning application fee

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the Notice and you will have to pay a fee of **£524** to the National Park Authority, made payable to the North York Moors National Park Authority. This is double the amount payable for a normal planning application. Joint appellants need only pay one fee.

List of names and addresses of persons on whom this Enforcement Notice has been served

Mr Nick John Coldbeck
The Old Post Office
Harwood Dale
YO13 OLA

Mrs Beata Coldbeck
The Old Post Office
Harwood Dale
YO13 OLA

PLAN TO ACCOMPANY ENFORCEMENT NOTICE

FOR: Unauthorised gates and fencing

AT: The Old Post Office
Harwood Dale

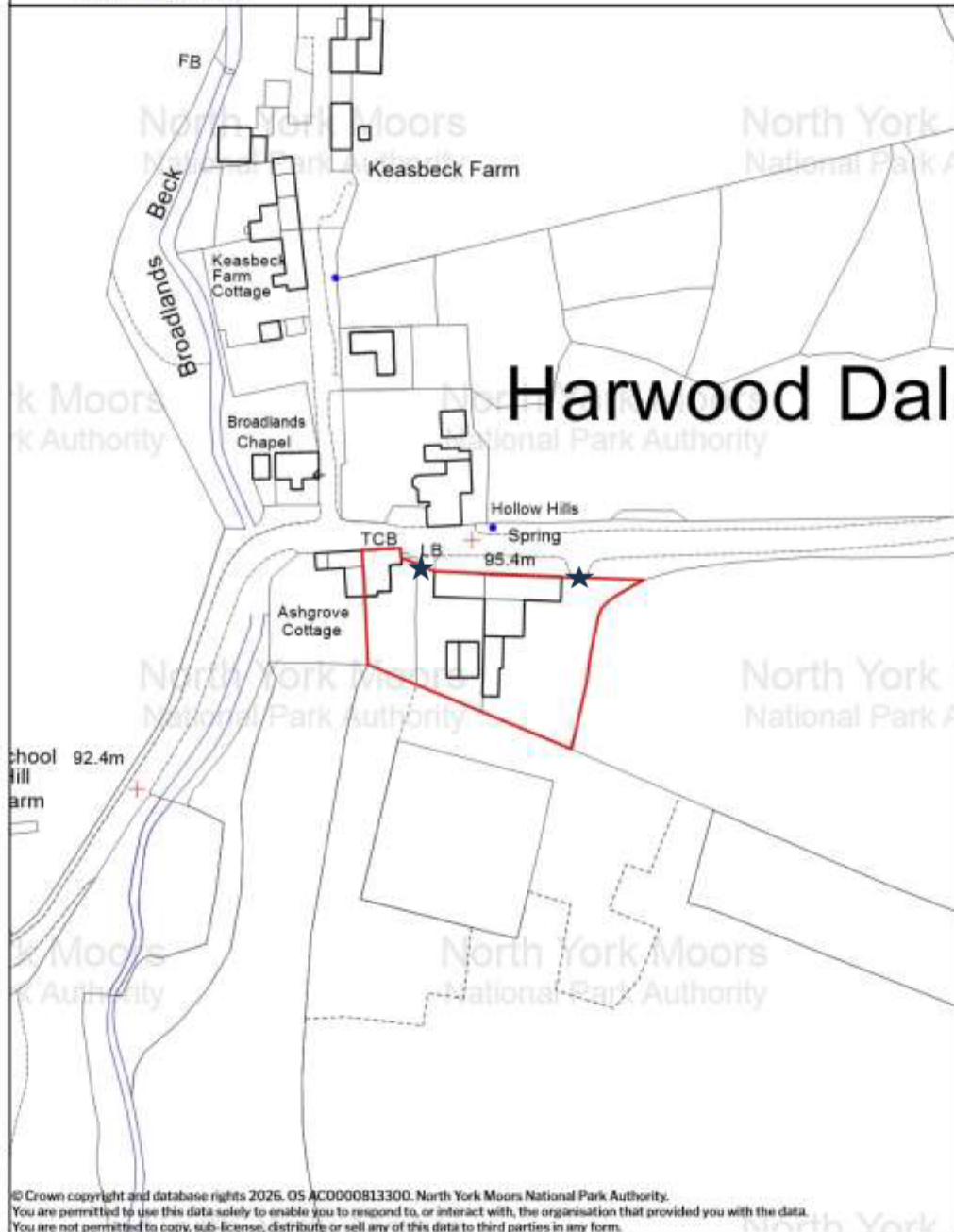


North York Moors
National Park

Scale: 1:1250



NYM/0004/2026



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You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.

Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000
Email enquiries@planninginspectorate.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal (<https://acp.planninginspectorate.gov.uk/>); or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>.

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should immediately be followed by your completed appeal form.

Statutory provisions

These provisions are extracted from the Town and Country Planning Act 1990 and are provided in accordance with Regulation 5, Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002.

171A Expressions used in connection with enforcement.

1. For the purposes of this Act—
 - a) carrying out development without the required planning permission; or
 - b) failing to comply with any condition or limitation subject to which planning permission has been granted, constitutes a breach of planning control.
2. For the purposes of this Act—
 - a) the issue of an enforcement notice (defined in section 172);
 - aa) the issue of an enforcement warning notice (defined in section 173ZA); or
 - b) the service of a breach of condition notice (defined in section 187A), constitutes taking enforcement action.
3. In this Part “planning permission” includes permission under Part III of the 1947 Act, of the 1962 Act or of the 1971 Act.

171B Time limits

1. Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.
2. Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.
- 2A. There is no restriction on when enforcement action may be taken in relation to a breach of planning control in respect of relevant demolition (within the meaning of section 196D).]
3. In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.
4. The preceding subsections do not prevent—
 - a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or
 - b) taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach.]

172 Issue of enforcement notice.

1. The local planning authority may issue a notice (in this Act referred to as an “enforcement notice”) where it appears to them—
 - a) that there has been a breach of planning control; and

- b) that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.
- 2. A copy of an enforcement notice shall be served—
 - a) on the owner and on the occupier of the land to which it relates; and
 - b) on any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice.
- 3. The service of the notice shall take place—
 - a) not more than twenty-eight days after its date of issue; and
 - b) not less than twenty-eight days before the date specified in it as the date on which it is to take effect.

172A Assurance as regards prosecution for person served with notice

- 1. When, or at any time after, an enforcement notice is served on a person, the local planning authority may give the person a letter—
 - a) explaining that, once the enforcement notice had been issued, the authority was required to serve the notice on the person,
 - b) giving the person one of the following assurances—
 - i. that, in the circumstances as they appear to the authority, the person is not at risk of being prosecuted under section 179 in connection with the enforcement notice, or
 - ii. that, in the circumstances as they appear to the authority, the person is not at risk of being prosecuted under section 179 in connection with the matters relating to the enforcement notice that are specified in the letter,
 - c) explaining, where the person is given the assurance under paragraph (b)(ii), the respects in which the person is at risk of being prosecuted under section 179 in connection with the enforcement notice, and
 - d) stating that, if the authority subsequently wishes to withdraw the assurance in full or part, the authority will first give the person a letter specifying a future time for the withdrawal that will allow the person a reasonable opportunity to take any steps necessary to avoid any risk of prosecution that is to cease to be covered by the assurance.
- 2. At any time after a person has under subsection (1) been given a letter containing an assurance, the local planning authority may give the person a letter withdrawing the assurance (so far as not previously withdrawn) in full or part from a time specified in the letter.
- 3. The time specified in a letter given under subsection (2) to a person must be such as will give the person a reasonable opportunity to take any steps necessary to avoid any risk of prosecution that is to cease to be covered by the assurance.
- 4. Withdrawal under subsection (2) of an assurance given under subsection (1) does not withdraw the assurance so far as relating to prosecution on account of there being a time before the withdrawal when steps had not been taken or an activity had not ceased.

5. An assurance given under subsection (1) (so far as not withdrawn under subsection (2)) is binding on any person with power to prosecute an offence under section 179.]

173 Contents and effect of notice.

1. An enforcement notice shall state—
 - a) the matters which appear to the local planning authority to constitute the breach of planning control; and
 - b) the paragraph of section 171A(1) within which, in the opinion of the authority, the breach falls.
2. A notice complies with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are.
3. An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.
4. Those purposes are—
 - a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or
 - b) remedying any injury to amenity which has been caused by the breach.
5. An enforcement notice may, for example, require—
 - a) the alteration or removal of any buildings or works;
 - b) the carrying out of any building or other operations;
 - c) any activity on the land not to be carried on except to the extent specified in the notice; or
 - d) the contour of a deposit of refuse or waste materials on land to be modified by altering the gradient or gradients of its sides.
6. Where an enforcement notice is issued in respect of a breach of planning control consisting of demolition of a building, the notice may require the construction of a building (in this section referred to as a “replacement building”) which, subject to subsection (7), is as similar as possible to the demolished building.
7. A replacement building—
 - a) must comply with any requirement imposed by any enactment applicable to the construction of buildings;
 - b) may differ from the demolished building in any respect which, if the demolished building had been altered in that respect, would not have constituted a breach of planning control;
 - c) must comply with any regulations made for the purposes of this subsection (including regulations modifying paragraphs (a) and (b)).
8. An enforcement notice shall specify the date on which it is to take effect and, subject to sections 175(4) and 289(4A), shall take effect on that date.

9. An enforcement notice shall specify the period at the end of which any steps are required to have been taken or any activities are required to have ceased and may specify different periods for different steps or activities; and, where different periods apply to different steps or activities, references in this Part to the period for compliance with an enforcement notice, in relation to any step or activity, are to the period at the end of which the step is required to have been taken or the activity is required to have ceased.
10. An enforcement notice shall specify such additional matters as may be prescribed, and regulations may require every copy of an enforcement notice served under section 172 to be accompanied by an explanatory note giving prescribed information as to the right of appeal under section 174.
11. Where—
 - a) an enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so; and
 - b) all the requirements of the notice have been complied with, then, so far as the notice did not so require, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities.
12. Where—
 - a) an enforcement notice requires the construction of a replacement building; and
 - b) all the requirements of the notice with respect to that construction have been complied with, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of that construction.

173A Variation and withdrawal of enforcement notices.

1. The local planning authority may—
 - a) withdraw an enforcement notice issued by them; or
 - b) waive or relax any requirement of such a notice and, in particular, may extend any period specified in accordance with section 173(9).
2. The powers conferred by subsection (1) may be exercised whether or not the notice has taken effect.
3. The local planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were re-issued, be served with a copy of it.
4. The withdrawal of an enforcement notice does not affect the power of the local planning authority to issue a further enforcement notice.

174 Appeal against enforcement notice.

1. A person having an interest in the land to which an enforcement notice relates or a relevant occupier may appeal to the Secretary of State against the notice, whether or not a copy of it has been served on him.
2. An appeal may be brought on any of the following grounds—

- a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- b) that those matters have not occurred;
- c) that those matters (if they occurred) do not constitute a breach of planning control;
- d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- e) that copies of the enforcement notice were not served as required by section 172;
- f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

2A. An appeal may not be brought on the ground specified in subsection (2)(a) if—

- a) the land to which the enforcement notice relates is in England, and
- b) the enforcement notice was issued at a time—
 - i. after the making of a related application for planning permission, but
 - ii. before the end of the period applicable under section 78(2) in the case of that application.

2B. An application for planning permission for the development of any land is, for the purposes of subsection (2A), related to an enforcement notice if granting planning permission for the development would involve granting planning permission in respect of the matters specified in the enforcement notice as constituting a breach of planning control.

2C. Where any breach of planning control constituted by the matters stated in the notice relates to relevant demolition (within the meaning of section 196D), an appeal may also be brought on the grounds that—

- a) the relevant demolition was urgently necessary in the interests of safety or health;
- b) it was not practicable to secure safety or health by works of repair or works for affording temporary support or shelter; and
- c) the relevant demolition was the minimum measure necessary.]

2D. An appeal against an enforcement notice may not be brought on the ground that planning permission ought to be granted in respect of a breach of planning control constituted by a matter stated in the notice, as specified in subsection (2)(a), if—

- a) the land to which the enforcement notice relates is in Wales, and
- b) the enforcement notice was issued after a decision to refuse planning permission for a related development was upheld on an appeal under section 78 (and for this purpose development is “related” if granting planning permission for it would involve granting planning permission in respect of the matter concerned).

- 2E. An appeal may not be brought on the ground that a condition or limitation ought to be discharged, as specified in subsection (2)(a), if—
- a) the land to which the enforcement notice relates is in Wales, and
 - b) the enforcement notice was issued after a decision to grant planning permission subject to the condition or limitation was upheld on an appeal under section 78.
- 2F. For the purposes of subsections (2D) and (2E), references to a decision that has been upheld on an appeal include references to a decision in respect of which—
- a) the Welsh Ministers have, under section 79(6), declined to determine an appeal or to proceed with the determination of an appeal;
 - b) an appeal has been dismissed under section 79(6A).
3. An appeal under this section shall be made
- a) by giving written notice of the appeal to the Secretary of State before the date specified in the enforcement notice as the date on which it is to take effect; or
 - b) by sending such notice to him in a properly addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date; or
 - c) by sending such notice to him using electronic communications at such time that, in the ordinary course of transmission, it would be delivered to him before that date.
4. A person who gives notice under subsection (3) shall submit to the Secretary of State, either when giving the notice or within the prescribed time, a statement in writing—
- a) specifying the grounds on which he is appealing against the enforcement notice; and
 - b) giving such further information as may be prescribed.
5. If, where more than one ground is specified in that statement, the appellant does not give information required under subsection (4)(b) in relation to each of those grounds within the prescribed time, the Secretary of State may determine the appeal without considering any ground as to which the appellant has failed to give such information within that time.
6. In this section “relevant occupier” means a person who—
- a) on the date on which the enforcement notice is issued occupies the land to which the notice relates by virtue of a licence; and
 - b) continues so to occupy the land when the appeal is brought.

175 Appeals: supplementary provisions.

1. The Secretary of State may by regulations prescribe the procedure which is to be followed on appeals under section 174 and, in particular, but without prejudice to the generality of this subsection, may—
- a) require the local planning authority to submit, within such time as may be prescribed, a statement indicating the submissions which they propose to put forward on the appeal;
 - b) specify the matters to be included in such a statement;

- c) require the authority or the appellant to give such notice of such an appeal as may be prescribed;
 - d) require the authority to send to the Secretary of State, within such period from the date of the bringing of the appeal as may be prescribed, a copy of the enforcement notice and a list of the persons served with copies of it.
2. The notice to be prescribed under subsection (1)(c) shall be such notice as in the opinion of the Secretary of State is likely to bring the appeal to the attention of persons in the locality in which the land to which the enforcement notice relates is situated.
 3. Subject to section 176(4), the Secretary of State shall, if either the appellant or the local planning authority so desire, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- 3A. Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in England.
- 3B Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in Wales.
4. Where an appeal is brought under section 174 the enforcement notice shall subject to any order under section 289(4A) be of no effect pending the final determination or the withdrawal of the appeal.
 5. Where any person has appealed to the Secretary of State against an enforcement notice, no person shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.
 6. Schedule 6 applies to appeals under section 174, including appeals under that section as applied by regulations under any other provisions of this Act.
 7. Subsection (5) of section 250 of the Local Government Act 1972 (which authorises a Minister holding an inquiry under that section to make orders with respect to the costs of the parties) shall apply in relation to any proceedings in England before the Secretary of State on an appeal under section 174 as if those proceedings were an inquiry held by the Secretary of State under section 250.

176 General provisions relating to determination of appeals.

1. On an appeal under section 174 the Secretary of State may—
 - a) correct any defect, error or misdescription in the enforcement notice; or
 - b) vary the terms of the enforcement notice, if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.
 2. Where the Secretary of State determines to allow the appeal, he may quash the notice.
- 2A. The Secretary of State shall give any directions necessary to give effect to his determination on the appeal.
3. The Secretary of State—
 - a) may dismiss an appeal if the appellant fails to comply with section 174(4) within the prescribed time; and

- b) may allow an appeal and quash the enforcement notice if the local planning authority fail to comply with any requirement of regulations made by virtue of paragraph (a), (b), or (d) of section 175(1) within the prescribed period.
- 4. If section 175(3) would otherwise apply and the Secretary of State proposes to dismiss an appeal under paragraph (a) of subsection (3) of this section or to allow an appeal and quash the enforcement notice under paragraph (b) of that subsection, he need not comply with section 175(3).
- 5. Where it would otherwise be a ground for determining an appeal under section 174 in favour of the appellant that a person required to be served with a copy of the enforcement notice was not served, the Secretary of State may disregard that fact if neither the appellant nor that person has been substantially prejudiced by the failure to serve him.

177 Grant or modification of planning permission on appeals against enforcement notices.

- 1. On the determination of an appeal under section 174, the Secretary of State may
 - a) grant planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the notice relates;
 - b) discharge any condition or limitation subject to which planning permission was granted;
 - c) determine whether, on the date on which the appeal was made, any existing use of the land was lawful, any operations which had been carried out in, on, over or under the land were lawful or any matter constituting a failure to comply with any condition or limitation subject to which planning permission was granted was lawful and, if so, issue a certificate under section 191.
- 1A. The provisions of sections 191 to 194 mentioned in subsection (1B) shall apply for the purposes of subsection
- 1(c). as they apply for the purposes of section 191, but as if—
 - a) any reference to an application for a certificate were a reference to the appeal and any reference to the date of such an application were a reference to the date on which the appeal is made; and
 - b) references to the local planning authority were references to the Secretary of State.
- 1B. Those provisions are: sections 191(5) to (7), 193(4) (so far as it relates to the form of the certificate), (6) and (7) and 194
- 1C. Subsection (1)(a) applies only if the statement under section 174(4) specifies the ground mentioned in section 174(2)(a).
- 2. In considering whether to grant planning permission under subsection (1), the Secretary of State shall have regard to the provisions of the development plan, so far as material to the subject matter of the enforcement notice, and to any other material considerations.
- 3. The planning permission that may be granted under subsection (1) is any planning permission that might be granted on an application under Part III.

4. Where under subsection (1) the Secretary of State discharges a condition or limitation, he may substitute another condition or limitation for it, whether more or less onerous.

4A. Section 100ZA (which makes provision about restrictions on the power to impose conditions or limitations on a grant of planning permission in relation to land in England) applies in relation to conditions substituted under subsection (4) as it applies in relation to conditions imposed on a grant of planning permission to develop land which is granted on an application made under Part 3.

5. Where—

- a) an appeal against an enforcement notice is brought under section 174, and
- b) the statement under section 174(4) specifies the ground mentioned in section 174(2)(a), the appellant shall be deemed to have made an application for planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control.

5A. Where—

- a) the statement under subsection (4) of section 174 specifies the ground mentioned in subsection (2)(a) of that section;
 - b) any fee is payable under regulations made by virtue of section 303 in respect of the application deemed to be made by virtue of the appeal; and the Secretary of State gives notice in writing to the appellant specifying the period within which the fee must be paid, then, if that fee is not paid within that period, the appeal, so far as brought on that ground, and the application shall lapse at the end of that period.
6. Any planning permission granted under subsection (1) on an appeal shall be treated as granted on the application deemed to have been made by the appellant.
7. In relation to a grant of planning permission or a determination under subsection (1) the Secretary of State's decision shall be final.
8. For the purposes of section 69 the Secretary of State's decision shall be treated as having been given by him in dealing with an application for planning permission made to the local planning authority.

Mr Nick John Coldbeck
The Old Post Office
Harwood Dale
Scarborough
YO13 OLA

Your ref:
Our ref: NYM/0004/2026
Date: 13 March 2026

Dear Mr Nick John Coldbeck

Important: This communication affects your property

Enforcement Notice served under section 172 of the Town and Country Planning Act 1990 (as amended) for fencing and gates at The Old Post Office, Harwood Dale

The National Park Authority has issued an Enforcement Notice relating to the above land and I now serve on you a copy of that Notice as you have an interest in the land. Further copies of the Notice may be served on other persons, as set out in the Notice.

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the Notice. Unless an appeal is made the Notice will take effect on **22 April 2026** and you must then ensure that the required steps, for which you may be held responsible, are taken within the **3 month** time period specified in the Notice.

Please see the enclosed information sheet from The Planning Inspectorate which tells you how to make an appeal. If you decide that you want to appeal against the Enforcement Notice you must ensure that you send your appeal so that it is received by The Planning Inspectorate before the date on which the Notice takes effect.

The grounds for appeal are contained in Section 174 of the Town and Country Planning Act 1990 (as amended) and are stated on The Planning Inspectorate website.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of **£524** to the National Park Authority, made payable to the North York Moors National Park Authority. This is double the amount payable for a normal planning application. Joint appellants need only pay one fee.

Where planning advice is required prior to the submission of a planning application charges will also be incurred. Details of the scheme of charging are available from the Authority's website (<https://www.northyorkmoors.org.uk/planning/planning-and-administration-advice>).

I trust the above clarifies the planning position however should you wish to discuss this matter further please do not hesitate to contact me.

Yours sincerely

Peter Jones

Mr Peter Jones
Head of Development Management

Working together to sustain the landscape and life of the
North York Moors for both present and future generations to enjoy

The Old Vicarage, Bondgate, Helmsley, York YO62 5BP
01439 772700 general@northyorkmoors.org.uk
planning@northyorkmoors.org.uk northyorkmoors.org.uk



Mrs Beata Coldbeck
The Old Post Office
Harwood Dale
Scarborough
YO13 OLA

Your ref:
Our ref: NYM/0004/2026
Date: 13 March 2026

Dear Mrs Beata Coldbeck

Important: This communication affects your property

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There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the Notice. Unless an appeal is made the Notice will take effect on **22 April 2026** and you must then ensure that the required steps, for which you may be held responsible, are taken within the **3 month** time period specified in the Notice.

Please see the enclosed information sheet from The Planning Inspectorate which tells you how to make an appeal. If you decide that you want to appeal against the Enforcement Notice you must ensure that you send your appeal so that it is received by The Planning Inspectorate before the date on which the Notice takes effect.

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If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of **£524** to the National Park Authority, made payable to the North York Moors National Park Authority. This is double the amount payable for a normal planning application. Joint appellants need only pay one fee.

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I trust the above clarifies the planning position however should you wish to discuss this matter further please do not hesitate to contact me.

Yours sincerely

Peter Jones
Mr Peter Jones
Head of Development Management

Continued...



**North York Moors
National Park**

Important – This communication affects your property

Enforcement Notice

**Town and Country Planning Act 1990
(as amended by the Planning and Compensation Act 1991) ('the Act')**

Reference: NYM0004/2026

Served by North York Moors National Park Authority (hereafter referred to as the 'Authority')

1. This Notice is issued by the Authority because it appears to them that there has been a breach of planning control, within paragraph (a) of Section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. **The Annex at the end of the notice and the enclosures to which it refers contain important additional information.**

2. The land to which the Notice relates

The land ("the Land") at The Old Post Office, Harwood Dale shown edged in red on the attached plan ("the Plan").

3. The matters which appear to constitute the breach of planning control

Without planning permission, **the erection of gates and fencing in the approximate position marked by a black star.**

4. Reasons for issuing this Notice

It appears to the Authority that the operational development/material change of use (delete as appropriate) has occurred without planning permission in the last four/ten years (delete as appropriate) and it is therefore expedient to take enforcement action for the following reasons:

In the interests of the public amenity and character of the area. The development is considered to be contrary to Strategic Policy A - Achieving National Park Purposes and Sustainable Development.

The Authority does not consider that planning permission could be granted, and no conditions could overcome the concerns and policy conflict that is referred to above.

5. What you are required to do

- i. **Remove the gates and fencing**

6. Time for compliance

Within **3 months** from the date upon which this notice takes effect.

7. When this Notice takes effect

This Notice takes effect on **22 April 2026**, unless an appeal is made against it beforehand.



Signed:

Dated: 09/03/2026

Mr Chris France
Director of Planning
North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP

Nominated Officer: Rosie Gee
Telephone Number: 01439 772700

Annex

Your right of appeal

You can appeal against this Notice, but any appeal must be received, or posted in time to be **received**, by the Planning Inspectorate acting on behalf of the Secretary of State **before** the date specified in paragraph 7 of the notice.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal.

What happens if you do not appeal

If you do not appeal against this Enforcement Notice, it will take effect on the date specified in paragraph 7 of the Notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in paragraph 6 of the Notice. **Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.**

Grounds of appeal

The grounds of appeal are set out in Section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:

- a) that, in respect of any breach of planning control which may be constituted by the matters stated in the Notice, planning permission ought to be granted, as the case may be, the condition or limitation concerned ought to be discharged;
- b) that those matters have not occurred;
- c) that those matters (if they occurred) do not constitute a breach of planning control;
- d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- e) that copies of the Enforcement Notice were not served as required by section 172;
- f) that steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all these grounds may be relevant to you.

Statement on grounds of appeal

You must submit to the Secretary of State, either when giving notice of appeal or within 14 days from the date on which the Secretary of State sends you a notice so requiring, a statement in writing specifying the grounds on which you are appealing against the Enforcement Notice and stating briefly the facts on which you propose to rely in support of each of those grounds.

Statutory provisions

A copy of sections 171A, 171B and 172 to 177 of the 1990 Act are attached for your information.

Planning application fee

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the Notice and you will have to pay a fee of **£524** to the National Park Authority, made payable to the North York Moors National Park Authority. This is double the amount payable for a normal planning application. Joint appellants need only pay one fee.

List of names and addresses of persons on whom this Enforcement Notice has been served

Mr Nick John Coldbeck
The Old Post Office
Harwood Dale
YO13 OLA

Mrs Beata Coldbeck
The Old Post Office
Harwood Dale
YO13 OLA

PLAN TO ACCOMPANY ENFORCEMENT NOTICE

FOR: Unauthorised gates and fencing

AT: The Old Post Office
Harwood Dale

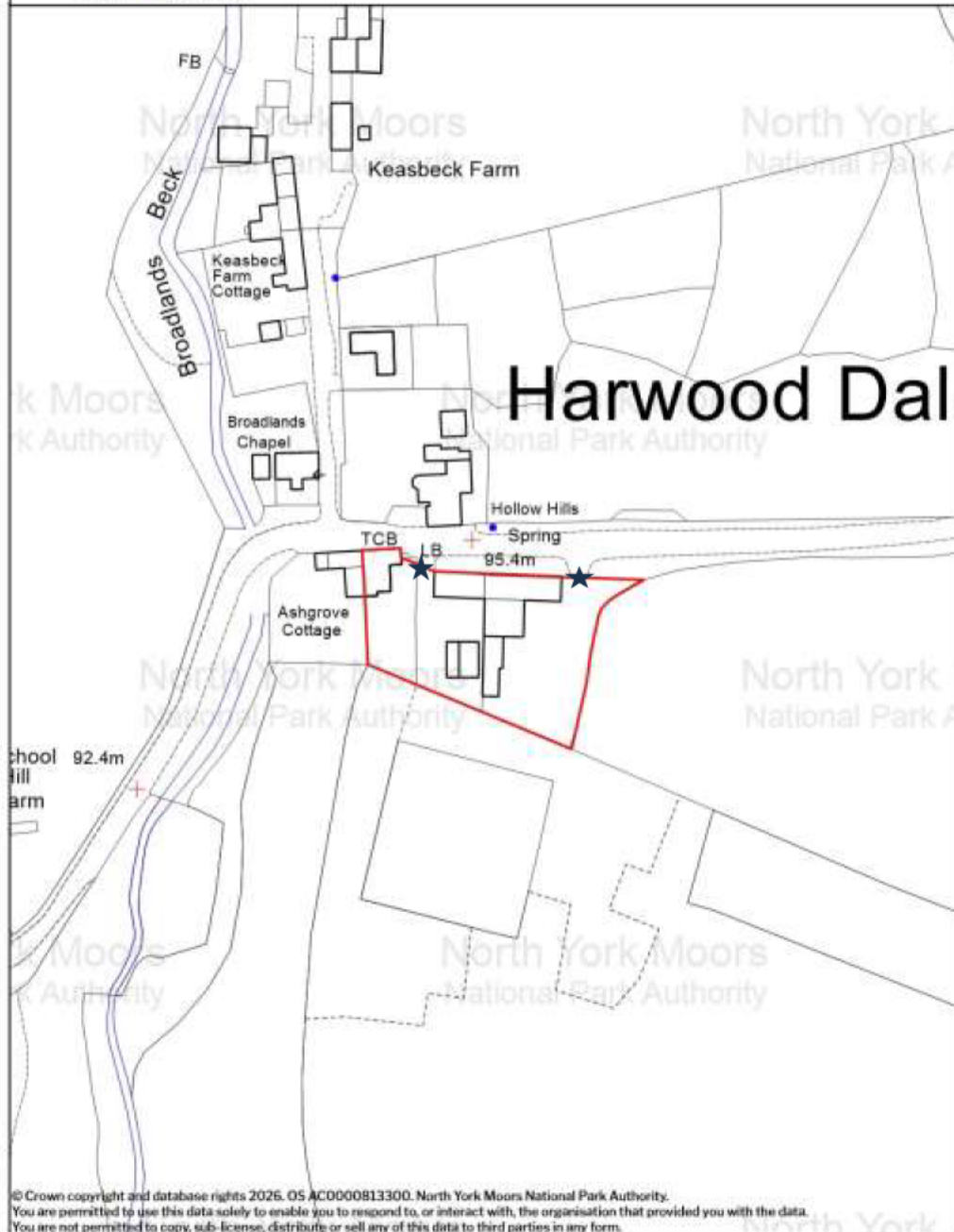


North York Moors
National Park

Scale: 1:1250



NYM/0004/2026



Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000
Email enquiries@planninginspectorate.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal (<https://acp.planninginspectorate.gov.uk/>); or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>.

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should immediately be followed by your completed appeal form.

Statutory provisions

These provisions are extracted from the Town and Country Planning Act 1990 and are provided in accordance with Regulation 5, Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002.

171A Expressions used in connection with enforcement.

1. For the purposes of this Act—
 - a) carrying out development without the required planning permission; or
 - b) failing to comply with any condition or limitation subject to which planning permission has been granted, constitutes a breach of planning control.
2. For the purposes of this Act—
 - a) the issue of an enforcement notice (defined in section 172);
 - aa) the issue of an enforcement warning notice (defined in section 173ZA); or
 - b) the service of a breach of condition notice (defined in section 187A), constitutes taking enforcement action.
3. In this Part “planning permission” includes permission under Part III of the 1947 Act, of the 1962 Act or of the 1971 Act.

171B Time limits

1. Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.
2. Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.
- 2A. There is no restriction on when enforcement action may be taken in relation to a breach of planning control in respect of relevant demolition (within the meaning of section 196D).]
3. In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.
4. The preceding subsections do not prevent—
 - a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or
 - b) taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach.]

172 Issue of enforcement notice.

1. The local planning authority may issue a notice (in this Act referred to as an “enforcement notice”) where it appears to them—
 - a) that there has been a breach of planning control; and

- b) that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.
- 2. A copy of an enforcement notice shall be served—
 - a) on the owner and on the occupier of the land to which it relates; and
 - b) on any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice.
- 3. The service of the notice shall take place—
 - a) not more than twenty-eight days after its date of issue; and
 - b) not less than twenty-eight days before the date specified in it as the date on which it is to take effect.

172A Assurance as regards prosecution for person served with notice

- 1. When, or at any time after, an enforcement notice is served on a person, the local planning authority may give the person a letter—
 - a) explaining that, once the enforcement notice had been issued, the authority was required to serve the notice on the person,
 - b) giving the person one of the following assurances—
 - i. that, in the circumstances as they appear to the authority, the person is not at risk of being prosecuted under section 179 in connection with the enforcement notice, or
 - ii. that, in the circumstances as they appear to the authority, the person is not at risk of being prosecuted under section 179 in connection with the matters relating to the enforcement notice that are specified in the letter,
 - c) explaining, where the person is given the assurance under paragraph (b)(ii), the respects in which the person is at risk of being prosecuted under section 179 in connection with the enforcement notice, and
 - d) stating that, if the authority subsequently wishes to withdraw the assurance in full or part, the authority will first give the person a letter specifying a future time for the withdrawal that will allow the person a reasonable opportunity to take any steps necessary to avoid any risk of prosecution that is to cease to be covered by the assurance.
- 2. At any time after a person has under subsection (1) been given a letter containing an assurance, the local planning authority may give the person a letter withdrawing the assurance (so far as not previously withdrawn) in full or part from a time specified in the letter.
- 3. The time specified in a letter given under subsection (2) to a person must be such as will give the person a reasonable opportunity to take any steps necessary to avoid any risk of prosecution that is to cease to be covered by the assurance.
- 4. Withdrawal under subsection (2) of an assurance given under subsection (1) does not withdraw the assurance so far as relating to prosecution on account of there being a time before the withdrawal when steps had not been taken or an activity had not ceased.

5. An assurance given under subsection (1) (so far as not withdrawn under subsection (2)) is binding on any person with power to prosecute an offence under section 179.]

173 Contents and effect of notice.

1. An enforcement notice shall state—
 - a) the matters which appear to the local planning authority to constitute the breach of planning control; and
 - b) the paragraph of section 171A(1) within which, in the opinion of the authority, the breach falls.
2. A notice complies with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are.
3. An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.
4. Those purposes are—
 - a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or
 - b) remedying any injury to amenity which has been caused by the breach.
5. An enforcement notice may, for example, require—
 - a) the alteration or removal of any buildings or works;
 - b) the carrying out of any building or other operations;
 - c) any activity on the land not to be carried on except to the extent specified in the notice; or
 - d) the contour of a deposit of refuse or waste materials on land to be modified by altering the gradient or gradients of its sides.
6. Where an enforcement notice is issued in respect of a breach of planning control consisting of demolition of a building, the notice may require the construction of a building (in this section referred to as a “replacement building”) which, subject to subsection (7), is as similar as possible to the demolished building.
7. A replacement building—
 - a) must comply with any requirement imposed by any enactment applicable to the construction of buildings;
 - b) may differ from the demolished building in any respect which, if the demolished building had been altered in that respect, would not have constituted a breach of planning control;
 - c) must comply with any regulations made for the purposes of this subsection (including regulations modifying paragraphs (a) and (b)).
8. An enforcement notice shall specify the date on which it is to take effect and, subject to sections 175(4) and 289(4A), shall take effect on that date.

9. An enforcement notice shall specify the period at the end of which any steps are required to have been taken or any activities are required to have ceased and may specify different periods for different steps or activities; and, where different periods apply to different steps or activities, references in this Part to the period for compliance with an enforcement notice, in relation to any step or activity, are to the period at the end of which the step is required to have been taken or the activity is required to have ceased.
10. An enforcement notice shall specify such additional matters as may be prescribed, and regulations may require every copy of an enforcement notice served under section 172 to be accompanied by an explanatory note giving prescribed information as to the right of appeal under section 174.
11. Where—
 - a) an enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so; and
 - b) all the requirements of the notice have been complied with, then, so far as the notice did not so require, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities.
12. Where—
 - a) an enforcement notice requires the construction of a replacement building; and
 - b) all the requirements of the notice with respect to that construction have been complied with, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of that construction.

173A Variation and withdrawal of enforcement notices.

1. The local planning authority may—
 - a) withdraw an enforcement notice issued by them; or
 - b) waive or relax any requirement of such a notice and, in particular, may extend any period specified in accordance with section 173(9).
2. The powers conferred by subsection (1) may be exercised whether or not the notice has taken effect.
3. The local planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were re-issued, be served with a copy of it.
4. The withdrawal of an enforcement notice does not affect the power of the local planning authority to issue a further enforcement notice.

174 Appeal against enforcement notice.

1. A person having an interest in the land to which an enforcement notice relates or a relevant occupier may appeal to the Secretary of State against the notice, whether or not a copy of it has been served on him.
2. An appeal may be brought on any of the following grounds—

- a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- b) that those matters have not occurred;
- c) that those matters (if they occurred) do not constitute a breach of planning control;
- d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- e) that copies of the enforcement notice were not served as required by section 172;
- f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

2A. An appeal may not be brought on the ground specified in subsection (2)(a) if—

- a) the land to which the enforcement notice relates is in England, and
- b) the enforcement notice was issued at a time—
 - i. after the making of a related application for planning permission, but
 - ii. before the end of the period applicable under section 78(2) in the case of that application.

2B. An application for planning permission for the development of any land is, for the purposes of subsection (2A), related to an enforcement notice if granting planning permission for the development would involve granting planning permission in respect of the matters specified in the enforcement notice as constituting a breach of planning control.

2C. Where any breach of planning control constituted by the matters stated in the notice relates to relevant demolition (within the meaning of section 196D), an appeal may also be brought on the grounds that—

- a) the relevant demolition was urgently necessary in the interests of safety or health;
- b) it was not practicable to secure safety or health by works of repair or works for affording temporary support or shelter; and
- c) the relevant demolition was the minimum measure necessary.]

2D. An appeal against an enforcement notice may not be brought on the ground that planning permission ought to be granted in respect of a breach of planning control constituted by a matter stated in the notice, as specified in subsection (2)(a), if—

- a) the land to which the enforcement notice relates is in Wales, and
- b) the enforcement notice was issued after a decision to refuse planning permission for a related development was upheld on an appeal under section 78 (and for this purpose development is “related” if granting planning permission for it would involve granting planning permission in respect of the matter concerned).

- 2E. An appeal may not be brought on the ground that a condition or limitation ought to be discharged, as specified in subsection (2)(a), if—
- a) the land to which the enforcement notice relates is in Wales, and
 - b) the enforcement notice was issued after a decision to grant planning permission subject to the condition or limitation was upheld on an appeal under section 78.
- 2F. For the purposes of subsections (2D) and (2E), references to a decision that has been upheld on an appeal include references to a decision in respect of which—
- a) the Welsh Ministers have, under section 79(6), declined to determine an appeal or to proceed with the determination of an appeal;
 - b) an appeal has been dismissed under section 79(6A).
3. An appeal under this section shall be made
- a) by giving written notice of the appeal to the Secretary of State before the date specified in the enforcement notice as the date on which it is to take effect; or
 - b) by sending such notice to him in a properly addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date; or
 - c) by sending such notice to him using electronic communications at such time that, in the ordinary course of transmission, it would be delivered to him before that date.
4. A person who gives notice under subsection (3) shall submit to the Secretary of State, either when giving the notice or within the prescribed time, a statement in writing—
- a) specifying the grounds on which he is appealing against the enforcement notice; and
 - b) giving such further information as may be prescribed.
5. If, where more than one ground is specified in that statement, the appellant does not give information required under subsection (4)(b) in relation to each of those grounds within the prescribed time, the Secretary of State may determine the appeal without considering any ground as to which the appellant has failed to give such information within that time.
6. In this section “relevant occupier” means a person who—
- a) on the date on which the enforcement notice is issued occupies the land to which the notice relates by virtue of a licence; and
 - b) continues so to occupy the land when the appeal is brought.

175 Appeals: supplementary provisions.

1. The Secretary of State may by regulations prescribe the procedure which is to be followed on appeals under section 174 and, in particular, but without prejudice to the generality of this subsection, may—
- a) require the local planning authority to submit, within such time as may be prescribed, a statement indicating the submissions which they propose to put forward on the appeal;
 - b) specify the matters to be included in such a statement;

- c) require the authority or the appellant to give such notice of such an appeal as may be prescribed;
 - d) require the authority to send to the Secretary of State, within such period from the date of the bringing of the appeal as may be prescribed, a copy of the enforcement notice and a list of the persons served with copies of it.
2. The notice to be prescribed under subsection (1)(c) shall be such notice as in the opinion of the Secretary of State is likely to bring the appeal to the attention of persons in the locality in which the land to which the enforcement notice relates is situated.
 3. Subject to section 176(4), the Secretary of State shall, if either the appellant or the local planning authority so desire, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- 3A. Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in England.
- 3B Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in Wales.
4. Where an appeal is brought under section 174 the enforcement notice shall subject to any order under section 289(4A) be of no effect pending the final determination or the withdrawal of the appeal.
 5. Where any person has appealed to the Secretary of State against an enforcement notice, no person shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.
 6. Schedule 6 applies to appeals under section 174, including appeals under that section as applied by regulations under any other provisions of this Act.
 7. Subsection (5) of section 250 of the Local Government Act 1972 (which authorises a Minister holding an inquiry under that section to make orders with respect to the costs of the parties) shall apply in relation to any proceedings in England before the Secretary of State on an appeal under section 174 as if those proceedings were an inquiry held by the Secretary of State under section 250.

176 General provisions relating to determination of appeals.

1. On an appeal under section 174 the Secretary of State may—
 - a) correct any defect, error or misdescription in the enforcement notice; or
 - b) vary the terms of the enforcement notice, if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.
 2. Where the Secretary of State determines to allow the appeal, he may quash the notice.
- 2A. The Secretary of State shall give any directions necessary to give effect to his determination on the appeal.
3. The Secretary of State—
 - a) may dismiss an appeal if the appellant fails to comply with section 174(4) within the prescribed time; and

- b) may allow an appeal and quash the enforcement notice if the local planning authority fail to comply with any requirement of regulations made by virtue of paragraph (a), (b), or (d) of section 175(1) within the prescribed period.
- 4. If section 175(3) would otherwise apply and the Secretary of State proposes to dismiss an appeal under paragraph (a) of subsection (3) of this section or to allow an appeal and quash the enforcement notice under paragraph (b) of that subsection, he need not comply with section 175(3).
- 5. Where it would otherwise be a ground for determining an appeal under section 174 in favour of the appellant that a person required to be served with a copy of the enforcement notice was not served, the Secretary of State may disregard that fact if neither the appellant nor that person has been substantially prejudiced by the failure to serve him.

177 Grant or modification of planning permission on appeals against enforcement notices.

- 1. On the determination of an appeal under section 174, the Secretary of State may
 - a) grant planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the notice relates;
 - b) discharge any condition or limitation subject to which planning permission was granted;
 - c) determine whether, on the date on which the appeal was made, any existing use of the land was lawful, any operations which had been carried out in, on, over or under the land were lawful or any matter constituting a failure to comply with any condition or limitation subject to which planning permission was granted was lawful and, if so, issue a certificate under section 191.
- 1A. The provisions of sections 191 to 194 mentioned in subsection (1B) shall apply for the purposes of subsection
- 1(c). as they apply for the purposes of section 191, but as if—
 - a) any reference to an application for a certificate were a reference to the appeal and any reference to the date of such an application were a reference to the date on which the appeal is made; and
 - b) references to the local planning authority were references to the Secretary of State.
- 1B. Those provisions are: sections 191(5) to (7), 193(4) (so far as it relates to the form of the certificate), (6) and (7) and 194
- 1C. Subsection (1)(a) applies only if the statement under section 174(4) specifies the ground mentioned in section 174(2)(a).
- 2. In considering whether to grant planning permission under subsection (1), the Secretary of State shall have regard to the provisions of the development plan, so far as material to the subject matter of the enforcement notice, and to any other material considerations.
- 3. The planning permission that may be granted under subsection (1) is any planning permission that might be granted on an application under Part III.

4. Where under subsection (1) the Secretary of State discharges a condition or limitation, he may substitute another condition or limitation for it, whether more or less onerous.

4A. Section 100ZA (which makes provision about restrictions on the power to impose conditions or limitations on a grant of planning permission in relation to land in England) applies in relation to conditions substituted under subsection (4) as it applies in relation to conditions imposed on a grant of planning permission to develop land which is granted on an application made under Part 3.

5. Where—

- a) an appeal against an enforcement notice is brought under section 174, and
- b) the statement under section 174(4) specifies the ground mentioned in section 174(2)(a), the appellant shall be deemed to have made an application for planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control.

5A. Where—

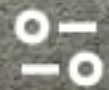
- a) the statement under subsection (4) of section 174 specifies the ground mentioned in subsection (2)(a) of that section;
 - b) any fee is payable under regulations made by virtue of section 303 in respect of the application deemed to be made by virtue of the appeal; and the Secretary of State gives notice in writing to the appellant specifying the period within which the fee must be paid, then, if that fee is not paid within that period, the appeal, so far as brought on that ground, and the application shall lapse at the end of that period.
6. Any planning permission granted under subsection (1) on an appeal shall be treated as granted on the application deemed to have been made by the appellant.
7. In relation to a grant of planning permission or a determination under subsection (1) the Secretary of State's decision shall be final.
8. For the purposes of section 69 the Secretary of State's decision shall be treated as having been given by him in dealing with an application for planning permission made to the local planning authority.



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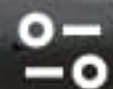


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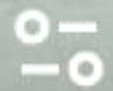




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Application for an Award of Costs

This application is made in connection with the appeal under Section 174 of the Town and Country Planning Act 1990. The appellant seeks a full award of costs on the basis that the Local Planning Authority has acted unreasonably, thereby causing unnecessary expense.

The Enforcement Notice was issued without prior engagement or the use of a Planning Contravention Notice, denying the appellant a reasonable opportunity to clarify the factual position. The Notice contains fundamental inaccuracies, including the incorrect assertion that new operational development and/or a material change of use has occurred, when in fact the works comprise the replacement of pre-existing gates in the same locations and serving the same functions.

The Authority has also mischaracterised the relevant time period and failed to properly assess material considerations, including the absence of harm to public amenity and the presence of similar gates within the locality. These matters could reasonably have been established through proportionate investigation prior to formal enforcement action.

Furthermore, the requirements of the Notice are excessive and disproportionate, failing to take into account the clear safety, security, and welfare justifications for the works, including police advice and evidenced risks associated with the previous gates.

As a result of these failures, the appellant has been put to unnecessary time and expense in preparing and pursuing this appeal. Accordingly, a full award of costs is sought.