

**Town and Country Planning Act 1990
North York Moors National Park Authority**

**Notice of Decision of Planning Authority on Application for
Permission to Carry out Development**

To: Duchy of Lancaster
c/o Savills (UK) Ltd
fao: Mr Andrew McRoyall
River House
17 Museum Street
York
YO1 7DJ

The above named Authority being the Planning Authority for the purposes of your application validated 02 January 2019, in respect of proposed development for the purposes of **variation of condition 17 of planning approval NYM2015/0570/FL to allow revised landscaping details at Fields Farm, Station Lane, Cloughton** has considered your application and has **granted** permission for the proposed development subject to the following conditions:

1. The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date Received
Proposed plans and elevations stables	1005263/17E	7 September 2015
Proposed plans and elevations cattle shed	1005263/13F	25 September 2015
Proposed plans and elevations workshop shed	1005263/15G	7 August 2015
Proposed plans and elevations General produce shed	1005263/14G	7 August 2015
Proposed plans and elevations store and multiuse shed	1005263/14G	7 August 2015
Proposed site plan	1005263/14G	7 August 2015
Proposed planting scheme	---	01 April 2019
Tilhill Forestry Screen planting scheme	---	01 April 2019

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
2. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order), or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H Schedule 2, Part 2, Classes A to C and within Schedule 2 Part 14 Classes A to I of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.

Continued/Conditions



Mr C M France
Director of Planning

Date 26 April 2019

Please Note your Rights of Appeal are attached to this Decision Notice

Town and Country Planning Act 1990

Continuation of Decision No. NYM/2018/0806/FL

4. No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
5. All new stonework and roofing tiles used in the development hereby permitted shall match as closely as possible to those of the existing building, including the colour and texture of the stone and the method of coursing and pointing.
6. The external surface of the roof of the agricultural buildings hereby permitted shall be coloured and thereafter maintained dark grey or as may otherwise be agreed in writing by the Local Planning Authority.
7. The external surface of the roof of the agricultural buildings hereby permitted shall be coloured and thereafter maintained dark grey or as may otherwise be agreed in writing by the Local Planning Authority.
8. Any replacement or new windows installed in the development hereby approved shall accord with the details approved by the Local Planning Authority under NYM/20215/0169/CVC and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.
9. All windows and doors shall be coloured and finished in accordance with the details approved by the Local Planning Authority under NYM/20215/0169/CVC and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.
10. The guttering to the development hereby permitted shall be directly fixed to the stonework by means of gutter spikes with no fascia boarding being utilised in the development and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
11. The rainwater goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
12. All hard and soft landscape works comprised in the approved details of landscaping referred to in Condition 1 above shall be carried out no later than the first planting and seeding seasons following the date of this planning permission, or in accordance with a programme agreed by the Local Planning Authority. Any trees or plants planted in accordance with this condition which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
13. For the first five years after the wind turbine is brought into use the development hereby permitted shall be carried out in accordance with the mitigation measures set out in Paragraphs 9.1 (Barn Owls) and 9.2 (Bats) of the submitted ecology survey dated 5 January 2010 prepared by John Drewett (updated on 13 March 2013).
14. Following a period of five years after the date of this permission, the turbine hereby approved shall only be in operation between the hours of 6am and 8pm on any day during the months of April through to October, and any time during the months of November through to the end of March unless a monitoring report by a bat surveyor has demonstrated adequately that no bats are flying in the vicinity of the turbine. A second survey should be undertaken ten years after the date of this permission and if there is no evidence of bats flying in the vicinity of the turbine, the turbine can operate without restriction thereafter.

Continued/Reasons for Conditions



Mr C M France
Director of Planning

Date 26 April 2019

Reasons for Conditions

1. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
2. The site of the proposed dwelling is in an area where NYM Core Policies B and J and Planning Policy Statement 7 seek to restrict new residential development to that which is essential to the needs of local agriculture.
3. In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with NYM Development Policy 3 and NYM Core Policy A, which seek to enhance and conserve the special qualities of the NYM National Park and secure high quality design for new development.
4. In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.
- 5 – 9. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
- 10 & 11. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
12. In order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features.
- 13 & 14. To ensure protection of a species protected under the Wildlife and Countryside Act and compliance with NYM Core Policy C which seeks to conserve and enhance the quality and diversity of the natural environment.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and recommended changes to the proposal including revised landscaping details, so as to deliver sustainable development.



Mr C M France
Director of Planning

Date 26 April 2019

Rights of Appeal

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State of Department of Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice (12 weeks in the case of a minor commercial application). The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

- (2) If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, the owner of the land may claim that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the council of the county/district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Note: If an aggrieved applicant wishes to exercise their right of appeal as above mentioned, they should do so using a form which you can get from the Secretary of State at:

Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 00 00) or online at www.planningportal.gov.uk/planning/appeals

Notes

1. Please note, only the applicant possesses the right of appeal.
2. No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed Development is situated; or of obtaining approval under any other Bye-Laws, local Acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.
3. In your own interests your attention is particularly drawn to the conditions under which approval has been given to your proposals. Failure to comply fully with the conditions could lead to enforcement action resulting in work already done being demolished or prosecution in Magistrates' Court.
4. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within 28 days of the date of this notice.
5. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.