

**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: J Hallam Joinery
fao: Mr Jack Hallam
Store Adjacent Kirkwood
Egton
Whitby
YO21 1UT

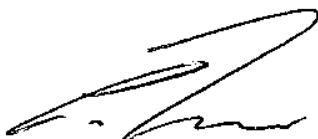
The above named Authority being the Planning Authority for the purposes of your application validated 06 February 2019, in respect of proposed development for the purposes of **Construction of extension, installation of 1 no window to west elevation, erection of a fence and siting of generator together with change of use of land to joinery business with ancillary storage (Use Class B2) (part retrospective) at Store Adjacent Kirkdale, Egton**, 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
Site Plan	Supplied by Stanfords 08 Nov 2018	01 April 2019
Plans and Elevational Details	N/A	14 January 2019
Fence Detail	A4	01 April 2019

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
2. The premises shall not be used other than as Joiner's workshop and shall not be used for any other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.
3. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
4. No machinery shall be operated on the premises before 08:00 hrs on weekdays and 08:00 hrs on Saturdays nor after 17:00 hrs on weekdays and 13:00 hrs on Saturdays nor at any time on Sundays or Bank Holidays without the prior written agreement of the Local Planning Authority.
5. The Joiner's Workshop hereby approved shall not operate unless all doors to the building area closed.
6. Within 1 month of the date of this permission the super silent generator should be moved to the approved location and the 1.8m timber fence proposed to provide additional screening and sound attenuation for the generator must be implemented and thereafter by so maintained in a condition fit for purpose. Future replacement generators should also be super silent, operating at 65dBA at 7m or less.

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

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Continuation of Decision No. NYM/2019/0019/FL

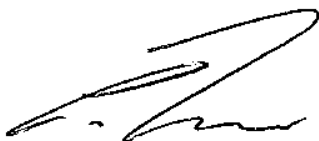
7. The site shall not operate as a Joiner's workshop unless the stoothing wall faced with plasterboard on the east wall of the application building or another form of noise attenuation agreed by the Local Planning Authority in writing to limit the transmission of noise to adjacent properties is in place and maintained in a condition fit for purpose.
8. No goods shall be displayed, stored, sold or offered for sale on any part of the application site outside of the building or external storage area hereby permitted and no work shall be carried out outside the building.
9. No storage of materials, machinery, vehicles, waste or other items shall take place outside the building(s) on the site without the prior written agreement of the Local Planning Authority.
10. All external lighting shall be angled down to only illuminate the application property and if necessary shields should be installed around the lights within 1 month of the date of this approval to ensure that there is no light spill from the site into the wider landscape.
11. 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.

Informatives

1. To clarify internal alterations to improve noise attenuation within the existing business does not require planning permission and therefore the creation of internal enclosures for joinery use or additional stoothing walls and baffle boards would not require the benefit of planning permission. The applicant may look to consider this as an option as the business develops to avoid any complaints under statutory nuisance regulations which are separate to any planning legislation.

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. In order to enable the Local Planning Authority to retain control over future changes of use to the property which would otherwise be permitted by the Town and Country Planning (Use Classes) Order 2010 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) or the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), and to comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to enhance and conserve the special qualities of the NYM National Park and ensure that development does not have an adverse effect on the amenities of adjoining occupiers.
3. In accordance with NYM Development Policy 23 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.



Mr C M France
Director of Planning

Date 26 April 2019

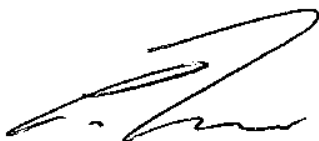
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- 4 – 7. In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.
- 8 – 9. In the interests of the visual amenities of the locality and to comply with the provisions of NYM Core Policy A which seeks to conserve and enhance the special qualities of the National Park.
- 10 & 11. 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.

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

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



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.