

**Planning (Listed Buildings and Conservation Areas) Act 1990**  
**North York Moors National Park Authority**

**Notice of Decision of Planning Authority on Application for  
Listed Building Consent**

To: P & G Durbin Properties  
 c/o Rollinson Planning Consultancy  
 80 Main Street  
 Menston  
 Ilkley  
 LS29 6HS

The above named Authority being the Planning Authority for the purposes of your application validated 14 February 2019, in respect of the proposed **internal and external alterations to redundant buildings to enable use as 3 no. holiday cottages (revised scheme to NYM/2018/0499/LB)** at **Thirley Cotes Farm, Waite Lane, Harwood Dale** has considered your said application and has **granted** consent in respect of the proposed works subject to the following conditions:

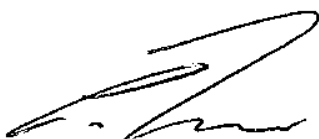
1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

<b>Document Description</b>	<b>Document No.</b>	<b>Date Received</b>
Site location plan	---	20 April 2018
Proposed cottages	P5 Revised	30 August 2018
Site layout plan	P5R2	18 April 2019
Ground floor/garden plan		
Mulberry & Walnut	P2r3	6 May 2019
Elevations Pear Tree Cottage	P1r2	18 April 2019
Elevations Mulberry & Walnut	P3r2	18 April 2019
Elevations Mulberry & Walnut	P4r2	18 April 2019
Hornbeams & Mulberry layout	D3 revised	14 March 2019
Mulberry & Walnut layout	2r	14 Feb 2019
Walnut greenhouse & Entrance Drive	P6	14 Feb 2019
Proposed waste water system	WWWS1	14 Feb 2019
Method statement from	---	10 April 2019

Earth stone and Lime company

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority and including the agreed omission of planters, lowering of the height of the hot tub area, omission of skylight to cloakroom in Mulberry Cottage and no concrete being laid abutting the historic fabric of the building. .

3. 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.



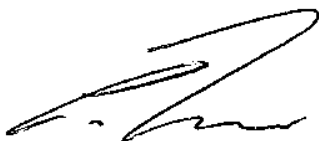
Mr C M France  
 Director of Planning

Date 14 May 2019

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

4. This permission has been granted in accordance with the details specified in the survey prepared by David Bamford (BA Hons Arch, Dip Arch, Leeds, RIBA Chartered Architect) received on 14 February 2019. More extensive works of demolition and rebuilding that does not accord with these details may render the permission invalid and may require a further grant of planning permission from the Local Planning Authority.
5. The development hereby permitted shall not be undertaken until a programme of building recording and analysis in accordance with a written scheme of investigation that has been submitted to and approved in writing by the Local Planning Authority. The work shall not be carried out otherwise than in accordance with that approved scheme of investigation.
6. Prior to any internal plastering works being undertaken, details of how the timber sections imbedded within the walls will remain exposed, shall be submitted to and agreed in writing by the Local Planning Authority. The plastering work shall be undertaken in accordance with the approved details and thereafter be so maintained.
7. No work shall be undertaken regarding the re-instatement of the trusses until detailed constructional drawings showing each truss has been submitted to an approved in writing by the Local Planning Authority. The trusses shall be installed and thereafter so maintained in accordance with the approved details.
8. No work shall commence on the installation of new internal wall and floor finishes until details of these features to be installed in the new development have been submitted to and approved in writing by the Local Planning Authority. The work shall not be carried out otherwise than in accordance with the details so approved.
9. No work shall commence on the construction of the walls of the development hereby permitted until details of the stone, including samples if so required by the Local Planning Authority, to be used for the external surfaces of the development including for walling and dressings have been submitted to and approved in writing by the Local Planning Authority. The stone used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.
10. No work shall commence on any re-pointing of the buildings to which this permission relates until a specification of the lime mortar mix has been submitted to an approved in writing with the Local Planning Authority. The re-pointing shall be undertaken in with the approved details and be finished with a slightly recessed bagged finish.
11. No work shall commence on the construction of the roof of the development hereby permitted until details of the roof tile, including samples if so required by the Local Planning Authority, to be used in the development have been submitted to and approved in writing by the Local Planning Authority. The roof tile used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.
12. No work shall commence on the installation of any windows, doors and associated glazing in the development hereby approved until detailed plans showing the constructional details, external appearance and colour of all external doors and frames (and glazing if included) have been submitted to and approved in writing by the Local Planning Authority. All doors shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Continued/Conditions



Mr C M France  
Director of Planning

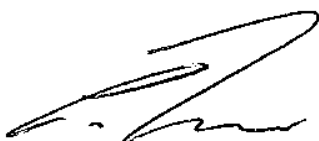
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13. No work shall commence on the installation of any rooflights in the development hereby approved until full details of the proposed rooflights have been submitted to and approved in writing by the Local Planning Authority. The rooflights shall be conservation style rooflights and shall be installed in accordance with the approved details and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
14. All new window frames, glazing bars, external doors and door frames shall be of timber construction and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
15. All rainwater goods shall be black painted cast iron and thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
16. All flues associated with the proposed development shall be coloured matt black and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
17. No work shall commence on the installation of the gutter brackets in the development hereby approved until full details of the proposed brackets have been submitted to and approved in writing by the Local Planning Authority. The gutter brackets shall be installed in accordance with the approved details and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
18. Before the development hereby permitted commences, the applicant/ecological consultant shall forward a copy of the Natural England European Protected Species Licence covering approved mitigation to the National Park Authority.
19. The stone ridge tiles should be reinstated and or replaced with natural stone; any replacements must be approved in writing, and thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
20. Prior to the erection of the greenhouse, constructional details shall be submitted to an approved in writing by the local planning authority, including the provision for a stone panel. The original heights should be reinstated and the water tabling to the west of the south range and south of the west range reinstated as before to maintain the symmetry. The steps to this area are to be as existing rather than to be reoriented as shown on plan.
21. The developer shall afford safe access within the site to the Authority at all reasonable times and allow the Authority to observe any works and record features of significant interest.

### **Informative**

Planning permission has also been granted for this development. You are advised to obtain sight of the notice of planning permission and the approved plans and ensure that the development is carried out strictly in accordance with the approved plans and the terms and conditions of the planning permission.

Conditions/Reasons for Conditions



Mr C M France  
Director of Planning

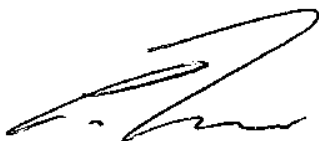
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### Reasons for Conditions

1. To ensure compliance with Sections 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
2. 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.
3. 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.
4. In order to ensure that the development is carried out in a manner which safeguards the existing fabric of the building and to comply with the provisions of NYM Development Policy 5.
- 5 – 7. In order to ensure that any features of historic and/or architectural interest are adequately recorded prior to development commencing on site and to comply with NYM Development Policy 5, which seeks to ensure that alterations to Listed Buildings do not have an unacceptable impact on the special historic or architectural interest of the building.
8. In order to comply with NYM Development Policy 5 which seeks to ensure that alterations to Listed Buildings do not have an unacceptable impact on their special historic or architectural interest.
- 9 – 12. 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.
- 13 – 17. 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.
18. 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.
- 19 & 20. 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.
21. In order to ensure that the development is carried out in a manner which safeguards the historic fabric of the building and to comply with the provisions of NYM Core Policy G, which seeks to ensure that alterations to Listed Buildings do not have an unacceptable impact on the special historic or architectural interest of the building.

### 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 fenestration details and internal works so as to deliver sustainable development.



Mr C M France  
Director of Planning

Date 14 May 2019

## Notes

1. 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 further approval has been obtained.
2. Attention is drawn to Section 8 (2)(C) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the effect of which is that demolition of a Listed Building may not be undertaken (despite the terms of the consent granted by the Local Planning Authority) until notice of the proposal has been given to English Heritage, Architectural Investigation Section, 37 Tanner Row, York, YO1 6WP, and they subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it.
3. (a) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse Listed Building consent, for the proposed works, or to grant consent subject to conditions, they may appeal to the Secretary of State in accordance with Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 within six months of the date of this notice. 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.  
(b) If Listed Building consent is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, they may serve on the council of the county/district a purchase notice requiring that council to purchase his interest in the land in accordance with the provision of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.  
(c) In certain circumstances a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Buildings and Conservation Areas) 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](http://www.planningportal.gov.uk/planning/appeals)**

4. Please note, only the applicant possesses the right of appeal.
5. 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.
7. 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.
8. 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.