

The logo for Cheryl Ward Planning is located in the top left corner. It consists of the name "Cheryl Ward" in a white serif font, with "Cheryl" in a smaller size above "Ward". A horizontal line is positioned below "Cheryl". Below "Ward" is the word "Planning" in a smaller, white sans-serif font.

Cheryl **Ward**
Planning

NYMNP

13/06/2019

APPROVAL OF DETAILS RESERVED BY CONDITION

For: Hill View Barn, Downdale Road, Staintondale

**For: Mr S and Mrs C Sixsmith
Hill View Barn, Downtdale Rd, Staintondale**

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Rev/version no.	Date	Amendment details	Revision prepared by

**For: Mr S and Mrs C Sixsmith
Hill View Barn, Downtdale Rd, Staintondale**

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1.0 Introduction

- 1.1 Cheryl Ward Planning has been appointed to provide details of the proposed future occupants of Hill View Barn, Downdale Road, Staintondale, YO13 0EL.
- 1.2 The applicants are: Steven and Charlotte Sixsmith who currently reside at High Dale Cottage, Mount Pleasant Farm, Leubberston, Scarborough, YO11 3NT.
- 1.3 The application for approval of details reserved by condition is made under The Town and Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990.
- 1.4 The proposed occupant is seeking to compliance with Condition 4 of planning approval NYM/2009/0699/FL which states:

4. The occupation of the dwelling hereby permitted shall be limited to:
 - (a) a qualifying person; and
 - (b) a wife or husband (or person living as such), licensee, dependant or sub-tenant of a qualifying person.

For the purpose of the above, a person is a qualifying person in relation to the dwelling if he/she has an interest in the dwelling (see Note A) and, immediately prior to occupying the dwelling, he/she satisfied the local planning authority that he/she was in need of local needs housing in terms of the criteria set out in Core Policy J of the adopted North York Moors Local Development Framework, namely that he/she:

- (1) has been permanently resident within the National Park (see Note B) for at least 5 years; or
- (2) while not now resident within the parish, has either: a strong and long standing link with the local community which must include a previous period of residence of 5 years or more; or an essential need arising from age or infirmity to move to a village to be near relatives who have been permanently resident within the National Park for at least the previous 5 years; or require support for reasons of age or infirmity and need to live close to relations who are currently living and have resided in the park for at least the previous 5 years or more; or
- (3) has a need to live in the National Park as a result of his/her current sole employment in this parish or adjoining parishes within the National Park.

Prior to the occupation of the development the qualifying person shall have obtained confirmation in writing from the Authority that they satisfy the local need criteria outlined in points 1 - 3 above.

Continued ...

Note A: For the purposes of the above, a person has an interest in the dwelling if he/she has a freehold or leasehold interest in the whole or any part of it, or is a secure tenant or statutory tenant within the meaning of the Housing Act 1985 or the Rent Act 1977.

Note B: For the purposes of the above, resident within the National park will include the whole of parishes, split by the National Park boundary with the exception of the following 'urban' parishes where the main town or village is outside the National Park: Pickering Kirkbymoorside, Great and Little Broughton, Great Aytonr Newby and Scalby.

2.0 Local Occupancy Proforma

- 2.1 The applicant has completed the Local Planning Authority's Local Occupancy Proforma with regard to satisfying the above condition which can be found at **Appendix A**.
- 2.2 All other evidence to support the claim can be found at:

Appendix B - Pre-application letter from Hilary Saunders NYMNPA dated 22nd May 2019 with a positive response and advice that a formal Discharge of Condition application is submitted.

Appendix C - General correspondence / e-mails – in date order includes applicants address and contact details.

Appendix D – Supporting information and correspondence from Neil Duffield (BHD Partnership Ltd) supporting the applicants claim regarding the satisfaction of the local occupancy conditions.

Appendix E – Statement from the District Commissioner for Scouting in the Scarborough, Whitby and Filey areas

Appendix F – Statement from Nabs Nobs – Employer of Charlotte Sixsmith

Appendix G – Statement from Nick Owen Drain Services – Employer of Steven Sixsmith

A further Appendix can be supplied (if required) comprising a Court Order which requires Mr S Sixsmith (the applicant) to provide a suitable place for his children to reside and maintain a lifestyle that is near the 'sea' and is within a 'rural area'.

3.0 Assessment

National Planning Policy (NPPF) (2018)

- 3.1 National planning policy is set out in the National Planning Policy Framework (NPPF) which was published in January 2019 and is a contributing material consideration. It provides a framework within which regional and local policy is set. The publication of the National Planning Practice Guidance (NPPG) in March 2014 gives further guidance.
- 3.2 Paragraph 9 of the NPPF states that ‘planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 3.3 Paragraph 77 provides advice on rural housing. It states that ‘in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect’ local needs’.
- 3.4 The application seeks to confirm that the applicant would meet the terms of the local occupancy criteria provided in planning approval NYM/2009/0699/FL. The property at Hill View Barn is subject to a local occupancy condition will provide a sustainable solution to meeting the families housing needs (including parenting) and particularly with regard to the applicants terms of employment, call-out commitments and contracts.
- 3.5 The applicants are and wish to continue as long term residents and workers in and around the National Park and currently reside on the edge of the National Park at Lebberton (5.5 miles).
- 3.6 Taking account of the above we would be pleased to receive confirmation that the applicant fulfils the requirements for local occupancy.

Cheryl Ward Planning

Offering a high quality, technical and locally focused Planning and Development Consultancy service. With a pragmatic and conscientious approach to all projects our core aim is to achieve the best possible outcome for our clients.

Accompanied by an in-depth knowledge of the local area and a deep-rooted understanding of local authority planning requirements the business is well equipped to deal with all-encompassing planning matters specialising in planning applications (all types) – town and rural i.e. residential, rural and equine planning projects whether it be traditional or contemporary in design.

Our planning services are continually developing to keep up with the changing dynamics of the UK planning system. This helps to widen our knowledge so that our clients are furnished with the most up to date planning criteria.

Operating to a multidisciplinary approach means we are accomplished at working with a range of stakeholders including private individuals, Estate Directors, farmers, land owners, private and public organisations/groups, Parish Councils, other professionals, clients and applicants.

Our services include:

- Pre and post planning advice
 - Appraising sites for development potential
 - Agricultural and Forestry Notifications
 - Planning Supporting Statements
 - Discharge planning conditions
 - Check and send service – Cheryl Ward Planning can check forms, plans and other documents etc to make sure your application will be validated by the Council. Finally, we will submit your application via the Planning Portal on your behalf.
- Planning Enquiries
 - Planning Applications (all types)
 - Design and Access Statements
 - Variations/amendments to planning approvals
 - Prepare and submit planning appeals

NYM Moors, Yorkshire Dales, Whitby, Scarborough, Ryedale, Hambleton, Redcar and Cleveland, Selby, Wolds, North Lincolnshire, North East

5 Valley View, Ampleforth, York, YO62 4DQ

NYMNPA

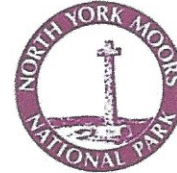
13/06/2019

APPENDIX A –

HILL VIEW BARN, STAINTONDALE

Local Occupancy Proforma

APPENDIX G LOCAL OCCUPANCY PROFORMA



LOCAL OCCUPANCY PROFORMA

To be used when applying for full and outline planning permission for Local Needs Housing, to discharge conditions as part of a Condition Verification Check and to confirm accordance with Local Occupancy conditions as part of the National Park Authority's monitoring procedures. For further information about Local Needs Housing, please refer to the Housing Supplementary Planning Document available at www.moors.uk.net

Address of Local Needs Housing

MILL VIEW BARN.....
DOUNDALE ROAD.....
STANTONDALE.....

Planning application reference no. (office use)

NYM/2009/0699/FL

Do you currently live in the North York Moors National Park?

Yes/No No

Please complete all sections below which are relevant to your personal circumstances. All information which falls within the definition of personal data under the Data Protection Act 1998 will be used on a strictly confidential basis.

If you currently live in the North York Moors National Park, please complete this section:

Please give your current address

HIGH DALE COTTAGE.....
MOUNT PLEASANT COTTAGE.....
LEBBERSTON, SCARBOROUGH, YO11 3NT

How long have you lived at this address?

20 Years Months

If less than 5 years, please give your addresses for the last 5 years with the relevant dates

.....
.....
.....

Please attach documents which give evidence of your place of residence for the last 5 years eg household bills, copies of entry on Electoral Roll

APPENDIX G LOCAL OCCUPANCY PROFORMA

Please confirm your reasons for needing to move to the proposed Local Needs Housing development.

TO MOVE CLOSER TO PLACE OF WORK IN NATIONAL PARK PARTICULARLY WITH REGARD TO CALL-OUT ELEMENT

If you live outside the North York Moors National Park, please complete this section:

Have you previously lived in the North York Moors National Park? Yes/No

Please give addresses for your previous period(s) of residence in the North York Moors National Park with the relevant dates

From 1996 To 1998
KEEPERS COTTAGE
KEDDY CASTLE
CROPTON FOREST

Please attach documents which give evidence of your previous residence in the National Park eg household bills, copies of entry on Electoral Roll

Do you have a strong and long standing link to the local community Yes/No

If Yes, please give details of your link to the community, including addresses and length of residence of any family members living in the locality

SEE APPENDICES ATTACHED

Please complete any of the following details that apply to you.

Do you need to move to be close to a relative who is currently living in the National Park and requires your support? Yes/No

If Yes, please give details including the name and address of your relative, how long they have lived in the National Park and the reasons for them needing you to live close by to give support.

~~.....~~

APPENDIX G LOCAL OCCUPANCY PROFORMA

Do you need to move to be close to a relative who can provide you with essential support and who is currently living in the National Park?Yes/No **(No)**

If Yes, please give details including the name and address of your relative, how long they have lived in the National Park and the reasons for you needing to live close by.

.....

Do you need to move to live close to your place of employment in the National Park?Yes/No **(No)**

If Yes, please give details of your employment including the address, the type of employment, the number of hours and whether it is permanent or temporary. Please provide full details if you are self employed. If you need to move to take up a job offer, please say when your employment will start. Please attach a letter from your employer confirming your employment or job offer.

SEE APPENDICIES ATTACHED.....

This section to be completed by all proposed occupants

How many people are there are in your household? ...**5**....

Age	Male	Female
0-15	..2...	...1....
16-20
21-64	..1...	...1....
65+

What type of accommodation do you require (eg house, bungalow, number of bedrooms, garden)?
3/4 BED PROPERTY WITH GARDEN + LAND ATTACHED.....

Is suitable accommodation available within the existing housing stock to meet your requirements? Please provide details of properties currently on the market in the village where the proposed development is located.

MIN. VIEW BARN WOULD PROVIDE AN APPROPRIATE BASE + LEVEL OF ACCOMMODATION FOR THE SIKSMITH FAMILY a) FOR ACCESSING THE NATIONAL PARK FOR WORK b) TRAVELLING TO AND FROM PLACES OF WORK and c) FOR SCHOOL TRANSPORT + SCHOOLS

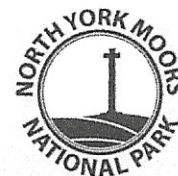
APPENDIX B –

HILL VIEW BARN, STAINTONDALE

NYM Correspondence – 22 May 2019

North York Moors National Park Authority

The Old Vicarage, Bondgate, Helmsley, York YO62 5BP
 Tel: 01439 772700
 Email: general@northyorkmoors.org.uk
 Planning enquiries: planning@northyorkmoors.org.uk
www.northyorkmoors.org.uk



Andy Wilson
 Chief Executive

Neil Duffield
 Airy Hill Manor
 Whitby
 North Yorkshire
 YO21 1QB

Your ref:
 Our ref: NYM\2019\ENQ\15358
 Date: 22 May 2019

Dear Mr Duffield,

Pre-application advice in relation to compliance with local occupancy restriction at Hill View Barn, Downton Road, Staintondale

Thank you for your enquiry received 21 March 2019.

I would advise you that on the basis of the additional submitted information, it would appear likely that your client would comply with the local employment criteria, particularly as there would appear to be a "call-out" element.

Consequently I would recommend that you submit a formal Discharge of Condition application, providing as much evidence as possible, including employment contracts and job descriptions.

I hope that the above advice is of assistance but trust that you appreciate that this is an informal view only; a formal decision can only be made in response to a Discharge of Condition application. However, if you have any further queries, please do not hesitate to contact me again at the above address.

Yours sincerely

H. Saunders

Mrs Hilary Saunders MRTPI
 Planning Team Leader
 Development Management



APPENDIX C –

HILL VIEW BARN, STAINTONDALE

General Correspondence Dated: 8 April 2019 and 17 May 2019

Sixsmith

Neil Duffield

From: Charlotte Machon
Sent: Monday, April 8, 2019 12:59 PM
To: Neil Duffield
Subject: Re: Pre application enquiry re Local Occupancy

Hi Neil,

Our address is...
High Dale Cottage
Mount Pleasant Farm
Lebberston
Scarborough
YO11 3NT

Steve's phone isn't currently working but his number for future reference is;

Charlotte

Hopefully we have a stronger case now.

Many thanks,
Charlotte

Sent from my iPhone

On 8 Apr 2019, at 12:54, Neil Duffield

wrote:

Hi Charlotte,
It was good to meet on Friday.
Hopefully we can make a good case.

Can you provide your current postal Address and a contact number for yourself and Steve.

Thanks
Neil

<image001.jpg>

The information contained in this email is intended only for the person or entity to whom it is addressed and may contain confidential and/or privileged material. If you have received this email in error please note that any review, retransmission, copying, dissemination or other use of, or taking of any action in reliance upon its contents is prohibited. If you are not an intended recipient please delete the material from any computer that may have it and contact BHD Partnership IT Personnel on 01947 829317, thank you for your co-operation.

The contents of an attachment to this email may contain software viruses which could damage your computer system. We cannot accept liability for any damage which you sustain as a result of software viruses, you should carry out your own virus checks before opening any attachment.

BHD Partnership, Airy Hill Manor, Whitby, North Yorkshire, YO21 1QB

www.bhdpartnership.com

11610

Neil Duffield

From: Neil Duffield
Sent: Friday, May 17, 2019 3:34 PM
To: 'Charlotte Machon'
Subject: Hill View Barn Staintondale E11610-04 client re nymnp 17-05-19

Hi Charlotte,

I dropped the National Park a line earlier this week and Hilary the case officer has responded today, see below. If there is anything else you would like me to add/amend let me know over the weekend and I will send it first thing Monday.

Mark Hill is a senior planner and Chris France is in charge.

Have a good weekend

Neil

From: Hilary Saunders <h.saunders@northyorkmoors.org.uk>
Sent: Friday, May 17, 2019 10:06 AM
To: Neil Duffield
Subject: RE: Hill View Barn Staintondale E11610-04 nymnp pre app occupancy 08-05-19

Hi Neil,

Apologies for the delay in reply – I've just asked Mark Hill and Chris France for their second opinions.

Hopefully I'll be in a position to respond early next week.

Best wishes

Hilary

H. Saunders

Mrs Hilary Saunders MRTPI
Planning Team Leader
Development Management

Tel. no 01439 772700

Hi Hilary,

Following meetings and discussions with Mr Sixsmith he and his family have been able to build a clearer picture of their life and its ties with the National Park.

Following the sending of the contract for grass cutting works within Dalby for the Forestry commission I set out below further detail which we hope will illustrate the Families links with the North York Moors National Park which are as strong as most current inhabitants and that their time spent within the boundaries of the Park is more regular than a minimum requirement.

- Forestry Commission; whilst the contract is for 11 cuts a calendar year each cut takes between 40 and 48hrs. Effectively a minimum of 11-12 weeks employment.
- The same contract covers 'events' at Dalby. They include annual concerts, running and cycling events and weddings. This is by no means the full picture as other events crop up regularly due to the popularity of the area. A recent request was to carry out work before a 'Countryfile' episode.

11610

Neil Duffield

From: Charlotte Machon
Sent: Sunday, May 19, 2019 12:04 PM
To: Neil Duffield
Subject: Re: Hill View Barn Staintondale E11610-04 client re nymnp 17-05-19

Hi Neil,

Thank you for putting this together in addition to our application, I feel it is a great reflection of our work and lifestyle. Fingers crossed it helps.

Many thanks,
Charlotte & Steve

Sent from my iPhone

On 17 May 2019, at 15:34, Neil Duffield wrote:

Hi Charlotte,
I dropped the National Park a line earlier this week and Hilary the case officer has responded today, see below.
If there is anything else you would like me to add/amend let me know over the weekend and I will send it first thing Monday.
Mark Hill is a senior planner and Chris France is in charge.

Have a good weekend
Neil

From: Hilary Saunders <h.saunders@northyorkmoors.org.uk>
Sent: Friday, May 17, 2019 10:06 AM
To: Neil Duffield
Subject: RE: Hill View Barn Staintondale E11610-04 nymnp pre app occupancy 08-05-19

Hi Neil,

Apologies for the delay in reply – I've just asked Mark Hill and Chris France for their second opinions.

Hopefully I'll be in a position to respond early next week.

Best wishes

Hilary

H. Saunders

Mrs Hilary Saunders MRTPI
Planning Team Leader
Development Management

Tel. no 01439 772700

Hi Hilary,

APPENDIX D –

HILL VIEW BARN, STAINTONDALE

Supporting Information From Neil Duffield (Bhd Partnership Ltd)

Neil Duffield

From: Neil Duffield
Sent: Wednesday, May 8, 2019 6:16 PM
To: 'Hilary Saunders'
Subject: RE: Hill View Barn Staintondale E11610-04 nymnp pre app occupancy 08-05-19
Attachments: Support Letter -Graeme Young Scouting.pdf; Support letter -Nabs Nosh.pdf; Support letter -Owen.pdf

Hi Hilary,

Following meetings and discussions with Mr Sixsmith he and his family have been able to build a clearer picture of their life and its ties with the National Park.

Following the sending of the contract for grass cutting works within Dalby for the Forestry commission I set out below further detail which we hope will illustrate the Families links with the North York Moors National Park which are as strong as most current inhabitants and that their time spent within the boundaries of the Park is more regular than a minimum requirement.

- Forestry Commission; whilst the contract is for 11 cuts a calendar year each cut takes between 40 and 48hrs. Effectively a minimum of 11-12 weeks employment.
- The same contract covers 'events' at Dalby. They include annual concerts, running and cycling events and weddings. This is by no means the full picture as other events crop up regularly due to the popularity of the area. A recent request was to carry out work before a 'Countryfile' episode. These events require an immediate response. A closer address in the Park would be advantageous for all parties in this arrangement.
- Mr Sixsmith (Steve) is fully employed providing various services to the rural community, all associated with the rural environment and agriculture. He knows that 75% of his work is within the National Park boundary. Two other confirmed employers are Nick Owen (Drainage and Groundworks) in Staintondale and Graeme Young in respect of external Maintenance at Birch Hall Scout Campsite at Langdale End. For 4 years he cut the grass at Raven Hall Golf course. Because of the location of his work he has to keep his plant and tools on the edge of the National Park, at Barmoor West of Scalby.
- He and his wife Charlotte run their business together, Charlotte additionally works from Scalby as the other letter confirms. They regularly provide catering for events in the Park. Charlotte also helps a local Marquee hire company for rural weddings etc.
- Historically Steve Lived at Keepers Cottage Keldy Castle for 4 years, and worked with the Sheep and Highland Castle at Saltersgate.
- The strong ties the family have with the area dictate where his work base is situated. It is the same in most jobs that when you are working in an area, have strong ties and know the residents your work follows.

They have a young family and Charlotte runs an Instagram blog on Rural Living. They already without doubt add and contribute to the values, ethos and running of the Park. A more permanent base where they live their lives would be hugely beneficial to them but also within the spirit of Core Policy J helping towards its purpose.

If it was felt a meeting would help then we would come to Helmsley. When you discuss their life with them you realise where their work base is. The nature of Steve's general work is as with most self employed people difficult to quantify.

I look forward to your reply.

Kind regards
Neil

APPENDIX E –

HILL VIEW BARN, STAINTONDALE

Statement from the District Commissioner for Scouting in the Scarborough, Whitby and Filey areas.

25th March 2019

To Whom it may concern,

In my role as District Commissioner for Scouting in the Scarborough, Whitby and Filey areas I am happy to confirm the following:

Mr Steve Sixsmith has been retained as a contractor for maintenance work at Birch Hall Scout campsite, Langdale End, Nr, Hackness YO13 OBW for a number of years now.

The services Mr Sixsmith regularly provides include, but are not limited to:

- grass cutting
- hedge cutting
- maintenance and repair of grounds machinery
- repairs to fencing
- general repairs as required

Mr Sixsmith supports and supplements the volunteer Scouting workforce and is available on-call throughout the year in addition to the regular work he undertakes for the site.

Should you wish to discuss this further or would like any further information please do not hesitate to contact me on

With best wishes,
Yours in Scouting

Graeme Young
District Commissioner
Scarborough & District Scout Council

APPENDIX F –

HILL VIEW BARN, STAINTONDALE

Statement from Nabs Nobs – Employer of Charlotte Sixsmith

Nabs Nosh

Keld Runnels Farm
Scalby Nab
Scalby
Scarborough
YO13 0SL

1st April 2019

To whom it may concern,

Mrs Charlotte Sixsmith works for my catering business, whether it be waitressing, function preparation or washing up.

Mrs Sixsmith is always keen to help out when needed and often on short notice.

Kind regards

Mrs Sarah Readman

APPENDIX G –

HILL VIEW BARN, STAINTONDALE

Statement from Nick Owen Drain Services – Employer of Steven Sixsmith

NICK OWEN DRAIN SERVICES LTD NICK OWEN DRAIN SERVICES LTD

THE WATH, GAINFORTH WATH ROAD, STAINTONDALE, SCARBOROUGH, NORTH YORKSHIRE, YO13 0EA

To whom it may concern,

My name is Nick Owen and I am a local business owner in the Scarborough and Whitby area, based in Staintondale. My business is in the drainage industry and I am currently one of only few local drainage businesses in the area. I have known Steven Sixsmith as a trusted, local ground worker for a number of years and I entrust him on a self-employed basis, to work along side me as and when it is needed. As the business is becoming more established, I can envisage this becoming a more regular occurrence.

Steven and I have been in discussions recently, due to himself and his family making the application to live close by, of Steven possibly helping with evening and weekend call outs and when I have annual leave. This, I believe, would encourage my fledgling business to prosper as recently, due to the extent of work I have, I am having to turn down work. Unfortunately, being a small, recently started business, I am unable to employ somebody to work for me full time and this seems like a solution that would benefit two small local businesses.

I hope you can make consideration to Steven's application, as I hope this could drive my local business forward and others in the Staintondale area, where I believe Steven has an excellent rapport with many of the local businesses.

Thankyou for taking the time to read my letter

Kind regards

Nick Owen

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 Mr Gary Hill
C/o C A Hall Architectural Services
64A Nelson Street
Scarborough
North Yorkshire
YO12 7SZ

COPY

The above named Authority being the Planning Authority for the purposes of your application registered 26 October 2009, in respect of proposed development for the purposes of **construction of a replacement timber clad bungalow and garage at Whitegate Bungalow, Staintondale** have considered your said application and have granted permission for the proposed development subject to the following condition(s):

1. The development hereby permitted shall be begun 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 accordance with the application plans as amended by the plans received at the National Park Authority on the 2 December 2009, or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H and within Schedule 2, Part 2, Classes A to C of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
4. The occupation of the dwelling hereby permitted shall be limited to:
 - (a) a qualifying person; and
 - (b) a wife or husband (or person living as such), licensee, dependant or sub-tenant of a qualifying person.

For the purpose of the above, a person is a qualifying person in relation to the dwelling if he/she has an interest in the dwelling (see Note A) and, immediately prior to occupying the dwelling, he/she satisfied the local planning authority that he/she was in need of local needs housing in terms of the criteria set out in Core Policy J of the adopted North York Moors Local Development Framework, namely that he/she:

- (1) has been permanently resident within the National Park (see Note B) for at least 5 years; or
- (2) while not now resident within the parish, has either: a strong and long standing link with the local community which must include a previous period of residence of 5 years or more; or an essential need arising from age or infirmity to move to a village to be near relatives who have been permanently resident within the National Park for at least the previous 5 years; or require support for reasons of age or infirmity and need to live close to relations who are currently living and have resided in the park for at least the previous 5 years or more; or

Continued/Condition 4

COPY

V A Dilcock

Mrs V A Dilcock
Chief Planning Officer

Date: . . . 21 DEC 2009

DecisionApproveAgent

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. NYM/2009/0699/FL

COPY

Condition 4 (Continued)

(3) has a need to live in the National Park as a result of his/her current sole employment in this parish or adjoining parishes within the National Park. Prior to the occupation of the development the qualifying person shall have obtained confirmation in writing from the Authority that they satisfy the local need criteria outlined in points 1 - 3 above.

Note A: For the purposes of the above, a person has an interest in the dwelling if he/she has a freehold or leasehold interest in the whole or any part of it, or is a secure tenant or statutory tenant within the meaning of the Housing Act 1985 or the Rent Act 1977.

Note B: For the purposes of the above, resident within the National park will include the whole of parishes, split by the National Park boundary with the exception of the following 'urban' parishes where the main town or village is outside the National Park: Pickering, Kirkbymoorside, Great and Little Broughton, Great Ayton, Newby and Scalby.

5. No part of the application site edged in red shall be used for the purposes of domestic curtilage until a plan has been submitted to and approved in writing by the Local Planning Authority, which identifies the extent of the land that will be used for domestic purposes rather than agricultural grazing land. Only the area of land agreed shall thereafter be used as domestic curtilage, unless otherwise agreed in writing with the Local Planning Authority.
6. 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.
7. No work shall commence to clear the site in preparation for the development hereby permitted until scaled plans showing the finished floor level, eaves and ridge height of the dwelling hereby permitted in relation to adjacent properties 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.
8. No work shall commence to stain/paint the windows in the development hereby approved until details of the paint colour/finish of the windows 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 the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
9. The external face of the frame to all new windows shall be set in a reveal of a minimum of 6cm from the front face of the adjacent walling and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

COPY

Continued/Conditions

V A Dilcock

Mrs V A Dilcock
Chief Planning Officer

Date: . . . 21 DEC 2009

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. NYM/2009/0699/FL

COPY

Conditions (Continued)

10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- (ii)(b) The existing access shall be improved by extending 6m into the site and shall be constructed in accordance with standard detail E9A.
 - (iii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

11. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
12. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
13. No work shall commence on excavation works to install drainage to serve the development hereby permitted until full details of the proposed means of disposal of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the drainage works have been completed in accordance with the approved details.
14. No work shall commence to clear the site in preparation for the development hereby permitted until full details of the hard surfacing to be utilised on the site have been submitted to and approved in writing by the Local Planning Authority, including a timetable to implement the proposed works. The hard landscaping works shall then be implemented in accordance with the approved details.
15. No trees, shrubs or hedges along the boundaries of the site shall be felled, uprooted, wilfully damaged or destroyed, cut back or removed without the prior written consent of the Local Planning Authority. Any work approved shall be carried out in accordance with British Standard 5837 (2005) Recommendations for Tree Work. If any retained tree/hedge is removed, uprooted, destroyed or dies within five years of the completion of the development, it shall be replaced with trees, shrubs or hedge plants of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Continued/Informative

V A Dilcock

Mrs V A Dilcock
Chief Planning Officer

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Date: . . . 21 DEC 2009

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. NYM/2009/0699/FL

COPY

Informative

1. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

Reasons for Conditions

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning 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 Development Policy 3.
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 Core Policy A and NYM Development Policy 3.
4. In order to comply with NYM Core Policy J which seeks to restrict the occupancy of new residential development to those with a local need to live in the village.
5. In order for the Local Planning Authority to retain control over domestic paraphernalia on the site in the interests of safeguarding the character of the locality in line with NYM Core Policy A.
6. In order to comply with the provisions of NYM Core Policy A which seeks to protect the residential amenities of adjoining occupiers.
7. In order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that new development is of a good quality and respects the character of the locality.
- 8 & 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 the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
10. In accordance with NYM Development Policy 23 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
11. In accordance with NYM Development Policy 23 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
12. In accordance with NYM Development Policy 23 and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.

Continued/Reasons for Conditions

V A Dilcock

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Mrs V A Dilcock
Chief Planning Officer

Date: 21 DEC 2009

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Reasons for Conditions (Continued)

13. To avoid pollution of watercourses and to comply with the provisions of NYM Development Policy 1 which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.
14. In the interests of the satisfactory appearance of the development and in order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that development proposals incorporate suitable hard landscaping details.
15. In order to comply with the provisions of NYM Core Policy C which seeks to ensure that trees, woodlands and hedgerows of landscape amenity, nature conservation or historical value are safeguarded.

Development Plan policies relevant to the decision

Local Development Framework - CPJ – Housing
DP21 – Replacement Dwellings

Reason for Approval

It is considered that the proposed replacement, which is of a similar footprint and scale and bulk as the existing, would enable an unsatisfactory dwelling which is incongruous in the landscape to be replaced by one which makes a positive contribution to the character of the area. The proposal is therefore considered to comply with both Core Policy J and Development Policy 21 of the NYM Local Development Framework and consequently, approval is recommended.

V A Dilcock

Mrs V A Dilcock
Chief Planning Officer

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21 DEC 2009

Date: