

**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 Walker  
c/o Mr D Todd  
Fox Hill  
Main Street  
Hutton Buscel  
YO13 9LL

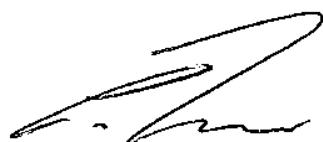
The above named Authority being the Planning Authority for the purposes of your application validated 20 March 2019, in respect of proposed development for the purposes of **Variation of Conditions 2 (material amendment) 4 and 7 of planning approval NYM2016/0694/FL to allow changes to the layout and design of the units, window materials, realignment of access road, use of a holiday unit as manager's accommodation and separation of the site (part Retrospective) at Trig Point, Staithes Lane, Staithes** 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:

<b>Document Description</b>	<b>Document No.</b>	<b>Date Received</b>
Proposed Block Plan	109-02 Rev I	20 March 2019
Proposed (2 Bed) Plan & Elevations	109-04 Rev B	19 March 2019
Proposed 3 Bed Plan & Elevations	109-05 Rev B	19 March 2019
Drainage Plan	109-02-1A	24 June 2019
Landscaping Proposal		24 June 2019
Landscaping Plan from NYM2016/0694/FL		Rec'd 20 Feb 2017
Track Specification		24 June 2019

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
2. 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.
3. The chalets hereby approved shall only be occupied for holiday purposes and shall not be occupied as a person's sole or main place of residence other than the unit indicated to be manager's accommodation. The owner/operators shall maintain an up-to-date register of all owners/occupiers of individual caravans on the site and of their main home addresses and shall make this information available at all reasonable times, to the Local Planning Authority.  
The site as a whole shall be maintained as a single planning unit and not sold off in separate lots. For the purpose of this condition the chalet units themselves may be sold to individuals on a ground rent basis but the site itself shall be retained in single ownership as part of the wider site.

Continued/Conditions



Mr C M France  
Director of Planning

Date 26 June 2019

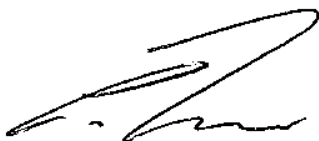
**Please Note your Rights of Appeal are attached to this Decision Notice**

Town and Country Planning Act 1990

Continuation of Decision No. NYM/2019/0160/FL

4. The chalet hereby approved as manager's accommodation shall not be occupied as a separate independent dwelling and shall remain ancillary to the business outlined in the redline on the proposed block plan, and shall not be sold or leased separately without a further grant of planning permission from the Local Planning Authority.
5. 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.
6. The external timber cladding of the buildings hereby approved shall be stained dark brown or other colour as agreed by the Local Planning Authority and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
7. All new window frames, external doors and door frames shall be constructed dark grey powder-coated aluminium and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
8. All hard and soft landscape works comprised in the details of landscaping approved under NYM2016/0694/FL shall be carried out no later than the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, 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.
9. The development hereby permitted shall not be brought into use until full details of the renewable energy installation to generate energy on site from renewable sources to displace at least 10% of predicted CO2 emissions have been submitted to and approved by the Local Planning Authority. The approved details and measures shall then be completed prior to the occupation of the development hereby approved and shall be maintained in working order unless the prior written agreement of the Local Planning Authority has been obtained.
10. There shall be no access or egress by any vehicles between the highway and the application site until full details of a safe and satisfactory access to the adopted highway have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The development shall not be brought into use until the approved access is available for use.
11. During construction noise from the site shall be limited to 07:00-18:00 Monday to Friday, 08:00-13:00 Saturday with no work allowed on Sundays and Bank Holidays. All machinery should be properly silenced and should comply with BS5228 and details of any proposed measures to prevent harm to amenity should be submitted to the Local Planning Authority approval. There should be adequate measures taken to suppress dust and the details of these should also be submitted to the Local Planning Authority for approval. Works shall thereafter be carried out in accordance with the agreed details.

Continued/Informative



Mr C M France  
Director of Planning

Date 26 June 2019

### **Informative**

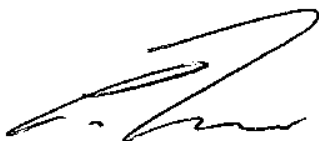
1. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 08457626848 or at [www.groundstability.com](http://www.groundstability.com)

### **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 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.
3. The site is in a location where new residential development would be contrary to NYM Core Policy J but permission for holiday accommodation has been permitted to provide facilities for visitors in line with NYM Development Policy 16.
4. The site is in a location where new residential development would be contrary to NYM Core Policy J but the accommodation has been permitted in this instance to meet the specific needs of the business operating from the site.
5. 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.
6. 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
7. the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
8. In order to comply with the provisions of NYM Core Policy C which seeks to conserve and enhance the quality and diversity of the natural environment.
9. In order to comply with the provisions of NYM Core Policy D which seeks to ensure that new development contributes to reduce carbon emissions.
10. In accordance with NYM Development Policy 23 and in the interests of highway safety.
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 Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.



Mr C M France  
Director of Planning

Date 26 June 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](http://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.