

**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: YHA (England & Wales) Ltd
c/o Just H Architects
fao: Mrs Rachael Oldroyd
107 Timber Wharf
32 Worsley Street
Castlefield
Manchester M15 4NX

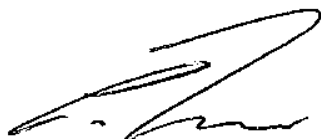
The above named Authority being the Planning Authority for the purposes of your application validated 25 September 2018, in respect of proposed development for the purposes of **erection of timber fenced refuse store at Boggle Hole Youth Hostel, Mill Bank, Mill Beck, Fylingthorpe** has considered your application and has **granted** permission for the proposed development 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:

Document Description	Document No.	Date Received
Site Location Plan	N/A	21 January 2019
Design & Access Statement	N/A	04 December 2018
Existing Plan	AS1.01	14 May 2019
Proposed Main Store Fence plus Setting Out	CW-AD1.04/F	16 May 2019
Proposed Elevation	AV1.02-Rev B	16 May 2019
Proposed Main Refuse Store Section	CW-AD1.05 Rev B	21 January 2019
Soakaway Details	RS-EL-UK-002	14 May 2019

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. The development shall only be used as a refuse store for the purposes of Boggle Hole Youth Hostel.
4. No bins shall be stored for the purposes of Boggle Hole Youth Hostel elsewhere on land within their control/ownership.
5. 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.
6. The timber fence surrounding the refuse store shall be finished with untreated horizontal timber boarding and shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.

Continued/Conditions



Mr C M France
Director of Planning

Date 31 July 2019

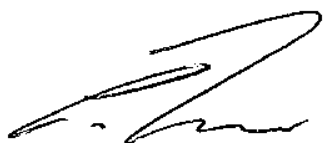
Please Note your Rights of Appeal are attached to this Decision Notice

Town and Country Planning Act 1990

Continuation of Decision No. NYM/2018/0611/FL

7. The development shall not be brought into use until approved gully, silt trap and soakaway have been installed and are operational in accordance with the approved details.
8. 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 to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - i) Any gates shall not be able to swing over the existing highway.
 - ii) Provision to prevent surface water from the site/plot discharging onto the existing highway shall be constructed in accordance with the approved details shown on drawing CW-AD1.04/F and RS-EL-UK-002 and maintained thereafter to prevent such discharges.All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
9. No trees, shrubs or hedges along the southern boundary 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 3998:2010 Tree Work - Recommendations. 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.
10. The access hereby permitted between the existing highway and the concrete ramp shall be surfaced with tarmac and the development shall not be brought into use until the access has been surfaced in accordance with these details. The access surface shall be maintained in that condition in perpetuity.
11. If the use of the refuse store hereby approved permanently ceases, it shall be removed from the land within six months of that cessation and the land shall, as far as practical, be restored to its condition before development took place.
12. The refuse store shall not be accessed by the general public and the entrance shall be securely closed and locked at all times other than when the bins and/or the oil tank are being loaded or unloaded.
13. Prior to the development being brought into use details of a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for native climbing species along the northern, southern and western elevations together with any measures for managing/reinforcing these and shall specify plant species, sizes and planting densities for the new areas of planting. The approved details shall be carried out no later than the first planting season following the completion of the development, or in accordance with a programme agreed by the Local Planning Authority. The approved landscaping scheme shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Continued/Informative



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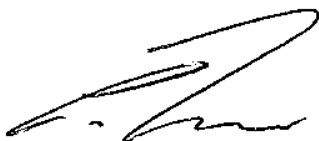
Informative

1. The layby, located opposite the garage on Mill Bank, should be kept free of obstruction and be available for its intended purpose at all times.

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 NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
- 3 & 4. In order to enable the Local Planning Authority to retain control over the scale of activity at the site and ensure compliance with NYM Core Policy A which seek to conserve and enhance the special qualities of the NYM National Park.
5. 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.
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 the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
7. 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.
8. 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.
9. 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.
10. 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.
11. In order to return the land to its former condition and comply with the provisions of NYM Core Policy A which seeks to conserve and enhance the landscape of the National Park.
12. To help reduce the likelihood of unauthorised use or misuse of the facility in accordance with NYM Development Policy 3.
13. 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.

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

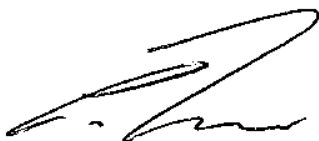


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Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and recommended changes to the proposal including but not limited to the justification for the scheme, location, design, and drainage, so as to deliver sustainable development.



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Date 31 July 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.