

**Town and Country Planning Act 1990  
North York Moors National Park Authority**

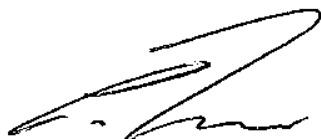
**Notice of Decision of Planning Authority on Application for  
Permission to Carry out Development**

To: Ms L Heath  
c/o Cheryl Ward Planning  
5 Valley View  
Ampleforth  
York  
YO62 4DQ

The above named Authority being the Planning Authority for the purposes of your application validated 08 March 2019, in respect of proposed development for the purposes of **variation of condition 1 of planning approval NYM/2004/0515/FL to allow the summerhouse to be used as annexe accommodation or as overnight guest/holiday accommodation** at **Egton Manor, Barnards Road, Egton**, has considered your application and has **granted** permission for the proposed development subject to the following conditions:

1. The dwelling unit hereby approved shall not be used for residential purposes other than as ancillary family domestic use or holiday letting purposes. For the purpose of this condition 'holiday letting' means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year. The unit shall form and remain part of the curtilage of the existing dwelling known as Egton Manor and shall not be sold or leased off from the main dwelling or let off except as holiday accommodation in accordance with the terms set out above without a further grant of planning permission from the Local Planning Authority.
2. The external wooden cladding of the development shall be retained and maintained in a natural or brown stain finish unless otherwise agreed in writing with the Local Planning Authority.
3. This permission has been granted in accordance with the details specified in the submitted Flood Risk Assessment prepared by Cheryl Ward Planning dated 06 March 2019 reference P2018#012 (Section 5) and the development shall be carried out in strict accordance with the above Flood Risk Assessment unless otherwise agreed in writing with the Local Planning Authority.
4. Prior to the development being brought into use as overnight accommodation, full details of a specific flood warning and evacuation plan must be submitted and agreed in writing with the Local Planning Authority. The flood warning and evacuation plan shall then be implemented and the accommodation shall not be occupied other than in accordance with the approved plan.

Continued/Informative



Mr C M France  
Director of Planning

Date 27 August 2019

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

### **Informative**

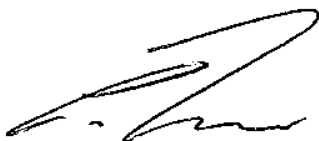
1. The Environment Agency has advised that they have records of the site having flooded in the autumn 2000 flood event, but do not have a depth of flooding recorded. The applicant's attention is therefore drawn to the following Environment Agency Advice: Signing up for Floodline Warnings Direct (FWD)  
The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.  
Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.  
For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.  
To get help during a flood, visit <https://www.gov.uk/help-during-flood>.  
For advice on what to do after a flood, visit <https://www.gov.uk/after-flood>.

### **Reasons for Conditions**

1. In order to enable the Local Planning Authority to retain control over the scale of activity at the site in accordance with Core Policy A and the site is in a location where the occupation of the accommodation hereby permitted as a separate independent dwelling unit would be contrary to NYM Core Policies B and J.
2. 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.
- 3 & 4. In order to comply with the provisions of NYM Development Policy 2 which seeks to mitigate the impact of flood damage to new development within areas at high risk from flooding and prevent additional flood risk to other properties.

### **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 27 August 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.