

**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: Mrs Vicki Verrill  
High Leas  
Hawsker Lane  
Hawsker  
Whitby  
YO22 4LA

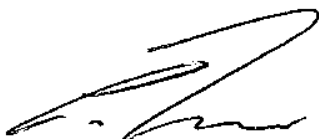
The above named Authority being the Planning Authority for the purposes of your application validated 15 July 2019, in respect of proposed development for the purposes of **installation of replacement windows to dwelling together with erection of stable building and change of use of land to form manege for hobby use** at **High Leas, Hawsker Lane, Hawsker** 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:

<b>Document Description</b>	<b>Document No.</b>	<b>Date Received</b>
Site Plan as Proposed	JHJ-VMV-SHT-8-rev1	1 Aug 2019
Plans and Elevation as Proposed	JHJ-VMV-SHT-6-rev1	1 Aug 2019
Site and Location Plans	JHJ-VMV-SHT-1-rev0	3 July 2019
Plans and Elevations as Proposed	JHJ-VMV-SHT-2-rev0	3 July 2019
Window/Door Elevations & Details	JHJ-VMV-SHT-4-rev0	3 July 2019
Window/Door Elevations & Details	JHJ-VMV-SHT-5-rev0	3 July 2019
Stable Layout as Proposed	JHJ-VMV-SHT-7-rev0	3 July 2019

- or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. There shall be no commercial use of the stable and dressage arena hereby permitted and it shall be used only for the horses kept for hobby/domestic purposes ancillary to the occupation of the property known as High Leas, Hawsker and for no other purpose unless a separate grant of planning permission has first been obtained from the Local Planning Authority.
  4. No external lighting shall be installed in the stable building and dressage arena 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.

Continued/Conditions



Mr C M France  
Director of Planning

Date 3 September 2019

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

Town and Country Planning Act 1990

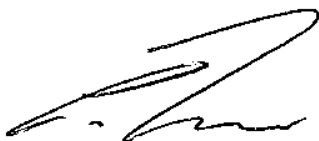
Continuation of Decision No. NYM/2019/0473/FL

5. The external surface of the roof of the stable building hereby permitted shall be coloured and thereafter maintained dark grey and shall be maintained in that condition in perpetuity unless otherwise be agreed in writing with the Local Planning Authority.
6. The external elevations of the stable building hereby approved shall, within three months of first being brought into use, be clad in horizontal timber boarding and shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
7. All new window frames and glazing bars shall be of timber construction and stained dark brown in a matt finish within six months of the date of installation and shall be maintained in that condition in perpetuity.
8. The external face of the frame to all replacement windows shall be set in reveals to match those of the existing windows, and no less than 600 mm and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
9. No burning of manure or stable sweepings shall take place anywhere on the site and full details of the proposed method of storage and disposal of waste from this stable including the location of any storage and the frequency of disposal off the site shall be submitted to the Local Planning Authority within one month of the date of this consent. The method of waste disposal shall accord with the details so approved and there shall be no variation unless otherwise agreed with the Local Planning Authority.
10. Prior to the development hereby approved being first brought into use, full details of how surface water will be drained from the site shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months of the date of approval, the drainage works shall be completed in accordance with the approved details.

**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. In order to comply with NYM Development Policy 19 which seeks to ensure that proposals for stables are well related to a domestic curtilage and to enable the Local Planning Authority to control any commercial use of the stables which could give rise to conditions detrimental to the special qualities of the National Park and the residential amenities of adjoining occupiers which would be contrary to NYM Core Policy A.
4. 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.
- 5 & 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.

Continued/Reasons for Conditions



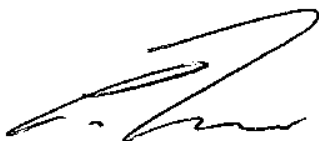
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Date 3 September 2019

- 7 – 8. For the avoidance of doubt and in order to comply with the provisions of NYM Development Policy 5 which seek to ensure that alterations to Listed Buildings do not have any unacceptable impact on the special architectural or historic interest of the building.
9. 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.
10. In order to comply with the provisions of NYM Core Policy A which seeks to ensure that development does not have a detrimental impact on the amenities of the area.

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

The Local Planning Authority has acted positively in determining this application by assessing the scheme against the Development Plan and other material considerations and subsequently granting 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 3 September 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.