

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

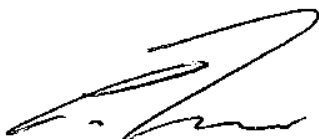
**Notice of Decision of Planning Authority on Application for
Permission to Carry out Development**

To: Mr Thomas Herring
24 Castlegate
East Ayton
Scarborough
YO13 9EJ

The above named Authority being the Planning Authority for the purposes of your application validated 11 October 2019, in respect of proposed development for the purposes of **variation of condition 2 (material amendment), 9, 11 & 12 of planning approval NYM/2018/0255/FL to allow retention of windows and doors as installed and painted/stained together with additional rooflights at 24 Castlegate, East Ayton** has considered your application and has **granted** permission for the proposed development subject to the following conditions:

1. The removal of the timber lintels to unit 1 and the store along with the painting of the fascia boards and the concrete lintels to unit 1 and the store black shall be completed within 6 months of the date of this decision and shall thereafter be so maintained.
2. The external doors to units 1 and 2 shall be painted within 6 months of the date of this decision, a colour to be first agreed in writing within the Local Planning Authority and shall thereafter be so maintained.
3. The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
4. The units of annexe accommodation hereby approved shall not be occupied as separate independent dwellings and shall remain ancillary to the use of the main dwelling known as 24 Castlegate, East Ayton. The units of annexe accommodation shall form and shall remain as part of the curtilage of this main dwelling as a single planning unit, shall not be sold or leased separately from the main dwelling, shall at all times be managed and controlled by the occupier of the main dwelling and shall be used only for members of the family (or fostered children/young adults) of the occupier of the main dwelling.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 1, Class A (or any order revoking and re-enacting that Order), no extensions or alterations to the annexe accommodation hereby permitted shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
6. All new window frames, glazing bars, external doors and door frames shall be of timber construction and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Continued/conditions



Mr C M France
Director of Planning

Date 6 December 2019

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

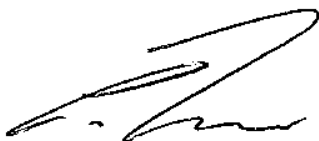
7. No supported living annexe unit shall be occupied until the related parking facilities have been constructed in accordance with the submitted drawing. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
8. There shall be no insertion of a mezzanine floor within the units of annexe accommodation hereby approved without the prior written consent of the Local Planning Authority.

Reasons for Conditions

- 1 & 2. To ensure that the unacceptable impacts of the existing development are adequately addressed within an appropriate time frame and to allow the development to be retained in an environmentally acceptable condition and to accord with NYM Core Policy A.
3. 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.
4. The site is in a position where the occupation of the accommodation hereby permitted as a separate independent dwelling unit would be likely to be detrimental to the residential amenities of existing and future occupiers of the annexe and main dwelling. in accordance with NYM Development Policy 19.
5. 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.
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. In accordance with NYM Development Policy 23 and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
8. 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 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 6 December 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.