

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

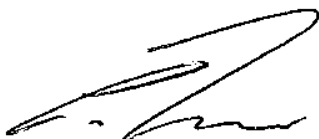
**Notice of Decision of Planning Authority on Application for  
Permission to Carry out Development**

To: David Ross Foundation  
c/o Rural Solutions Ltd  
Canalside House  
Brewery Lane  
Skipton  
BD23 1DR

The above named Authority being the Planning Authority for the purposes of your application validated 21 May 2019, in respect of proposed development for the purposes of **outline application for a proposed sculpture ('Ebenezer') in the form of a traditional stone building (all matters reserved) at Land north of Northdale Farm (Ebenezer), Rosedale Abbey** 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 on or before whichever is the earlier of the following dates:
  - i) three years from the date of this permission;
  - ii) the expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The building hereby approved shall not be used other than as a shelter for a piece of sculpture for visual and sensory experience and shall not be used for any other purpose and shall not be used to provide any form of overnight living accommodation.
3. The building hereby approved shall be made available for public access in accordance with an access scheme to be agreed in writing with the Local Planning Authority. A written scheme detailing the nature of public access arrangements shall be submitted to the Local Planning Authority for approval before the approved sculpture building is made available for internal viewing in accordance with this scheme, in perpetuity.
4. No external lighting shall be installed in the development hereby permitted.
5. No work shall commence on the construction of the walls of the development hereby permitted until details of the external material and finish, including samples if so required by the Local Planning Authority, to be used for the external surfaces of the development including for walling and dressings have been submitted to and approved in writing by the Local Planning Authority. The materials used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with 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 07 April 2020

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

Town and Country Planning Act 1990

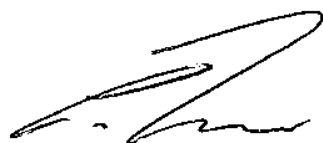
Continuation of Decision No. NYM/2019/0354/OU

7. No work shall commence on the construction of the roof of the development hereby permitted until details of the roof material, including samples if so required by the Local Planning Authority, to be used in the development have been submitted to and approved in writing by the Local Planning Authority. The roof material used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.
8. The development hereby permitted shall be carried out in accordance with the mitigation measures set out in paragraphs 7.1 and 7.2 of the submitted Bat Survey Roost Assessment Report by Curtis Ecology dated 26 January 2017 and Section 4 of the Ecology Assessment Addendum dated September 2019
9. The developer shall:
  - (a) secure the services of a suitably experienced and qualified archaeological contractor to undertake a phased scheme of archaeological investigating to enable the better understanding of the site to inform the final design proposals. All archaeological works shall be undertaken and completed in line with a Written Scheme of Investigation which should be approved in writing by the Authority,
  - (b) the appointed contractor should give no less than ten working days' notice in writing of commencement of works to the Local Planning Authority's in-house archaeological officer and no works shall commence on site until the ten working day notice period has expired and
  - (c) shall afford safe access within the site to the Authority's Officers at all reasonable times
10. The applicant is advised that in relation to condition 9 above, the archaeological investigation shall likely comprise the following phases
  - \* A level 3 Historic Building Recording scheme
  - \* A topographic survey (where required)
  - \* A scheme of targeted trenching with community engagement and provision for sampling
  - \* A watching brief over any areas of interest identified by the above

**Informatives**

1. The details required by Condition 9 will be produced in line with current best practice and industry standards. The results of this recording will inform the final design of the new / rebuilt structures hereby approved. The results of the investigation will be archived to national standards, and will also be offered to the Rosedale History Society. Consideration should be given to the production of a public publication setting out the findings of the archaeological study for future visitors.
2. 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)

Continued/Informatives



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Town and Country Planning Act 1990

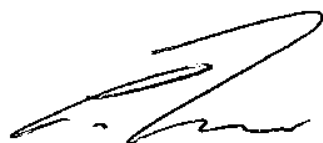
Continuation of Decision No. NYM/2019/0354/OU

3. The applicant is advised that in relation to condition 9 above, the recording shall be to the industry level 2 standard and particularly include:
- " A full photographic survey of the interior and exterior of the building, including all interior and exterior elevations (where it is safe to access the building), any unusual or distinctive details, and the building's setting. Photographs should be digital and accompanied by an annotated plan of their location.
  - " Measured, drawn, annotated floor plans.
  - " Measured, drawn, annotated elevations.
  - " A written account of the building's plan, form, function, age and development sequence, including a map regression.
  - " Surveys must be submitted in a digital format.
  - " Where replacement roofing is proposed, investigations shall be undertaken for signs of earlier roofing arrangements,
- Consideration should be given to the production of a public information leaflet setting out the findings of the archaeological study for future visitors.

**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 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 building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
7. 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.
8. To ensure protection of a species protected under the Wildlife and Countryside Act and compliance with NYM Core Policy C which seeks to conserve and enhance the quality and diversity of the natural environment.
- 9 & 10. In order that any remains of archaeological importance can be adequately investigated and recorded before any development takes place on the site and to comply with NYM Core Policy G which seeks to conserve and enhance the historic assets and cultural heritage of the National Park.

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

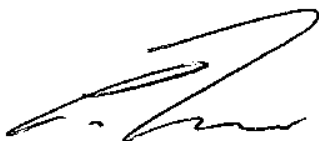


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**Explanation of how the Authority has Worked Positively with the Applicant/Agent**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and concluded that the scheme represents a form of development so far removed from the vision of the sustainable development supported in the Development Plan that no changes could be negotiated to render the scheme acceptable and thus no changes were requested.



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Director of Planning

Date 07 April 2020

## 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.