

**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 SJ and Ms J Monk
c/o MD2
fao: Mr Glenn McGill
The Dene
36 Nevilledale Terrace
Durham
DH1 4QG

The above named Authority being the Planning Authority for the purposes of your application validated 15 February 2019 , in respect of proposed development for the purposes of **demolition works, conversion of remaining buildings to form 7 no. holiday units and 1 no. managers unit together with associated access improvements, parking areas and landscaping works** at **Faceby Lodge Farm, Faceby** has considered your application and has **granted** permission for the proposed development subject to the following:

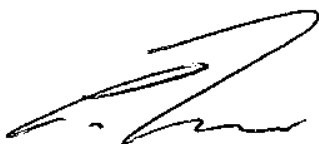
Condition(s)

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
Proposed site layout	P104 Rev P4	16/4/2020
Proposed site plan - Highways Access	P110 Rev	20/12/2018
Proposed site plan - Highway Access	P111 Rev	20/12/2018
Proposed floor plans - granary	P105 Rev P2	24/10/2019
Proposed Stable Block	P106 Rev P4	16/4/2020
Granary buildings - elevations	P107 Rev P3	05/02/2020
Granary buildings - Elevations E,F,G,H,J	P108 Rev P3	05/02/2020
Piggery building - elevations	P109 Rev P1	05/02/2020

3. or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. The residential accommodation hereby approved shall not be used for residential purposes other than holiday letting purposes or managers accommodation as described in condition 4 below. 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

Continued/Conditions



Mr C M France
Director of Planning

Date 21 July 2020

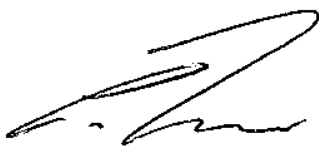
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4. The accommodation referred to as Unit 9, hereby approved shall only be occupied by the manager of the development hereby approved and their partner/dependants, and shall not be occupied as a separate independent dwelling and shall remain ancillary to the holiday letting business hereby approved at Faceby Lodge Farm. The accommodation and shall not be sold or leased separately without a further grant of planning permission from the Local Planning Authority.
5. The holiday unit(s) hereby permitted shall form and remain part of the curtilage of the existing site currently known as Faceby Lodge Farm and shall not be sold or leased off from the managers accommodation hereby approved except as holiday accommodation in accordance with the terms of condition 3 above without a further grant of planning permission from the Local Planning Authority.
6. No external lighting shall be installed in the development 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.
7. This permission has been granted in accordance with the details specified in the survey prepared by Billingham George & Partners received on 5/02/2020 but as amended by email from Glenn McGill received on 16/4/2020 regarding the piggery building. More extensive works of demolition and rebuilding that does not accord with these details may render the permission invalid and may require a further grant of planning permission from the Local Planning Authority.
8. No work shall commence to clear or strip out the piggery building until a full Structural Survey and condition report from an appropriately qualified professional has been submitted to and approved in writing by the Local Planning Authority. This report shall include an assessment of the extent to which works or repairs are necessary and the amount of new structural work needed to enable the conversion. The work shall not be carried out otherwise than in accordance with the approved details.
9. All new stonework used in the development hereby permitted shall match that of the existing building including the colour and texture of the stone and the method of coursing and pointing unless otherwise agreed with the Local Planning Authority.
10. All new brickwork utilised in carrying out the development hereby permitted shall match that of the existing building unless otherwise agreed in writing with the Local Planning Authority.
11. The roof of the development hereby permitted shall be clad in natural slate to match the roof of the existing building in terms of materials, colour and course height and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Continued/Conditions



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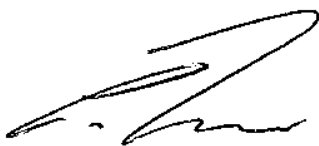
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12. All pointing in the development hereby permitted shall accord with the following specification - a lime mortar mix of 1:2½ (lime; sand (sand mix of 50% sieved sharp sand and 50% builder's sand) with a slightly recessed bagged finish.
13. The external elevations of the stable conversion hereby approved shall, within three months of first being brought into use, be clad in dark stained horizontal timber boarding and shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
14. 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.
15. No work shall commence on the installation of any door in the development hereby approved until detailed plans showing the constructional details and external appearance of all external doors and frames (and glazing if included) have been submitted to and approved in writing by the Local Planning Authority. All doors shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
16. No work shall commence on the installation of any replacement or new windows (and glazing if included) in the development hereby approved until detailed plans showing the constructional details of all window frames to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate, on a scale of not less than 1:20, the longitudinal and cross sectional detailing including means of opening. The window frames shall be installed in accordance with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
17. The external face of the frame to all new windows shall be set in reveals to match those of the existing windows and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
18. The lintels and cills of all new windows hereby approved, together with any replacement lintels and cills, shall be of natural or reclaimed stone to match the existing in terms of dimension, tooling, shape, colour and texture and shall be maintained in that condition in perpetuity.
19. Trickle vents shall not be incorporated into any new windows hereby approved and shall not be installed thereafter unless otherwise agreed in writing with the Local Planning Authority.
20. The rooflights to be installed in the development hereby permitted shall be a conservation style rooflight unless otherwise agreed in writing with the Local Planning Authority.

Continued/Conditions



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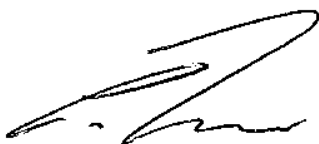
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21. The guttering to the development hereby permitted shall be directly fixed to the stonework by means of gutter spikes with no fascia boarding being utilised in the development and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
22. The rainwater goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
23. No work shall commence on the installation of any external fixtures to the building to which this permission relates until details of all external fixtures have been submitted to and approved in writing by the Local Planning Authority. The details should include for provision for any exterior lighting, meter boxes, signage, wall or roof flues, television antennae and satellite dishes that may be proposed to be installed. The external fixtures shall be installed wholly in accordance with the approved details.
24. Prior to the commencement of the development hereby approved, Greenfield runoff calculations shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 215m measured along both channel lines of the A172 from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
25. 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 in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
 - (i) vehicular access onto the A172
26. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 27
 - ii) are available for use unless otherwise approved in writing by the Local Planning AuthorityOnce created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
The areas shown on 18030/P110 for passing places shall be constructed and kept available for their intended purposes at all times.

Continued/Conditions



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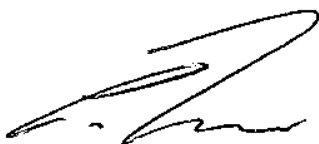
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27. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing P104 Rev P4. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
28. All hard and soft landscape works comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. Any trees or plants planted in accordance with this condition which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
29. The development hereby permitted shall not be brought into use until full details of the (insert) to generate energy on site from renewable sources to displace at least 10% of predicted CO2 emissions have been submitted to and approved by the Local Planning Authority. The approved details and measures shall then be completed prior to the occupation of the development hereby approved and shall be maintained in working order unless the prior written agreement of the Local Planning Authority has been obtained.
30. Prior to the siting of the bat/barn owl building hereby approved, full details of its dimensions and external materials shall be submitted and approved in writing by the Local Planning Authority. The building shall then be sited and maintained in accordance with those approved details in perpetuity.
31. The development hereby permitted shall be carried out in accordance with the mitigation measures set out in paragraphs Section 4.2 and Appendix 4 of the submitted Bat Survey dated 23 August 2019 by Quants Environmental Ltd
32. Before the development hereby permitted commences, the applicant/ecological consultant shall forward a copy of the Natural England European Protected Species Licence covering approved mitigation to the National Park Authority.

Informative(s)

1. In relation to condition for condition 25 an explanation of the terms used above is available from the Highway Authority.
2. The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at www.northyorks.gov.uk

Continued/Informatives



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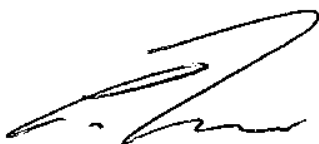
3. If the preferred energy system includes a biomass boiler, then this may require a formal chimney height approval from Hambleton Borough Council. Any biomass appliance with a heat input of 50KW or above requires a formal screening assessment, and systems with a gross heat input of 150KW or over require a formal chimney height approval. This is required to protect against breaches in air quality standards, and to ensure the safe dispersion of pollutants after combustion.
4. Following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/developers.aspx>.
5. The applicant should take note of the content of the Designing Out Crime Report and should provide written details of how the issues raised are to be addressed.
6. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted on 0300 060 3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0845 1300 228.
7. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from Natural England
<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx>. Further information on wildlife legislation relating to birds can be found at www.rspb.org.uk/images/WBATL_tcm9-132998.pdf.

If advice is needed please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk.

Reason(s) for Condition(s)

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.

Continued/Reasons for Conditions



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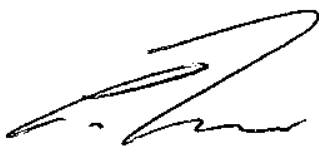
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2. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
3. The site is in a location where new residential development would be contrary to NYM Core Policy J but permission for holiday accommodation has been permitted to ensure that a traditional rural building is conserved in line with NYM Development Policy 8.
4. The site is in a location where new residential development would be contrary to NYM Core Policy J but the accommodation has been permitted in this instance to meet the specific needs of the business operating from the site.
5. 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.
6. 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.
7. In order to ensure that the development is carried out in a manner which safeguards the existing fabric of the building and to comply with the provisions of NYM Development Policy 5.
8. In order to ensure that the development is carried out in a manner which safeguards the existing fabric of the building and to comply with the provisions of NYM Development Policy 5.
- 9 – 12. 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.
- 13 – 23. 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.
24. 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.
In accordance with NYM Development Policy 23 and in the interests of road safety.
- 25 & 26. In accordance with NYM Development Policy 23 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
27. In accordance with NYM Development Policy 23 and to ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of prospective users of the highway.

Continued/Reasons for Conditions



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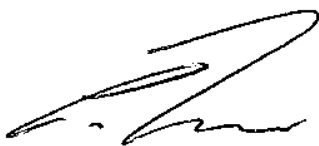
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28. In accordance with NYM Development Policy 23 and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
29. In order to comply with the provisions 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 and retains important existing features.
In order to comply with the provisions of NYM Core Policy D which seeks to ensure that new development contributes to reduce carbon emissions.
30. In order to comply with the provisions of NYM Core Policy C which seeks to protect species protected under national and international legislation.
- 31 & 32. 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.

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 amendments to the design and number of units, so as to deliver sustainable development.



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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.