

**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: Mulgrave Estate
c/o EJW Planning Limited
fao: Mrs Erica Whettingsteel
Lincoln Barn
Norwich Road
Scoulton
Norwich, NR9 4NP

The above named Authority being the Planning Authority for the purposes of your application validated 23 April 2020, in respect of proposed development for the purposes of **restoration of farmhouse and change of use of adjoining building to provide an office and store for holiday rental business, plus change of use of barns and outbuildings to provide three holiday cottages comprising one 4-bedroom; one 3-bedroom and one 2-bedroom unit together with a one bedroom self-contained holiday apartment and two units of ramblers accommodation plus a games room at Lodge Hill Farm, Egton Grange** has considered your application and has **granted** permission for the proposed development subject to the following:



Mr C M France
Director of Planning

Date 19 August 2020

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

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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
Location plan	03-2020-1001	23/04/2020
Site plan	03-2020-1002 Rev A	20/07/2020
Farmhouse proposed floor plans	03-2020-1004	23/04/2020
Farmhouse roof plan	03-2020-1005	23/04/2020
Farmhouse proposed elevations south and west	03-2020-1008	23/04/2020
Farmhouse proposed elevations north and east	03-2020-1009	23/04/2020
Barns proposed ground floor plan	03-2020-1011 Rev A	20/07/2020
Barns proposed first floor plan	03-2020-1012 Rev A	20/07/2020
Barns proposed roof floor plan	03-2020-1013 Rev A	20/07/2020
Barns proposed elevations south and east	03-2020-1016 Rev A	20/07/2020
Barns proposed elevations north and west	03-2020-1017	23/04/2020
Outbuildings proposed floor plan	03-2020-1019 Rev A	20/07/2020
Outbuilding roof plan	03-2020-1020 Rev A	20/07/2020
Outbuilding proposed elevations	03-2020-1022 Rev A	20/07/2020

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.

Continued/Condition(s)



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3. The dwelling units hereby approved (excluding the original farmhouse) shall not be used for residential purposes other than 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.
4. The holiday units hereby permitted shall form and remain part of the curtilage of the existing dwelling known as Lodge Hill Farm and shall not be sold or leased off from the main dwelling or let off 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.
5. The office and games room hereby approved shall be used for purposes ancillary to the occupation of the main dwelling known as Lodge Hill Farm and the associated holiday units and for no other purpose, and shall not be sold or leased separately unless otherwise approved in writing by 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 Structural Appraisal Report prepared by Robert Childerhouse AssocRICS FAAV dated 16 April 2020. 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. All new stonework and roofing tiles used in the development hereby permitted shall match those of the existing building, including the colour and texture of the stone and the method of coursing, pointing, jointing and mortar mix unless otherwise agreed with the Local Planning Authority.
9. The roofs of the development hereby permitted shall maintain their original structure and be clad with traditional, handmade natural red clay pantiles the details of which shall be submitted to and approved in writing by the Local Planning Authority and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
10. All pointing in the development hereby permitted shall match the historic pointing unless approved in writing by the Local Planning Authority, which is typically a mortar mix (based on a typical mix of a non-hydraulic quicklime mortar mixed at 1:3 (dry non-hydraulic quicklime: sand). A one metre square panel of stonework showing mortar method of application, finish and shall be produced on site and approved in writing by the Local Planning Authority. The pointing shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.

Continued/Condition(s)



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11. The timber louvered panels to the southern gable of the one bedroom self-contained holiday apartment hereby approved shall be installed within three months of first being brought into use and shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
12. No work shall commence on the installation of any doors/ windows in the development hereby approved until detailed plans showing the constructional details and external appearance of all external doors/ windows and frames (and glazing if included) 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. All doors/windows 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.
13. No work shall commence to paint the external joinery in the development hereby approved until a scheme for the painting of all external joinery has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed treatment for doors, windows, shutters, stable doors and any other exterior joinery fixtures. The works shall be carried out 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.
14. The external face of the frame to all new windows shall be set in a reveal of a minimum of 200mm from the front face of the adjacent walling and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
15. The details of any new lintels and cills together with any replacement lintels and cills, shall be submitted to and approved in writing by the Local Planning Authority. The work shall accord with the details hereby approved and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
16. 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.
17. No work shall commence on the installation of any rooflights in the development hereby approved until full details have been submitted to and approved in writing by the Local Planning Authority. The rooflights shall be flush fitting and fixed or top-hung metal conservation style and shall be installed in accordance with the approved details and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
18. 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.

Continued/Condition(s)



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19. All rainwater goods shall be painted cast iron in a colour to be agreed in writing by the Local Planning Authority and thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing.
20. All flues associated with the proposed development shall be coloured matt black and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
21. The holiday accommodation hereby permitted shall not be brought into use until a suitably sized private sewage treatment plant has been installed to serve the development. The specification of which shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and thereafter installed and maintained in accordance with those approved details in perpetuity.
22. 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 splay areas are provided giving clear visibility of 60 metres measured along both channel lines of the major road Smith's Lane from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05metres and the object height shall be 1.05metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
23. Notwithstanding any details or description contained with the application documents the development hereby permitted shall not be commenced unless and until a scheme of landscaping and a landscape management plan detailing all of the measures that will be adopted in the site clearance and construction activities and details of biodiversity enhancement and habitat creation will be implemented within the scheme has first been submitted to and approved in writing by the Local Planning Authority.
24. The development hereby permitted shall be carried out in accordance with the mitigation measures set out in Section 6 (Conclusion and Recommendations) of the submitted Preliminary Bat Roost Assessment prepared by Bagshaw Ecology reference BE-1075.1a, dated 29 July 2019 and received on 23/04/2020.
25. Three Schwegler FF (or similar) bat boxes must be provided on site to compensate for the bat day roosts lost through development. These must be erected on suitably located trees within the site as agreed with a suitably qualified ecologist for the duration of works to minimise disturbance, and must be in place at least 1 month prior to the start of works. In the autumn following the completion of works on site, bat access tiles and a suitably sized bat loft shall be inserted within the eaves of a building within the site boundary and maintained there in perpetuity in a scheme to be previously agreed in writing by the Local Planning Authority.

Continued/Condition(s)



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North York Moors National Park Authority**

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26. For the duration of building works on site, temporary compensatory structures shall be provided for roosting bats, breeding birds and barn owl, details of which shall be agreed in writing with the local Planning Authority prior to their installation. Within 1 month of the development being first brought into use, permanent compensatory structures shall be installed at the development site and maintained there in perpetuity in a scheme to be previously agreed in writing by the Local Planning Authority.
27. The Public Right of Way that runs through the site shall be kept free from obstruction and open for use at all times before, during and after any works hereby approved.
28. 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.
29. No work shall commence on site to clear or strip out the building to which this permission/consent relates until a programme of level 2 historic building recording and analysis in accordance with a the Written Scheme of Investigation of historic building recording as provided or approved by the Local Planning Authority in writing. The work shall not be carried out otherwise than in accordance with the provided/approved specification.
30. No work shall commence on the installation of any external fixtures to the building to which this permission/consent relates until details of all external fixtures have been submitted to and approved in writing by the Local Planning Authority. All other external lighting and paraphernalia should be removed. The details should include provision for any exterior fittings including but not limited to lighting, meter boxes, alarm fittings, security cameras, cabling, signage, wall or roof flues that may be proposed to be installed. The external fixtures shall be installed wholly in accordance with the approved details.
31. All pipework/cabling and other services related to the internal accommodation is to be located internally unless agreed in writing with the Local Planning Authority
32. No work shall commence to the repair or replace any of any of the external traditional surfaces in the development hereby approved until a method statement and a specification has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the removal of concrete, any potential rebedding, replacement material and bonding material. The works shall be carried out 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.
33. No work shall commence on site to remove the internal historic flagstones until a statement detailing the method of dismantling, and their reuse within the building has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for the reuse of the existing materials, details and position of any new materials. The work shall not be carried out otherwise than in accordance with the details so approved.

Continued/Informative(s)



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Informative(s)

1. A risk assessment should be undertaken and implemented to safe guard passing public on the PROW whilst the work is undertaken. Holiday accommodation will increase use and impact on Public Rights of Way in the area which would benefit from improvement by the landowner.
2. In relation to condition 21 an explanation of the terms used above is available from the Highway Authority.
3. The applicant is advised that if evidence of the trod path is found during site clearance, any flagstones shall be retained in-situ or if found elsewhere within the site shall be incorporated into the landscaping of the site as appropriate.
4. The applicant is advised to consider whether parts of horse engine which remain in the outbuilding could be incorporated into the internal design.

Reason(s) for Condition(s)

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 Strategic Policies A and C, 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 Strategic Policy M but permission for holiday accommodation has been permitted to ensure that a traditional rural building is conserved in line with NYM Policy CO12.
4. 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 Strategic Policy M.
5. In order to enable the Local Planning Authority to retain control over activity levels at the site and to ensure compliance with NYM Strategic Policy A which seeks to protect the special qualities of the NYM National Park.
6. In order to comply with the provisions of NYM Strategic 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 Policy ENV11.
- 8 – 10. For the avoidance of doubt and in order to comply with the provisions of NYM Strategic Policies A & C 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.

Continued/Reason(s) for Condition(s)



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- 11 – 20. For the avoidance of doubt and in order to comply with the provisions of NYM Strategic Policies A and C 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.
21. To avoid pollution of watercourses and to comply with the provisions of NYM Policy ENV7, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.
22. In accordance with NYM Policy CO2 and in the interests of road safety.
23. In order to comply with the provisions of NYM Strategic Policy C 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.
- 24 – 26. In order to comply with the provisions of NYM Strategic Policy H which seeks to protect species protected under national and international legislation.
27. In accordance with NYM Policy CO2 and to protect users of the Public Right of Way.
28. In order to comply with the provisions of NYM Strategic Policy H which seeks to protect species protected under national and international legislation.
- 29 – 33. For the avoidance of doubt and in order to comply with the provisions of NYM Strategic Policies A & C 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.

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 reduction in the number of holiday let units and new openings, 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.