

**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 & Mrs Ramsey
c/o Bramhall Blenkharn Ltd
Bramhall Blenkharn
Unit 13
The Maltings
Malton
YO17 7DP


The above named Authority being the Planning Authority for the purposes of your application validated 28 October 2019, in respect of proposed development for the purposes of **demolition of existing two-storey rear extension, alterations and construction of single storey side and rear extensions to dwelling together with link extension to outbuilding, conversion of outbuilding to form 2 no. units of annexe accommodation, conversion of barn to form garaging and storage, erection of detached storage barn and landscaping works at Newgate Farm, Rice Gate, Hackness** 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
New Barn Plan & Elevations As Proposed	1346_AR50_01_B	14 Apr 2020
Elevations As Proposed Sheet 2	1346_AR30_02_C	17 Aug 2020
Elevations As Proposed Sheet 1	1346_AR30_01_C	17 Aug 2020
Second Floor & Roof Plans As Proposed	1346_AR20_02_C	17 Aug 2020
Ground & First Floor Plans As Proposed	1346_AR20_01_C	17 Aug 2020
Context Plan As Proposed	346_AR10_02_F	17 Aug 2020
Site Plan As Proposed	1346_AR10_01_F	17 Aug 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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Director of Planning

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3. The annexe accommodation hereby approved in the outbuildings shall not be occupied as separate independent dwellings and shall remain ancillary to the use of the main dwelling known as Newgate Farm and shall form and shall remain as part of the curtilage of this main dwelling as a single planning unit and shall be used only for members of the family of the occupier of the main dwelling.
4. 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.
5. The roof of the outbuildings to be converted shall be clad with traditional, non interlocking, non pre-coloured natural red clay pantiles and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
6. No work shall commence on the re-roofing of the farmhouse or the construction of the roof of the extensions hereby permitted until details of the type of slate, 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 slate used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.
7. The external surface of the roof of the agricultural 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.
8. All new window frames, glazing bars, external doors and door frames to the outbuildings to be converted shall be of timber construction and those to the extensions to the farmhouse shall be powder coated aluminium, and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
9. No work shall commence on the installation of any replacement or new windows or external doors in the development hereby approved until detailed plans showing the constructional details of all window frames, external doors and door 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, external doors and door 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.
10. 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.

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11. No work shall commence on the installation of any rooflights or glazed panels in the development hereby approved until full details of the proposed rooflights and glazed panels have been submitted to and approved in writing by the Local Planning Authority. The rooflights shall be conservation style rooflights 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.
12. 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.
13. The development hereby permitted shall be carried out in accordance with the mitigation measures set out in Section 7 Mitigation and Compensation of the submitted Bat Survey dated March 2020 by Wold Ecology Ltd.
14. The proposed culverting of the stream hereby permitted should be carried out at a period of low water flow, with any water present pumped around the work site until the culverting is complete and can be brought fully into use.
15. No development shall take place on site until a Construction Method Statement which provides for measures to prevent damage to the carriageway of the public highway leading to the site and the unsupported bank sides of Lowdales Beck and Highdales Beck that might otherwise arise from the use of the access by construction traffic and equipment, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The approved statement shall be adhered to throughout the construction of that phase.

Informative(s)

1. 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.
2. Please note that the footpath/track situated to the east of the development site hereby approved must be kept free from obstruction and open for use at all times before, during and after any works.

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3. 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/speciallyprotecte dbirds.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.
2. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Local Plan Strategic Policy A and NYM Local Plan Strategic Policy C, which seek to conserve and enhance the special qualities of the NYM National Park.
3. 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 Local Plan Strategic Policy M and Policy CO10.
- 4 – 7. For the avoidance of doubt and in order to comply with the provisions of NYM Local Plan Strategic Policy 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.
- 8 – 11. For the avoidance of doubt and in order to comply with the provisions of NYM Local Plan Strategic Policy 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.
12. In the interests of the visual amenities of the locality and to comply with the provisions of NYM Local Plan Strategic Policy A which seeks to conserve and enhance the special qualities of the National Park.
13. To ensure protection of a species protected under the Wildlife and Countryside Act and compliance with NYM Local Plan Strategic Policy H which seeks to conserve and enhance the quality and diversity of the natural environment. safety and the general amenity of the area.

Continued/Reason(s) for Condition(s)



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14. To ensure protection of a species protected under the Wildlife and Countryside Act and compliance with NYM Local Plan Strategic Policy H which seeks to conserve and enhance the quality and diversity of the natural environment.
15. In accordance with NYM Local Plan Policy CO1 and in the interests of highway.

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



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

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.