

**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: The 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 28 April 2020, in respect of proposed development for the purposes of **change of use of outbuildings to provide for holiday and ramblers', accommodation comprising one single bedroom self-contained holiday apartment, two 3-bedroom and one 2-bedroom units together with two ramblers cottages with a laundry and drying room, plus a games room, ancillary store and covered parking area at Outbuildings at Biggin House, Guisborough Road, Ugthorpe** 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:

<b>Document Description</b>	<b>Document No.</b>	<b>Date Received</b>
Site layout	02-2020-1002 A	21/07/2020
Outbuilding (barn complex) proposed roofplan	02-2020-1007 A	21/07/2020
Outbuilding (barn complex) proposed elevations 1	02-2020-1008 A	21/07/2020
Outbuilding (barn complex) elevations 2	02-2020-1009 A	21/07/2020
Agricultural shed proposed floor plan	02-2020-1012 A	21/07/2020
Agricultural shed proposed elevations	02-2020-1013 A	21/07/2020

- or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. The dwelling units hereby approved 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.

Continued/Condition(s)



Mr C M France  
Director of Planning

Date 16 October 2020

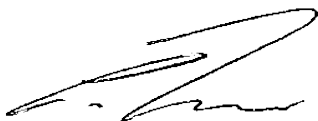
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4. The holiday units hereby permitted shall form and remain part of the curtilage of the existing dwelling known as Biggin House and shall not be sold or leased off from the main dwelling or let off except as holiday accommodation in accordance with the terms of condition 3 above without a further grant of planning permission from the Local Planning Authority.
5. The covered parking, games room and storage hereby approved shall be used for purposes ancillary to the occupation of the main dwelling known as Biggin House 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 and the further bat survey reports (required by condition 22 below) and EPSL have been supplied. 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 Assoc RICS FAAV dated 16 April 2020, Reference: BH/RC/0001. 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 roof of the development hereby permitted shall maintain its 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 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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Director of Planning

Date 16 October 2020

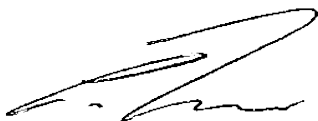
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11. No work shall commence on the installation of any doors/ windows in the development hereby approved until detailed plans showing the constructional details and external appearance of all external doors/ windows and frames (and glazing if included) 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.
12. 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.
13. 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
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.

Continued/Condition(s)



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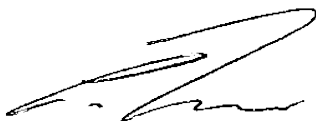
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19. The external elevations of the covered parking and games room building hereby approved shall, within three months of first being brought into use, be clad in horizontal timber boarding as shown on the approved plans and shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
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 following schemes of off-site highway mitigation measures must be completed as indicated below:  
" Installation of Passing places on the highway between the application site and the A171.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority. A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

- Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.
22. Prior to the commencement of any works to the fabric of the masonry outbuildings, further activity survey(s) are to be carried out by a suitably qualified ecologist in the optimum bat breeding season (May – August inclusive). A copy of the survey findings as well as a copy of the European Protected Species Licence (EPSL) once obtained must be provided to the Authority and acknowledged in writing prior to any works covered under the licence commencing.
23. Works must comply with proposed Mitigation and Compensation as detailed within section 4 of the Bat Emergence Report Survey dated 2 October 2020 and any further guidance on mitigation and compensation - including method statements - as provided by a suitably qualified ecologist within subsequent bat survey reports, including the EPSL conditions. When in conflict, the most recent survey recommendations should be given precedence.
24. 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.

Continued/Condition(s)



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25. 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 for 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.
26. 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
27. 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.
28. Works to any buildings should not be commenced within the bird breeding season (March to August inclusive) unless the site has been thoroughly checked by a suitably qualified ecologist for bird breeding immediately prior (within 48 hours) of works commencing. Any nests found must be left undisturbed until chicks fledge and the nest is abandoned.

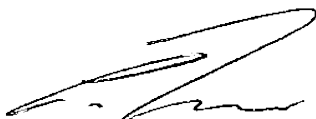
**Informative(s)**

1. The applicant is advised to consider whether parts of horse engine which remain in the outbuilding could be incorporated into the internal design.
2. Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions). Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

**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.

Continued/Reason(s) for Condition(s)



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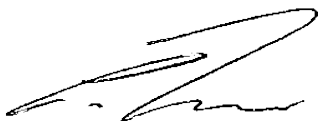
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3. The site is in a location where new residential development would be contrary to NYM Strategic Policy M but permission for holiday accommodation has been permitted to ensure that a traditional rural building is conserved in line with NYM Policy 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. 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.
- 9 – 20. For the avoidance of doubt and in order to comply with the provisions of NYM Strategic Policies A & 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. In accordance with Policy CO2 of the North York Moors Local Plan and in the interests of the safety and convenience of highway users.
- 22 – 24. In order to comply with the provisions of NYM Strategic Policy H which seeks to protect species protected under national and international legislation.

Continued/Reason(s) for Condition(s)



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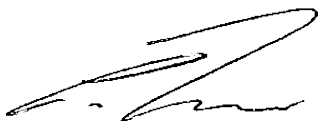
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25. For the avoidance of doubt and in order to comply with the provisions of NYM Strategic Policies A & C which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
26. For the avoidance of doubt and in order to comply with the provisions of NYM Strategic Policies A & 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.
27. 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.
28. In order to comply with the provisions of NYM Strategic Policy H which seeks to protect species protected under national and international legislation.

**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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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](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.