

**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 Stuart Wharton  
c/o Victoria Wharton Architectural Design  
7 Red Scar Lane  
Scarborough  
YO12 5RH

The above named Authority being the Planning Authority for the purposes of your application validated 29 January 2020, in respect of proposed development for the purposes of **conversion of barn to form holiday letting cottage at Willow Cottage, Low Dales, Hackness** has considered your application and has **granted** permission for the proposed development subject to the following:

**Condition(s)**

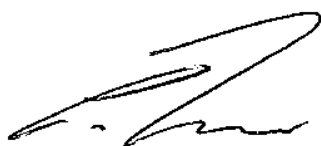
1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

<b>Document Description</b>	<b>Document No.</b>	<b>Date Received</b>
Location Plan	N/A	29 January 2020
Site Plan	Drg No. 01	29 January 2020
Proposed Ground & First Floor Plan	Drg No. 05	15 October 2020
Proposed Elevations	Drg No. 07	15 October 2020

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

3. The dwelling unit 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.
4. The holiday unit hereby permitted shall form and remain part of the curtilage of the existing dwelling known as Willow Cottage 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. 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.

Continued/Condition(s)



Mr C M France  
Director of Planning

Date 19 October 2020

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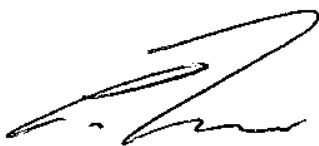
6. This permission has been granted in accordance with the details specified in the survey prepared by Maughan Associates (ref. MA20/06) received on 29 January 2020. More extensive works of demolition and rebuilding that does not accord with these details may render the permission invalid and may require a further grant of planning permission from the Local Planning Authority.
7. The development shall be carried out in accordance with the flood risk assessment submitted 3 February 2020, including:

a) Finished floor levels of the development shall be set no lower than 400mm above the existing ground levels of the site.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

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. 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.
10. 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.
11. The external face of the frame to all new windows shall be set in a reveal of a minimum of 50mm 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.
12. 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.

Continued/Condition(s)



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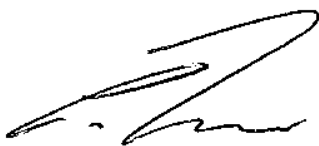
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13. All new window frames, glazing bars and external door frames shall be of timber construction, painted in a colour to be approved by the Local Planning Authority. The work shall not be carried out otherwise in accordance with the approved details within six months of the date of installation and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
14. No work shall commence on the installation of any rooflights in the development hereby approved until full details of the proposed rooflights 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.
15. 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.
16. The development hereby permitted shall be carried out in accordance with the mitigation measures set out in Section 7 (pages 29 - 33) of the submitted Bat Survey prepared by Curtis Ecology (ref.: CE0716) dated 17 August 2020.
17. No work shall commence to clear the site in preparation for the development hereby permitted until a copy of the Natural England European Protected Species Licence covering approved mitigation has been submitted to the National Park Authority.
18. No work shall commence on excavation works to install drainage to serve the development hereby permitted until full details of the proposed means of foul water drainage (including the details of the capacity and specification of the existing arrangements if they are to be used) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the drainage works have been completed in accordance with the approved details.

**Informative(s)**

1. The applicants attention is drawn to the detailed advice provided by the Environment Agency in respect of flooding issues which is set out in the attached letter ref. RA/2020/141239/01-L01, dated 18 March 2020. Particular attention is drawn to the sections relating to Flood Resilience, Flood Evacuation Plan and the EA Floor Warning Service.

Continued/Informative(s)



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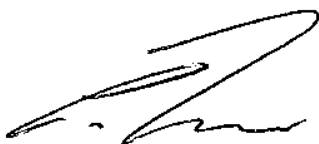
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2. The cottage is proposed to be served by a private water supply. However, the applicants attention is drawn to the fact that the private water supply to the holiday let will be deemed to be a commercial supply and will therefore be subject to annual testing as per the Private Water Supply (England) Regulations 2016, and a five yearly risk assessment, the costs of sampling etc. will be borne by them. For further advice regarding this please contact the Environmental Health team at Scarborough Borough Council or [stephanie.baines@scarborough.gov.uk](mailto:stephanie.baines@scarborough.gov.uk) telephone: 01723 232530  
Bats
3. 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.

**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 Strategic Policy M of the North York Moors Local Plan but permission for holiday accommodation has been permitted in accordance with Policy UE4 and to ensure that a traditional rural building is conserved in line with 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 Strategic Policy M of the North York Moors Local Plan.
5. 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 and in accordance with Local Plan Policy ENV4 which seeks to protect dark night skies.
6. 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 Strategic Policy I and Policy ENV11 of the North York Moors Local Plan.

Continued/Reason(s) for Condition(s)



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Director of Planning

Date 19 October 2020

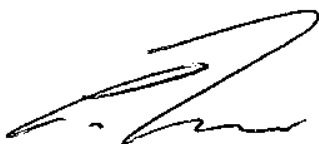
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7. In order to comply with the provisions of Policy ENV5 of the North York Moors Local Plan which seeks to mitigate the impact of flood damage to new development within areas at high risk from flooding and prevent additional flood risk to other properties.
- 8 – 15. 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.
- 16 & 17. In order to comply with the provisions of NYM Strategic Policy H which seeks to protect species protected under national and international legislation.
18. To avoid pollution of watercourses and to comply with the provisions of Policy ENV7 of the North York Moors Local Plan, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.

**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 areas of the application which required further information/clarification with the applicant's agent and requesting the submission of additional information 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.



Mr C M France  
Director of Planning

Date 19 October 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.



Miss Helen Webster  
North York Moors National Park  
Development Control  
The Old Vicarage Bondgate  
Helmsley  
York  
YO62 5BP

Our ref: RA/2020/141239/01-L01  
Your ref: NYM/2020/0067/FL  
Date: 18 March 2020

Dear Miss Webster

**CONVERSION OF BARN TO FORM HOLIDAY LETTING COTTAGE.  
WILLOW COTTAGE, LOW DALES, HACKNESS**

Thank you for your consultation regarding the above proposal which was received on 7 February 2020.

We have reviewed the information submitted with the application and we have no objection to the proposal, subject to condition. Our detailed comments are as follows.

**Flood Risk**

Our current Flood Map for Planning shows that the site lies within Flood Zone 2 and 3, with a medium and high probability of flooding from rivers and/or sea. The application is for the conversion of a barn to a holiday letting cottage which is classified as a 'more vulnerable' land use in [Table 2: Flood Risk Vulnerability Classification](#) of the Planning Practice Guidance: Flood risk and Coastal Change. It is therefore necessary for the application to be supported by a site-specific flood risk assessment (FRA), which can demonstrate that the 'development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'.

**Environment Agency position**

An FRA has been submitted on 3 February 2020. We have reviewed this FRA and consider that the proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning conditions are included.

**Condition**

The development shall be carried out in accordance with the flood risk assessment submitted 3 February 2020, including:

Environment Agency  
Lateral 8 City Walk, LEEDS, LS11 9AT.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

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- Finished floor levels of the development shall be set no lower than 400mm above the existing ground levels of the site.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

#### **Reason**

To reduce the risk of flooding to the proposed development and future occupants.

#### **Advice to LPA**

We have some concerns regarding ground floor sleeping in a development within Flood 2 and 3. We would suggest that the finished floor levels for the development are raised as high as possible. We would wish to be consulted on any proposal in the future to change the use of the building to become a permanent residence.

We are aware that the existing development and proposed development lies close to Lowdales & Highdales Beck which are classified ordinary watercourses. We do not hold any information regarding flooding in the area, however the Lead Local Flood Authority of the Internal Drainage Board may hold local information about the site. I would suggest you contact them for further local information about the site.

#### **Flood Resilience**

We recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Please refer to the following document for information on flood resilience and resistance techniques to be included: 'Improving the Flood Performance of New Buildings - Flood Resilient Construction' (DCLG 2007);  
<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Additional guidance can be found in our Flood line Publications. A free copy of these is available by telephoning 0345 988 1188 or they can be found on our website  
<https://www.gov.uk/topic/environmental-management/flooding-coastal-change>

#### **Access/Egress**

We note from the information provided within the FRA and the Design & Access statement that in the event of a flooding situation there is safe access to the first floor of the holiday let. The applicant should sign up to received flood alerts from the Environment Agency and to a develop a plan to evacuate away from the property if advised to do so by the Environment Agency, Emergency Services; or other statutory body.

#### **Flood Evacuation Plan**

We not normally comment on or approve the adequacy of flood emergency evacuation procedures accompanying development proposals, as we do not carry out these roles

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during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Planning Practice Guidance states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response it is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

#### **Flood Warning Service**

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>. To get help during a flood, visit <https://www.gov.uk/help-during-flood>. For advice on what to do after a flood, visit <https://www.gov.uk/after-flood>.

#### **Foul Drainage**

Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, in addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source

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Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply. Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

We trust the above advice is useful.

If I can be of any further assistance, please don't hesitate to contact me.

Yours sincerely

**Mrs Frances Edwards**  
Sustainable Places Planning Adviser

Direct dial 020 771 41808  
Direct e-mail [Frances.edwards@environment-agency.gov.uk](mailto:Frances.edwards@environment-agency.gov.uk)

SP Team Direct Dial: 020 3025 6862  
SP Team e-mail: [sp-yorkshire@environment-agency.gov.uk](mailto:sp-yorkshire@environment-agency.gov.uk)

cc Victoria Wharton Architectural Design Ltd

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