

# North York Moors National Park Authority



The Old Vicarage, Bondgate, Helmsley, York YO62 5BP  
Tel: 01439 772700  
Email: [general@northyorkmoors.org.uk](mailto:general@northyorkmoors.org.uk)  
Planning enquiries: [planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk)  
[www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk)

Paul Elm  
15 Crabmill Lane  
Easingwold  
York  
YO61 3DE

Your ref:  
Our ref: NYM/2020/0646/RRC  
Date: 21 October 2020

Dear Sir/Madam

**Prior notification for change of use of shop (Use Class A1) to restaurant (Use Class A3) together with installation of extractor flue under Part 3, Class C, Schedule 2 of the 2015 Town and Country Planning (General Permitted Development) Order (or any order revoking and re-enacting that Order) at 12 Bridge Street, Helmsley**

Thank you for your notification under the above Order, which was validated on 09 September 2020.

I am writing, on behalf of the National Park Authority, to advise you that your proposal for prior notification for change of use of shop (Use Class A1) to restaurant (Use Class A3) together with installation of extractor flue under Part 3, Class C at 12 Bridge Street, Helmsley, as shown on the submitted plans, has been approved 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 approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
3. The premises shall not be used other than as restaurant and shall not be used for any other purpose within Schedule 2, Part 4, Class DA of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order).
4. The restaurant/cafe hereby permitted shall not be open to customers outside the hours of 16.00 to 21.00 Tuesday to Saturday and at no time on Sundays and Bank Holidays. Any variation to these hours will require a new grant of planning consent from the Local Planning Authority.

Continued.../Conditions

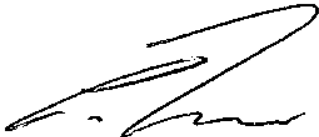


5. The extractor flue hereby approved shall be coloured stone colour to match the external walls of the property and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

**Informatives**

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. Swift (*Apus apus*) populations are declining in the UK due to the loss of nest sites in roof spaces as old buildings are renovated or demolished. Swifts occupy nest sites between May and August, making little noise and causing no mess or smell. Swift populations can be supported by the inclusion of simple and affordable measures during building construction or renovation, such as purpose-made 'swift bricks' or the creation of small loft voids. Guidance can be found on the Swift Conservation website; <https://www.swift-conservation.org/> with additional swift box ideas from Action for Swifts; <http://actionforswifts.blogspot.com/search/label/nestbox%20design>

Yours faithfully



Mr C M France  
Director of Planning

### **Rights of Appeal**

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for non-householder development, they may appeal to the Secretary of State 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. 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.
3. 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.

Continued...

4. Prospective appellants requesting an inquiry into their appeal must notify the Local Planning Authority and Planning Inspectorate via email ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days prior to appeal submission.