

**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 and Mrs D and A Pattinson  
c/o Cheryl Ward Planning  
5 Valley View  
Ampleforth  
YO62 4DQ

The above named Authority being the Planning Authority for the purposes of your application validated 23 November 2020, in respect of proposed development for the purposes of **erection of 9 no. holiday lodges with associated internal access tracks, parking and landscaping works and creation of multi use access track bypassing existing cottages (part retrospective) at Hogarth Hall, Boggle Hole Road, Fylingdales** has considered your application and has **granted** permission for the proposed development subject to the following:

**Condition(s):**

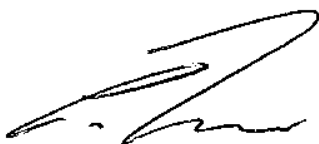
1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

<b>Document Description</b>	<b>Document No.</b>	<b>Date Received</b>
Proposed Location Plan	D11585-07 Rev B	23 November 2020
Proposed Block Plan	D11585-08 Rev B	23 November 2020
Proposed Cabin Floor Plan, Elevations and Section	D11585-09A Rev A	23 November 2020
Proposed Location Plan for Waste Water Treatment Pant	D11585-13 Rev A	23 November 2020
Proposed Block Plan for Waste Water Treatment Pant	D11585-14 Rev A	23 November 2020

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

3. Notwithstanding the provisions of Class B, Part 5 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking and re-enacting that order, no development required by the conditions of a site license shall be permitted without the granting of planning permission by the Local Planning Authority.
4. The holiday cabins 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

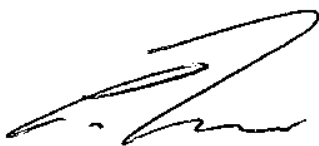
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5. The holiday units hereby permitted shall be managed from and remain part of the curtilage of the existing dwelling known as Hogarth Hall, Boggle Hole Road, Fylingdales and shall not be managed, sold or leased off from the main dwelling or let off except as holiday accommodation in accordance with the terms of condition 4 above without a further grant of planning permission from the Local Planning Authority.
6. No external up-lighting shall be installed on the development hereby permitted and no external lighting shall be installed until details of lighting have been submitted to and approved in writing by the Local Planning Authority. Any external lighting shall be of a style and luminance which minimises glare and light pollution. All bulbs should be shielded to prevent upward and minimise horizontal light spill. The lighting shall be installed in accordance with the above and shall be maintained in that condition in perpetuity.
7. The external surface of the roof of the buildings 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. The external elevations of the cabins hereby approved shall, within three months of first being brought into use, be clad in vertical timber boarding and shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
9. All new window frames, glazing bars and external door frames shall be of timber construction, finished in a dark colour 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.
10. 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.
11. No structures shall be placed within the root protection areas of any trees within or adjacent to the application site unless otherwise agreed in writing by the Local Planning Authority.
12. No work shall commence to undertake any works to any trees or hedges within or adjacent to the site of the development hereby approved until a scheme which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the Local Planning Authority.

Continued/Condition(s)



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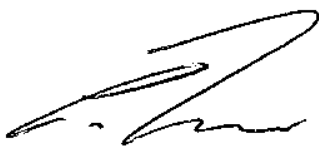
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13. Prior to the development being brought into use details of a landscaping plan for the site, to ensure that wooded areas are appropriately managed, and to ensure protection of bio-diversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for compensatory soft landscaping utilising native species and shall include details of any existing hedges and trees to be retained on the site together with any measures for managing/reinforcing these and shall specify plant species, sizes and planting densities for any new areas of planting. The approved details shall be carried out no later than the first planting season following the occupation of the buildings, or completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. The approved landscaping scheme shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
14. No work shall commence on the hardsurfacing of the access and car parking areas hereby approved until full details of the access and parking area surfacing have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the access surfacing shall be in the form of twin trods. The development shall not be brought in to use until the access and parking area have been surfaced in accordance with these details. The access surface shall be maintained in that condition in perpetuity.
15. If the use of the holiday cabins hereby approved permanently ceases they shall be removed from the site within 12 months of that cessation and the site shall, as far as practical, be restored to its condition before development took place.
16. No work shall commence for the installation of services to the cabins until a detailed drainage plan, setting out the location of services with particular reference to trees and associated root protection areas, is submitted to and approved in writing by the Local Planning Authority.
17. The development hereby permitted shall be carried out in accordance with the mitigation measures set out in Section 8 of the submitted Ecological Impact Assessment dated December 2020 prepared by MAB Environment Ecology Ltd.
18. No work is to be undertaken to prune or clear trees, shrubs or other vegetation between March and August inclusive unless checked for evidence of bird breeding within 48 hours of works commencing by a suitably qualified ecologist. Any active nests found must be left undisturbed until chicks fledge and the nest abandoned.

Continued/Informative(s)



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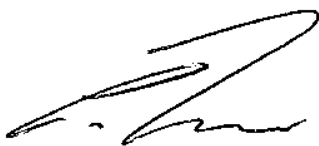
**Informative(s)**

1. It would appear that the property is served by a private water supply. The applicant should be aware that should the development proceed, they will be required, under the Private Water Supplies (England) Regulations 2015, to have the water supply tested annually by the local authority to ensure it complies with the regulations stated above. The cost of the sampling will fall on the relevant person(s). The applicant should also be aware that the local authority will need to carry out a risk assessment of the water supply (again, the costs for this fall on the relevant persons). Where works are identified the relevant persons will need to ensure that they are carried out in a timely manner. I recommend the applicant.

**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. In order to enable the Local Planning Authority to retain control over future buildings at the site in the interests of safeguarding the landscape character of the locality and in line with NYM Strategic Policy A and NYM Policy UE2, which seek to enhance and conserve the special qualities of the NYM National Park and secure high quality design for new development.
4. 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.
5. In accordance with Strategic Policy M and Policy UE2 of the NYM Local Plan which requires such holiday accommodation to be managed on site and that the occupation of such accommodation does not operate as separate independent dwelling unit.
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. For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan 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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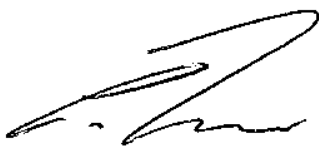
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- 8 – 10. For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
- 11 – 13. The trees within the vicinity of the site are of significant amenity value and every effort shall be made to protect them in accordance with NYM Strategic Policy G which seeks to conserve and enhance the quality and diversity of the natural environment.
14. In the interests of the satisfactory appearance of the development and in order to comply with the provisions of NYM Strategic Policy C which seeks to ensure that development proposals incorporate suitable hard landscaping details.
15. In order to return the land to its former condition and comply with the provisions of NYM Strategic Policy A which seeks to conserve and enhance the landscape of the National Park.
16. In order to comply with the provisions of Policy ENV1 of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.
17. To ensure protection of a species protected under the Wildlife and Countryside Act and compliance with Strategic Policy H of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.
18. In order to comply with the provisions of Policy ENV1 of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.

**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 confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.



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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](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.