

**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: National Trust  
 fao: Mrs Natasha Rowland  
 Goddard's House  
 27 Tadcaster Road  
 York  
 YO241GG

The above named Authority being the Planning Authority for the purposes of your application validated 09 November 2020, in respect of proposed development for the purposes of **change of use of ground floor visitor centre (Use Class D1) to visitor centre (use Class F.1) and restaurant/cafe (Use Class E (a) and (b)) (no external alterations)** at **The Old Coastguard Station, New Road, Robin Hoods Bay** 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:

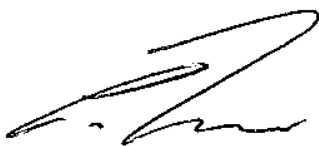
<b>Document Description</b>	<b>Document No.</b>	<b>Date Received</b>
Location Plan	N/A	09 November 2020
Ground & First Floor Plans Showing retained and new Interpretation	N/A	12 March 2021

Supporting Document N/A 12 March 2021  
 or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.

3. The ground floor of the premises shall not be used other than as a visitor centre (Use Class F.1(a)(b)(c)(d)(e)) with café/takeaway facility (Use Class E (a) and (b)) and shall not be used for any other purpose (including any other purpose in Classes E and F of the Schedule to the Town and Country Planning (Use Classes) Order 2020 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, or within Schedule 2, Part 3, Classes A-V of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order).

4. Vehicular deliveries of goods associated with this development shall avoid the peak times of the day and are hereby restricted to before 10:30am or after 6pm.

Continued/Condition(s)



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5. The café/takeaway hereby permitted shall not be open to customers outside the hours of 9:00am to 5:00pm Mondays to Saturday and 10.00am to 5:00pm on Sundays and Bank Holidays. Any variation to these hours will require a new grant of planning consent from the Local Planning Authority.

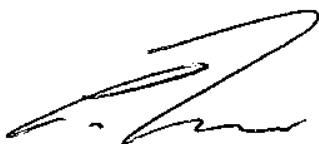
**Informative(s)**

1. The applicant's attention is drawn to planning permission reference NYM4/029/0073/C/PA which remains extant and carries conditions which are still relevant to the property.
2. The applicant is advised that, in accordance with the details submitted, this permission allows the provision of a small-scale food and drink outlet, offering hot and cold drinks and snacks (including ice creams, crisps and confectionary). There shall be no preparation or sales of hot food and if any such change is proposed you are advised to contact the Local Planning Authority and Scarborough Borough Council Environmental Health officer to obtain further advice in relation to the provision of extraction and WC requirements.
3. The operators of the café and retail outlet are encouraged to operate in an environmentally aware manner and asked to consider the use of sustainable packaging for all their retail products in accordance with current best practice.

**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 changes of use to the property which would otherwise be permitted by the Town and Country Planning (Use Classes) Order 2020 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) or the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), and to comply with the provisions of NYM Local Plan Strategic Policies A and C, which seek to enhance and conserve the special qualities of the NYM National Park and ensure that development does not have an adverse effect on the amenities of adjoining occupiers.

Continued/Reason(s) for Condition(s)



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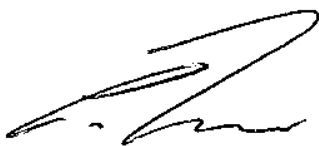
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4. In accordance with Policy CO2 of the North York Moors Local Plan and in the interests of highway safety, to protect pedestrians and the general amenity of the area.
5. In order to comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to ensure that new development does not detract from the quality of life of local residents.

**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.



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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.