

**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: Cloughton Wood Lodges Ltd  
c/o SSA Architects Ltd  
fao: Mr David Ryan  
Craven Lodge  
Ground Floor Offices  
37 Victoria Avenue  
Harrogate  
HG1 5PX

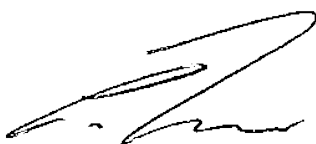
The above named Authority being the Planning Authority for the purposes of your application validated 10 June 2020, in respect of proposed development for the purposes of **erection of 15 no. holiday lodges with external decking, alterations to access, proposed internal access road, parking and linkage paths together with recreation space and landscaping works** at **Land at Cloughton Woods, Cloughton** 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:

Document description	Document Number	Date received
Proposed site layout	P03 Rev B	23/12/2020
Proposed Site Linkages Plan	P04	11/05/2020
Proposed Nature Zone Concept Plan	P05	11/05/2020
Proposed Site Sections	P07	11/05/2020
Reception Building Proposed Ground Floor Plan	P10	11/05/2020
Reception Building Proposed Elevation	P12	11/05/2020
Reception Building Proposed First Floor/Roof Plan	P11	11/05/2020
Proposed Ground Floor Plan Amenities Building	P15	11/05/2020
Proposed Elevations Amenities Building	P17	11/05/2020
Lodge Type 1 Proposed Ground Floor Plan	P20 Rev A	23/12/2020
Lodge Type 1 Proposed Roof Plan	P21 Rev A	23/12/2020
Lodge Type 1 Proposed Elevations	P22 Rev A	23/12/2020
Lodge Type 1 Sections	P23 Rev A	23/12/2020
Lodge Type 2 Proposed Ground Floor Plan	P25 Rev A	23/12/2020
Lodge Type 2 Proposed Roof Plan	P26 Rev A	23/12/2020

Continued/Condition 2



Mr C M France  
Director of Planning

Date 06 May 2021

Please Note your Rights of Appeal are attached to this Decision Notice

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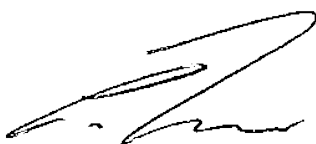
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Lodge Type 2 Proposed Elevations	P27	Rev A	23/12/2020
Lodge Type 3 Proposed Ground Floor Plan	P30	Rev A	23/12/2020
Lodge Type 3 Proposed Roof Plan	P31		23/12/2020
Lodge Type 3 Proposed Elevations	P32		23/12/2020
Lodge Type 3 Sections	P34		23/12/2020
Lodge Type 4 Proposed Ground Floor Plan	P50		23/12/2020
Lodge Type 4 Elevations	P51		23/12/2020
Lodge Type 4 Sections	P52		23/12/2020
Lodge Type 5 Proposed Ground Floor Plan	P55		23/12/2020
Lodge Type 5 Proposed Elevations	P56		23/12/2020
Lodge Type 5 Sections	P57		23/12/2020

Or in accordance with any minor variation thereof that may be approved in writing by the local planning authority.

3. No more than 15 units of holiday accommodation shall be provided on the application site without the granting of a separate planning permission by the Local Planning Authority.
4. 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.
5. The staff accommodation hereby approved shall only be occupied by shift workers on a rota basis and shall not be occupied as permanent accommodation by the same person/people and shall not be extended beyond the two bedrooms and shower room in the reception building as shown on Drawing No. P11 without the benefit of planning permission.
6. The reception and amenities buildings hereby approved, including cycle hire facilities shall not be used other than for associated facilities ancillary to the adjacent holiday lodges hereby approved and shall not be used for any other purpose and shall only be available for use by staff employed by or customers staying in the holiday lodges hereby approved.
7. 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.

Continued/Condition(s)



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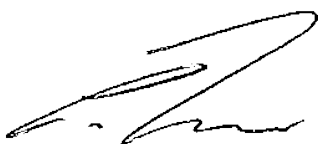
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8. If the use of the site for holiday purposes ceases, the buildings hereby approved shall be removed from the site and a scheme to restore the site shall be submitted to and approved in writing by the Local Planning Authority within twelve months of its last holiday use. The restoration scheme shall include the removal of all surface and underground features from the site, a detailed landscaping scheme for those developed and surfaced parts of the site, and areas affected by the removal of underground features, and a timescale for implementation. The site shall be restored in full accordance with the approved restoration scheme, within the approved timescale.
9. 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.
10. The external elevations of the buildings 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.
11. 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 agreed in writing by the local planning authority.
12. 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.
13. The following schemes of off-site highway mitigation measures must be completed as indicated below:
  - o New right turn lane and extended deceleration lane at LAND AT CLOUGHTON WOODS prior to OCCUPATION OF ANY OF THE ON SITE ACCOMMODATION

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.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

Continued/Condition 13



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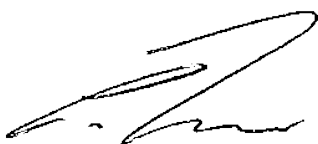
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A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

14. Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.
15. Prior to the development being brought into use details of a planting scheme for the "Nature Zone" shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for tree planting and semi-natural vegetation, with approximately 30% open space and shall specify plant species, sizes and planting densities for the new areas of planting. The approved details shall be carried out no later than the first planting season following the development first being brought into use, or in accordance with a programme agreed by the Local Planning Authority. The approved planting scheme shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
16. All hard and soft landscape works comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. Any trees or plants planted in accordance with this condition which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
17. No work shall commence in preparation for the development hereby permitted (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement, have been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include details of:

Continued/Condition 17



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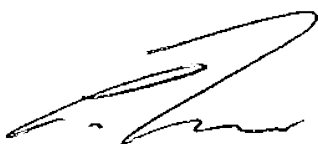
Date 06 May 2021

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- i) implementation, supervision and monitoring of the approved tree protection scheme and/or tree pruning/felling specification;
  - ii) implementation, supervision and monitoring of all approved construction works within any tree protection zone or otherwise protected in the approved tree protection scheme;
  - iii) timing and phasing of arboricultural works in relation to the approved development and details of communication between the interested parties.
18. No development shall take place on site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. This shall include a Watching Brief on vegetation clearance, and groundworks for lodge pads, access roads and drainage and allow for potential reporting and archiving. The work shall not be carried out otherwise than in accordance with the provided/approved specification.
19. The bat mitigation measures contained within the Ecological Assessment prepared by Ian Bond of INCA and approved on 24 November 2017 under NYM/2017/0693/CVC shall be implemented and thereafter maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
20. No clearance of any vegetation/trees on the application site shall be undertaken within the bird breeding season (March - August inclusive), unless the felling/removal is carried out under an ecological watching brief to be submitted to and approved in writing by the Local Planning Authority to ensure no nesting birds are impacted by the works.
21. No work shall commence to clear the site in preparation for the development hereby permitted until a survey of badger activity and any resultant mitigation has been submitted to and approved in writing by the Local Planning Authority. The work shall not be carried out otherwise than in accordance with the details so approved.
22. Prior to the commencement of the development a Habitat Management Plan for areas including but not limited to; the development site boundary, the 'nature zone' and any other land within 100m of a proposed promoted path or other route, shall be submitted to and approved in writing by the Local Planning Authority. The work shall not be carried out otherwise than in accordance with the details so approved.
23. The development hereby permitted shall not be brought into use until the approved renewable energy measures to generate energy on site from renewable sources to displace at least 10% of predicted CO2 emissions have been installed and thereafter maintained in a working condition.
24. Prior to the development hereby permitted being brought into, written details shall be submitted to the Local Planning Authority of a scheme of improvement to the public footpath that leads from the site southwards to Cloughton, setting out what improvements will be undertaken, the timetable of works and how they will be secured to deliver the improvements.

Continued/Informative(s)



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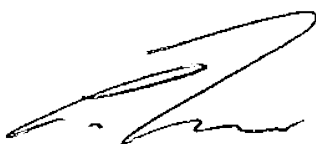
**Informative(s)**

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. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from Natural England  
<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx>. Further information on wildlife legislation relating to birds can be found at [www.rspb.org.uk/images/WBATL\\_tcm9-132998.pdf](http://www.rspb.org.uk/images/WBATL_tcm9-132998.pdf).  
  
If advice is needed please contact the National Park Authority's Conservation Department on 01439 772700 or [conservation@northyorkmoors.org.uk](mailto:conservation@northyorkmoors.org.uk).
3. In order to improve the potential biodiversity of the site the applicant may wish to consider a more balanced proposal including fewer paths and more woodland planting, along with sensitive management of wetland areas which could include some broadening of the present watercourse through water flow restriction with the addition of 'off line' ponds or scrapes separate from the watercourse
4. The applicants are advised to contact the North York Moors National Park Authority Area Ranger at the Old Vicarage, Helmsley on 01439 772700 to discuss what improvement works may be required.

**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 Strategic Policies A and C of the North York Moors Local Plan, which seek to conserve and enhance the special qualities of the National Park.

Continued/Reason(s) for Condition(s)



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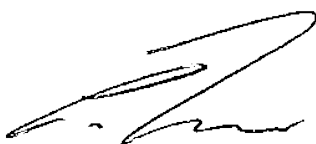
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**Town and Country Planning Act 1990  
North York Moors National Park Authority**

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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 to provide facilities for visitors in line with Policy UE2 of the Local Plan.
4. 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 Strategic Policies A and C and Policy UE2 of the North York Moors Local Plan, which seek to enhance and conserve the special qualities of the National Park and secure high quality design for new development.
5. 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 Strategic Policies A and C and Policy UE2 of the North York Moors Local Plan, which seek to enhance and conserve the special qualities of the National Park and secure high quality design for new development.
6. 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 Strategic Policies A and C and Policy UE2 of the North York Moors Local Plan, which seek to enhance and conserve the special qualities of the National Park and secure high quality design for new development.
7. 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.
8. 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.
9. 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.
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. 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.
12. 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.

Continued/Reason(s) for Condition(s)



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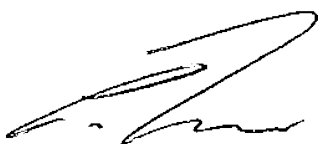
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13. In accordance with Policy CO2 of the North York Moors Local Plan and to ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of prospective users of the highway.
14. In accordance with Policy CO2 of the North York Moors Local Plan and to ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of prospective users of the highway.
15. 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.
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. 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.
18. In order that any remains of archaeological importance can be adequately investigated and recorded before any development takes place on the site and to comply with Strategic Policy I and Policy and Policy ENV10 of the North York Moors Local Plan which seeks to conserve and enhance the historic assets and cultural heritage of the National Park.
19. In order to comply with the provisions of Strategic Policy H of the North York Moors Local Plan which seeks to protect species protected under national and international legislation.
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22. In order to comply with the provisions of Strategic Policy H of the North York Moors Local Plan which seeks to protect species protected under national and international legislation.
23. In order to comply with the provisions of Policy ENV8 of the North York Moors Local Plan which seeks to ensure that new development contributes to reduce carbon emissions.
24. In accordance with Policy CO2 of the North York Moors Local Plan and in the interests of pedestrian safety and the visual amenity of the area.

**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 units, 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.