

**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 John Collinson
c/o Bell Snoxell Building Consultants
fao: Mr Louis Stainthorpe
Mortar Pit Farm
Sneatonthorpe
Whitby
YO22 5JG

The above named Authority being the Planning Authority for the purposes of your application validated 10 August 2020, in respect of proposed development for the purposes of **construction of detached shed for storage/workshop/recreational use incidental to the dwelling at Stainsacre Hall, Stainsacre** 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:

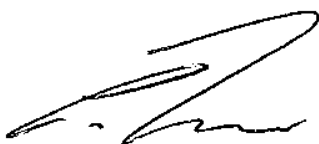
Document Description	Document No.	Date Received
Proposed East Elevation	8115-04-B	9 Feb 2021
Proposed North & West Elevations	8115-05-B	9 Feb 2021
Proposed South Elevation	8115-06-B	9 Feb 2021
Proposed Floor Plan	8115-07-B	9 Feb 2021

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

3. The building hereby approved shall only be used for storage and workshop purposes incidental to the occupation of the main dwelling on the site known as Stainsacre Hall and shall not be let off or used for any other purpose including for the manufacture of goods for sale or storage in association with any commercial business. Furthermore there shall be no alteration or conversion of the building hereby permitted to permanent residential accommodation. Any change of use or alteration will require a separate grant of planning permission from the Local Planning Authority.

4. No work shall commence on the construction of the walls of the development hereby permitted until details of the stone, including samples if so required by the Local Planning Authority, to be used for the external surfaces of the development including for walling and dressings have been submitted to and approved in writing by the Local Planning Authority. The stone used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.

Continued/Conditions



Mr C M France
Director of Planning

Date 21 May 2021

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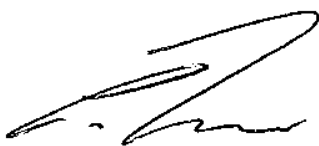
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5. The external surface of the roof of the building hereby permitted shall be coloured and thereafter maintained dark grey and shall be maintained in that condition in perpetuity unless otherwise be agreed in writing with the Local Planning Authority.
6. 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 Dark Skies compliant, fitted with a PIR and contain a warm white bulb of 3000k or less and no more than 500 lumens and shall be installed in accordance with the details so approved and maintained in that condition in perpetuity.
7. The development hereby permitted shall be carried out in accordance with the Arboricultural Method Statement as set out in sections 5, 6 and 7 of the Arboricultural Report by Elliott Consultancy dated April 2021.
8. No work shall commence on the surfacing of the access to the building hereby permitted until full details, including samples of materials if so required, have been submitted to and approved in writing by the Local Planning Authority. The access surfacing shall then be implemented in accordance with the approved details and shall be maintained in that condition in perpetuity.

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.
3. In order to enable the Local Planning Authority to retain control over any commercial activity or any future changes to the building to ensure compliance with Strategic Policy A and Policy CO17 of the North York Moors Local Plan, which seek to protect the amenity of local residents and conserve and enhance the special qualities of the National Park, and to ensure compliance with Strategic Policies B and M of the North York Moors Local as the building is in a location where the formation of a separate dwelling unit would not normally be permitted.
4. 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.
5. 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/Reasons for Conditions



Mr C M France
Director of Planning

Date 21 May 2021

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

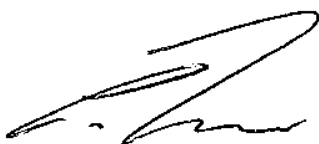
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6. In order to comply with the provisions of NYM Strategic Policy A which seeks to ensure that new development does not detract from the quality of life of local residents and in accordance with Local Plan Policy ENV4 which seeks to protect dark night skies.
7. 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 Policy ENV1 of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.
8. In the interests of the satisfactory appearance of the development and in order to comply with the provisions of Strategic Policy C of the North York Moors Local Plan which seeks to ensure that development proposals incorporate suitable hard landscaping details.

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 matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal 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
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Date 21 May 2021

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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.

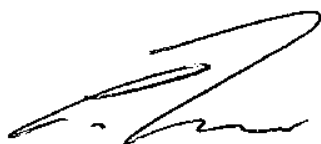
- (2) If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, the owner of the land may claim that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable 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

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.



Mr C M France
Director of Planning

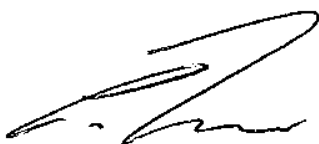
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3. In your own interests your attention is particularly drawn to the conditions under which approval has been given to your proposals. Failure to comply fully with the conditions could lead to enforcement action resulting in work already done being 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.



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Director of Planning

Date 21 May 2021

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