

**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: The Mulgrave Estate
c/o John Long Planning Ltd
fao: Mr John Long
45 The Street
Surlingham
Norwich
NR14 7AJ
Norfolk

The above named Authority being the Planning Authority for the purposes of your application validated 18 March 2021, in respect of proposed development for the purposes of **construction of 1 no. principal residence dwelling with associated access, car port/storage building, amenity space and landscaping works** at **Land between Windyridge and Mount Pleasant, Egton** 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 |
|-----------------------------|---------------------|----------------------|
| Location plan | 05-2020-1001 Rev B | 23 April 2021 |
| Ground floor plans | 05-2020-1002 Rev B | 23 April 2021 |
| First floor plans | 05-2020-1003 Rev B | 23 April 2021 |
| Roof plans | 05-2020-1004 Rev B | 23 April 2021 |
| Front and side Elevations | 05-2020-1005 Rev B | 23 April 2021 |
| Rear and side elevations | 05-2020-1006 Rev B | 23 April 2021 |
| Cart lodge elevations | 05-2020-1007 Rev B | 23 April 2021 |
| Landscaping plan | 05-2020-1008 Rev B | 23 April 2021 |

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

Continued/Condition(s)



Mr C M France
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3. The dwelling hereby permitted, shall be used as principal residential dwellings (Class C3) and for no other purpose including any other use in Class C of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The properties shall be the only or principal home of the main occupant and shall be occupied by the main occupant for at least 80% of the calendar year in the event that the main occupant occupies more than one property. The properties shall not be occupied by the main occupant as a second home. The occupants shall supply to the local planning authority (within 14 days of the local planning authority's request to do so) such information as the local planning authority may reasonably require in order to determine compliance with this condition. For the avoidance of doubt the properties shall not be used as a single unit of holiday letting accommodation.
4. The cart lodge hereby permitted shall be used for domestic parking and storage incidental to the occupation of the main dwelling on the site and for no other purpose. There shall be no alteration or conversion of the building hereby permitted to permanent residential accommodation and any such use or alteration will require a separate grant of planning permission from the Local Planning Authority.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H Schedule 2, Part 2, Classes A to C and within Schedule 2 Part 14 Classes A to I of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
6. No work shall commence on the laying of foundations for the development hereby permitted until scaled plans showing the finished floor level, eaves and ridge height of the dwelling hereby permitted in relation to adjacent properties have been submitted to and approved in writing by the Local Planning Authority. The plan shall also include details of a fixed off-site datum point in the immediate locality. The work shall not be carried out otherwise than in accordance with the details so approved.
7. 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.

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8. No work shall commence on the construction of the walls and roof of the development hereby permitted until details of the stone and tiles, including samples if so required by the Local Planning Authority, to be used for the external surfaces of the development (including dressings) have been submitted to and approved in writing by the Local Planning Authority. The materials used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.
9. No work shall commence on the excavation works for the development hereby permitted until a one metre square freestanding panel of stonework showing the type of stone and stonework to be used in the construction of the development hereby permitted has been constructed on site and approved in writing by the Local Planning Authority. All new stonework shall match that of the approved panel both in terms of the stone used and the coursing, jointing and mortar mix and finish exhibited in the panel unless otherwise agreed in writing by the Local Planning Authority. The stone panel constructed shall be retained on the development site until the development hereby approved has been completed.
10. All pointing in the development hereby permitted shall accord with the following specification - a lime mortar mix of 1:2½ (lime; sand (sand mix of 50% sieved sharp sand and 50% builder's sand) with a slightly recessed bagged finish.
11. No work shall commence on the installation of any new windows or external doors in the development hereby approved until plans showing the details of all window frames and external doors to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate the window and door construction material and colour. The window frames and exterior doors shall be installed in accordance with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
12. Trickle vents shall not be incorporated into any new windows hereby approved and shall not be installed thereafter unless otherwise agreed in writing with the Local Planning Authority.
13. The guttering to the development hereby permitted shall be directly fixed to the stonework by means of gutter spikes with no fascia boarding being utilised in the development and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
14. 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.

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15. The external elevations of the cart lodge hereby approved shall, within three months of first being brought into use, be clad in dark stained horizontal timber boarding and shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
16. The crossing of the verge must be constructed in accordance with the approved details and Standard Detail number E50 and the following requirements.
- Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
 - That part of the access extending 6 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1 in 10.
 - Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed and maintained thereafter to prevent such discharges. 1 metre of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- All works must accord with the approved details.
17. Prior to the development being first brought into use details of a pedestrian access (with no gates opening outwards over the existing highway) at the southwestern front corner of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out no later than the first occupation of the development and shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
18. No work shall commence on the surfacing of the accesses hereby approved until full details of the access surfacing 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.
19. The proposed new hedge at the rear of the site shall be planted 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 hedge shall consist of native species appropriate to the area, planted at a density of 6 plants per metre, and shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
20. The wall at the front boundary of the site shall be constructed of traditional dry stone walling at a height of no more than 1m from adjacent ground level.

Continued/Informative(s)



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Informative(s)

1. Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:
https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing___in_d_est_roads___street_works_2nd_edition.pdf

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 comply with emerging NYM Local Plan Policy CO7 which seeks to restrict the occupancy of new residential development to those people who will make the property their principal residency and thus contribute to the sustainability of the local community.
4. In order to enable the Local Planning Authority to control any future changes to the building which is in a location where the formation of a separate dwelling unit would be likely to adversely affect the amenities of existing and future occupiers of the site and to accord with the provisions of Policy CO17 of the North York Moors Local Plan.
5. In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with NYM Development Policy 3 and NYM Core Policy A, which seek to enhance and conserve the special qualities of the NYM National Park and secure high quality design for new development.
6. In order to 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 and ensure that new development is of a high quality and respects the character of the locality.
7. In order to comply with the provisions of Strategic Policy A and ENV4 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 or the character of the locality, and so that development helps maintain the National Park's status as an international dark sky reserve.

Continued/Reason(s) for Condition(s)



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- 8 - 10. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 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.
- 11-15. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 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.
16. In accordance with NYM Development Policy 23 and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
17. In accordance with Policy CO2 of the North York Moors Local Plan and to protect pedestrians and other highway users.
18. In the interests of the satisfactory appearance of the development and in order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that development proposals incorporate suitable hard landscaping details.
19. To ensure a reasonably thick and dense structure is created to adequately compensate for the established plants likely to be lost, and 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.
20. In order to comply with the provisions of Strategic Policy C of the North York Moors Local Plan which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality.

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 the omission of roof lights 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 an application for planning permission or grant it subject to conditions;
 - refuse an application for any consent, agreement or approval required by a condition imposed on a grant of planning permission or grant it subject to conditions; or
 - refuse an application for any approval required under a development order
- 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

- Please note, only the applicant possesses the right of appeal.
- 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.
- 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.
- 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.
- 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.