

**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 I Ford and R Cuthbertson
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 04 December 2020, in respect of proposed development for the purposes of **change of use of upper floors to 1 no. principal residence dwelling or holiday cottage together with relocation and replacement of extractor flue at Maryondale Cottage and Chip Shop, Albion Street, 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:

Document Description	Document No.	Date Received
Proposed floor plans	BI2021 1 A	1 June 2021
Proposed elevations	IB2020 3 of 3	12 May 2021

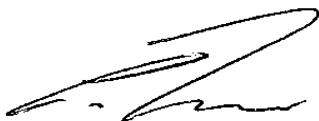
or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.

3. The first floor dwelling unit hereby permitted shall either be used for holiday letting purposes or as a principal residential dwelling (Class C3 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 with or without modification).

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 and the dwelling unit hereby approved shall form and remain part of a single planning unit and shall not be sold or leased separately from the business operating from the ground floor (Maryondale Cottage and Chip Shop) without a further grant of planning permission from the Local Planning Authority.

For the purpose of this condition 'principal residential dwelling' means that the property shall be the only or principal home of the main occupant and it 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 property 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.

Continued/Condition(s)



Mr C M France
Director of Planning

Date 05 July 2021

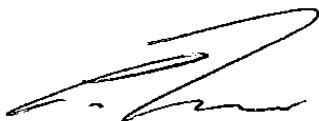
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4. The flue hereby approved shall be coloured matt black and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
5. Within three months of the flue hereby approved being installed to the front elevation in accordance with the approved plans, the existing flue to the north gable elevation shall be removed and the wall restored to its original condition.
6. All pointing in the development hereby permitted shall accord with a specification approved in writing by the Local Planning Authority, which includes mortar mix (based on a typical mix of a non-hydraulic quicklime mortar mixed at 1:3 dry non-hydraulic quicklime: sand), method of application, finish and may include a sample area if so required by the Local Planning Authority. The pointing shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority. No work shall commence on the installation or replacement plasterwork (excluding modern studs), limewash/paint finishes and insulation in the development hereby permitted shall accord with a specification approved in writing by the Local Planning Authority, which includes a traditional lime mix, method of application, finish, details of function and may include a sample area if so required by the Local Planning Authority. The plaster shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
7. The roof of the development hereby permitted shall maintain its original structure and covering; the details any additional tiles required to make good shall be first submitted to and approved in writing by the Local Planning Authority and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
8. No work shall commence on the installation or removal of any doors in the development hereby approved until detailed plans showing the constructional details and external appearance of all doors (and glazing if included) have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate, on a scale of not less than 1:20, the longitudinal and cross sectional detailing including means of opening. All doors shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

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.



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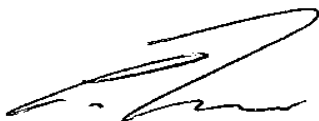
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2. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species 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.
If advice is needed please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk.
3. Swift (*Apus apus*) populations are declining in the UK due to the loss of nest sites in roof spaces as old buildings are renovated or demolished. Swifts occupy nest sites between May and August, making little noise and causing no mess or smell. Swift populations can be supported by the inclusion of simple and affordable measures during building construction or renovation, such as purpose-made 'swift bricks' or the creation of small loft voids. Guidance can be found on the Swift Conservation website; <https://www.swift-conservation.org/> with additional swift box ideas from Action for Swifts;
<http://actionforswifts.blogspot.com/search/label/nestbox%20design>
4. Listed Building consent has also been granted for this development. You are advised to obtain sight of the notice of Listed Building consent and the approved plans and ensure that the development is carried out strictly in accordance with the approved plans and the terms and conditions of the Listed Building consent.

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 Strategic Policy M of the North York Moors Local Plan which seeks to restrict the occupancy of new residential development in larger villages to avoid the loss of housing stock to second homes thereby supporting the service function of such villages, and in accordance with Strategic Policy J and Policy UE1 which supports the conversion of existing buildings into tourist accommodation as part of a business venture within the main built up area of the village.
4. In order to comply with Policy ENV11 of the North York Moors Local Plan which seeks to ensure that alterations to heritage assets do not have an unacceptable impact on their special historic or architectural interest.

Continued/Reason(s) for Condition(s)



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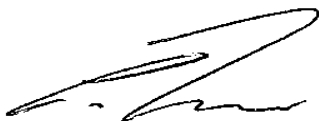
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- 5 – 8. In order to comply with Policy ENV11 of the North York Moors Local Plan which seeks to ensure that alterations to heritage assets do not have an unacceptable impact on their special historic or architectural interest.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Local Planning Authority has acted positively in determining this application by assessing the scheme against the Development Plan and other material considerations and subsequently granting planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



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Director of Planning

Date 05 July 2021

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:
 - a) refuse an application for planning permission or grant it subject to conditions;
 - b) 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
 - c) 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

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.