

**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 & Mrs D Dobson  
c/o Eric Matthew  
Valley View  
Underhill  
Glaisdale  
Whitby  
YO21 2PF

The above named Authority being the Planning Authority for the purposes of your application validated 26 August 2020, in respect of proposed development for the purposes of **removal of steel portal frame agricultural building and erection of replacement building in revised location, conversion of barn to form 1 no. holiday letting cottage together with construction of single storey extensions to existing dwelling** at **Tofta Farm, Brown Rigg Road, Staintondale** has considered your application and has **granted** permission for the proposed development subject to the following:

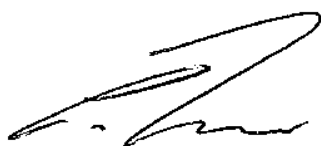
**Condition(s):**

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>
Proposed house floor plans and elevations		24 May 2021
Proposed conversion of agricultural building to dwelling	ERM/TF/003	26 Aug 2020
Proposed relocation of existing agricultural building with proposed lean to	ERM/TF/002	26 Aug 2020

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. The additional 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.
4. The holiday letting unit hereby permitted shall form and remain part of the curtilage of the existing dwelling known as Tofta Farm and shall not be sold or leased off from the main dwelling or let off except as holiday accommodation in accordance with the terms of condition 3 above without a further grant of planning permission from the Local Planning Authority.

Continued/Conditions



Mr C M France  
Director of Planning

Date 28 July 2021

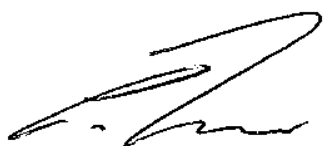
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5. The storage building hereby approved shall only be used for purposes incidental to the occupation of the main dwelling on the site known as Tofta Farm and shall not be let off or used for any other purpose including for the manufacture of goods 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.
6. All new stonework used in the development hereby permitted shall match that of the existing building to which each development relates including the colour and texture of the stone and the method of coursing and pointing unless otherwise agreed with the Local Planning Authority.
7. No work shall commence on the timber cladding of the storage building and rear extension to the dwelling hereby permitted until details, including the design and fixing of the timber cladding including samples if so required 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.
8. The roof tiles utilised in carrying out the development hereby permitted shall match those of the existing building to which each development relates unless otherwise agreed in writing with the Local Planning Authority.
9. The external surface of the roof of the storage 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.
10. All new window frames, glazing bars, external doors and door frames for the holiday letting unit hereby approved shall be of timber construction and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
11. The external face of the frame to all new windows in the holiday letting unit hereby permitted shall be set in a reveal of a minimum of 75mm from the front face of the adjacent walling and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with 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 development hereby permitted shall be carried out in accordance with the mitigation measures set out in Section 9 Mitigation & Compensation of the submitted Bat, Breeding Bird and Barn Owl Scoping Survey dated May 2020.

Continued/Reasons for Conditions



Mr C M France  
Director of Planning

Date 28 July 2021

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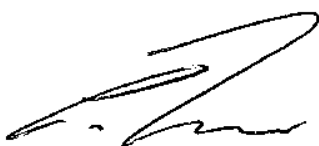
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**Reason(s) for Condition(s)**

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. 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.
4. The site is in a position where the permanent occupation of the accommodation hereby permitted as a separate independent dwelling unit would be likely to be detrimental to the residential amenities of existing and future occupiers of the holiday accommodation and main dwelling in accordance with Policy UE4 of the North York Moors Local Plan.
5. 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.
- 6 - 9 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.
- 10 – 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.
13. 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.

**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.



Mr C M France  
Director of Planning

Date 28 July 2021

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## **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 orderthey 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.