

**Planning (Listed Buildings and Conservation Areas) Act 1990
North York Moors National Park Authority**

**Notice of Decision of Planning Authority on Application for
Listed Building Consent**

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

The above named Authority being the Planning Authority for the purposes of your application validated 18 October 2021, in respect of proposed development for the purposes of **conversion of agricultural barns to 3 no. principal residence dwellings with associated landscaping works and alterations to 2 no. barns to provide storage and parking at Red Farm Barns, High Street, 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
Site Plan as Proposed	4000 - 3P Rev 1	18/10/2021
Plot 1 Ground floor proposed	2001- P	18/10/2021
Plot 2 Ground floor proposed	2002- P	18/10/2021
Plot 3 Ground and floor proposed	2002- P	18/10/2021
Barn 3 & 4 Ground floor proposed	2004-3P	18/10/2021
Plot1 Sections S6 &S8 proposed	1100 P	18/10/2021
Plot2 Sections S10 &S17 proposed	1101 P	18/10/2021
Plot3 Sections S13 &S15	1101 P	18/10/2021
Elevations 2 &4 proposed	2200 3P	18/10/2021
Elevations 1 & 3 proposed	2201 3P	18/10/2021
Elevations 7 & 8 proposed	2203 3P	18/10/2021
Elevations 9,10,11 & 12 proposed	2204 P	18/10/2021

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

3. This permission has been granted in accordance with the details specified in the survey prepared by Close, Granger, Gray and Wilkin received on 18 October 2021. More extensive works of demolition and rebuilding that does not accord with these details may render the permission invalid and may require a further grant of planning permission from the Local Planning Authority.

Continued/Condition(s)



Mr C M France
Director of Planning

Date 13 January 2022

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4. All new stonework used in the development hereby permitted shall match that of the existing building including the colour and texture of the stone and the method of coursing and pointing unless otherwise agreed with the Local Planning Authority.
5. The roof of the development hereby permitted shall maintain its original structure and be clad with the existing traditional, handmade natural red clay pantiles should any further tiles be required then the details of these replacements shall be 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.
6. No work shall commence on the installation or removal of any doors/ windows in the development hereby approved until detailed plans showing the constructional details and appearance of all doors/ windows and frames (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 no less than 1:20 (or 1:5 for sectional window details), the longitudinal and cross-sectional detailing including means of opening. All doors/windows 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.
7. 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.
8. No work shall commence to paint the external joinery in the development hereby approved until a scheme for the painting of all external joinery has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed treatment for doors, windows, shutters, stable doors, and any other exterior joinery fixtures. The colour scheme should be the same for all dwellings hereby approved. The works shall be carried out 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.
9. The details of any new lintels and cills together with any replacement lintels and cills, shall be submitted to and approved in writing by the Local Planning Authority. The work shall accord with the details hereby approved and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
10. All pointing in the development hereby permitted shall accord with a specification approved in writing by the Local Planning Authority, which includes non-hydraulic lime mortar mix (based on a typical mix 1:3 (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.

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11. 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.
12. All rainwater goods shall be black painted cast iron and thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
13. No work shall commence on the installation of any external fixtures to the building to which this permission relates until details of all external fixtures have been submitted to and approved in writing by the Local Planning Authority. The details should include for provision for any exterior lighting, meter boxes, signage, wall or roof flues, television antennae and satellite dishes that may be proposed to be installed. The external fixtures shall be installed wholly in accordance with the approved details.
14. No development shall commence until a method statement for the works for removal/relaying of the existing and reinstated floors shall have been submitted to and approved in writing by the Local Planning Authority. The method statement shall be informed by a number of trial holes/ sondages and include the timing of the removal and reinstatement, the depth and means of excavation, its relationship to abutting structural walls, measures to be taken to support and protect the existing masonry, measures to be taken to secure and protect the features against accidental loss or damage and reinstatement details. Development shall be carried out in accordance with the approved method statement.
15. No work shall commence on the installation of insulated non hydraulic lime plaster plasterwork, 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.
16. No development shall commence until a method statement for the works for retention/re-use of timber troughs, boskins, forges, rudsters and hayracks in their original positions shall have been submitted to and approved in writing by the Local Planning Authority. The method statement shall include the timing of the removal and reinstatement, recording methods, repair schedule where necessary, and measures to be taken to secure and protect the features against accidental loss or damage. Development shall be carried out in accordance with the approved method statement.
17. 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.

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18. At least one bat activity survey is to be undertaken of all buildings to be developed within the optimum time of year for detecting peak activity (mid-May to mid-August inclusive) to confirm absence of bats, or where appropriate confirm the location and number of roosts, prior to works commencing on any building.
19. A copy of the European Protected Species Licence (once obtained) along with any conditions, appendices and supporting additional survey information is to be provided to the Authority and acknowledged in writing prior to the commencement of any works covered under that licence.
20. All work must be in accordance with Section 9 of the Bat, Breeding Bird and Barn Owl survey by MAB Environment and Ecology, dated October 2021, and the additional information in the letter from the same company dated 6 December 2021, detailing the mitigation actions required at the site covering bats, breeding birds, swallow nest sites and barn owl roosts.

Informative(s)

1. Planning permission has also been granted for this development. You are advised to obtain sight of the notice of planning permission 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 planning permission.
2. 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.
3. 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.

Continued/Informative(s)



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4. 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>
5. This Listed Building consent relates solely to the plans, drawings, notes, and written details submitted with the application and listed on the decision notice. Any variation of the works or additional works found to be necessary before work starts or while work is in progress, or required separately under the Building Regulations, may only be carried out subject to approval by the Local Planning Authority. Unauthorised modifications, alterations, or works not covered by this consent may render the applicant, owner(s), agent and/or contractors liable to enforcement action and/or prosecution.
6. This consent does not extend to or imply consent for the cutting, altering, or removing any part of the building, timber frame or any other fixture of fitting other than as expressly shown on the approved drawings.

Reason(s) for Condition(s)

1. To ensure compliance with Sections 18(1) of the Planning (Listed Buildings and Conservation Areas) 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 ensure that the development is carried out in a manner which safeguards the existing fabric of the building and to comply with the provisions of Strategic Policy I and Policy ENV11 of the North York Moors Local Plan.
- 4 – 6. 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.
- 7 & 8. 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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- 9 & 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 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 – 13. 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.
- 14 – 16. In order to ensure that the development is carried out in a manner which safeguards the existing fabric of the building and to comply with the provisions of Strategic Policy I and Policy ENV11 of the North York Moors Local Plan.
17. 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.
- 18 – 20. To ensure protection of a species protected under the Wildlife and Countryside Act and compliance with Strategic Policy H of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.

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 confirmed to the applicant/agent that the development is likely to improve the economic, social, and environmental conditions of the area.



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Notes

1. 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 further approval has been obtained.
2. Attention is drawn to Section 8 (2)(C) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the effect of which is that demolition of a Listed Building may not be undertaken (despite the terms of the consent granted by the Local Planning Authority) until notice of the proposal has been given to English Heritage, Architectural Investigation Section, 37 Tanner Row, York, YO1 6WP, and they subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it.
3. (a) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse Listed Building consent, for the proposed works, or to grant consent subject to conditions, they may appeal to the Secretary of State in accordance with Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 within six months of the date of this notice. 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.
(b) If Listed Building consent is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims 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 works which have been or would be permitted, they may serve on the council of the county/district a purchase notice requiring that council to purchase his interest in the land in accordance with the provision of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
(c) In certain circumstances a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Buildings and Conservation Areas) 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

4. Please note, only the applicant possesses the right of appeal.
5. 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.
6. 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.
7. 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.