

**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 David and R Islip
c/o Venture Architectural
fao: Mr Richard Smallwood
The Elms
Manor View
Caunton
Newark
Caunton
Notts
NG23 6AW

The above named Authority being the Planning Authority for the purposes of your application validated 23 August 2021, in respect of proposed development for the purposes of **erection of 2 no. holiday lodges with associated access, parking and landscaping works at land south of Middlewood Farm Holiday Park, Middlewood Lane, Fylingthorpe** 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 approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
3. Notwithstanding the provisions of Class B, Part 5 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking and re-enacting that order, no development required by the conditions of a site license shall be permitted without the granting of planning permission by the Local Planning Authority.
4. The holiday lodges 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.
5. The holiday lodges hereby permitted shall only be occupied whilst there is a comprehensive 24 hr, 7 days a week local management contract in place. The owner/operators shall provide details of the management arrangement on request at all reasonable times to the Local Planning Authority. The managing company's contact details shall be physically displayed at the site for the local community's information.

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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 (lighting will only be considered acceptable if it is of a style and luminance which minimises glare and light pollution with all bulbs shielded to prevent upward and minimise horizontal light spill).The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
7. 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.
8. The external elevations of the lodges hereby approved shall within three months of first being brought into use, be clad with timber boarding to be either dark stained or left to weather naturally and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
9. All new window frames in the development hereby approved shall be coloured sage green or grey within six months of the date of installation and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
10. The development must not be brought into use until the access to the site has been set out and constructed in accordance with the ‘Specification for Housing and Industrial Estate Roads and Private Street Works” published by the Local Highway Authority and the following requirements:
The crossing of the highway verge must be constructed in accordance with the approved details and Standard Detail number E50A and the following requirements.
 - Any gates or barriers must be erected off the highway verge and must not be able to swing over the existing highway.
 - Provision to prevent surface water from the site/plot discharging onto the existing highway must be constructed to prevent such discharges.
 - The final surfacing of any private access within one metre of the public highway must not contain any loose material that is capable of being drawn on to the existing public highway.All works must accord with the approved details.
11. There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) until full details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - Vehicular accessNo part of the development must be brought into use until the vehicle access has been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

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12. No trees, shrubs, or hedges along the boundaries of the site shall be felled, uprooted, wilfully damaged, or destroyed, cut back or removed without the prior written consent of the Local Planning Authority. Any work approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations. If any retained tree/hedge is removed, uprooted, destroyed, or dies within five years of the completion of the development, it shall be replaced with trees, shrubs or hedge plants of a similar size and species, unless the Local Planning Authority gives written consent to any variation.
13. No work shall commence to clear the site in preparation for the development hereby permitted until a scheme which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the Local Planning Authority (herein after called the 'Tree Protection Scheme'). The scheme shall provide for a protection zone around each tree, hedge or shrub to be set out in accordance with guidance given in British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations and shall provide for the erection of protective fencing to consist of a secure vertical and horizontal framework of scaffolding supporting chestnut paling or chain link fencing no less than 1.3 metres in height (or of a specification to be agreed) to delineate each protection zone.
No work including tree felling or pruning, demolition work, soil moving, temporary access or construction and/or widening or any operations involving the use of motorised vehicles or construction machinery shall commence on site in connection with the development until the protection works required by the Tree Protection Scheme have been fully installed in accordance with the approved details.
No excavations for services, storage of materials or machinery, parking of vehicles, depositing or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as a Tree Protection Zone or otherwise protected in the approved Tree Protection Scheme.
The protective fencing around each Tree Protection Zone shall not be removed or repositioned for the full duration of the development hereby approved without the prior written consent of the Local Planning Authority.
14. If the use of the holiday cabins hereby approved permanently ceases, they shall be removed from the site within 12 months of that cessation and the site shall, as far as practical, be restored to its condition before development took place.
15. No work shall commence to lay any hard surfaces or plant any soft landscaping for the development hereby permitted until full details of the hard surfacing and soft landscaping to be utilised on the site have been submitted to and approved in writing by the Local Planning Authority, including a timetable to implement the proposed works. The landscaping works shall then be implemented in accordance with the approved details and be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

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16. No work shall commence in preparation for the development hereby permitted (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include details of:
- i) implementation, supervision and monitoring of the approved tree protection scheme and/or tree pruning/felling specification;
 - ii) implementation, supervision and monitoring of all approved construction works within any tree protection zone or otherwise protected in the approved tree protection scheme;
 - iii) timing and phasing of arboricultural works in relation to the approved development and details of communication between the interested parties.

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 website](#). The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.
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](#). Further information on wildlife legislation relating to birds can be accessed from the [RSPB](#).
If advice is needed, please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk.
3. In connection with condition 15 above in relation to hardsurfacing, the applicant's attention is drawn to the need for a grass cellular system rather than a bitmac finish.

Reason(s) for Condition(s)

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.



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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 future buildings at the site in the interests of safeguarding the landscape character of the locality and in line with Strategic Policies A and C and Policy UE2 of the North York Moors Local Plan, which seek to enhance and conserve the special qualities of the National Park and secure high quality design for new development.
4. 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 to provide facilities for visitors in line with Policy UE2 of the Local Plan.
5. In order to ensure that the development is appropriately managed without causing harm to local amenity, in accordance with Policy UE2 of the NYM Local Plan.
6. 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.
- 7 – 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 the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
- 10 & 11. In accordance with Policy CO2 of the North York Moors Local Plan and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
- 12 & 13. 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.
14. In order to return the land to its former condition and comply with the provisions of NYM Strategic Policy A which seeks to conserve and enhance the landscape of the National Park
15. In the interests of the satisfactory appearance and biodiversity enhancement 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.

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16. 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.

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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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.