

**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 and Mrs Sheveling  
c/o Bell Snoxell Building Consultants Ltd  
fao: Mr Louis Stainthorpe  
Mortar Pit Farm  
Sneatonthorpe  
Whitby  
YO22 5JG

The above named Authority being the Planning Authority for the purposes of your application validated 01 July 2020, in respect of proposed development for the purposes of **conversion of existing redundant agricultural buildings to 2 no. cottages (dual use (holiday letting/local occupancy letting) with associated access, parking and landscaping works** at **Greenhills, High Lane, Robin Hoods Bay**, has considered your application and has **granted** permission for the proposed development subject to the following:

**Condition(s):**

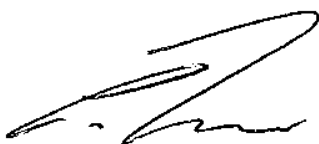
1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

<b>Document Description</b>	<b>Document No.</b>	<b>Date Received</b>
Barn A - Proposed	(0-) 03 Rev A	17/02/2021
Barn A - Roof & Site Plan	(0-) 05 Rev A	17/02/2021
Barn B - Proposed	(0-) 04 Rev A	17/02/2020
Barn B - Roof & Site Plan	(0-) 06 Rev A	17/02/2021
Door details	(2-) 02	01/07/2020
Window details	(2-) 01	01/07/2020
Foul drainage plan	0-) 07	01/07/2020

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

3. 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.
4. 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.

Continued/Conditions



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Director of Planning

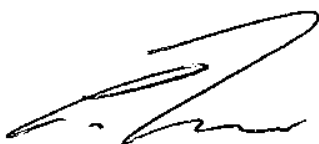
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5. The occupation of the dwelling hereby permitted shall be limited to:
- i. a qualifying person; and
  - ii. a wife or husband (or person living as such), licensee, dependant or sub tenant of a qualifying person.
- Or
- iii. holiday letting purposes (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).
- For the purpose of the above, a person is a qualifying person in relation to the dwelling if he/she has an interest in the dwelling (see Note A) and, immediately prior to occupying the dwelling, he/she has satisfied the Local Planning Authority that he/she was in need of local needs housing in term of the criteria set out in Policy CO13 of the adopted North York Moors Local Plan, namely that he/she is:
- 1. Currently resident in the National Park, having been resident in the Park for at least the previous 3 years; or
  - 2. Currently in employment in the National Park; or
  - 3. Having an essential need to live close to relative(s) who are currently living in the National Park; or
  - 4. Having an essential requirement for substantial support from relatives who are currently living in the National Park; or
  - 5. Former residents whose case for needing to return to the National Park is accepted by the Authority.
- Prior to the occupation of the development the qualifying person shall have obtained confirmation in writing from the Authority that they satisfy the local need criteria outlined in points 1 to 5 above.
- Note A: For the purpose of the above, a person has an interest in the dwelling if he/she has a freehold or leasehold interest in the whole or any part of it, or is a secure tenant or statutory tenant within the meaning of the Housing Act 1985 or the Rent Act 1977.
- Note B: For the purpose of the above, resident within the National Park will include the whole of parishes split by the National Park boundary with the following exceptions:  
Allerston; Beadlam; Burniston; East Harlsey; Eberston and Yedingham; Great Ayton; Great and Little Broughton; Great Busby; Guisborough; Irton; Kirkby in Cleveland; Kirkbymoorside; Lockwood; Nawton; Newby; Pickering; Potto; Scalby; Snainton; Sutton under Whitestonecliffe.
6. The local occupancy/holiday letting units hereby permitted shall not be sold or leased off from the main dwelling known as Greenhills except as letting accommodation in accordance with the terms of condition 5 above without a further grant of planning permission from the Local Planning Authority.

Continued/Conditions



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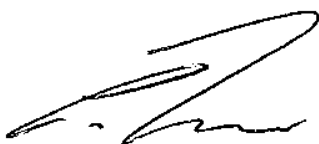
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7. This permission has been granted in accordance with the details specified in the survey prepared by Bell Snoxell Building Consultants Ltd, dated June 2020 (LS/8564) and received on 1 July 2020. More extensive works of demolition and rebuilding that 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.
8. All new stonework and roofing tiles used in the development hereby permitted shall match those of the existing building, including the colour and texture of the stone and the method of coursing, pointing, jointing and mortar mix unless otherwise agreed with the Local Planning Authority.
9. All new brickwork utilised in carrying out the development hereby permitted shall match that of the existing building unless otherwise agreed in writing with the Local Planning Authority.
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% builders' sand) with a slightly recessed bagged finish.
11. The external elevations of the living room extension hereby approved shall, within three months of first being brought into use, be clad in black/char vertical clad timber boarding and shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
12. All new window frames, glazing bars, external doors and door frames shall be of either timber or aluminium construction and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
13. No work shall commence to stain/paint the windows and doors in the development hereby approved until details of the paint colour/finish of the windows and doors has been submitted to and approved in writing by the Local Planning Authority. The work shall be completed in accordance with the approved details within six months of being installed and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
14. The external face of the frame to all new windows shall be set in reveals to match those of the existing windows and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
15. The lintels and cills of all new windows hereby approved, together with any replacement lintels and cills, shall be of natural or reclaimed stone to match the existing in terms of dimension, tooling, shape, colour and texture and shall be maintained in that condition in perpetuity.
16. 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.

Continued/Conditions



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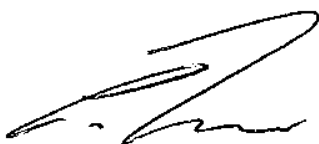
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17. The rooflights to be installed in the development hereby permitted shall be a conservation style rooflight unless otherwise agreed in writing with the Local Planning Authority.
18. The guttering to the development hereby permitted shall be directly 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.
19. 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.
20. The development hereby approved shall not first be brought into use until clear visibility splays from the access onto Smay Lane have been provided at 2m x 17m to 17.5m northwards and 2m x 25m southwards. The eye height will be 1.05metres and the object height shall be 1.05metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
21. 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 Survey dated July 2020.
22. No development shall commence for the laying of any hardsurfacing for the development hereby permitted until full details of the hardsurfacing 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 hard landscaping works shall then be implemented in accordance with the approved details. The hard landscaping shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
23. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans 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.
24. No external paraphernalia/gob-ons shall be installed in the development hereby permitted until details of paraphernalia/gob-ons have been submitted to and approved in writing by the Local Planning Authority. The external paraphernalia/gob-ons shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.

Continued/Conditions



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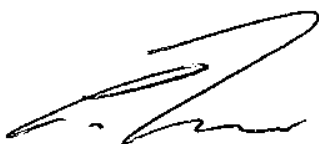
25. Any clearance of shrubs, trees or other woody vegetation as connected with the development is only to be carried out outside of the bird breeding season (March to August inclusive), unless the vegetation has been thoroughly checked by a suitably qualified ecologist for bird nests within 48 hours of the works being carried out

**Informative(s)**

1. This consent is issued subject to the terms of the Agreement (under Section 106 of the 1990 Town and Country Planning Act) dated 2 August 2022 between the North York Moors National Park Authority and Ian John Sheveling and Rebecca Elizabeth Sheveling to prevent the siting of any external paraphernalia or structures without the benefit of planning permission.
2. The applicant is advised that an open sided barn or other suitable outbuilding within the applicants ownership is to be retained as potential nesting sites for swallows to compensate for lost opportunity within the buildings to be developed.
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](http://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](mailto:conservation@northyorkmoors.org.uk).

**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 NYM Strategic Policies A and C, which seek to conserve and enhance the special qualities of the NYM National Park.
  3. 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 Strategic Policies A and C 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.
- Continued/Reasons for Conditions



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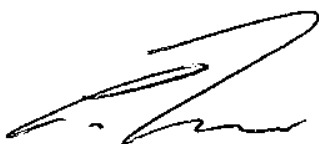
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4. In order to comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to ensure that new development does not detract from the quality of life of local residents.
5. The site is in a location where new residential development would be contrary to NYM Strategic Policy M but permission for holiday and local occupancy accommodation has been permitted to ensure that a traditional rural building is conserved in line with NYM Policy CO12.
6. The site is in a location where the occupation of the accommodation hereby permitted as a separate independent dwelling unit would be contrary to NYM Strategic Policy M.
7. In order to ensure that any features of historic and/or architectural interest are adequately recorded prior to development commencing on site and to comply with Strategic Policy I and 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 the special historic or architectural interest of the building.
- 8 - 19 For the avoidance of doubt and in order to comply with the provisions of NYM Strategic Policies A & C 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.
20. In accordance with NYM Policy CO2 and in the interests of road safety.
21. In order to comply with the provisions of NYM Strategic Policy H which seeks to protect species protected under national and international legislation.
22. In the interests of the satisfactory appearance 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.
23. 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.
24. In the interests of the visual amenities of the locality and to comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to conserve and enhance the special qualities of the National Park.
25. In order to comply with the provisions of NYM Strategic Policy H which seeks to protect species protected under national and international legislation.

**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

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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.

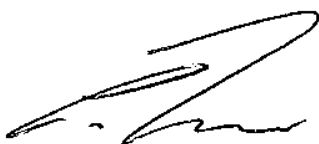
- (2) If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, the owner of the land may claim that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable 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](http://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



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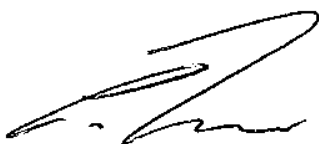
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obtaining approval under any other Bye-Laws, local Acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.

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.



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