

**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 Joe & Kimberley Marshall
c/o MWCF Ltd
15 The Lane
Mickleby
Whitby
TS13 5LU

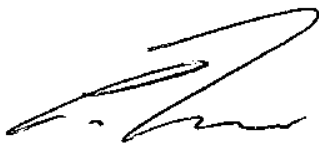
The above named Authority being the Planning Authority for the purposes of your application validated 15 May 2023, in respect of proposed development for the purposes of **demolition of pole barn and lean-to agricultural building, conversion of agricultural outbuildings into three holiday letting units with associated parking together with landscaping works** at **Prospect House Farm, Hay Lane, Scalby** has considered your application and has **granted** permission for the proposed development subject to the following:

Condition(s):

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Document Description	Drawing No.	Date Received
Proposed Layout	PHF-TBC-300 A	24 May 2023
Proposed Elevations	PHF-TBC-301 A	24 May 2023
Proposed Site Plan	PHF-TBC-400 A	24 May 2023
Proposed Landscaping	PHF-TBC-500 A	24 May 2023
3. The holiday letting units 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. No development shall commence until an investigation and assessment of the risks posed by any contamination present on the proposed development site, undertaken by a competent person has been submitted to and approved in writing by the Local Planning Authority. This report should include an appropriate survey of the nature and extent of any contamination affecting the site and an assessment of the potential risks to human health, property, controlled waters and ecological systems. Reports should be prepared in accordance with Contaminated Land Report 11 and BS 10175 (2013) Code of practice for the Investigation of Potentially Contaminated Sites.
If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority.

Continued/Condition 4



Mr C M France
Director of Planning

Date 24 July 2023

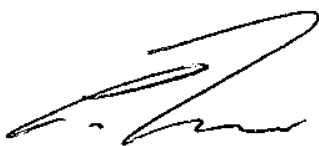
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The site shall be remediated in accordance with the approved measures and timescale and the dwelling units hereby approved shall not be first occupied until a verification report demonstrating the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority. If, during development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to and approved in writing by the Local Planning Authority.

5. The development must not be brought into use until the access to the site at Prospect House Farm 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/or Standard Detail number E9A.
 - Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing highway.
 - The final surfacing of any private access within 1 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing public highway.
6. All works must accord with the approved details.
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. The lighting shall be Dark Skies compliant, and no other lighting shall be installed on the site. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
7. No work shall commence on the reroofing of the development hereby permitted until details of the type of slate and clay pantiles, including samples if so required by the Local Planning Authority, to be used in the development have been submitted to and approved in writing by the Local Planning Authority. The roof slate and clay pantiles used shall accord with the approved details and shall be maintained in that condition in perpetuity.
8. Any pointing in the development hereby permitted should be based on a typical mix of a non-hydraulic quicklime mortar mixed at a ratio of 1:3 (dry non-hydraulic quicklime: sand). Joints in stonework should be carefully raked out utilising hand tools narrower than the width of the joint to a minimum depth of 1½ times the width of the joint or until sound mortar is reached. Power tools including drills, grinders must not be used. The pointing shall thereafter be so maintained in that condition in perpetuity.

Continued/Condition(s)



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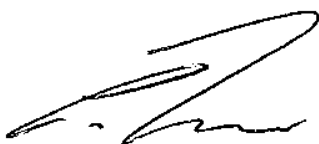
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9. No work shall commence on any dismantling of walls identified for rebuilding in the structural survey for the development hereby permitted until a one metre square freestanding panel of stonework showing the type of stone and stonework to be used in the construction of the development hereby permitted has been constructed on site and approved in writing by the Local Planning Authority. All new stonework shall match that of the approved panel both in terms of the stone used and the coursing, jointing and mortar mix and finish exhibited in the panel unless otherwise agreed in writing by the Local Planning Authority. The stone panel constructed shall be retained on the development site until the development hereby approved has been completed.
10. No work shall commence on the installation of any fenestration element in the development hereby approved until detailed plans showing the constructional details and external appearance of all external elements, including frames and glazing, have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate the overall fenestration design on a scale of not more than 1:20, the longitudinal and cross-sectional detailing including means of opening at a scale of not more than 1:5, and moulding details (i.e., frame, glazing bar) at a scale of not more than 1:2. All fenestration elements shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
11. All new external doors, door frames, window frames and glazing bars shall be of timber construction and no other materials shall be used.
12. No work shall commence to stain/paint the windows in the development hereby approved until details of the paint colour/finish of the windows has been submitted to and approved in writing by the Local Planning Authority. The work shall not be carried out otherwise than in accordance with the approved details, completed within six months of the date of installation and shall be maintained in that condition in perpetuity.
13. 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.
14. No work shall commence on the installation of any rooflights in the development hereby approved until full details have been submitted to and approved in writing by the Local Planning Authority. The rooflights shall be fixed or top-hung metal conservation style and shall be installed in accordance with the approved details and maintained in that condition in perpetuity.
15. The guttering to the development hereby permitted shall be directly fixed to the masonry by means of gutter spikes located within the mortar joint with no fascia boarding being utilised in the development and shall thereafter be so maintained in that condition in perpetuity.
16. All rainwater and foul water goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity.

Continued/Condition(s)



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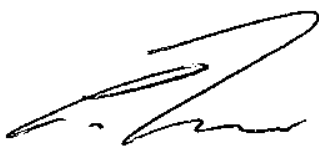
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17. The development hereby permitted shall be carried out in accordance with the mitigation and compensation measures set out in the submitted Barn Owl and Bat Survey reports by Wold Ecology Ltd dated June 2023.
18. A copy of the required European Protected Species Licence, including all appendices and supplementary documents, shall be provided to the Local Planning Authority prior to any works covered under the licence commencing.
19. Prior to the development being brought into use full details of the proposed boundary treatment to the site, including the size and species of any hedging, the materials to be utilised to any walls or fences and the timetable to implement the proposed works, shall be submitted to and approved in writing by the Local Planning Authority. The site boundary treatment works shall then be implemented in accordance with the approved details. The boundary treatment shall be maintained in perpetuity.
20. Prior to the development being brought into use full details of the hard surfacing to be utilised on the site shall be submitted to and approved in writing by the Local Planning Authority, including a timetable to implement the proposed works. The hard surfacing works shall then be implemented in accordance with the approved details. The hard landscaping shall be maintained in.

Informative(s)

1. 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.
2. Please note that the public bridleway adjacent to the site must be kept free from obstruction and open for use at all times before, during and after any works.
3. 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.
4. The applicant is advised that if the proposed use is not to be connected to mains water supply and a private water supply (such as a bore hole, spring or well) is proposed you must register with this local authority by visiting their [website](#):
5. As a commercial operator of holiday lets, the applicant is advised that they do not qualify for the domestic waste collection. You must use the services of a waste collection provider and keep waste transfer notes of that supplier for a period of 2 years. Please visit their [website](#).

Continued/Reason(s) for Condition(s)



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Director of Planning

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Please Note your Rights of Appeal are attached to this Decision Notice

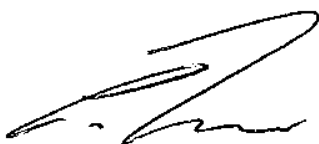
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Reason(s) for Condition(s)

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 to ensure that a traditional rural building is conserved in line with Policy CO12.
4. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with ENV7 of the North York Moors Local Plan.
5. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
6. In accordance with Policy ENV4 which seeks to protect dark night skies.
- 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 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. – 16. 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.
- 17 & 18. 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.
19. In order to comply with the provisions of Strategic Policy C of the North York Moors Local Plan which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features.
20. 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.

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



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Director of Planning

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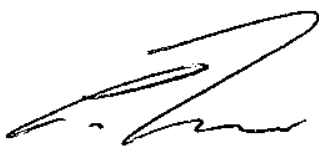
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Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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

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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:
- 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

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 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.
- 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.
- 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.
- 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.