

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

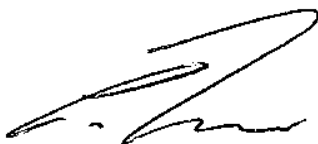
The above named Authority being the Planning Authority for the purposes of your application validated 02 March 2023, in respect of proposed development for the purposes of **conversion of agricultural outbuildings into three holiday letting units at Prospect House Farm, Hay Lane, Scalby** has considered your application and has **granted** permission for the proposed development subject to the following:

**Condition(s):**

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

<b>Document Description</b>	<b>Drawing No.</b>	<b>Date Received</b>
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. No work shall commence to demolish and reconstruct the stone arches, or the walls identified for rebuilding in the Structural Condition Report by Colin Fenby Design and Consultancy Services dated 24 Feb 2023 until a statement detailing the method of dismantling and reconstructing has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for the reuse of the existing materials, safeguarding of materials, details and position of any new materials. The work shall not be carried out otherwise than in accordance with the details so approved.
4. This consent has been granted in accordance with the details specified in the Structural Condition Report by Colin Fenby Design and Consultancy Services dated 24 Feb 2023. More extensive works of demolition, alteration or rebuilding that does not accord with these details will render the permission invalid and will require a further grant of Listed Building consent from the Local Planning Authority.
5. There shall be no insertion of a damp proof course. Such work would require a further grant of Listed Building consent from the Local Planning Authority.

Continued/Condition(s)



Mr C M France  
Director of Planning

Date 24 July 2023

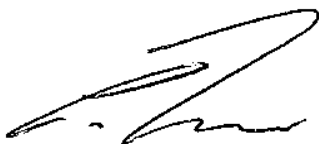
**Please Note your Rights of Appeal are attached to this Decision Notice**

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6. 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.
7. 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.
8. No work shall commence on any dismantling of walls identified for rebuilding in the Structural Condition Report by Colin Fenby Design and Consultancy Services dated 24 Feb 2023 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.
9. 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.
10. All new external doors, door frames, window frames and glazing bars shall be of timber construction and no other materials shall be used.
11. No work shall commence to stain/paint the external doors and 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.
12. 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.

Continued/Condition(s)



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13. 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.
14. 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.
15. 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.
16. 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.
17. 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.

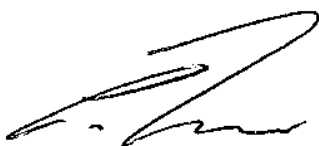
**Informative(s)**

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.

**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 – 5. 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 Development Policy ENV11 which seek to ensure that alterations do not have an unacceptable impact on the special historic or architectural interest of the building.
- 6 – 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 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.

Continued/Reason(s) for Condition(s)



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Director of Planning

Date 24 July 2023

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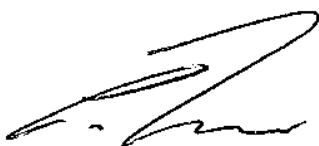
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- 9 – 15. For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
- 16 & 17. 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 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

Date 24 July 2023

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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](http://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.