

**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: The Mulgrave Estate  
c/o John Long Planning Ltd  
fao: Mr John Long  
45 The Street  
Surlingham  
Norwich  
NR14 7AJ

The above named Authority being the Planning Authority for the purposes of your application validated 08 August 2023, in respect of proposed development for the purposes of **construction of access (retrospective) and two principal residence dwellings with associated amenity space, parking and landscaping works (submission following expiration of outline approval NYM/2020/0324/OU) at Land east of 12 Esk View, Egton** has considered your application and has **granted** permission for the proposed development subject to the following:

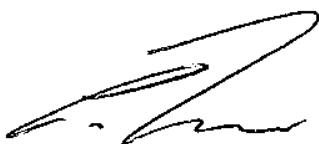
**Condition(s):**

1. The development hereby permitted shall 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:

| <b>Document Description</b> | <b>Document No.</b> | <b>Date Received</b> |
|-----------------------------|---------------------|----------------------|
| Location Plan               | 05-2023-1001        | 08/08/2023           |
| Plans & Elevations Plot 1   | 05-2023-1003 Rev A  | 01/09/2023           |
| Landscaping plan            | 05-2023-1004 Rev A  | 01/09/2023           |
| Illustrative Street View    | 05/2023-1005 Rev A  | 01/09/2023           |
| phasing plan:               | 05-2023-1002        | 08/08/2023           |

3. The application properties hereby permitted, shall be used as a principal residential dwelling (Class C3) and for no other purpose including any other use in Class C of the Schedule to the Town and Country Planning (Use Classes) Order 2020 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The property shall be the only or principal home of the main occupant and it shall be occupied by the main occupant for at least 80% of the calendar year in the event that the main occupant occupies more than one property. The property shall not be occupied by the main occupant as a second home. The occupants shall supply to the Local Planning Authority (within 14 days of the Local Planning Authority's request to do so) such information as the Local Planning Authority may reasonably require in order to determine compliance with this condition. For the avoidance of doubt the property shall not be used as a single unit of holiday letting accommodation.

Continued/Condition(s)



Mr C M France  
Director of Planning

Date 16 October 2023

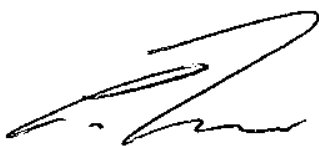
Please Note your Rights of Appeal are attached to this Decision Notice

**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**

4. 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 F 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.
5. No up-lighting shall be installed on either residential development phase hereby permitted. Any external lighting installed on either residential development phase hereby approved shall be Dark Skies compliant and no other lighting shall be installed on the site. All lighting shall be installed to minimise its impact on neighbouring amenity. The lighting shall be installed in accordance with the above and shall be maintained in that condition in perpetuity.
6. No work shall commence on the construction of the walls on either residential phase hereby approved until a sample of the materials to be used in the construction of the external surfaces for that residential phase shall have been prepared on site for inspection and approved in writing by the Local Planning Authority. A sample panel showing the construction materials shall be at least 1 metre x 1 metre and show the proposed material, coursing, jointing, method of tooling (if necessary), bond, mortar, pointing technique. A palette of other materials to be used in the development (including roofing, water tableting, new lintels and cills, cladding and render if necessary) shall also be made available. The development of each residential phase shall be constructed in accordance with the approved sample(s), which shall not be removed from the site until completion of the development of that residential phase.
7. All pointing in each residential development phase 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% builder's sand) with a slightly recessed bagged finish
8. No work shall commence on the installation of any new windows or external doors in each residential development phase hereby approved until plans showing the details of all window frames and external doors to be used in that residential development phase have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate the window and door construction material and colour. The window frames and exterior doors shall be installed 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. No external trickle vents (other than concealed trickle vents) shall be incorporated into any new windows on either residential property hereby approved and shall not be installed thereafter

Continued/Condition(s)



Mr C M France  
Director of Planning

Date 16 October 2023

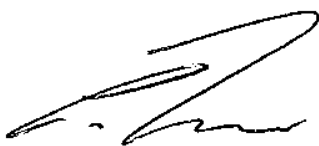
Please Note your Rights of Appeal are attached to this Decision Notice

**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**

10. The guttering to be used in each residential development phase 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
11. All rainwater and foul water goods utilised in each residential development phase hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity
12. No work shall commence on excavation works to install drainage to serve each residential development phase hereby permitted until full details of the proposed means of disposal of foul and surface water drainage for that residential development phase have been submitted to and approved in writing by the Local Planning Authority. The development of each residential development phase shall not be brought into use until the drainage works have been completed for that residential phase in accordance with the approved details.
13. There must be no access or egress by any vehicles between the public highway and the application site at Esk View until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
14. No dwelling must be occupied until the related parking facilities for that dwelling have 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
15. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of each of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of thirty years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
16. No work shall commence on the construction of the walls of each residential development phase hereby approved until details have been submitted to and approved by the Local Planning Authority of the location of integral bat boxes/access tiles and in built swift boxes to be installed in that residential development phase. The development of each residential development phase shall be carried out and in accordance with the approved details and thereafter be so maintained.

Continued/Condition(s)



Mr C M France  
Director of Planning

Date 16 October 2023

**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**

17. Before the development of each residential development phase is first occupied a schedule of landscape maintenance for that residential phase for a period of 30 years shall be submitted to and approved in writing by the Local Planning Authority. Before the first residential use of the access road, a schedule of landscape maintenance for the access road for a period of 30 years shall be submitted and approved in writing by the Local Planning Authority. The schedules shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.

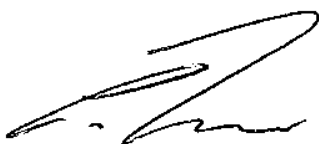
**Informative(s)**

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. An explanation of the terms used above is available from the Local Highway Authority.

**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. In order to comply with Strategic Policy M of the North York Moors Local Plan which seeks to ensure the permanent occupancy of new residential development in order to support the viability of local communities.
4. 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 and Policy CO17 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 and to maintain a suitable mix of housing types within the National Park.

Continued/Reason(s) for Condition(s)



Mr C M France  
Director of Planning

Date 16 October 2023

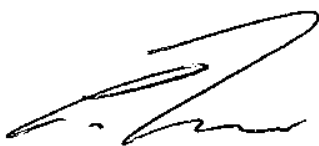
**Town and Country Planning Act 1990  
North York Moors National Park Authority**

**Notice of Decision of Planning Authority on Application for  
Permission to Carry out Development**

5. 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 North York Moors Local Plan Strategic Policies A and C, which seek to enhance and conserve the special qualities of the National Park and secure high quality design for new development that does not detract from the quality of life of local residents; in accordance with Policy ENV4 which seeks to protect dark night skies.
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 – 11. 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.
12. To avoid pollution of watercourses and to comply with the provisions of Policy ENV7 of the North York Moors Local Plan, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.
13. 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.
14. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
15. 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.
16. To enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).
17. To enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

**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 recommended changes to the proposal including reduction in height of the proposed dwellings, so as to deliver sustainable development.



Mr C M France  
Director of Planning

Date 16 October 2023

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](http://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.