

**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 N Watson
No 2 Hayburn Beck Cottages
Staintondale Road
Cloughton
Scarborough
YO13 OAX

The above named Authority being the Planning Authority for the purposes of your application validated 16 October 2023, in respect of proposed development for the purposes of **(variation of conditions 2, 5 and 6 (material amendments) of planning approval NYM/2021/0966 to allow the building of the approved garage in timber not stone, change in roof material to grey sheeting not pantile, alterations to fenestration and addition of doors to north elevation at No 2 Hayburn Beck Cottages, Staintondale Road, Cloughton** 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 23 February 2025.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

| Document Description | Date Received |
|--|----------------------|
| Location Plan | 07 January 2023 |
| Site Plan | 17 October 2023 |
| Potting Shed Elevations and Floor Plan | 07 January 2023 |
| Garage Elevations (Amended) | 17 October 2023 |
3. No up-lighting shall be installed on the development(s) hereby permitted. Any external lighting installed on the development(s) hereby approved shall be Dark Night Skies compliant, fitted with a warm white bulb of 3000k or less and no more than 500 lumens. All lighting fixtures should be shielded/fully cut off to prevent upward and minimise horizontal light spill and 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.
4. The garage hereby permitted shall be used for domestic storage incidental to the occupation of the main dwelling on the site and for no other purpose. There shall be no alteration or conversion of the garage building hereby permitted to permanent residential accommodation and any such use or alteration will require a separate grant of planning permission from the Local Planning Authority.

Continued/Condition(s)



Mr C M France
Director of Planning

Date 11 December 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. The external elevations of the garage hereby approved shall be clad in vertical timber boarding, painted or stained dark brown or allowed to weather naturally and shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
6. Notwithstanding the amended plans for the garage building received on 17 October 2023 hereby approved, the roof of the building shall be clad with grey corrugated sheeting and maintained in this condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
7. The external elevations of the potting shed hereby approved shall be clad in vertical timber boarding, painted or stained dark brown or allowed to weather naturally and shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority
8. All new doors and garage doors hereby approved shall be of a vertical boarded, ledged, braced (and framed) timber design and side hung and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority
9. 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.
10. The development must not be brought into use until the access to the site at 2 Hayburn Beck Cottage, Staintondale Road, Cloughton has been set out and constructed in 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 and the following requirements:
 - 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 or proposed highway.
 - Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed and maintained thereafter to prevent such discharges.
 - 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 or proposed public highway.
 - Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Continued/Informative(s)



Mr C M France
Director of Planning

Date 11 December 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**

Informative(s)

1. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately, and Natural England contacted on 0300 060 3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0845 1300 228.
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 the [Gov.UK website](http://www.gov.uk). Further information on wildlife legislation relating to birds can be found on the [Royal Society for the Protection of Bird's website](http://www.royalsociety.org). If advice is needed, please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk.
3. Swift populations are declining in the UK due to the loss of nest sites in roof spaces as old buildings are renovated or demolished. Swifts occupy nest sites between May and August, making little noise and causing no mess or smell. Swift populations can be supported by the inclusion of simple and affordable measures during building construction or renovation, such as purpose-made 'swift bricks' or the creation of small loft voids. Guidance can be found on the [Swift Conservation website](http://www.swiftconservation.org); with additional swift box ideas from [Action for Swifts](http://www.actionforswifts.org).

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 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.

Continued/Reason(s) for Condition(s)



Mr C M France
Director of Planning

Date 11 December 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**

4. In order to enable the Local Planning Authority to control any future changes to the building which is in a location where the formation of a separate dwelling unit would not normally be permitted in line with Strategic Policies B and M of the North York Moors Local Plan and would be likely to adversely affect the amenities of existing and future occupiers of the site.
- 5 – 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. In accordance with Policy CO2 of the North York Moors Local Plan and 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.

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.



Mr C M France
Director of Planning

Date 11 December 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:
- 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.