

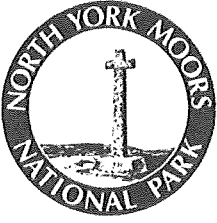
NYMNPA

23 JAN 2024

APPLICATION (+ SUPPORTING EVIDENCE)

- ORIGINAL.

---



NYMNPA  
23/01/2024

North York Moors National Park Authority  
The Old Vicarage  
Bondgate  
Helmsley  
York  
YO62 5BP

Telephone: 01439 772700  
Email: [planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk)  
Website: [www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk)

Application for a Lawful Development Certificate for an Existing use or operation  
or activity including those in breach of a planning condition.

Town and Country Planning Act 1990: Section 191 as amended by section 10 of  
the Planning and Compensation Act 1991.

Town and Country Planning (Development Management Procedure) (England) Order 2010

You can complete and submit this form electronically via the Planning Portal by visiting [www.planningportal.gov.uk/apply](http://www.planningportal.gov.uk/apply)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Please complete using block capitals and black ink.  
It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application.

**1. Applicant Name and Address**

Title:  First name:

Last name:

Company (optional):

Unit:  House number:  House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

**2. Agent Name and Address**

Title:  First name:

Last name:

Company (optional):

Unit:  House number:  House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

### 3. Site Address Details

Please provide the full postal address of the application site.

Unit:  House number:  House suffix:

House name: THE HAVEN (GRASS AREA TO REAR)

Address 1: KING STREET

Address 2: ROBIN HOODS BAY

Address 3:

Town: WHITBY

County: NORTH YORKSHIRE

Postcode (optional): YO22 4SH

Description of location or a grid reference. (must be completed if postcode is not known):

Easting:  Northing:

Description:  
THE LAND TO THE REAR OF THE HAVEN, BETWEEN THE HAVEN ADJ COTTAGES AND THE SEA WALL DEFENCE.

### 4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?  Yes  No

If Yes, please complete the following information about the advice you were given. (This will help the authority to deal with this application more efficiently).

Please tick if the full contact details are not known, and then complete as much as possible:

Officer name: MRS. JILL BASTOW

Reference: NYM/2023/ENG/20097

Date (DD/MM/YYYY): 12/12/2023  
(must be pre-application submission)

Details of pre-application advice received?  
"YOU MAY WISH TO FORMALLY REGULARISE MATTERS... A LEGAL APPLICATION... THE LAND HAS BEEN USED FOR PRIVATE GARDEN FOR IN EXCESS OF 10 YEARS" NOW SUBMIT COPIES OF SBC DOCS (ENCLOSED)

### 5. Lawful Development Certificate - Interest In Land

Please state the applicant's interest in the land:

Owner:  Yes  No Lessee:  Yes  No Occupier:  Yes  No

If Yes to Lessee or Occupier please give details of the owner and state whether they have been informed in writing of this application:

Name	Address	Have they been informed in writing of the application	
		Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>

If No to all the above, please give name and address of anyone you know who has an interest in the land:

Name	Address	State the nature of their interest (if known)	State whether they have been informed about this application		If No, please explain why not
			Yes	No	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	

### 6. Authority Employee / Member

With respect to the Authority, I am:

- (a) a member of staff (c) related to a member of staff  
(b) an elected member (d) related to an elected member

Do any of these statements apply to you?

Yes  No

If Yes, please provide details of the name, relationship and role

### 7. Description of Use, Building Works or Activity

Please state for which of these you need a lawful development certificate/building works (you must tick at least one option):

An existing use:  Yes  No

Existing building works:  Yes  No

An existing use, building work or activity in breach of a condition:  Yes  No

Being a use, building works or activity which is still going on at the date of this application

If Yes to either 'an existing use' or 'an existing use in breach of a condition', please state which one of the Use Classes of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use relates to:

USE OF THE LAND AS A DOMESTIC GARDEN.

### 8. Description of Existing Use, Building Works or Activity

What is the existing site use(s) for which the certificate of lawfulness is being sought? Please fully describe each use and state which part of the land the use relates to:

EXISTING USE: A DOMESTIC GARDEN ONLY IN CONNECTION WITH THE ADJOINING PREMISES KNOWN AS THE HAVEN, KING STREET, ROBIN HOODS BAY, NORTH YORKSHIRE

### 9. Grounds For Application For A Lawful Development Certificate

Please state under what grounds is the certificate sought (you must tick at least one box):

- The use began more than 10 years before the date of this application.
- The use, building works or activity in breach of condition began more than 10 years before the date of this application.
- The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years.
- The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- The use as a single dwelling house began more than four years before the date of this application.
- Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

If the certificate is sought on 'Other' grounds please give details:

If applicable, please give the reference number of any existing planning permission, lawful development certificate or enforcement notice affecting the application site. Include its date and the number of any condition being breached:

Reference Number:  Condition Number:  Date (DD/MM/YYYY):  (must be pre application submission)

Please state why a Lawful Development Certificate should be granted:

THE LAND HAS BEEN USED AS A PRIVATE GARDEN IN ASSOCIATION WITH THE HAVEN SINCE 1998 AND AS SUCH THE USE IS LAWFUL, IF UNAUTHORISED. THEREFORE THE LAND HAS BEEN USED FOR PRIVATE GARDEN IN EXCESS OF 10 YEARS.

### 10. Information In Support Of A Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed:  (date must be pre-application submission) (DD/MM/YYYY)

In the case of an existing use or activity in breach of conditions has there been any interruption?  Yes  No

If Yes, please provide details of the dates, duration and any discontinuance of the development which is the subject of this application. If your application is based on the claim that a use or activity has been ongoing for a period of years, please state exactly when any interruption occurred:

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?  Yes  No

If Yes please provide details?

**10. Information In Support Of A Lawful Development Certificate (Continued) - Residential Information**

Does the application for a Certificate relate to a residential use where the number of residential units has changed?  Yes  No  
 If Yes, please complete the following table:

Proposed Housing						
	Number of Bedrooms					Total
	1	2	3	4+	Unknown	
<b>Market Housing</b>						
Houses						
Flats & Maisonettes						
Live-Work Units						
Cluster Flats						
Sheltered Housing						
Bedsit/Studios						
Unknown						
<b>Market Housing Total (a+b+c+d+e+f+g) =</b>						
<b>Social Rented Housing</b>						
Houses						
Flats & Maisonettes						
Live-Work Units						
Cluster Flats						
Sheltered Housing						
Bedsit/Studios						
Unknown						
<b>Social Rented Housing Total (a+b+c+d+e+f+g) =</b>						
<b>Intermediate Housing</b>						
Houses						
Flats & Maisonettes						
Live-Work Units						
Cluster Flats						
Sheltered Housing						
Bedsit/Studios						
Unknown						
<b>Intermediate Housing Total (a+b+c+d+e+f+g) =</b>						
<b>Key Worker Housing</b>						
Houses						
Flats & Maisonettes						
Live-Work Units						
Cluster Flats						
Sheltered Housing						
Bedsit/Studios						
Unknown						
<b>Key Worker Housing Total (a+b+c+d+e+f+g) =</b>						
<b>Proposed Housing Grand Total (A+B+C+D) =</b>						

Existing Housing						
	Number of Bedrooms					Total
	1	2	3	4+	Unknown	
<b>Market Housing</b>						
Houses						
Flats & Maisonettes						
Live-Work Units						
Cluster Flats						
Sheltered Housing						
Bedsit/Studios						
Unknown						
<b>Market Housing Total (a+b+c+d+e+f+g) =</b>						
<b>Social Rented Housing</b>						
Houses						
Flats & Maisonettes						
Live-Work Units						
Cluster Flats						
Sheltered Housing						
Bedsit/Studios						
Unknown						
<b>Social Rented Housing Total (a+b+c+d+e+f+g) =</b>						
<b>Intermediate Housing</b>						
Houses						
Flats & Maisonettes						
Live-Work Units						
Cluster Flats						
Sheltered Housing						
Bedsit/Studios						
Unknown						
<b>Intermediate Housing Total (a+b+c+d+e+f+g) =</b>						
<b>Key Worker Housing</b>						
Houses						
Flats & Maisonettes						
Live-Work Units						
Cluster Flats						
Sheltered Housing						
Bedsit/Studios						
Unknown						
<b>Key Worker Housing Total (a+b+c+d+e+f+g) =</b>						
<b>Existing Housing Grand Total (E+F+G+H) =</b>						

**TOTAL NET GAIN or LOSS of RESIDENTIAL UNITS (Proposed Housing Grand Total - Existing Housing Grand Total):**

### 11. Planning Application Requirements - Checklist

Please read the following checklist to make sure you have sent all the information in support of your proposal. Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority has been submitted.

The burden or proof in a Lawful Development Certificate is firmly with the applicant and therefore sufficient and precise information should be provided.

The original and 3 copies of a completed dated application form:



The original and 3 copies of such evidence verifying the information included in the application as you can provide:



The original and 3 copies of a plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North:



The correct fee:

£578



### 12. Declaration

I/~~we~~ hereby apply for a Lawful Development Certificate as described in this form and the accompanying ~~plans~~/drawings and additional information. I/~~we~~ confirm that, to the best of my/~~our~~ knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(~~s~~) giving them.

Signed - Applicant

Or signed - Agent

Date (DD/MM/YYYY):

19/01/2024

(date cannot be pre-application submission)

#### WARNING:

The amended section 194 of the 1990 Act provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Section 193(7) enables the authority to revoke, at any time, a certificate they may have issued as a result of such false or misleading information.

### 13. Applicant Contact Details

Telephone numbers

Country code:

National number:

Extension number:

Country code:

Mobile number (optional):

Country code:

Fax number (optional):

Email address (optional):

### 14. Agent Contact Details

Telephone numbers

Country code:

National number:

Extension number:

Country code:

Mobile number (optional):

Country code:

Fax number (optional):

Email address (optional):

### 15. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes

No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

Agent

Applicant

Other (if different from the agent/applicant's details)

If Other has been selected, please provide:

Contact name:

Telephone number:

Email address:

# Validation Checklist

Lawful Development Certificate for an Existing Use, Operation or Activity



To ensure that the Planning Officer dealing with your planning application has a complete picture on which to base their judgments and to ensure proper public consideration, the following information is required at application submission stage. Failure to supply the required information with a planning application submission will delay a decision on the proposal as the statutory determination period will not begin until the required information is submitted and the validation requirements fulfilled.

**Please complete the attached checklist to indicate what you have included with your application. All plans should include paper size, key dimensions and scale.**

## Standard National Validation Requirements

(Three copies are to be supplied unless the application is submitted electronically)

- |   |   |  |
|---|---|--|
| <b>Completed Application Form with Signed and Dated Declaration</b>   | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/>            |
| <b>Location Plan</b> based on an up-to-date map, to a recognised scale i.e. 1:2500 or 1:1250 with a north arrow labelled and with your application development site edged in red. | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/>            |
| Such <b>evidence</b> verifying the information included in the application as can be provided.  | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/>            |
| <b>Such Other Information</b> as is considered to be relevant to the application e.g. any legal cases or precedents being cited.  | YES <input type="checkbox"/>            | NO <input checked="" type="checkbox"/> |
| <b>Application Fee</b><br>Please see the Authority's Fee Sheet for further information.   | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/>            |

£578

**Further additional information may be requested; however this will not delay the validation of your planning application but may be required prior to a decision being made.**

Please do not hesitate to contact the Development Management Administration Team if you require further assistance.