

**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: Ms Joanna Pedley  
c/o Ian Hazard Architect  
Office 210  
Woodend Creative Workspace  
The Crescent  
Scarborough  
YO11 2PW

The above named Authority being the Planning Authority for the purposes of your application validated 25 January 2024, in respect of proposed development for the purposes of **demolition of existing dwelling and garage and construction of replacement dwelling and carport, installation of air source heat pump, landscaping works, widening of access and rearrangement of parking area together with local re-surfacing of Butt Lane at Braemore, Butt Lane, Robin Hoods Bay** 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>
Site Location and Site Plan	22056-00-000	15 Jan 2024
Proposed Ground Floor and Roof Plans, Sections and Elevations	22056-30-000	15 Jan 2024
Proposed Lower Ground Floor Plan, Sections and Elevations	22056-30-100	15 Jan 2024
Revised Access Surfacing Proposals		5 Mar 2024
3. 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 of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
4. 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.
5. No work shall commence on the construction of the walls of the development hereby permitted until details/samples of all external materials to be used for the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The external materials used shall accord with the approved details and shall be maintained in that condition in perpetuity.

Continued/Condition(s)



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6. 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 that condition in perpetuity.
7. The development hereby permitted shall be carried out in accordance with the mitigation and compensation measures set out in the submitted Bat Survey by Wold Ecology Ltd dated August 2023.
8. The surfacing of the access track shall accord with the British Horse Society Advice Note "Surfaces for Horses" and the amended surfacing proposals received on 5 March 2024.
9. No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays and at no time on Sundays or Bank or National Holidays.

**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 form and character of the building in line with Strategic Policies A and C and Policy CO14 of the North York Moors Local Plan, which seek to enhance and conserve the special qualities of the National Park, secure high quality design for new development and to maintain a suitable mix of housing types within the National Park.
4. In accordance with Policy ENV4 of the North York Moors Local Plan which seeks to protect dark night skies.
5. 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.
6. 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.
7. 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).
8. To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

Continued/Reason(s) for Condition(s)



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9. In order to ensure that the development does not detract from the quality of life of local residents in accordance with North York Moors Local Plan Strategic Policy C.

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

The Local Planning Authority has acted positively in determining this application by assessing the scheme against the Development Plan and other material considerations and subsequently granting planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



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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:
  - 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.