

**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 Dan Nelson
11 Murrayfield Gardens
White Leys Road
Whitby
North Yorkshire
YO21 3FE

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The above named Authority being the Planning Authority for the purposes of your application validated 12 December 2017, in respect of proposed development for the purposes of **use of land for the siting of 6 no. shepherds huts for holiday use at Windmill Inn, Stainsacre** has considered your application and has **granted** permission for the proposed development subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

| Document Description | Document No. | Date Received |
|----------------------|--------------|---------------|
| Shepherds Huts | DN02Plan 1 A | 5/12/17 |
| Site layout | --- | 23/4/18 |

 or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. Notwithstanding the provisions of Class B, Part 5 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking and re-enacting that order, no development required by the conditions of a site license shall be permitted without the granting of planning permission by the Local Planning Authority.
4. The letting accommodation hereby approved shall not be used for residential purposes other than holiday letting purposes and shall remain ancillary to the business known as The Windmill Inn and shall not be sold or leased separately without a further grant of planning permission from the Local Planning Authority. For the purpose of this condition 'holiday letting' means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year.
5. If the holiday use of the huts within the unit permanently ceases, the cabins shall be removed from the land and the land shall, so far as is practicable, be restored to its condition before development took place unless the Local Planning Authority has otherwise agreed in writing
6. 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 installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.



Mr C M France
Director of Planning

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Continued overleaf/Conditions

22 MAY 2018
Date

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Town and Country Planning Act 1990

Continuation of Decision No. NYM/2017/0840/FL

7. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include:
 - i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) the means by which the discharge rate shall be restricted to a maximum rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.The site shall be developed with separate systems of drainage for foul and surface water on and off site.
8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.
9. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas at the front of the property for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
10. All marketing/advertising materials relating to the development hereby approved will clarify that the shepherd's huts are not to be accessed by private car.
11. There shall be no BBQ's or BBQ equipment provided within the rear garden of the application site unless otherwise approved in writing by the local planning authority.

Informatives

1. The applicant advised that planning permission has been granted on the basis that the facility will primarily be accessible by sustainable modes of transport and that access by private car will be actively discouraged. Any intensification in use of the site by persons arriving by private car may result in an intensification of use requiring a further grant of planning permission.
2. Development of the site should take place with separate systems for foul and surface water drainage on and off site and no discharge of surface water will be permitted to enter the foul sewer network.
3. The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal. Yorkshire Water promotes the surface water disposal hierarchy. The developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.
4. On the Statutory Sewer Map, there is a small diameter public foul water sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. In this instance, YWS would look for this matter to be controlled by Requirement H4 of the Building Regulations 2000 and no protective condition is required.

Continued overleaf/Reasons for Conditions

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Mr C M France
Director of Planning

Date ... **22 MAY 2018** ...

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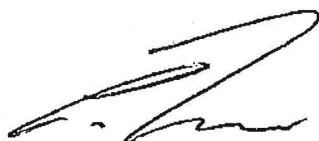
Reasons for Conditions

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 NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
3. In order to enable the Local Planning Authority to retain control over future buildings at the site in the interests of safeguarding the landscape character of the locality and in line with NYM Core Policy A and NYM Development Policy 16, which seek to enhance and conserve the special qualities of the NYM National Park and secure high quality design for new development.
4. The site is in a location where the occupation of the accommodation hereby permitted as a separate independent dwelling unit would be contrary to NYM Core Policies B and J.
5. In order to return the land to its former condition and comply with the provisions of NYM Core Policy A which seeks to conserve and enhance the landscape of the National Park.
6. In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.
- 7 & 8. To avoid pollution of watercourses and to comply with the provisions of NYM Development Policy 1, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.
9. In accordance with NYM Development Policy 23 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.
10. In accordance with NYM Development Policy 23 and in the interests of highway safety.
11. In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.

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 maintain the economic, social and environmental conditions of the area.

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Rights of Appeal

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, 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

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.