

**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 Kieran Robinson
Lady Cross Plantation Caravan Park
Egton
Whitby
North Yorkshire
YO21 1UA

The above named Authority being the Planning Authority for the purposes of your application validated 12 October 2018, in respect of proposed development for the purposes of **variation of conditions 2 (material amendment) and 6 of planning approval NYM/2012/0785/FL/FL to allow an amendment to the design of the holiday lodges at Lady Cross Plantation Caravan Park, Egton and the removal of condition 5 to allow the holiday park to remain open 12 months of the year at Lady Cross Plantation Caravan Park, Egton** has considered your application and has **granted** permission for the proposed development subject to the following conditions:

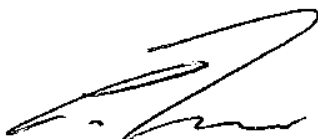
1. The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date Received
Email and Timber Lodge plans		8 July 2011
Site Plan as Proposed	058 02 Rev A	22 November 2012
Proposed storage boxes design	033/04	22 November 2012
Email and Timber clad twin unit styles		16 November 2018

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.

2. The holiday units hereby permitted shall form and remain part of the Ladycross Plantation Caravan Park planning unit managed by the occupiers of the main house on the site.
3. The caravans, timber lodges and timber clad twin units hereby approved shall only be occupied in accordance with the following criteria:
 - (i) the caravans, timber lodges and timber clad twin units are occupied for holiday purposes only;
 - (ii) the caravans, timber lodges and timber clad twin units shall not be occupied as a person's sole, or main place of residence;
 - (iii) the site operator shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans, timber lodges and timber clad twin units on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Continued/Conditions



Mr C M France
Director of Planning

Date 7 December 2018

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

Town and Country Planning Act 1990

Continuation of Decision No. NYM/2018/0681/FL

4. The site shall not be used for more than 10 static caravans and the remaining numbers should be made up from 41 timber lodges/timber clad twin units, 124 touring/seasonal Caravans, nine motor homes and five camping pods. The total number of both touring/seasonal caravans, static caravans, timber lodges and camping pods on site shall not exceed 189.
5. No fences, buildings or ancillary structures, with the exception of the approved storage boxes, shall be erected on the pitches or in the surrounding area without the further granting of planning permission.
6. The existing woodland between the boundaries of the site and the development shall be retained and managed by the owners and operators of the caravan site, so as to allow natural regeneration.
7. No external lighting shall be installed on the site and within the extension to the site hereby approved 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.
8. The development hereby permitted shall be carried out in accordance with the discussion and recommendations set out in the submitted Badger and Bat Survey Report dated February 2011.
9. Only one of the timber lodges hereby approved shall have more than 3 bedrooms, the remainder shall have no more than 3 bedrooms, unless otherwise agreed in writing by the Local Planning Authority.
10. The road surfaces within the application site shall be constructed using the "Cell Web" system as described in the information submitted in support of the application NYM/2011/0111/FL received on 3 May 2011.
11. Where necessary the position of the lodges/timber twin units may be adjusted by up to 10 metres from the approved location with the written agreement of the Local Planning Authority to accommodate the root protection zones of existing trees and to ensure that none of the trees are damaged. At no point shall the number of units agreed under Condition (6) be exceeded."

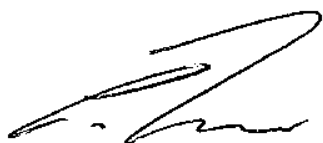
Informative

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.

Reasons for Conditions

1. 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.

Continued /Reasons for Conditions



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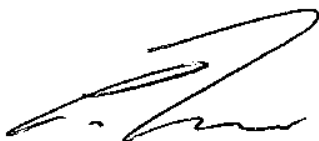
Town and Country Planning Act 1990

Continuation of Decision No. NYM/2018/0681/FL

2. In the interest of providing a range of type of accommodation to visitors to the National Park in accordance with NYM Core Policy A.
3. The site is in a location where new residential development would be contrary to NYM Core Policy J but permission for holiday accommodation has been permitted to provide facilities for visitors in line with NYM Development Policy 16.
4. In order to enable the Local Planning Authority to retain control over the scale of activity at the site and ensure compliance with NYM Core Policy A which seeks to safeguard public amenity.
5. For the avoidance of doubt and to ensure the details of the development together with any subsequent insignificant variations as may be approved in writing, comply with the provisions of NYM Core Policy A and NYM Development Policy 3.
6. In order to comply with the provisions of NYM Development Policy 16 which seeks to ensure that the expansion of caravans are located within an area of well established woodland where arrangements for the maintenance of this in perpetuity can be demonstrated.
7. In the interests of the visual amenities of the locality and to comply with the provisions of NYM Core Policy A and NYM Development Policy 13
8. To ensure protection of a species protected under the Wildlife and Countryside Act and compliance with NYM Core Policy C which seeks to conserve and enhance the quality and diversity of the natural environment.
9. In accordance with NYM Development Policy 23 and in the interests of the safety and convenience of highway users.
- 10 & 11. 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 NYM Core Policy C.

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.



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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.