

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 Gary Hill  
C/o C A Hall Architectural Services  
64A Nelson Street  
Scarborough  
North Yorkshire  
YO12 7SZ

The above named Authority being the Planning Authority for the purposes of your application registered 26 October 2009, in respect of proposed development for the purposes of **construction of a replacement timber clad bungalow and garage at Whitegate Bungalow, Staintondale** have considered your said application and have **granted** permission for the proposed development subject to the following condition(s):

1. The development hereby permitted shall be begun 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 accordance with the application plans as amended by the plans received at the National Park Authority on the 2 December 2009, or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H and within Schedule 2, Part 2, Classes A to C of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
4. The occupation of the dwelling hereby permitted shall be limited to:
  - (a) a qualifying person; and
  - (b) a wife or husband (or person living as such), licensee, dependant or sub-tenant of a qualifying person.

For the purpose of the above, a person is a qualifying person in relation to the dwelling if he/she has an interest in the dwelling (see Note A) and, immediately prior to occupying the dwelling, he/she satisfied the local planning authority that he/she was in need of local needs housing in terms of the criteria set out in Core Policy J of the adopted North York Moors Local Development Framework, namely that he/she:

- (1) has been permanently resident within the National Park (see Note B) for at least 5 years; or
- (2) while not now resident within the parish, has either: a strong and long standing link with the local community which must include a previous period of residence of 5 years or more; or an essential need arising from age or infirmity to move to a village to be near relatives who have been permanently resident within the National Park for at least the previous 5 years; or require support for reasons of age or infirmity and need to live close to relations who are currently living and have resided in the park for at least the previous 5 years or more; or

Continued/Condition 4

*V A Dilcock*

Mrs V A Dilcock  
Chief Planning Officer

Date: 21 December 2009

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Condition 4 (Continued)

(3) has a need to live in the National Park as a result of his/her current sole employment in this parish or adjoining parishes within the National Park. Prior to the occupation of the development the qualifying person shall have obtained confirmation in writing from the Authority that they satisfy the local need criteria outlined in points 1 - 3 above.

Note A: For the purposes of the above, a person has an interest in the dwelling if he/she has a freehold or leasehold interest in the whole or any part of it, or is a secure tenant or statutory tenant within the meaning of the Housing Act 1985 or the Rent Act 1977.

Note B: For the purposes of the above, resident within the National park will include the whole of parishes, split by the National Park boundary with the exception of the following 'urban' parishes where the main town or village is outside the National Park: Pickering, Kirkbymoorside, Great and Little Broughton, Great Ayton, Newby and Scalby.

5. No part of the application site edged in red shall be used for the purposes of domestic curtilage until a plan has been submitted to and approved in writing by the Local Planning Authority, which identifies the extent of the land that will be used for domestic purposes rather than agricultural grazing land. Only the area of land agreed shall thereafter be used as domestic curtilage, unless otherwise agreed in writing with the Local Planning Authority.
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.
7. No work shall commence to clear the site in preparation for the development hereby permitted until scaled plans showing the finished floor level, eaves and ridge height of the dwelling hereby permitted in relation to adjacent properties have been submitted to and approved in writing by the Local Planning Authority. The work shall not be carried out otherwise than in accordance with the details so approved.
8. No work shall commence to stain/paint the windows in the development hereby approved until details of the paint colour/finish of the windows has been submitted to and approved in writing by the Local Planning Authority. The work shall not be carried out otherwise than in accordance with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
9. The external face of the frame to all new windows shall be set in a reveal of a minimum of 6cm from the front face of the adjacent walling and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Continued/Conditions

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Conditions (Continued)

10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- (ii)(b) The existing access shall be improved by extending 6m into the site and shall be constructed in accordance with standard detail E9A.
  - (iii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

11. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
12. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
13. No work shall commence on excavation works to install drainage to serve the development hereby permitted until full details of the proposed means of disposal of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the drainage works have been completed in accordance with the approved details.
14. No work shall commence to clear the site in preparation for the development hereby permitted until full details of the hard surfacing to be utilised on the site have been submitted to and approved in writing by the Local Planning Authority, including a timetable to implement the proposed works. The hard landscaping works shall then be implemented in accordance with the approved details.
15. No trees, shrubs or hedges along the boundaries of the site shall be felled, uprooted, wilfully damaged or destroyed, cut back or removed without the prior written consent of the Local Planning Authority. Any work approved shall be carried out in accordance with British Standard 5837 (2005) Recommendations for Tree Work. If any retained tree/hedge is removed, uprooted, destroyed or dies within five years of the completion of the development, it shall be replaced with trees, shrubs or hedge plants of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Continued/Informative

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DecisionApproveAgent

TOWN AND COUNTRY PLANNING ACT 1990

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**Informative**

1. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

**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 Development Policy 3.
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 NYM Core Policy A and NYM Development Policy 3.
4. In order to comply with NYM Core Policy J which seeks to restrict the occupancy of new residential development to those with a local need to live in the village.
5. In order for the Local Planning Authority to retain control over domestic paraphernalia on the site in the interests of safeguarding the character of the locality in line with NYM Core Policy A.
6. In order to comply with the provisions of NYM Core Policy A which seeks to protect the residential amenities of adjoining occupiers.
7. In order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that new development is of a good quality and respects the character of the locality.
- 8 & 9. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 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 NYM Development Policy 23 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
11. In accordance with NYM Development Policy 23 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
12. In accordance with NYM Development Policy 23 and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.

Continued/Reasons for Conditions

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Reasons for Conditions (Continued)

13. 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.
14. In the interests of the satisfactory appearance of the development and in order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that development proposals incorporate suitable hard landscaping details.
15. In order to comply with the provisions of NYM Core Policy C which seeks to ensure that trees, woodlands and hedgerows of landscape amenity, nature conservation or historical value are safeguarded.

**Development Plan policies relevant to the decision**

Local Development Framework - CPJ – Housing  
DP21 – Replacement Dwellings

**Reason for Approval**

It is considered that the proposed replacement, which is of a similar footprint and scale and bulk as the existing, would enable an unsatisfactory dwelling which is incongruous in the landscape to be replaced by one which makes a positive contribution to the character of the area. The proposal is therefore considered to comply with both Core Policy J and Development Policy 21 of the NYM Local Development Framework and consequently, approval is recommended.

*V A Dilcock*

Mrs V A Dilcock  
Chief Planning Officer

Date: 21 December 2009