

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 & Mrs John Shephard  
C/o Dixon Associates  
FAO: Mr Craig Readhead  
73 Cardigan Road  
Bridlington  
East Yorkshire  
YO15 3JU

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The above named Authority being the Planning Authority for the purposes of your application registered 14 October 2010, in respect of proposed development for the purposes of **conversion of redundant farm buildings to form 4no. holiday letting units together with demolition and rebuilding of gable wall to cart shed at Thirley Cotes Farm, Harwood Dale** 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 29 November 2010 and 21 January 2011, or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
3. The holiday cottage unit(s) hereby approved shall not be used for residential purposes other than holiday letting purposes. 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.
4. The holiday unit(s) hereby permitted shall form and remain part of the curtilage of the existing dwelling know as Thirley Cotes Farm and shall not be sold or leased off from the main dwelling or let off except as holiday accommodation in accordance with the terms of condition 3 above without a further grant of planning permission from the Local Planning Authority.
- ✓ (5) 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.
- (6) The development hereby permitted shall not be brought into use until the Greensource Air to Water heating system as set out in the Document received on 1 December 2010 has been installed and operational. No other form of heating for the buildings shall be utilised in the development without the prior written consent of the Local Planning Authority.

Continued/Conditions

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Mr C M France  
Director of Planning

Date: 28 JAN 2011

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For the Rights of Appeal and Notes See Overleaf

## 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 office of 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. The Secretary of State can allow a longer period for the giving of a notice of appeal, but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to 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 on the appropriate planning/householder planning appeal form obtainable from:

The Planning Inspectorate  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol, BS1 6PN

Or online at: [www.planningportal.gov.uk/pca](http://www.planningportal.gov.uk/pca)

### 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. Where an enforcement notice has been served in the last two years the period in which the applicant can appeal against the decision reduces to 28 days.

TOWN AND COUNTRY PLANNING ACT 1990

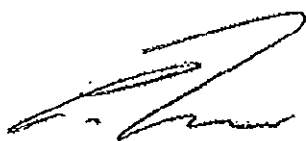
Continuation of Decision No. NYM/2010/0659/FI

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Conditions (Continued)

7. This permission has been granted in accordance with the details specified in the survey prepared by Alan Wood & Partners received on 16 August 2010. More extensive works of demolition and rebuilding that does not accord with these details may render the permission invalid and may require a further grant of planning permission from the Local Planning Authority.
8. All pointing in the development hereby permitted shall accord with the following specification - a lime based mortar mix of 1:3 (lime, sand mix of 50 per cent sieved sharp sand and 50 per cent builders sand) with a slightly recessed bagged finish.
9. No work shall commence on the installation of any door in the development hereby approved until detailed plans showing the constructional details and external appearance of all external doors and frames have been submitted to and approved in writing by the Local Planning Authority. All doors shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
10. No work shall commence on the installation of any replacement or new windows in the development hereby approved until detailed plans showing the constructional details of all window frames to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate, on a scale of not less than 1:20, the longitudinal and cross sectional detailing including means of opening. The window frames shall be installed 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.
11. The external face of the frame to all new windows shall be set in reveals to match those of the existing windows and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
12. No work shall commence on the installation of any rooflights in the development hereby approved until full details of the proposed rooflights have been submitted to and approved in writing by the Local Planning Authority. The rooflights shall be installed 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.
13. No work shall commence to stain/paint the windows and doors in the development hereby approved until details of the paint colour/finish of the windows and doors 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.
14. The guttering to the development hereby permitted shall be directly fixed to the stonework by means of gutter spikes with no fascia boarding being utilised in the development and shall thereafter be so maintained.
15. All rainwater goods shall be black painted cast iron and thereafter so maintained unless otherwise agreed in writing by the Local Planning Authority.

Continued/Conditions



Mr C M France  
Director of Planning

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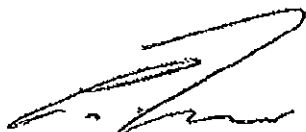
Continuation of Decision No. NYM/2010/0659/FL

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Conditions (Continued)

- cvc ] (16) No work shall commence on the installation of any external fixtures to the building to which this permission relates until details of all external fixtures have been submitted to and approved in writing by the Local Planning Authority. The details should include for provision for any exterior lighting, meter boxes, signage, wall or roof flues, television antennae and satellite dishes that may be proposed to be installed.
17. All new stonework and roofing tiles used in the development hereby permitted shall match as closely as possible to those of the existing building, including the colour and texture of the stone and the method of coursing and pointing.
- cvc ] (18) 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.
- cvc ] (19) 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:
- (i) The existing access shall be improved by resurfacing in a stable material in accordance with the specification of the Local Highway Authority.
- All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
20. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 33 metres measured along both channel lines of the major road Waite Lane from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
21. The development hereby permitted shall be carried out in accordance with the mitigation measures set out in paragraphs 4.22 to 4.4.4 and 5.9.1 of the submitted Wold Ecology Ltd bat and barn owl survey dated August 2010.
- cvc ] (22) Prior to the installation of any bat or owl boxes on the buildings which are the subject of this application, full details of the number and location of any such boxes shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall thereafter be so installed and thereafter be so maintained, unless otherwise agreed in writing by the Local Planning Authority.

Continued/Informatives



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Director of Planning

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TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. NYM/20100659/FL

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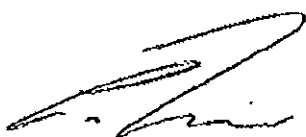
**Informatives**

1. In relation to condition 18 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.
2. In relation to condition 19 an explanation of the terms used above is available from the Highway Authority.

**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 Plan Policy 3.
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 ensure that a traditional rural building is conserved in line with NYM Development Policy 8.
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 Policy J.
5. In order to comply with the provisions of NYM Core Policy A which seeks to protect the residential amenities of adjoining occupiers.
6. In order to ensure that the requirements of Core Policy D of the NYM Local Development Framework are met.
7. In order to ensure that the development is carried out in a manner which safeguards the existing fabric of the building and to comply with the provisions of NYM Development Policy 5.
- 8 & 17. 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 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.
- 9 to 15. 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.
16. For the avoidance of doubt and in order to comply with the provisions of NYM Development Policy 5 which seek to ensure that alterations to Listed Buildings do not have any unacceptable impact on the special architectural or historic interest of the building.
18. 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.

Continued/Reasons for Conditions



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Reasons for Conditions (Continued)

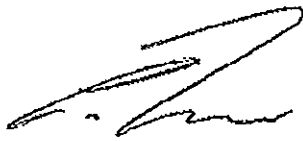
19. In accordance with NYM Development Policy 23 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
20. In accordance with NYM Development Policy 23 and in the interests of road safety.
- 21 & 22. To ensure protection of a species protected under the Wildlife and Countryside Act and compliance with NYM Core Policy C.

Development Plan policies relevant to the decision

Local Development Framework - CPD – Climate Change  
CPG – Landscape, Design and Historic Assets  
DP5 – Listed Buildings  
DP8 – Conversion of Traditional Rural Buildings

Reason for Approval

The proposed development would retain the character of these curtilage listed barns, whilst finding a suitable new use for them and incorporating renewable energy features. The proposal is therefore considered to be in accordance with Core Policies D and G and Development Policies 5 and 8 of the Local Development Framework.



Mr C M France  
Director of Planning

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Date 28 JAN 2011