

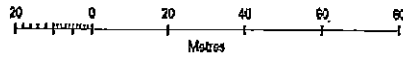
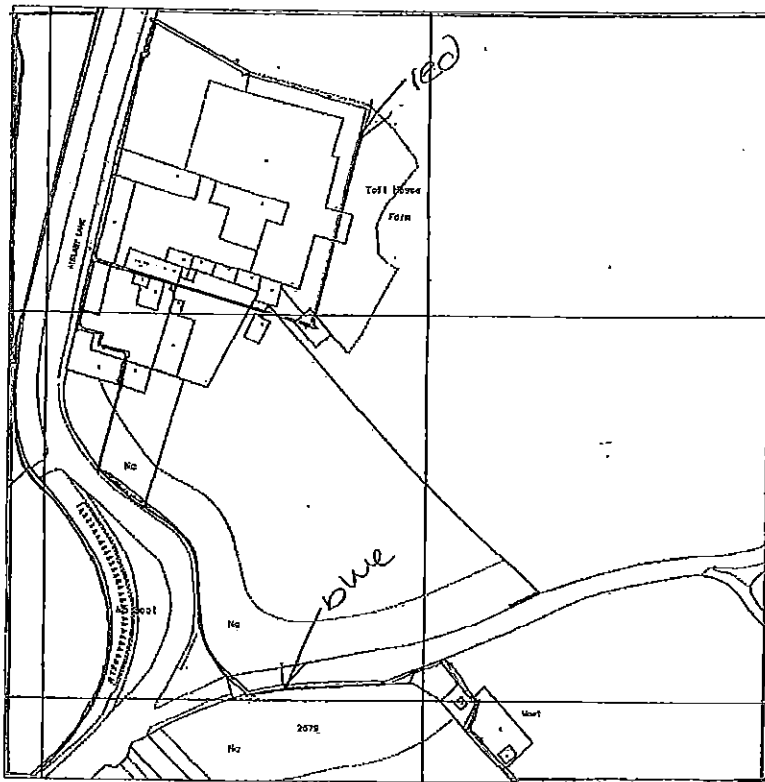
NYM/ 2006 / 0 7 6 8 / F 6 1 1

Toft House Farm. Alslaby. Whitby. North Yorkshire. YO21 1SW

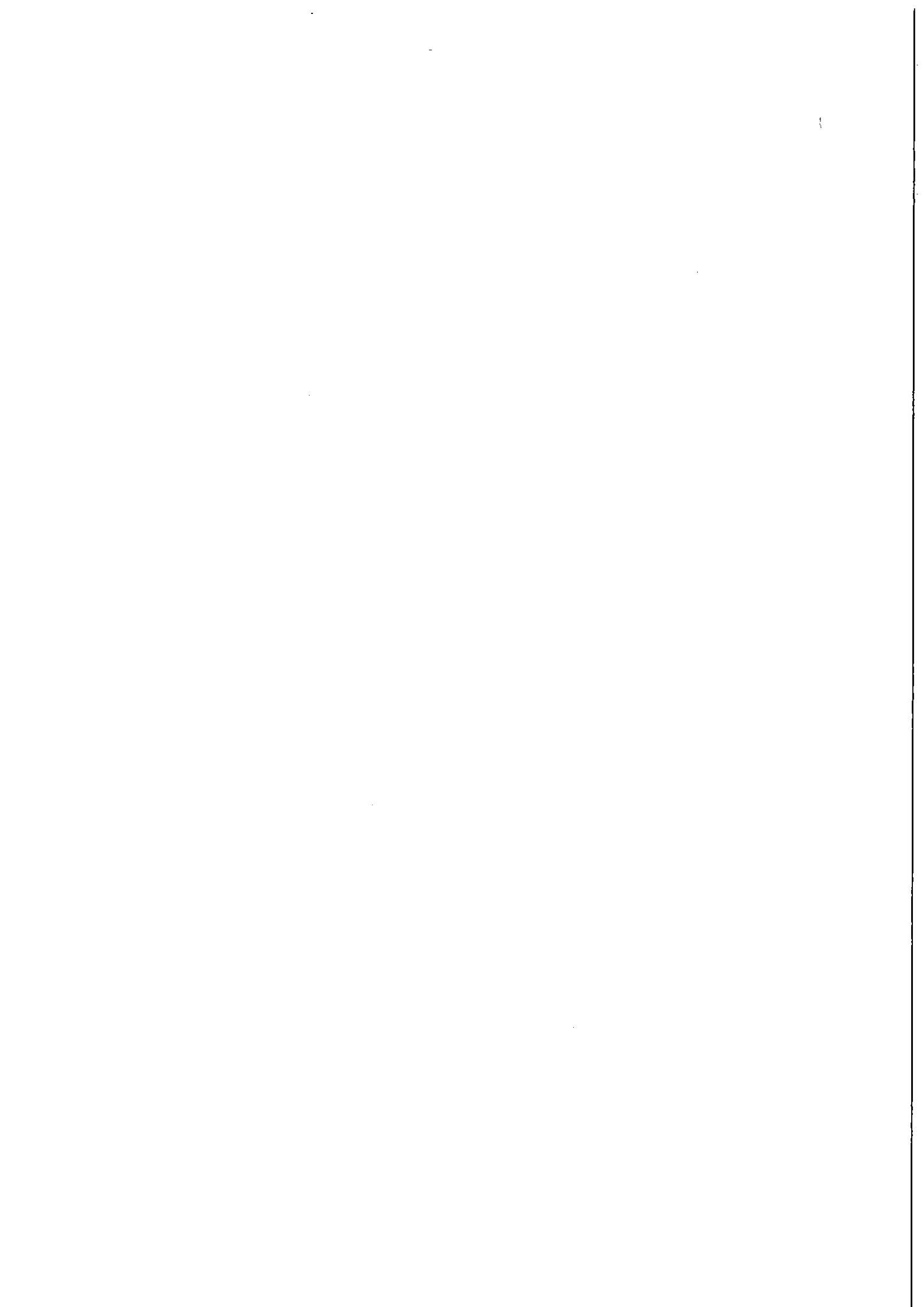
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Centre Coordinates: 465280 606370
National Grid sheet reference at centre
of this Sheetplan: NZ860A



Decision No. NYM/2006/0768/FL

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 F Hall
Toft House Farm
Aislaby
Whitby
North Yorkshire
YO21 1SW.

COPY

The above named Authority being the Planning Authority for the purposes of your application registered 28 September 2006, in respect of proposed development for the purposes of conversion of redundant farm buildings to provide 1 no. single storey dwelling and 3 no. two storey dwellings at Toft House Farm Aislaby 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 Department on the 18 October 2006 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 1995 (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. All new stonework used in the development hereby permitted shall match that of the existing building including the colour and texture of the stone and the method of coursing and pointing.
5. The roof tiles utilised in carrying out the development hereby permitted shall match those of the existing building unless otherwise agreed in writing with the Local Planning Authority.
6. All pointing in the development hereby permitted shall accord with the following specification - a lime based mortar mix of 1:2:9 (white cement, lime, sand mix of 45 per cent sieved sharp sand and 55 per cent builders sand) with a slightly recessed bagged finish.

Continued/7 ...

V A Dilcock

COPY

Mrs V A Dilcock
Chief Planning Officer

23 NOV 2006
Date

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 Deputy Prime Minister in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice. The Deputy Prime Minister 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 Deputy Prime Minister 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 Deputy Prime Minister 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 Deputy Prime Minister, 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 form obtainable from:-

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

NOTES

1. 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.
2. 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.

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. NYM/2006/0768/FL

Date: 23 NOV 2006

Conditions (Continued)

COPY

7. All new window frames, glazing bars and external doors and door frames shall be of timber construction, painted in a colour to be approved by the Local Planning Authority and thereafter the doors and door/window frames and glazing bars shall be maintained in that condition in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.
8. 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.
9. The small windows on the road side elevation shall not be deeper than the depth of a single course of stone.
10. The external face of the frame to all new windows shall be set in a reveal of a minimum of 10cm 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.
11. No work shall commence on the installation of any conservation rooflights in the development hereby approved until full details of the proposed conservation rooflights have been submitted to and approved in writing by the Local Planning Authority. The conservation 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.
12. The guttering to the development hereby permitted shall be directly fixed to the stonework by means of gutter spikes with no fascia boarding being utilized in the development and shall thereafter be so maintained.
13. The colour of all rainwater goods shall be agreed to in writing by the Local Planning Authority before installation.
14. All new garage doors hereby approved shall be of a vertical boarded, ledged, braced (and framed) timber design, side hung but shall remain unstained to match the existing Yorkshire boarding and allowed to weather and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
15. No work shall commence on excavation works to install drainage to serve the development hereby permitted until full details of the proposed separate 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.

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V A Dilcock

Mrs V A Dilcock
Chief Planning Officer

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Decision/Approve

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. NYM/2006/0766/FL

Date: ... 23 NOV 2006

Conditions (Continued)

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- * (18) No work shall commence on excavation works to install drainage to serve the development hereby permitted until full details of the proposed means of 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.
- * (17) No work shall commence to clear the site in preparation for the development hereby permitted until the access(es) to the site has been laid out and re/constructed in accordance with the following requirements:-
 - (i) the crossing of the highway verge and/or footpath shall be re/constructed in accordance with the approved details and/or Standard Detail number E9A and the Specification of the local Highway Authority.
 - (ii) any gates, barriers or other means of enclosure shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall open into the site.
 - (v) provision shall be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the Specification of the local Highway Authority.
 - (vi) Any access gates shall be made to open Inwards only.
- * (18) No work shall commence to clear the site in preparation for the development hereby permitted until visibility splays providing clear visibility of 2.4 metres by 60 metres measured down the centre line of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. The drivers eye height shall be at 1.05 metres high when assessing this criteria. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times thereafter.
- * (19) 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.
- * (20) Before any work begins on the conversion scheme hereby approved all unauthorised static caravans shall be removed from the agricultural holding on a permanent basis.
- 21. The development hereby permitted shall be carried out in accordance with the Recommendations and Mitigation set out on page 4 of the submitted bat survey dated 6th October 2006.

Continued/22 ...

V A Dilcock

Mrs V A Dilcock
Chief Planning Officer

COPY

Decision/Approve

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. NYM/2006/0768/FL

Date: 23 NOV 2006

COPY

Conditions (Continued)

- * (22) No work shall commence to clear the site in preparation for the development hereby permitted until full details of the proposed internal plot and external site boundary treatments to the site, including the size and species of any hedging, the materials to be utilised to any walls or fences and the timetable to implement the proposed works, shall be submitted to and approved in writing by the Local Planning Authority. The site boundary works shall then be implemented in accordance with the approved details.

Informatives

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 &c.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and English Nature contacted on 0113 2747938 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 English Nature's contact details.
2. The applicant is advised that prior to any works commencing, permission is required from North Yorkshire County Council as the local Highway Authority for all works within the public highway. The applicant should contact Highways North Yorkshire, The Garth, Whitby Leys Estate, Whitby, YO21 3PD Tel: 01947 602384, which will provide the detailed constructional specification, list of approved contractors, forms etc, referred to in the condition on their Planning Approval.

Reasons for conditions

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of Policies GP3 and BE6 of the North York Moors Local Plan.
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 Policies BE6 and GP3 of the Local Plan.
- 4 to 6. For the avoidance of doubt and in order to comply with the provisions of Policies BE6 and GP3 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.

Continued/ 7 to 14 ...

V A Dilcock

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Mrs V A Dilcock
Chief Planning Officer

Decision Approve

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. NYM/2006/0768/FL

Date: ... 23 NOV 2006

Reasons for conditions (continued)

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- 7 to 14. For the avoidance of doubt and in order to comply with the provisions of Policies BE6 and GP3 of the North York Moors Local Plan 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.
- 15 & 16. To avoid pollution of watercourses and to comply with the provisions of Policy U4 of the North York Moors Local Plan which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.
17. To ensure a satisfactory means of access to the site from the public highway, in the interests of vehicle and pedestrian safety and convenience and to comply with the provisions of Policies T7 and T9 of the North York Moors Local Plan which seek to ensure that new development does not have a detrimental impact on highway safety and has satisfactory provision for parking.
18. In the interests of road safety to provide for drivers of vehicles using the access road to the site and the public highway with a standard of inter-visibility commensurate with the vehicular traffic flows and road conditions and to comply with the provisions of Policies T7 and T9 of the North York Moors Local Plan.
19. In the interests of the satisfactory appearance of the development and in order to comply with the provisions of Policy BE10 of the North York Moors Local Plan which seeks to ensure that development proposals incorporate suitable hard landscaping details.
20. In the interest of visual amenity and provision of suitable amenity land to serve the dwellings and to accord with the provisions of Local Plan Policy GP3.
21. In order to comply with the provisions of Policy F6 of the North York Moors Local Plan which seeks to ensure that there is a functional requirement for the building in the long term to justify an exception being made to normal planning policies which seek to restrict new development in the countryside.
22. For the avoidance of doubt and in order to comply with the provisions of Policies BE6 and GP3 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.

Development Plan policies relevant to the decision

Local Plan BE1 Conservation Areas
BE13 Conversion of Traditional Rural Buildings to Permanent Residential Uses; within the settlements listed under Policies H1 and H3

Reason for Approval

The proposed scheme of development respects the character of the original buildings in providing a scheme of residential accommodation with sufficient amenity and storage space and therefore accords with Local Plan policies BE13 and BE1 of the Local Plan.

V A Dilcock

COPY

Mrs V A Dilcock
Chief Planning Officer

Date

Decision Approve