

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 Paul Swales
The Granary
Bannial Flats Farm
Guisborough Road
Whitby
North Yorkshire YO21 1SQ

COPY

The above named Authority being the Planning Authority for the purposes of your application validated 08/04/2013, in respect of proposed development for the purposes of variation of condition 2 (material amendment) of planning approval NYM/2012/0285/FL to allow an extension to approved shed to provide pellet store and to house biomass system and buffer tanks at The Granary, Bannial Flat Farm, Guisborough Road, Whitby has considered your said application and has granted permission for the proposed development subject to the following condition(s):

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

Document Description	Document No.	Date Received
Proposed Elevations Barn Door	D10152-10RevA	23 July 2012
Proposed Elevations	D10152-05RevG	30 July 2012
Proposed Elevation and Plans Storage Shed	D10152-11RevE	08 April 2013
Proposed Plans	D10152-04RevH	2 August 2012
Proposed Block Plan	D10152-07RevG	08 April 2013
Proposed Site Plan	D10152-08RevE	2 August 2012
Proposed Block Plan with Existing Boundary Treatments	D10152-09RevE	08 April 2013

 or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
- 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 Schedule 2, Part 2, Classes A to C and within Schedule 2 Part 40 Classes A to I of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2012 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 43, Classes A to F shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
- The occupancy of the units hereby permitted within the red line of this application shall at no point exceed one full time (local occupancy dwelling) and four holiday cottages.

Continued/Conditions

COPY

Mr C M France
Director of Planning

03 JUN 2013

Date:

Decision Approve

Town and Country Planning Act 1990

Continuation of Decision No. NYM/2013/0165

COPY

Conditions (Continued)

5. The occupation of the northern most unit of conversion hereby permitted shall be limited to:
- i) a qualifying person; and
 - ii) 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:

- a) is currently living in and has permanently resided in the National Park for five years or more and is living in accommodation that no longer meets their requirements or
- b) does not currently live in the National Park but has a strong and long standing link to the local community including a previous period of residence of five years or more or
- c) has an essential need to move to live close to relatives who are currently living in and have resided in the National Park for at least the previous five years or more and require support for reasons of age or infirmity or
- d) requires support for reasons of age or infirmity and need to move to live close to relatives who are currently living and have resided in the National Park for at least the previous five years or more or
- e) needs to live in the National Park as a result of current sole employment within that parish or adjacent parishes within the National Park.

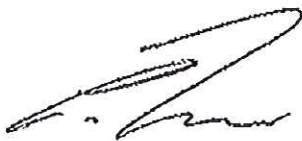
Prior to the occupation of the development the qualifying person shall have obtained confirmation in writing from the Authority that they satisfy the local need criteria outlined in points a - e above.

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 following exceptions; Allerston, Beadlam, Burniston, East Ayton, East Harlsey, Ebberston and Yedingham, Great Ayton, Great and Little Broughton, Great Busby, Guisborough, Ingleby Arncliffe, Irtton, Kirkby in Cleveland, Kirkbymoorside, Lockwood, Nawton, Newby, Pickering, Potto, Scalby, Snainton, Sutton under Whitestonecliffe, West Ayton.

6. All units within the red line of the application site, other than the northern most local occupancy conversion, 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.

Continued/Conditions



Mr C M France
Director of Planning

COPY

03 JUN 2013

Date:

Town and Country Planning Act 1990

Continuation of Decision No. NYM/2013/0165/FL

COPY

Conditions (Continued)

7. The holiday units referred to in condition 6 shall form and remain part of the curtilage of the existing dwelling known as Granary, Bannial Flat 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 6 above without a further grant of planning permission from the Local Planning Authority; until such a time as when the northern most local occupancy unit has been completed and occupied when this unit shall then become the 'main dwelling' that the units should not be sold or leased off from, or let off except as holiday accommodation in accordance with the terms of condition 6.
8. 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.
9. This permission has been granted in accordance with the details specified in the survey prepared by RO Birdsall received on 6 June 2012. 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.
10. All new stonework and roofing tiles used in the development hereby permitted shall match those of the existing building, including the colour and texture of the stone and the method of coursing, pointing, jointing and mortar mix unless otherwise agreed with the Local Planning Authority.
11. The rooflights to be installed in the development hereby permitted shall be a conservation style rooflight unless otherwise agreed in writing with the Local Planning Authority.
12. All new window frames, glazing bars, external doors and door frames shall be of timber construction 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 be completed in accordance with the approved details within six months of being installed 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 in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
15. The rainwater goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
16. The external timber cladding and doors of the storage building hereby approved shall be stained dark brown and the roof sheeting shall be dark grey and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Continued/Conditions



Mr C M France
Director of Planning

COPY

03 JUN 2013

Date:

Decision/Approve

Town and Country Planning Act 1990

Continuation of Decision No. NYM/2013/0165/FL

COPY

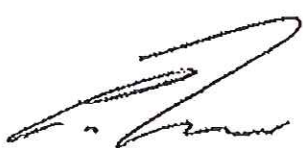
Conditions (Continued)

17. All hard and soft landscape works comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. Any trees or plants planted in accordance with this condition which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
18. The development hereby permitted shall be carried out in accordance with the mitigation measures set out in the Methods Statement and good working practices in the Appendix of the submitted Bat Survey dated 21 July 2012.
19. The development hereby permitted shall not be brought into use until full details of the proposed means of generating energy on site from renewable sources to displace at least 10% of predicted CO₂ emissions have been submitted to and approved by the Local Planning Authority. The approved details and measures shall then be completed prior to the occupation of the first new unit of the development hereby approved and shall be maintained in working order unless the prior written agreement of the Local Planning Authority has been obtained.

Reason(s) for Condition(s)

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.
- 2 & 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 Development Policy 3 and NYM Core Policy A, which seek to enhance and conserve the special qualities of the NYM National Park and secure high quality design for new development.
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 links and an essential need to live in the locality or holiday accommodation.
5. In order to comply with NYM Core Policy J which seeks to restrict the occupancy of new residential development to those with a local links and an essential need to live in the locality.
6. 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.
7. 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.
8. 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.

Continued/Reasons for Conditions



COPY

Mr C M France
Director of Planning

03 JUN 2013

Date:

DecisionApprove

Town and Country Planning Act 1990

Continuation of Decision No. NYM/2013/0165/FL

COPY

Reasons for Conditions (Continued)

9. 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.
10. 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.
- 11 to 16. 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.
17. In order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features.
18. 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.
19. In order to comply with the provisions of NYM Core Policy D which seeks to ensure that new development contributes to reduce carbon emissions.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

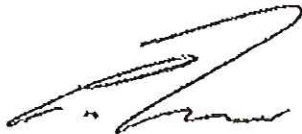
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Development Plan Policies Relevant to the Decision

Local Development Framework DP3 – Design

Reason for Approval

The proposed amendment to the scheme will not detract from the overall form of the development and is considered to comply with Development Policy 3 of the adopted North York Moors Local Development framework.



Mr C M France
Director of Planning

COPY

03 JUN 2013

Date

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 Paul Swales
c/o BHD Partnership
Airy Hill Manor
Waterstead Lane
Whitby
North Yorkshire YO21 1QB

COPY

The above named Authority being the Planning Authority for the purposes of your application registered 8 June 2012, in respect of proposed development for the purposes of conversion of barns to form 1 no. local occupancy dwelling and 4 no. holiday letting cottages together with new storage building at Bannial Flat Farm, Guisborough Road, Whitby as considered your said application and has granted permission for the proposed development subject to the following condition(s):

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
Proposed Elevations Barn Door	D10152-10RevA	23 July 2012
Proposed Elevations	D10152-05RevG	30 July 2012
Proposed Elevation and Plans		
Storage Shed	D10152-11RevD	2 August 2012
Proposed Plans	D10152-04RevH	2 August 2012
Proposed Block Plan	D10152-07RevF	2 August 2012
Proposed Site Plan	D10152-08RevE	2 August 2012
Proposed Block Plan with Existing Boundary Treatments	D10152-09RevD	2 August 2012

- 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 Schedule 2, Part 2, Classes A to C and within Schedule 2 Part 40 Classes A to I of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2012 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 43, Classes A to F shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
 5. The occupancy of the units hereby permitted within the red line of this application shall at no point exceed one full time (local occupancy dwelling) and four holiday cottages.

Continued/Conditions



Mr C M France
Director of Planning

COPY

Date: 28 AUG 2012

DecisionApproveAgent

Town and Country Planning Act 1990

Continuation of Decision No. NYM/2012/0285/FL

Conditions (Continued)

COPY

6. The occupation of the northern most unit of conversion hereby permitted shall be limited to:
- i) a qualifying person; and
 - ii) 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:

- a) is currently living in and has permanently resided in the National Park for five years or more and is living in accommodation that no longer meets their requirements or
- b) does not currently live in the National Park but has a strong and long standing link to the local community including a previous period of residence of five years or more or
- c) has an essential need to move to live close to relatives who are currently living in and have resided in the National Park for at least the previous five years or more and require support for reasons of age or infirmity or
- d) requires support for reasons of age or infirmity and need to move to live close to relatives who are currently living and have resided in the National Park for at least the previous five years or more or
- e) needs to live in the National Park as a result of current sole employment within that parish or adjacent parishes within the National Park.

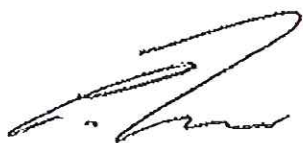
Prior to the occupation of the development the qualifying person shall have obtained confirmation in writing from the Authority that they satisfy the local need criteria outlined in points a - e above.

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 following exceptions; Allerston, Beadlam, Burniston, East Ayton, East Harlsey, Ebberston and Yedingham, Great Ayton, Great and Little Broughton, Great Busby, Guisborough, Ingleby Arncliffe, Irton, Kirkby in Cleveland, Kirkbymoorside, Lockwood, Nawton, Newby, Pickering, Potto, Scalby, Snainton, Sutton under Whitestonecliffe, West Ayton.

7. All units within the red line of the application site, other than the northern most local occupancy conversion, 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.

Continued/Conditions



Mr C M France
Director of Planning

COPY

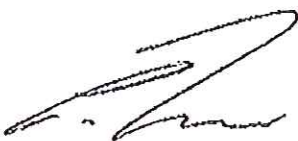
Date: 28 AUG 2012

COPY

Conditions (Continued)

8. The holiday units referred to in condition 7 shall form and remain part of the curtilage of the existing dwelling known as Granary, Bannial Flat 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 7 above without a further grant of planning permission from the Local Planning Authority; until such a time as when the northern most local occupancy unit has been completed and occupied when this unit shall then become the 'main dwelling' that the units should not be sold or leased off from, or let off except as holiday accommodation in accordance with the terms of condition 7.
9. 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.
10. This permission has been granted in accordance with the details specified in the survey prepared by RO Birdsall received on 6 June 2012. 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.
11. All new stonework and roofing tiles used in the development hereby permitted shall match those of the existing building, including the colour and texture of the stone and the method of coursing, pointing, jointing and mortar mix unless otherwise agreed with the Local Planning Authority.
12. The rooflights to be installed in the development hereby permitted shall be a conservation style rooflight unless otherwise agreed in writing with the Local Planning Authority.
13. All new window frames, glazing bars, external doors and door frames shall be of timber construction and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
14. 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 be completed in accordance with the approved details within six months of being installed and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
15. 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 in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
16. The rainwater goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
17. The external timber cladding and doors of the storage building hereby approved shall be stained dark brown and the roof sheeting shall be dark grey and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Continued/Conditions



COPY

Mr C M France
Director of Planning

Date: 28 AUG 2012

Town and Country Planning Act 1990

Continuation of Decision No. NYM/2012/0285/FL

COPY

Conditions (Continued)

18. All hard and soft landscape works comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. Any trees or plants planted in accordance with this condition which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
19. The development hereby permitted shall be carried out in accordance with the mitigation measures set out in the Methods Statement and good working practices in the Appendix of the submitted Bat Survey dated 21 July 2012.
20. The development hereby permitted shall not be brought into use until full details of the proposed means of generating energy on site from renewable sources to displace at least 10% of predicted CO₂ emissions have been submitted to and approved by the Local Planning Authority. The approved details and measures shall then be completed prior to the occupation of the first new unit of the development hereby approved and shall be maintained in working order unless the prior written agreement of the Local Planning Authority has been obtained.

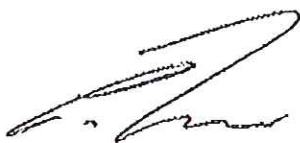
Informative(s)

Please note that the Public Footpaths on the site which cross to the south east the development site hereby approved must be kept free from obstruction and open for use at all times before, during and after any works.

Reason(s) for Condition(s)

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 & 4. 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 Development Policy 3 and NYM Core Policy A, which seek to enhance and conserve the special qualities of the NYM National Park and secure high quality design for new development.
5. In order to comply with NYM Core Policy J which seeks to restrict the occupancy of new residential development to those with a local links and an essential need to live in the locality or holiday accommodation.
6. In order to comply with NYM Core Policy J which seeks to restrict the occupancy of new residential development to those with a local links and an essential need to live in the locality.

Continued/Reasons for Conditions



Mr C M France
Director of Planning

COPY

28 AUG 2012

Date:

Town and Country Planning Act 1990

Continuation of Decision No. NYM/2012/0285/FL

COPY

Reasons for Conditions (Continued)

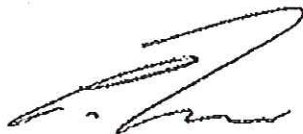
7. The site is in a location where new residential development would be contrary to NYM Core Policy J but permission for holiday accommodation has been permitted to ensure that a traditional rural building is conserved in line with NYM Development Policy 8.
8. The site is in a location where the occupation of the accommodation hereby permitted as a separate independent dwelling unit would be contrary to NYM Core Policies B and J.
9. 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.
10. 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.
11. 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.
- 12 to 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 the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
18. In order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features.
19. 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.
20. In order to comply with the provisions of NYM Core Policy D which seeks to ensure that new development contributes to reduce carbon emissions.

Development Plan Policies Relevant to the Decision

Local Development Framework	CPJ – Housing
	DP8 – Conversion of Traditional Rural Buildings
	DP14 – Tourism and Recreation
	DP21 – Replacement Dwellings

Reason for Approval

Taking into account the material considerations in this instance the resultant scheme on this site for one Local Occupancy Dwelling and four holiday cottages is considered to accord with the principles of Core Policy J and the requirements of Development Policies 8, 14 and 21 and therefore the proposal is considered to be acceptable.



COPY

Mr C M France
Director of Planning

Date 28 AUG 2012