

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
(South)
Parish: Staintondale

Application No. NYM/2017/0642/CLP

Proposal: certificate of lawfulness for proposed installation of flue pipe

Location: Peakside Cottage, Peakside, Ravenscar

Decision Date: 06 November 2017

Consultations

Parish – No objections

Site Notice Expiry Date – 31st October 2017

Director of Planning's Recommendation

The North York Moors National Park Authority hereby certify that on 17 October 2017 the operation described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan attached to this certificate was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

1. The proposed use is not considered to be a form of development that requires planning permission.


First Schedule

That the installation of a flue pipe is permitted development under Schedule 2, Part 1, Class G and Part 14, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Second Schedule

Peakside Cottage, Peakside, Ravenscar

Signature:



Date:

6/11/17

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Background

This application is concerned with a Certificate of Lawful Development to confirm that the installation of a flue pipe is permitted development at Peakside Cottage, Peakside, Ravenscar.

Peakside Cottage is a detached stone two-storey property located on the north west side of Raven Hall Road on the Cleveland Way. There are a number of ancillary buildings which adjoin the application property which together form Peakside Farm.

The proposal is to install a flue on the side of the building to allow the National Trust to implement its renewable heating project.

Main Issues



Based on the evidence submitted and the associated planning policies surrounding the installation of flue pipes, the following can be confirmed:

The installation, alteration or replacement of a flue on a dwellinghouse is identified as permitted development by Schedule 2, Part 1, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) provided –

- a) permission to use the dwellinghouse as a dwellinghouse has not been granted by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);
- b) the height of the flue would not exceed the highest part of the roof by 1 metre or more; or
- c) the flue would not be installed on a wall or roof slope which fronts a highway and forms either the principal elevation or a side elevation of the dwellinghouse.

Similarly, the installation of a flue for the purpose of a biomass heating system on domestic premises is defined as permitted development under Part 14, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

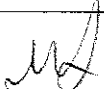
Peakside Cottage has not previously undergone a change of use, and based on the evidence submitted the flue will remain under 1 metre and will not be located on a wall which fronts a highway.

Signature:		Date:	
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The parish council have not commented on this application. Nevertheless, this is not an application to consider whether or not the development is acceptable, it is to determine whether the development is permitted development.

On the basis of the above Officers are minded to recommend that a Certificate of Lawful Development can be issued and the development is built in accordance with the criteria set out in Schedule 2, Part 1, Class G and Part 14, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Signature: 	Date: ''
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