

## North York Moors National Park Authority Planning Committee

23 July 2015

### Miscellaneous Items

(a) **Appeals**

- (i) The Secretary of State for Communities and Local Government has determined the following appeals made to him against decisions of the Committee:-

Location of Site/Appellant	Decision (Inspector)
Spring House, Hobbin Head Lane, Sleights, Whitby, YO22 5EX	Decision: Appeal allowed Inspector: D H Brier

Background Documents for This Item

1. Inspector's letter attached at **Appendix A**.

- (ii) Appeals received:

Ref Number	Appellants Name and Location	Description
NYM/2014/0840/FL	Mr Iain Harrison Foxhill Paddocks, Low Road, Throxenby	Removal of conditions 10 and 12 of planning approval NYM/2004/0396/FL to allow the workspace to be used as residential accommodation and the occupation of the subsequent dwelling to be unrestricted
NYM/2014/0306/FL	Mr S Conway Ox Pasture Hall, Lady Edith's Drive, Scarborough	Construction of leisure complex and 6 no. hotel suites and associated parking

(b) **Planning Applications Determined by the Director of Planning**

A list of planning applications determined by the Director of Planning in accordance with the Scheme of Delegation is attached at **Appendix B**.

**[NB: Members wishing to enquire further into particular applications referred to in the Appendix are asked to raise the matter with the Director of Planning in advance of the meeting to enable a detailed response to be given].**

(c) **List of Enforcement Matters Determined by the Director of Planning**

A list of enforcement matters determined by the Director of Planning in accordance with the Scheme of Delegation is attached at **Appendix C**.

**[The individual files will be available for Members to inspect at the meeting].**

Andy Wilson  
Chief Executive (National Park Officer)

Chris France  
Director of Planning



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## Appeal Decision

Inquiry held on 14, 15 & 16 April 2015

Site visit made on 15 April 2015

by **D H Brier BA MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 July 2015

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**Appeal Ref: APP/W9500/C/14/2218889**

**Spring House, Hobbin Head Lane, Sleights, Whitby YO22 5EX**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr R D Page against an enforcement notice issued by the North York Moors National Park.
- The notice was issued on 17 February 2014.
- The breach of planning control as alleged in the notice is the material change of use of the land and buildings from agricultural use to a mixed use consisting of an agricultural use and dog grooming and dog rescue use.
- The requirements of the notice are cease using the land and buildings for the commercial dog grooming and dog rescue use.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (d) and (f) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: The appeal is allowed and the enforcement notice is quashed.**

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### Procedural Matter

1. The evidence at the inquiry was taken on oath.

### The Appeal Site and Background

2. The appeal site is a smallholding. As well as the main body of land, which is largely down to pasture, along with an area of woodland, it contains the appellant's house, Spring House. To the south of the house is a range of outbuildings which include accommodation for dogs, facilities for dog grooming, storage and an area occupied by 2 pigs. Attached to the southern flank of the outbuildings is a range of cage structures. The site lies in the countryside well beyond the main body of Sleights, but in the vicinity is a scattering of dwellings set at intervals alongside Littlebeck Lane.
3. Relevant elements of the site's planning history are:
  - Planning permission for the retention of various works, including dog kennels, monkey houses and a cage, granted on appeal on 11 December 2001. Condition 6 states "*This permission only permits a maximum of 14 dogs, 12 cats and 8 monkeys to be kept on the application site*".
  - Planning permission granted for a general purpose agricultural building on 17 January 2003 (the 2003 permission).

- Planning permission granted for the erection of a lean-to extension to agricultural building on 16 May 2005 (the 2005 permission).
- A Certificate of Lawful Use or Development (LDC) issued on 17 October 2014 (after the enforcement notice was issued) for the cage structures and the dog grooming 'operation' (parlour and exercise yard and access and parking for customers).
- A modified LDC, which also refers to the use of the covered yard for the keeping of livestock, together with exercising of dogs being groomed at the property, issued on 27 October 2014.

## **Nullity Claim and the Enforcement Notice**

### *Nullity Claim*

4. The appellant contends that the notice is fundamentally flawed, thereby rendering it a nullity. Two reasons are advanced for this. Firstly, the notice is ambiguous in respect of both the breach alleged and the steps required to be taken in order to comply. Secondly, given the lawful dog grooming and residential uses, the expediency test has not been properly applied as a 'fall-back' position has been established.
5. To be a nullity, a notice must be defective on its face. No claim is made that any of the vital elements of the notice in question are absent from it and the second point attacks the basis for issuing the notice rather than the content of the notice itself. To my mind the question of whether it was expedient to issue the notice goes more to the merits of the case; I am not satisfied that this concern is sufficient to show that the notice is a nullity.
6. The first point is based on the premise that, drawing upon the comments made by Upjohn LJ in *Miller-Mead v Minister of Housing and Local Government* [1963] 1 A11 ER 459, the terms of the notice are, "hopelessly ambiguous and uncertain" or, as it was put at the inquiry, "hopelessly vague" and "hopelessly imprecise"<sup>1</sup>. The particular concern in this respect focuses upon the term "dog rescue use" which appears both in the allegation and the requirements of the notice. However, despite the trenchant criticism levelled at this term in the submissions made on behalf of the appellant, my impression from his verbal evidence in chief, his witness statement, and the responses to questions put to him at the inquiry, including during re-examination, was that he was very much aware of what the term meant.
7. Indeed, the appellant's statement expressly refers to "rescue dogs" and while it appears that over time some individual dogs became pets, the appellant gave a lucid explanation of the characteristics of keeping such dogs. Moreover, the degree of lucidity was such that my impression was that the distinction between this and the other dog related activities at the appeal site, namely the keeping of pet dogs and the dog grooming business, were clearly apparent to and understood by the appellant. I therefore see nothing untoward in the use of the term in the notice – the appellant could not have been misled either in terms of what he is alleged to have done wrong or what must be done in order to remedy this.

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<sup>1</sup> Opening submissions by Miss Ogleby, para. 18 and closing submissions para. 21.

8. The question of whether the complete cessation of the rescue use, as required by the notice, is excessive and whether this offends the principle established in *Mansi v Elstree RDC [1964] 16 P. & C.R.153* is a matter for consideration in the appeal on ground (f). I do not consider this alleged defect renders the notice a nullity; the notice is perfectly clear and comprehensible in this respect.
9. In the light of the foregoing, I reject the claim that the notice is a nullity.

#### *The Notice*

10. At the outset of the inquiry I highlighted an apparent inconsistency between the terms of the notice which attack the dog grooming component of the mixed use and the subsequently issued LDCs which acknowledge that this activity is lawful. Although I am mindful that there is concern about the precise terms of the LDCs, this is something that lies outside the ambit of the current proceedings.
11. After an adjournment to enable the parties to consider the matter, the Authority indicated that the references to the dog grooming use in sections 3 and 5 of the notice, including the term "commercial" in the latter, should be deleted from it. I acknowledge that both parties were in favour of these measures, but while deleting the requirement to cease the dog grooming use is sensible and appropriate in the circumstances, I do not agree that the reference to this activity ought to be deleted from the allegation as this is a component of the mixed use taking place on the site, albeit one that the Authority no longer seek to attack.
12. In addition, from the submissions made on behalf of the appellant, and what I observed at the site inspection, the planning unit identified in the notice also includes the appellant's home and its curtilage. It is therefore clear that the mixed use in this instance has a residential element too. Although the appellant's case in support of the appeal on ground (b), which I address below, highlights this point, my view is that the allegation ought to be corrected to reflect the full extent of the mixed use.
13. I am satisfied that correcting the notice by deleting the requirement to cease the 'commercial' dog grooming would not give rise to injustice. Likewise, as including a reference to the residential component would simply amount to re-labelling the allegation to reflect what is on the site, I do not consider that further correcting the notice in this manner would cause injustice either. In particular, the notice does not purport to attack this use. I shall therefore exercise my power of correction accordingly.

#### **Appeal on Ground (b)**

14. In order for the appeal to succeed on this ground it has to be shown that the matters alleged in the notice have not occurred as a matter of fact.
15. In essence, the appeal is based on the premise that as the breach is incorrectly set out in the notice, it cannot have occurred. In particular, it is contended that as there is no mention of the residential use on the site, the breach as described has not taken place. There has been no change of use solely from agriculture as the notice alleges.
16. Although I have already addressed the omission of the residential use on the site from the allegation in the preceding section, I agree that identifying the

position before the alleged breach occurred can be important in that it provides a basis for assessing whether a breach of planning control is likely to have occurred. However, I am also mindful that in *Westminster CC v SSE and Aboro [1983] JPL 602*, it was held that it is not necessary for the previous use to be recited in a notice alleging a material change of use. Thus, while it may be that the allegation as set out in the notice does not identify the full range of uses, there is nothing to show or even suggest that those that are identified have not occurred. Indeed, the evidence is that they have.

17. In the light of the foregoing, the appeal on ground (b) fails.

### **Appeal on Ground (c)**

18. Given the formal acknowledgement that the dog grooming activity is lawful, consideration of this ground of appeal now focuses upon the dog rescue use. A good deal of the appellant's submissions under this heading take issue with the Authority's contention that the material change of use occurred some time between 2009 and 2012. As I see it, this point is more relevant to the appeal on ground (d) which I consider below. My assessment of this ground will be based on the terms set out in section 174 (c).
19. Besides the use in question, the planning unit within which it occurs contains a mixture of other activities. These include the keeping of a good number of dogs belonging to the appellant, a dog grooming business whereby dogs other than the appellant's are brought to the site for this purpose, and the keeping of other animals. The context therefore is one of a site where various animals, including dogs, are kept on the land, or are taken to and from the site and stay there whilst they are being attended to.
20. The appellant referred to taking in what he termed 'rescue dogs' on behalf of a local organisation, Whitby Dog Rescue, as well as some brought to him by members of the public. He also distinguished between 'short term' rescue, which I heard consisted of re-homing dogs to go as pets, and 'long term', usually involving more difficult and aggressive dogs that were hard to accommodate in homes. A fee was charged for accommodating the short term dogs.
21. I accept that the term 'dog rescue use' is capable of different interpretations and it appears that over time some of the rescue dogs kept at Spring House have become pets. Nevertheless, for the most part, it seems to me that the nature of the rescue activity, which involves taking in dogs, housing them on the land and striving to find new homes for them and so involves a degree of transience, is markedly different from both simply keeping dogs as pets, albeit in fairly large numbers. The character of the rescue use is also significantly different from the dog grooming activity which, as I understand it, involves dogs coming and going on a day by day basis as opposed to being housed on the site for periods of time. I also view the nature of the use as being functionally distinct from the residential and agricultural components of the mixed use; the common factor in this respect does not appear to extend beyond the appellant's ownership of the land.
22. To my mind, the dog rescue use in question has its own particular characteristics that set this activity apart from, and distinguish it from, the other components of the use of the appeal site. The degree of distinction is such that it amounts to a separate main use to the extent that it cannot

reasonably be regarded as being ancillary or incidental to the other constituents of the mixed use. As a matter of fact and degree, I find the character of the use such that it constitutes a material change of use. In the apparent absence of any relevant planning permission, my conclusion is that there has been a breach of planning control. The fact that the 2005 planning permission contains no condition limiting the use of the lean-to extension, a good deal of which is now used to house rescue dogs, does not cause me to depart from this view.

23. In the light of the foregoing, the appeal on ground (c) fails.

#### **Appeal on Ground (d)**

24. In order for the appeal to succeed on this ground it has to be shown that the use in question began more than 10 years before the notice was issued, that is prior to 17 February 2004, and has continued actively throughout a 10 year period.
25. In essence, the appellant's case is that rescue dogs had been kennelled at the site ever since he moved to Spring House in March 2003; the use had been continuous and has not changed materially since then. The appellant indicated that in the autumn of 2003 he had started to take in dogs from Whitby Dog Rescue, in batches of 6 at a time. While dogs were delivered on an occasional basis, they were housed at the site constantly. In response to a question from myself, I was told that the activity, that is taking in dogs at Spring House with a view to re-housing them, had remained exactly the same from 2003 onwards.
26. The appellant's evidence includes witness statements and letters from several people who indicate that they purchased or adopted dogs from the appellant in 2003, or that they observed rescue dogs at Spring House. While this is consistent with the appellant's version of events, as the respective signatories did not appear at the inquiry and so their evidence could not be tested by cross-examination, I am reluctant to attach a great deal of weight to this material. However, what I do attach considerable weight to is the evidence given at the inquiry by Mrs Morrissey. As Chair of Whitby Dog Rescue, she could be perceived as not being wholly impartial, albeit no such criticism was made at the inquiry. Nevertheless, she came over to me as an honest and cooperative witness whose evidence was lucid and cogent.
27. According to Mrs Morrissey, she first became aware that the appellant took in stray dogs in August 2003, when, having found a stray herself, she had visited Spring House. After her first visit her husband and herself began to call at weekends to walk dogs; some rescue dogs were the same, but there were always new ones. Her involvement with Whitby Dog Rescue began in September 2004; she then found out that the appellant and his wife had been helping to re-home dogs for the Charity.
28. Although I heard that there were issues regarding Whitby Dog Rescue's finances at the time Mrs Morrissey became involved, information that she was able to compile in connection with her efforts to shed light on this matter include the minutes of a Committee meeting in October 2004. The latter record that the appellant's wife made a payment of £295.00 for dogs adopted from July 7 to 1 September 2004. A database records individual dogs kennelled at 'Animal Crackers' (the appellant's trading name) for a period from

4 February 2004 to June 2005 and a compilation of kennel costs for 2004 to 2005 indicates that a total of £8136.50 was paid out to 'Animal Crackers'. In particular, the latter includes an entry for 7 January 2004 for £864.00. Mrs Morrissey, not unreasonably in my view, assumed these amounts covered fees for keeping dogs at Spring House. The evidence also includes a series of detailed invoices from the appellant that span a period from November 2005 through to September 2014.

29. Perhaps understandably, given the problems Mrs Morrissey described, financial records appertaining to the period prior to and around 17 February 2004 are somewhat thin, most of the evidence covers the period afterwards. However, some of the evidence does cover the period prior to the relevant date, and, together with Mrs Morrissey's own encounters from the summer of 2003, it tends to add a good deal of support to the claim that the dog rescue use had commenced before the relevant date. Mrs Morrissey's evidence is also consistent with the content of the statements and letters referred to in paragraph 26 above. Furthermore, the invoices also point strongly to the continuous presence of rescue dogs on the site for a large proportion of the 10 year period prior to the issuing of the enforcement notice.
30. No first hand evidence that directly contradicts the appellant's version of events was adduced by the Authority. Rather, their concern focuses upon inconsistencies between the appellant's current stance and information provided by him in the past. The appellant's intentions, as reported in an appeal decision dated 11 December 2001<sup>2</sup>, were that no business was contemplated at the site. But, as this appears to have been some time before he moved to Spring House, this is not a matter to which I attach much weight.
31. A letter sent on behalf of the appellant dated 15 November 2004 states that he assisted Whitby Dog Rescue, but this happened only on a few occasions when one dog stayed for a few days. I accept that this tends to add fuel to the Authority's scepticism, but as this correspondence was in response to an allegation that the appeal property was being used as boarding kennels at the time, I am reluctant to regard it as conclusive. Indeed, an email from Scarborough Borough Council's Dog Warden dated 1 December 2004 indicates that the appellant had been keeping dogs at the property on behalf of Whitby Dog Rescue.
32. A further letter from the appellant dated 15 September 2009 denies acting as a dog rescue centre, but I find the appellant's explanation that this was because he regarded taking in dogs for a voluntary organisation as being different from rescue centres run by, say, the RSPCA, reasonable and understandable.
33. The Authority further contend that the change of use only occurred between 2009 and 2012. Although this was claimed to be linked to an increase in the number of rescue dogs, there is nothing that points to a significant surge in their numbers, or to a perceptible change in the character of the use during this period. And, although rescue dogs were accommodated in the structure authorised by the 2005 planning permission, there is nothing that indicates that the physical works involved materially altered either the character of the dog rescue use, or that of the mixed use of the site as a whole; the evidence suggests that this probably had more to do with rationalising the accommodation on the site as opposed to expanding it.

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<sup>2</sup> Annex C to Mr Muir's proof of evidence

34. The appellant does appear to have been less than frank in his dealings with the Authority in the past, and I can understand why this may have tainted his credibility in the eyes of the Authority. Nevertheless, I am inclined to attach more weight to the evidence produced at the inquiry, all of which was given on oath and was subject to cross-examination. I am satisfied the evidence is sufficiently clear and unambiguous that, on the balance of probability, it shows that at the time the notice was issued it was too late for enforcement action to be taken.
35. In the light of the foregoing, the appeal on ground (d) succeeds and the enforcement notice will be quashed. As a result, there is no need for me to consider the appeal on grounds (a) and (f).
36. I have taken into account all the other matters raised, but none are sufficient to outweigh the considerations that have led me to my conclusions.

### **Formal Decision**

37. I direct that the notice be corrected:
- (i) In section 3 by the deletion of all the words after "from" and their substitution by "agricultural and residential use to a mixed use consisting of an agricultural use, residential use and dog grooming and dog rescue use."
  - (ii) In section 5 by the deletion of "the commercial dog grooming and" from the requirement.
38. Subject to these corrections, I allow the appeal and direct that the enforcement notice be quashed.

*D H Brier*

Inspector



## Appendix B

List of Planning Applications Determined by the Director of Planning  
for the Period from 05/06/2015 to 10/07/2015  
in the Following Order and then by District:  
Delegated Planning Applications;  
Post Committee Applications;  
on Expiration of Advertisement;  
on Receipt of Amended Plans and Further Observations;  
Approval of Conditions;  
Applications Adjacent to the Park (3024);  
Notifications Under Schedule 2, Part 6/7, of  
The Town & Country Planning (General Permitted Development) Order 1995

NYM/2015/0021/LB	Granted Listed Building consent for internal and external alterations at The Forge, Fangdale Beck for Mr Robin Chapman	02/07/2015
NYM/2015/0174/CU	Approved use of part of property as tea room and courtyard as additional seating area (Use Class A3), use of agricultural land as campsite and use of existing timber building as amenity block (no external alterations) (part retrospective) at High Paradise Farm, Paradise Road, Boltby for Mrs Judith Skilbeck	09/06/2015
NYM/2015/0249/FL	Approved construction of sun room/porch extension following removal of existing conservatory (part retrospective) at Chimes Cottage, Coxwold for Mrs B May	16/06/2015
NYM/2015/0309/FL	Approved variation of condition 2 (material amendment) of planning approval NYM/2015/0010/FL to allow for the omission of two storey rear extension and construction of roof extension at No. 1 Handley Cross, Carlton for Mr Alastair Lloyd	29/06/2015
NYM/2015/0318/FL	Approved construction of replacement double garage with log store at Cherry Hill, Dikes Lane, Great Ayton for Mr Jeff Taylor	06/07/2015
NYM/2015/0023/FL	Approved conversion of redundant building to form 1 no. holiday cottage at Beck House Farm, Cropton for Mr Ian Smith	05/06/2015
NYM/2015/0200/FL	Approved construction of garden room extension following removal of existing lean-to at Oak House, Cold Kirby for Mrs Charlotte Wilton	08/06/2015
NYM/2015/0217/FL	Approved construction of single storey extension following removal of existing passageway and detached store room at Sinnington Village Hall, The Green, Sinnington for Sinnington Parish Council	10/06/2015

NYM/2015/0226/FL	Approved installation of replacement windows to side and rear and together with refurbishment works and erection of flue pipe to outbuilding to house biomass boiler at Chapel Field Study, Daleside Road, Rosedale East for Mr Edward Harpin	16/06/2015
NYM/2015/0241/CU	Approved change of use from commercial with residential flat above to 1 no. dwelling (no external alterations) at 9 Bondgate, Helmsley for Mr Nigel Adrian Luckhurst	19/06/2015
NYM/2015/0247/FL	Approved construction of detached double garage/store at Charters Garth, Hutton le Hole for Mr & Mrs Ward	05/06/2015
NYM/2015/0261/FL	Approved construction of part single/part two storey rear extension at Mass House, Egton for Mr & Mrs I & C Thorpe	06/07/2015
NYM/2015/0269/LB	Granted Listed Building consent for change of rear window to door together with internal alterations at Ivy House, High Street, Thornton-le-Dale for Mrs Joy Foster	12/06/2015
NYM/2015/0272/FL	Approved use of building as managers accommodation in association with Laskill Country House at Friends Meeting House, Laskill for Mrs Mandy Sowray	15/06/2015
NYM/2015/0273/FL	Approved construction of storage building at Hemell House, Dog Kennel Lane, Thornton Dale for Mr & Mrs Clarence & Angela Eaglen	15/06/2015
NYM/2015/0292/CU	Approved change of use of ground floor of Hotel to form retail area (Use Class A1) together with external alterations (revised scheme to NYM/2012/0187/CU) at The Crown Hotel, 21 Market Place, Helmsley for The Crown Hotel Building LTD	19/06/2015
NYM/2015/0293/LB	Granted Listed Building consent for internal and external alterations to enable the change of use of ground floor of Hotel to retail area (revised scheme to NYM/2012/0188/LB) at The Crown Hotel, 21 Market Place, Helmsley for The Crown Hotel Building LTD	19/06/2015
NYM/2015/0317/NM	Approved non material amendment to planning approval NYM/2014/0049/FL to allow the use of render to side of extension instead of wood and enlargement and re-orientation of roof lantern at Horizons, (Fairview), Appleton le Moors for Mr and Mrs Alan and Susan Matcham	09/06/2015

NYM/2015/0319/FL	Approved enlargement of link between house and garage at The Old Farriers, Archway Lane, Thornton-le-Dale for Ms J Draycott	08/07/2015
NYM/2014/0712/FL	Approved construction of 1 no.open market dwelling following demolition of disused store and imposition of local occupancy restriction on 9 Primrose Hill at stores adjacent 9 Primrose Hill, Castleton for Mr Stuart Rees	06/07/2015
NYM/2014/0834/FL	Approved conversion of redundant building to residential annexe accommodation at Postgate Farm, Common Lane, Glaisdale for Mr & Mrs M Hollingworth	10/07/2015
NYM/2014/0838/LB	Granted Listed Building consent for conversion of redundant building to residential annexe accommodation at Postgate Farm, Glaisdale for Mr & Mrs M Hollingworth	10/07/2015
NYM/2015/0183/FL	Approved construction of replacement single storey rear extension at 26 A Captain Cooks Close, Staithes for Mr David Barwick	24/06/2015
NYM/2015/0215/FL	Approved construction of extension to existing factory unit and siting of package treatment plant at Langburn Bank, Castleton for Farmworkshop Ltd	10/06/2015
NYM/2015/0240/FL	Approved installation of roof mounted solar panels at The Robinson Institute, Glaisdale for Mr Roger Barlow	19/06/2015
NYM/2015/0246/CU	Approved change of use of buildings to form dog grooming and day care facility and siting of storage units, site toilet and restroom within buildings (retrospective) at Millbry Hill, Guisborough Road, Whitby for Armstrong Richardson & Co Ltd	05/06/2015
NYM/2015/0248/FL	Approved variation of condition 3 of planning approval NYM4/051/0042E to allow occupation of the 6 no. approved caravans from 8 months to 11 months of the year at Caravan Park to rear of The Badger Hounds, 39 High Street, Hinderwell for The Badger Hounds	12/06/2015
NYM/2015/0251/FL	Approved use of land for the keeping of horses and erection of timber stable block at Hollins Hall, Eskdaleside, Grosmont for Mr & Mrs Lee Cowen	16/06/2015

NYM/2015/0277/FL	Approved installation of replacement spine headframe to existing tower supporting 3 no. antennas, 3 no. RRU's and 2 no. transmission dishes together with ancillary development at land to the north of Grouse Hill Caravan Park, Blacksmith Hill, Whitby for Cornerstone Telecommunications LTD (CTIL) & Vodaphone UK LTD	23/06/2015
NYM/2015/0278/FL	Approved construction of single storey extension at Newstead Farm, Aislaby Road, Egton for Mrs Jane Goodchild	29/06/2015
NYM/2015/0282/FL	Approved part rebuilding of and alterations to garage to form sun room and boiler room together with erection of shed at Ravenhurst, Church Road, Ravenscar for Mr & Mrs David Russell	29/06/2015
NYM/2015/0284/LB	Granted Listed Building consent for installation of replacement timber door and timber bay window at Low House, Westerdale for Mr & Mrs J Pacey	18/06/2015
NYM/2015/0291/FL	Approved variation of condition 3 of planning approval NYM/2012/0337/FL to allow the unit to be occupied as a local occupancy dwelling at Abbey View, Whitby Laithes, Hawsker for Mr Tim Cole	19/06/2015
NYM/2015/0308/CU	Approved change of use to cafe with shop (Use Classes A3 and A1) (no external alterations) at The Old Post Office, King Street, Robin Hoods Bay for Mrs Samantha Pearson	06/07/2015
NYM/2015/0312/FL	Approved proposed raising of eaves and ridge height at The Homestead, 97 High Street, Hinderwell for Mr Allan Stubbs	02/07/2015
NYM/2015/0313/FL	Approved variation of condition 2 (material amendment) of planning approval NYM/2014/0065/FL to allow the rebuilding of west gable and alterations to ground floor fenestration at land North West of Everley Hotel, Mowthorp Road, Hackness for Mr & Mrs W Tinsley	02/07/2015
NYM/2015/0316/LB	Refused Listed Building consent for construction of porch to south elevation at Broom House Farmhouse, Broom House Lane, Ugthorpe for Mr Keith Robson	06/07/2015
NYM/2015/0353/NM	Approved non material amendment to planning approval NYM/2011/0685/FL to allow the omission of 2 no. windows and replacement with glazed opening and relocation of roof window at Hillside Farm, Eskdaleside for Mr Rodney Hodgson	25/06/2015

NYM/2015/0380/NM	Approved non material amendment to planning approval NYM/2012/0784/FL to allow an increase in floor area, alterations to roof design, alterations to fenestration and insertion of French doors to approved extension at North Moor Bungalow, North Moor, Wykeham for Mr and Mrs S Wiles	06/07/2015
NYM/2015/0231/FL	Approved construction of dormer window to rear elevation at 33 Hutton Village, Guisborough for Mrs K Whittam	08/06/2015
NYM/2015/0238/FL	Approved construction of extension to existing substation at Boulby Mine, Loftus for Cleveland Potash Ltd	19/06/2015
NYM/2015/0263/FL	Approved erection of pig lairage building at Easington Hall Farm, Easington for Wood Bros	09/06/2015
NYM/2015/0267/FL	Approved construction of replacement single storey rear extension at 17 Front Street, Charltons for Mr T Morgan	18/06/2015
NYM/2015/0290/FL	Approved construction of single storey garden room extension following demolition of existing conservatory at 24 Park Lane, Easington for Mr Les Greening	25/06/2015
NYM/2015/0298/FL	Approved alterations and construction of single storey and first floor rear extensions together with pitched roof to front porch and balcony to rear at 7 Hutton Village Road, Guisborough for Ms Claire Finch	26/06/2015

### **Notifications**

NYM/2015/0250/AGRP	Approved erection of covered area for livestock at Morra Head Farm, Harwood Dale for J R Cussons & Son	08/06/2015
NYM/2015/0283/AGRP	Approved erection of agricultural storage building at Plum Tree Farm, Glaisdale for Mr Martin Thompson	18/06/2015
NYM/2015/0285/AGRP	Approved proposed agricultural track and turning area at High Bracken Hill Cottage, Chopgate for Mr David Winship	11/06/2015
NYM/2015/0328/AGRP	Approved creation of fowarder tracks and winch bays for forestry purposes at land to the south of Cowhouse Bank Farm, Helmsley for Forestry Commission	09/07/2015

NYM/2014/0446/AGRP Approved 18/06/2015  
upgrading of existing forestry track at Land north of Low  
House, Roxby Estate, Staithes for Trustees of Upsall and  
Roxby Estates

**Applications Determined by the Director of Planning on Expiry of Advertisement,  
Receipt of Further Amended Plans and Observations**

None

**Applications Adjacent to the National Park (3024)**

None

**Background Documents to this report**

1. Signed reports - dates as given
2. Signed letter - dates as given

**File Ref:**

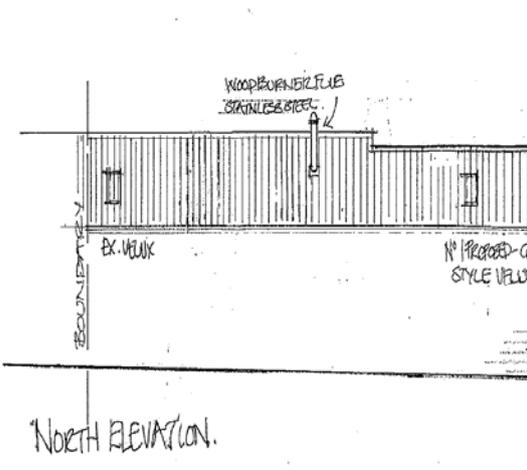
3022/1  
3024/1

**Location**

North York Moors National Park Authority

List of Enforcement Matters Determined  
By The Director of Planning

For the Period: 29 May 2015 – 2 July 2015

File No.	Development Description and Site Address	Decision Taken
11204	<p>Chapel Barn, Kilburn Flue positioned lower in roof slope that authorised in NYM/2014/05201/NM</p> 	<p>Not expedient to pursue</p> 
10118	<p>Laurel Cottage, Red Lion Yard, Lythe. Various works to renovate building.</p> 	<p>Not expedient to pursue</p> 