



**North York Moors  
National Park**

# Agenda

**Meeting: Planning Committee**

**Venue: The National Park Office, The Old Vicarage, Bondgate, Helmsley**

**Date: Thursday 14 July 2022, 10am**

## Business

1. Election of chair to take office until the first meeting of Planning Committee following the Annual General Meeting of the Authority.
2. Election of deputy chair to take office until the first meeting of Planning Committee following the Annual General Meeting of the Authority.
3. Apologies for absence.
4. Public minutes of the meeting held on 19 May 2022.
5. Public question time (an opportunity for members of the public to ask questions)
6. Members are reminded that it is their responsibility to declare the nature of any personal, prejudicial and/or disclosable interests relating to any agenda item immediately prior to its consideration and are encouraged to complete a written declaration using the form provided.
7. Emergency evacuation procedure – The chair to inform members of the public of the emergency evacuation procedure.
8. Miscellaneous items
  - Appeals (Development Management)
  - Appeals (Enforcement)
  - Planning applications determined by the Director of Planning
  - List of enforcement matters determined by the Director of Planning
  - Number of planning applications outstanding (over 13 weeks)
9. Levelling-up and Regeneration Bill. A summary.
10. The Helmsley Local Plan – Review.
11. Newby & Scalby Neighbourhood Area Designation.

12. To consider applications, together with the Director of Planning recommendations thereon:-

<b>Plans List Item Number</b>	<b>Application Reference</b>	<b>Development description and site address</b>
1	NYM/2022/0469	Application under Regulation 3 (Town and Country Planning General Regulations 1992) for change of use from office (Class E) and parking to dwelling (no alterations) (Class C3) at 13 Bondgate, Helmsley
2	NYM/2022/0363	Removal of stables and erection of three timber lodges to provide rooms ancillary to the Country Inn at Bryherstones Inn, Newlands Road, Cloughton

Relevant planning files are available for inspection prior to the Meeting upon request. Photographic evidence will be on display in the Committee Room (where applicable).

13. Such other business as, in the opinion of the Chair, should, by reason of special circumstances, be considered as a matter of urgency.

Chris France  
Director of Planning

**Press Contact: Nina Beadle, Media and Communications Officer, 01439 772700**

**Note:**

- The Authority allows the recording and reporting of public meetings but asks that any party wishing to do so informs the Authority in advance of the meeting. Recording and reporting that disrupts the meeting is not allowed. Persons expressly refusing consent, children and vulnerable adults cannot be filmed or photographed. The existing rules relating to confidential and exempt information, defamation, Data Protection and Public Order apply. The Authority accepts no liability whatsoever for the recording and reporting carried out by other parties.
- **Members are reminded to turn all electronic equipment to silent mode, including mobile phones, laptop computers and tablets. Please note that only information that is available to Members during the Committee meeting should be accessed from a computer in the interests of sound decision making.**
- Please note that the meeting may be adjourned to enable Members and Officers to have appropriate breaks (including lunch). This will only be undertaken when absolutely necessary and at the Chair's discretion. Lunch will be available at approximately 12.30 pm. Members taking lunch will have the appropriate amount deducted from any subsistence claim they may make.
- Tea and coffee will be available a quarter of an hour before the meeting.
- Please ensure when parking in the car park that you have not caused an obstruction which could prevent emergency vehicles accessing the building.
- Judith Seaton should be notified of any apologies.

- This agenda and application documentation are also available on the website [www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk). Comments on planning applications can be submitted by post to North York Moors National Park Authority, The Old Vicarage, Bondgate, Helmsley, YO62 5BP or by e-mail to [planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk)
- **This agenda is available in large print on request.**

# North York Moors National Park Authority

## Item 4, Public minutes of the meeting held on Thursday 19 May 2022, 10am

### Present:

Jim Bailey, Malcolm Bowes, Ena Dent, Janet Frank, David Hugill, Patrick James, David Jeffels, Bob Marley, Heather Moorhouse, Abida Nayyar, Sarah Oswald, Clive Pearson, Subash Sharma, Colin Williamson

### Apologies:

Peter Berry, Shaun Moody

## Copies of all documents considered are in the minute book

### 14/2022 Minutes

That the public minutes of the meeting held on Thursday 07 April 2022, having been printed and circulated, be taken as read and be confirmed and signed by the Chair as a correct record.

### 15/2022 Public question time

There were no questions from members of the public.

### 16/2022 Members interests

Members were reminded of their responsibility to declare any personal, prejudicial and/or disclosable interests relating to any agenda item prior to its consideration.

### 17/2022 Emergency evacuation procedure

The Chairman informed members of the public of the emergency evacuation procedure.

### 18/2022 Miscellaneous items

Considered: The report of the Director of Planning

**Resolved:** That the report be noted.

### 19/2022 Forest Design Plan consultation – Cropton Forest

Considered: The report of the Woodland Officer

**Resolved:** That Members welcomed the Cropton Forest Design Plan for the contribution it makes to National Park purposes and agreed that the comments set out in the report are made to Forestry England and Forest Services.

## **20/2022      Implications of the requirement for nutrient neutrality in the River Tees**

Considered: The report of the Head of Development Management

**Resolved:** That Members noted the current Natural England advice on achieving nitrate neutrality in respect of new development in the area of the National Park within the Tees Catchment and endorsed the principle of working with neighbouring planning authorities and partners on nutrient mitigation schemes.

## **21/2022      Applications for planning permission**

### **Plans list item 1**

NYM/2022/0178 - Demolition of single storey extension, construction of replacement single and two storey extensions and alterations to existing garage to form additional living accommodation at South View, Mill Lane, Church Houses, Kirkbymoorside.

Due to the Highway Authority withdrawing their objection, the application was withdrawn from the planning agenda and will be determined under the Director of Planning's delegated powers.

# North York Moors National Park Authority

## Item 5, Public question time for all planning committee agenda items excluding the list of planning applications together with the Director of Planning's recommendations

### When?

Public Question Time will be at the beginning of each meeting, immediately after the minutes of any previous meeting have been agreed, and will be limited to a maximum of 15 minutes of questions and answers in total.

### What?

- Only questions will be allowed, and these must relate to the business of the Authority
- Any questioner will be limited to two minutes maximum speaking time
- Supplementary questions will only be allowed for purposes of clarifying an earlier answer
- If answers cannot be provided on the day a reply in writing will be offered

### How?

Any questions must be delivered in writing to the Director of Planning at least two clear working days before the meeting. The Chair will then call questioners at the meeting in the order questions were received.

**Answers to questions will normally be given by the Chair.**

### Exclusions?

No question relating to an individual recipient of services will be allowed, as appropriate alternative channels exist for such inquiries.

The opportunity to ask questions under this scheme does not apply to staff or their representatives, since other mechanisms are available.

No questions can be accepted which relate to matters which would normally be dealt with in private session because they relate to exempt information, for example: -

- Legal actions
- Financial and business affairs of other organisations
- Individual members of staff
- Trade Union negotiations

No questions can be accepted where there is a statutory procedure in place for public consultation, for example: -

- Traffic regulation orders
- Public rights of way orders, etc.

### Notice of questions should be sent to:

Director of Planning, National Park Office, Old Vicarage, Bondgate, Helmsley, YO62 5BP  
or by email to [planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk).

# North York Moors National Park Authority

## Item 8, Miscellaneous items

### Development Management appeals

Please note that the appeal documentation for each of the applications listed below can be found by clicking on the application reference number.

### Hearings and inquiries

Reference number	Appellant's name and location	Development description	Date, time and venue
NYM/2019/0431/FL	Edwards, Silpho Brow Farm West, Silpho, Scarborough YO13 0JP	Change of use of agricultural buildings for the purposes of stabling horses and commercial storage in connection with the use of the site as a horse rescue, rehabilitation and horse rehoming charity, retention of touring caravan for workers rest room, retention of portacabin for use as workers accommodation, siting of toilet block, replacement summerhouse and gravel surfacing of field entrance to assist with drainage together with fenced external storage area (part retrospective)	10 August 2022, 10am, North York Moors National Park Authority Headquarters, The Old Vicarage, Bondgate, Helmsley

### Appeals received

Reference number	Appellant's name and location	Development description
NYM/2022/0055	Mr Stephen Simpson, Laneside Glaisdale Whitby	Change of use of existing bed and breakfast room within dwelling, construction of single storey extension and cladding to form 1 no. holiday letting unit

## Appeals determined

Reference number	Appellant's name and location	Development description	Decision
NYM/2021/0229/FL	Mr Stuart Anderson, land near to Station Square, Ravenscar	Erection of replacement stable block	Appeal allocated. Decision attached at appendix 1.

## Enforcement appeals

Please note that the appeal documentation relating to the enforcement cases listed below can be found by clicking on the reference number.

## Hearings and inquiries

Reference number	Appellant's name and location	Development description	Date, time and venue
NYM0001/2021	Edwards, Silpho Brow Farm West, Silpho, Scarborough YO13 OJP	Alleged unauthorised earth works; siting of a caravan; siting of a portacabin; use of agricultural barn to store waste; use of land for the keeping of rescue animals; and use of land for the keeping of horses	10 August 2022, 10am, North York Moors National Park Authority Headquarters, The Old Vicarage, Bondgate, Helmsley
NYM0001/2021	All for Horses Rescue and Rehoming, Silpho Brow Farm West, Silpho, Scarborough YO13 OJP	Alleged unauthorised earth works; siting of a caravan; siting of a portacabin; use of agricultural barn to store waste; use of land for the keeping of rescue animals; and use of land for the keeping of horses	10 August 2022, 10am, North York Moors National Park Authority Headquarters, The Old Vicarage, Bondgate, Helmsley



## **Appeals received**

None

## **Appeals determined**

None

## **Applications determined by the Director of Planning**

A list of applications determined by the Director of Planning in accordance with the scheme of delegation is attached at appendix 2.

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.

## **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 3.

## **Number of planning applications outstanding**

A list of the number of planning applications which were validated over 13 weeks ago is attached at appendix 4.

Tom Hind  
Chief Executive

Chris France  
Director of Planning

Background documents to this report

<b>Document</b>	<b>File Ref</b>	<b>Location</b>
Signed letter: dates as given	3024	The Old Vicarage, Bondgate, Helmsley, York, YO62 5BP



---

## Appeal Decision

Site visit made on 4 April 2022

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2022

---

Appeal Ref: APP/W9500/W/21/3285938

Land near to Station Square, Ravenscar

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Stuart Anderson against the decision of North York Moors National Park Authority.
  - The application Ref NYM/2021/0229/FL, dated 22 March 2021, was refused by notice dated 29 June 2021.
  - The development is a proposed replacement stable block.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a replacement stable block at land near to Station Square, Ravenscar in accordance with the terms of the application Ref NYM/2021/0229/FL, dated 22 March 2021, and the plans submitted with it, subject to the attached schedule of conditions.

### Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

### Reasons

3. The appeal site contains an existing dilapidated timber stable building which is constructed of a mixture of materials. It is situated towards the south west of the terraced houses on Station Square. The replacement stable block, with an associated storage area, has been designed to **accommodate the appellant's** large breed horses and to withstand the weather in this location. This results in the replacement building having a more agricultural appearance.
4. The replacement stable block would not be directly next to 4 Station Square. Nonetheless, it would be situated in a similar position as the existing stable which forms part of the landscape character of this part of the National Park. It would also be seen in the context of the terraced houses and nearby residential dwellings.
5. The replacement building would not be significantly larger than the existing stable. Having regard to the existing building and the surrounding built development, the proposed development would not appear out of scale. Although the building would have more of an agricultural appearance than the existing stable, the proposed materials and roller-shutter door would not in itself make the proposal unacceptable. Furthermore, the proposed development would not be a prominent feature when viewed from the surrounding area,

including from Station Square and the Cinder Track. This is due to a combination of the topography of the area, vegetation as **well as the building's** scale, design and siting to the south west of the terrace.

6. Consequently, the proposed building would be of an acceptable scale and design for its intended use and setting which would be appropriately located and would not have an unacceptable impact on the landscape character. For these reasons, the proposed development would not have an unacceptable effect on the character and appearance of the surrounding area and would not have a detrimental impact on the wider setting of the National Park and its special qualities.
7. Accordingly, the scheme would comply with Strategic Policy A and Policy C020 of the North York Moors National Park Authority Local Plan (2020). These policies seek, amongst other matters, to ensure horse related development for private use are of an appropriate scale and design which do not have an unacceptable impact on the local landscape character.

#### *Other matters*

8. It is clear from the information before me that the appeal site is located near to the North York Moors National Park, **Beast Cliff-Whitby (Robin Hood's Bay) Special Area of Conservation (SAC) and Robin Hood's Bay: Maw Wyke to Beast Cliff Site of Special Scientific Interest (SSSI)**. The appeal site is located approximately 250 metres away from the SAC and SSSI. Natural England (NE) considered that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.
9. NE recently updated the conservation status of the Teesmouth and Cleveland Coast SPA/ Ramsar Site and has provided updated advice with a new generic methodology. The main parties and NE were given the opportunity to comment on this matter.
10. On the basis of the evidence before me, the development is not within the catchment of the Teesmouth and Cleveland coast SPA/ Ramsar site. Therefore, given that the proposal seeks to replace the existing stable building and scale of the proposed building as well as the location of the site and type of development, I am satisfied that there would be no adverse effect on the integrity of the European sites.

#### Conditions

11. I have assessed the LPA's **suggested conditions in light of** guidance found in the Planning Practice Guidance and where necessary the wording has been amended for clarity and precision. The appellant and LPA were given the opportunity to comment on the altered wording of these conditions.
12. It is necessary to attach a condition specifying the approved plans as this provides certainty. I have also imposed conditions restricting the **development's use for private domestic purposes only** which is ancillary to the residential use of 4 Station Square, to control external lighting and to control details of the storage and disposal of waste (including manure). These are necessary in the interests of the character and appearance of the area as well as the National Park landscape and having regard to the living conditions of nearby occupiers.

Conclusion

13. For the reasons given above the appeal succeeds.

*L M Wilson*

INSPECTOR

### SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan, Site/Roof Plans (01) and proposed arrangements (03 Rev A).
- 3) The development hereby permitted shall be used only for the horses kept for private domestic use. Neither the development hereby permitted, nor site shown on the approved plans, shall be used for any other purpose, including a commercial use.
- 4) The development hereby permitted shall be used only for purposes ancillary to the residential use of the dwelling known as 4 Station Square, Ravenscar and shall not be sold or leased separately from the main dwelling.
- 5) Prior to the installation of any external lighting, details should be submitted to and approved in writing by the local planning authority. External lighting shall thereafter only be installed in accordance with details approved by the local planning authority.
- 6) Prior to the first use of the development hereby permitted, details of the containment, storage and disposal of waste (including manure), shall be submitted to and approved in writing by the local planning authority. The storage and disposal of waste shall thereafter only be undertaken in accordance with details approved by the local planning authority.

## Appendix 2

### List of applications determined by the Director of Planning in accordance with the scheme of delegation for the period of 03 May 2022 to 06 June 2022

Please note that the decision notice for each of the Authority's applications listed in this report can be found by clicking on the application reference number.

#### Hambleton

**Application reference:** NYM/2021/0750/FL

Erection of building to cover existing silage clamp at Church Farm, Kilburn for TW Thompson & Sons

Approved on 20/05/2022

**Application reference:** NYM/2022/0047

Conversion of and extension to former agricultural building to 1 no. dwelling with associated parking, amenity space and landscaping works at Buildings adjacent Urra Farm Cottage, Urra, Chop Gate for Ms Joanne Thomas

Approved on 06/05/2022

**Application reference:** NYM/2022/0169

Use of land for the siting of one shepherds hut for holiday letting purposes at Cock Flat Farm, Raisdale Road, Chop Gate for Mr Robert Garbutt

Approved on 23/05/2022

**Application reference:** NYM/2022/0207

Construction of single storey rear extension at 2 Moorland View, Dikes Lane, Great Ayton for Mr A Ward

Approved on 10/05/2022

**Application reference:** NYM/2022/0209

Demolition of front porch and installation of replacement front door and construction of two dormer windows at 37 North End, Osmotherley for Mr Carl Booth

Approved on 04/05/2022

**Application reference:** NYM/2022/0231

Demolition works, conversion of and rebuilding works to agricultural buildings to form two dwellings with associated parking, amenity spaces and landscaping works together

with installation of sewage treatment plant at Town Pasture Farm, Lavender Lane, Boltby for Margaret Mary Fountain

Approved on 25/05/2022

**Application reference:** NYM/2022/0246

Listed Building consent for removal of paving and flowerbed and replacement with membrane and gravel at pinfold opposite Blacksmiths Arms, Black Horse Lane, Swainby for Whorlton Parish Council

Granted on 26/05/2022

## **Ryedale**

**Application reference:** NYM/2021/0954/FL

Use of land for camping and construction of ancillary building together with temporary siting of 2 no. portable amenity units pending completion of building at Peat Rigg Outdoor Training Centre, Sutherland Lane, Cropton for Peat Rigg Outdoor Training Centre

Approved on 20/05/2022

**Application reference:** NYM/2022/0010

Construction of single storey rear extension at 32 Castlegate, Helmsley for Mrs Caroline Cox-Johnson

Approved on 12/05/2022

**Application reference:** NYM/2022/0048

Variation of conditions 2 (material amendment) and 11 of planning approval NYM/2019/0840/FL to allow the installation of flue pipes and satellite dish, revised paint colour to facade and signage and change to surface of land to east at 19 Market Place, Helmsley for Mrs Jill White

Approved on 30/05/2022

**Application reference:** NYM/2022/0064

Variation of conditions 2 (material amendment) and 12 of Listed Building consent NYM/2019/0849/LB to allow the installation of flue pipes and satellite dish, revised paint colour to facade and signage and change to surface of land to east at 19 Market Place, Helmsley for Mrs Jill White

Granted on 30/05/2022

**Application reference:** NYM/2022/0161

Removal & disposal of asbestos roof panels and pantiles from 4 garage block, replaced with clay pantiles throughout at Merrywood and 2, 3 and 4 Low Mill Court, Westgate, Thornton Le Dale for Ms Carole Winn

Approved on 18/05/2022

**Application reference:** NYM/2022/0170

Cladding of all elevations of garage at The Laurels, Moor Lane, Sinnington for Mr Andrew Campbell

Approved on 10/05/2022

**Application reference:** NYM/2022/0211

Change of use of agricultural land to garden and erection of storage building (retrospective) at Rosehill Cottage, Oldstead for Mr Jeffrey Pearson

Approved on 04/05/2022

**Application reference:** NYM/2022/0223

Construction of single storey extension (resubmission following refusal of NYM/2021/0649/FL) at Rigg Cottage (formerly New House), Green Lane, Farndale for Mr Geoff Bradley

Refused on 11/05/2022

**Application reference:** NYM/2022/0225

Creation of wildlife pond at land north west of High Lodge, Scawton for Mrs Ann Strang

Approved on 27/05/2022

**Application reference:** NYM/2022/0237

Installation of six solar panels to south facing side roofslope of garage at 1 The Square, Mill Lane, Low Mill for Janet and Stuart Bell

Approved on 12/05/2022

**Application reference:** NYM/2022/0240

Listed Building consent for replacement of fireplace to sitting room and removal of ensuite to bedroom two at Mullion Court, Headlands Road, Appleton le Moors for Ms Jane Hartzig

Granted on 18/05/2022



**Application reference:** NYM/2022/0297

Application under Regulation 3 (Town and Country Planning General Regulations 1992) for siting of wooden memorial bench at opposite Battle of Byland memorial, south west of Sutton Bank Visitors Centre, Cooper Cross, Cold Kirby for North York Moors National Park Authority

Approved on 24/05/2022

**Scarborough**

**Application reference:** NYM/2019/0324/FL

Surfacing works to agricultural track (retrospective) at land serving Thorn Hill Farm, Comondale for Gisborough Estate

Approved on 23/05/2022

**Application reference:** NYM/2021/0945/FL

Construction of replacement pitched roof with cat-slide dormer and single storey side extension at Cliff Cote, Prospect Field, Robin Hoods Bay for Lisa Winder

Approved on 12/05/2022

**Application reference:** NYM/2021/1011

Construction of detached garage and stable building together with re-building of former outbuilding to create garden store (part retrospective) at Blea Wyke Lodge, Station Road, Ravenscar for Mr Steve Turner

Approved on 12/05/2022

**Application reference:** NYM/2021/1024

Conversion of agricultural buildings to 2 no. holiday cottages with associated amenity space and parking together with installation of foul drainage system at Grosmont Farm, Grosmont for The Grosmont Estate

Approved on 10/05/2022

**Application reference:** NYM/2021/1027

Construction of detached garage at Heather Cottage, Bentrigg Lane, Ravenscar for Mr George Forder

Approved on 23/05/2022

**Application reference:** NYM/2022/0037

Construction of first floor extension over garage and dormer window to rear at East Garth, Darnholm Road, Goathland for Mr & Mrs A & S Calvert

Approved on 26/05/2022

**Application reference:** NYM/2022/0086

Conversion of outbuilding to holiday letting accommodation with associated access path, parking and landscaping works at The Howe, Danby for Mr Bower

Approved on 18/05/2022

**Application reference:** NYM/2022/0089

Laying of concrete hardstanding at Goathland Village Hall, The Common, Goathland for Mr Robert Davison

Approved on 09/05/2022

**Application reference:** NYM/2022/0109

Blocking up of doorway to create a window on south facing elevation at 9 Middle Farm, The Barn, Ryeland Lane, Ellerby for Mr G Robinson

Approved on 06/05/2022

**Application reference:** NYM/2022/0110

Listed Building consent for blocking up of doorway to create a window on south facing elevation at 9 Middle Farm, The Barn, Ryeland Lane, Ellerby for Mr G Robinson

Granted on 06/05/2022

**Application reference:** NYM/2022/0130

Change of use of attached residential annexe to dual use as either annexe or holiday letting accommodation (retrospective) at Green End Farm, Green End, Goathland for Thompson and Costello

Approved on 20/05/2022

**Application reference:** NYM/2022/0133

Demolition of lean-to and construction of single storey garden room to rear at The Cottage, Main Street, Westerdale for Mr & Mrs Taylor

Approved on 25/05/2022

**Application reference:** NYM/2022/0134

Listed Building consent for demolition of lean-to and construction of single storey garden room to rear together with internal alterations at The Cottage, Main Street, Westerdale for Mr & Mrs Taylor

Granted on 25/05/2022

**Application reference:** NYM/2022/0137

Change of use of existing paddock to camp site comprising two glamping pods with associated parking, access path and package treatment plant at land at Newlands Cottage, Newlands Road, Cloughton for Mr David Ward

Approved on 12/05/2022

**Application reference:** NYM/2022/0175

Installation of replacement front and rear doors at 3 The Esplanade, Robin Hoods Bay for Mr Damian Buchanan

Approved on 16/05/2022

**Application reference:** NYM/2022/0183

Listed Building consent for installation of replacement front and rear doors at 3 The Esplanade, Robin Hoods Bay for Mr Damian Buchanan

Granted on 16/05/2022

**Application reference:** NYM/2022/0208

Construction of single storey rear extension at Chapel Cottage, Main Street, Hutton Buscel for Ms Anne Devaney

Approved on 13/05/2022

**Application reference:** NYM/2022/0216

Erection of replacement children's play equipment at The Grainary, Harwood Dale for The Grainary Harwood Dale Ltd

Approved on 13/05/2022

**Application reference:** NYM/2022/0224

Change of use of land to storage compound ancillary to existing caravan site (retrospective) at Runswick Bay Caravan Park, Hinderwell Lane, Runswick Bay for Mr James Welch

Approved on 20/05/2022

**Application reference:** NYM/2022/0232

Construction of garden room to rear at Broxa Farm, Broxa Hill, Broxa for Mrs Jane Swiers

Approved on 16/05/2022

**Application reference:** NYM/2022/0251

Alterations and construction of garden room and entrance porch at Broad Gate Farm, Meadowcroft, Broad Gate Road, Westerdale for Mr & Mrs D Alderton

Approved on 19/05/2022

**Application reference:** NYM/2022/0258

Construction of one local occupancy dwelling with associated driveway and amenity space (revised scheme to NYM/2019/0343/FL) at land adjacent 2 Beacon Way, Sneaton for Mr I Pyman

Approved on 23/05/2022

**Application reference:** NYM/2022/0260

Installation of sculpture at land at Endeavour Close, Staithes for York Housing Association

Approved on 20/05/2022

**Application reference:** NYM/2022/0273

Construction of dormer to rear of dwelling at 60 High Street, Castleton for Mr Mark Raw

Refused on 26/05/2022

**Application reference:** NYM/2022/0278

Variation of condition 4 of planning approval NYM/2012/0429/CU to allow the sale of the top floor holiday letting unit at Love Divine, Wesleyan Chapel, Beckside, Staithes for Mr David Milnes

Approved on 30/05/2022

**Application reference:** NYM/2022/0309

Use of land for the siting of one shepherds hut for holiday letting purposes with associated access path and parking at Laneside, Glaisdale for Mr Stephen Simpson

Approved on 30/05/2022

**Redcar and Cleveland**

None

**Notifications under Schedule 2, Part 6, of The Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order)**

**Hambleton**

None

**Ryedale**

**Application reference:** NYM/2022/0088

Prior notification for erection of grain store building under part 6 at Fox and Rabbit Farm, Lockton Lane, Lockton for DJ & FK Cockerill

Approved on 16/05/2022

**Application reference:** NYM/2022/0280

Prior notification for erection of stray/hay storage barn under Part 6 at Wethercote Farm, Wethercote Lane, Old Byland for Mr Richard Bell

Approved on 27/05/2022

**Scarborough**

None

**Redcar and Cleveland**

None

**Post committee applications determined by the Director of Planning on expiry of advertisement, receipt of further amended plans and observations**

**Application reference:** NYM/2019/0764/MEIA

Application in respect of the winning and working of polyhalite and salt over a 25 year period from 2023, temporary importation of muriate of potash (MOP) to allow the production of fertiliser products until 2027, retention and operation of all surface installations, buildings, plant etc subject to a phased deconstruction plan within the 25 year period and a three year period for site decommissioning and restoration at the end of the 25 year period at Boulby Mine, Loftus

The above planning application was approved by the Planning Committee on 02 December 2021, subject to advertisement as a departure from the development plan and completion of a Section 106 legal agreement.

Following the resolution by planning Committee on 2 December 2021 the application has been advertised as a departure to the development plan, in line with relevant

legislation and the Secretary of State has also been notified. No representations were received in response to this public consultation exercise.

In accordance with member debate during the Planning Committee meeting, the wording of recommended planning conditions, relating to HGV transport, have been refined and clarified (to ensure a maximum of 150,000 tonnes per annum and 66 HGV loads/day import export limits). Minor revisions to the detailed wording of conditions, including conditions 1, 3 and 46, have also been made to reflect the passage of time between the Committee resolution and the issuing of the decision notice and to clarify the scope and purpose of the conditions.

These changes are not considered to have any material impact on the terms of the decision issued, relative to the resolution made by Committee.

As also requested by members, an additional planning obligation has also been included in the S106 legal agreement to require best endeavours by the applicant to make the mineral railway track bed available for public use following restoration of the site.

A further consideration is that, since the resolution made by Committee on 2 December 2021, the Minerals and Waste Joint Plan (MWJP) has been adopted and now forms part of the statutory development plan for the area. The officer report to Planning Committee on the application noted that the draft MWJP was at a very advanced stage of preparation and that the Committee was entitled to give some weight to relevant policies, referred to in the officer report, as they were not subject of significant unresolved objections through the Examination in Public (EiP).

The draft policies referred to in the officer report to Committee were in the form as proposed to be modified by draft main modifications already discussed and agreed in principle through the Examination in Public. The Inspector's final report of the EiP was received on 8 February 2022, including a final schedule of the Inspector's recommended Main Modifications. These recommended Main Modifications have not changed since those available in draft form at the date of determination of the planning application.

The MWJP was adopted by the Authority on 21 March 2022 and will now carry full weight as part of the development plan. As the wording of the relevant policies (incorporating the main modifications) has not changed, the relevant issue in this instance is that full rather than partial weight can be attached to them. It was considered that this increase in weight applicable to relevant policies did not have any material impact on the approach to determination of the application and did not lead to any need to review the previous officer recommendation to Committee. Nor was it expected to have any material impact on the nature of the resolution made by the Planning Committee on 2 December 2021.

Correspondingly, it was not considered that there to be any need to refer the application back to Planning Committee for redetermination.

The terms of the Section 106 legal agreement have been agreed between the North York Moors National Park Authority and the applicant as such the planning decision notice has been issued.

A copy of the decision notice issued 27 May 2022 with accompanying Section 106 legal agreement can be viewed on the Authority's website under planning application reference [NYM/2019/0764/MEIA](#).

**Application reference:** NYM/2021/0175/FL

Alterations, construction of single storey side extension at 2 Railway Cottages, Goathland

The above planning application was approved by the Planning Committee on 7 April 2022, subject to the receipt of satisfactory amended plans which: provided for a two room single storey side extension with a reduced width, a steeper mono-pitch roof and a greater set back from the front elevation buttress. Suitably amended plans have now been received and the decision notice issued with the following conditions and informative:

**Conditions:**

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

Document Description	Document No.	Date Received
Amended Proposed Plans and Elevations	D12028-05 Rev J	26 April 2022

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.

2. 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.
3. No work shall commence on the installation of any replacement or new windows (and glazing if included) 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.
4. 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.

5. All new doors and garage doors hereby approved shall be of a vertical boarded, ledged, braced (and framed) timber design and side hung. Within six months of the date of their installation they shall be painted to match the existing paintwork and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
6. 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.
7. 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.
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. 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.

**Informative:**

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 etc.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately, and Natural England contacted on 0300 060 3900 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 information to contact Natural England or the Bat Conservation Trust national helpline on 0845 1300 228.

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

None



## Appendix 3

### List of enforcement matters determined by the Director of Planning in accordance with the scheme of delegation for the period of 6 May 2022 to 28 June 2022.

Reference number	Development description and site address	Decision taken
15409	Alleged unauthorised internal and external works to listed building at Georgian House, King Street, Robin Hoods Bay.	No unauthorised works.
15578	Alleged unauthorised holiday let and log cabin at 103 High Street, Hinderwell.	Use has ceased and the cabin itself is permitted development for domestic purposes only.
15638	Alleged unauthorised A board/sign at Poppies Shop, Robin Hoods Bay.	Unauthorised signage has been removed following the closure of the business.
15780	Unauthorised erection of shepherd's hut on platform overhanging highway verge at Bay Garage, Robin Hoods Bay.	Shepherds' huts removed from platform and platform dismantled.
15965	Change of use to domestic curtilage and construction of timber decking and summerhouse at land to the rear of Sunnyside, High Barrass, Staithes.	Not expedient to pursue.
16165	Alleged unauthorised development at the Downe Arms Inn, 3 High Street, Castleton.	No breach found.
16485	Possible alterations to a listed building/curtilage of a listed building at Cherry Tree Farm, Lockton.	Satellite dish moved and now unobtrusive. Not expedient to pursue.
16580	Potentially unauthorised replacements of external fittings on a listed building at Sherwood Cottage, Chapel Street, Robin Hoods Bay.	Not expedient to pursue.
16581	Potentially unauthorised replacements of external fittings on a listed building at Georgian House, Robin Hoods Bay.	Not expedient to pursue.
16582	Potentially unauthorised replacements of external fittings on a listed building at The Toy Shop, Robin Hoods Bay.	Not expedient to pursue.
16583	Potentially unauthorised replacements of external fittings on a listed building at Seascape, King Street, Robin Hoods Bay.	Not expedient to pursue.
16947	Monitoring of NYM/2019/0621/FL-variation of condition 7 of planning approval NYM/2019/0140/FL to allow the removal of additional trees at Moor Top, Castleton.	This case can be closed as no further action is possible as works are irreversible and have already been carried out.

<b>Reference number</b>	<b>Development description and site address</b>	<b>Decision taken</b>
17237	Potentially unauthorised wrought iron fencing at High Leas, Low Lane, Lythe, Whitby.	No further action and a duplicate enquiry.
17242	Change of use to domestic curtilage and construction of timber decking at Ocean View, Staithes.	Not expedient to pursue.
17245	Change of use to domestic curtilage and construction of structure at land to the Rear of Bryher, High Barrass, Staithes.	Not expedient to pursue.
17259	Extraction flue not in accordance with NYM/2020/0646/RRC at 12 Bridge Street, Helmsley.	No longer expedient to pursue.
17278	Potentially unauthorised windows at 2 Ashfield, Castleton.	No further action necessary.
17592	Construction of decking at High Garden Cottage, Staithes.	Not expedient to take further action at this point in time.
17628	Potentially unauthorised excavations, erection of fence, creation of vehicular access and erection of building at land to rear of Rosehill Cottage, Oldstead.	Permission granted under NYM/2022/0211 3 May 2022.
17689	Potentially unauthorised shipping containers at Falcon Inn, Cloughton.	Shipping containers have been removed.
17722	Damage to bridleway caused by works related to NYM/2020/0301/FL at The Apiary, The Howe, Castleton.	No further action from Enforcement Team but Rangers will continue to monitor as a public right of way matter.
17867	Unauthorised solar panels at land north of St Hilda's Church, Ellerburn.	Not expedient to pursue.
17936	Replacement of windows with uPVC windows at West House, Middlewood Lane, Fylingthorpe.	Permission has been granted for the replacement windows.
17950	Notification of commencement of works of NYM/2018/0256/FL at 1 Main Street, East Ayton.	From visiting site, work seems to be in compliance with plans submitted.
17954	Potentially unauthorised polytunnel at Red House Farm, Rosedale East.	Cannot see the polytunnel – has either been removed or relocated to a more discreet location.
17969	Potentially unauthorised works to a Listed Building at 33 Bondgate, Helmsley.	Not expedient to pursue.
18012	Potentially unauthorised extension and works to outbuilding at Auburn Cottage, Tommy Baxter Street, Robin Hoods Bay.	Planter removed and not expedient to take further action.

<b>Reference number</b>	<b>Development description and site address</b>	<b>Decision taken</b>
18016	Potential change of use/demolition work at Safari Garage, Scaling Dam, Loftus.	No change of use and works not considered harmful as they are in keeping with what was previously there.
18023	Erection of gazebos to the front of pub/addition of lighting at Royal Oak, Helmsley.	Gazebo and lighting has been removed.
18039	Fly tipping at Spikers Hill Quarry, West Ayton	Fly tipping has stopped and been further prevented.
18114	Potentially unauthorised pergola at The Lodge, Nelson Gates, Sproxton.	Pergola has now been removed.
18120	Derelict Listed Building, Aindale cottage, New Road, Robin Hoods Bay	Not expedient to pursue, the door had been boarded up so no more vermin issues.
18202	Potentially unauthorised change of use of camping barn to holiday let at Wesleyan Chapel, Danby Dale.	No change of use or unauthorised development.
18299	Potentially unauthorised signage and use of craft workshop for dog groomers at Unit 3, The Craft Workshop, Hutton le Hole.	Not deemed expedient to pursue.
18334	Alleged unauthorised work to a listed building at Viewley Cottage/Summerset Cottage, Fisherhead, Robin Hoods Bay.	Building Conservation visited the site and did not find any unauthorised works.
18454	Potentially unauthorised change of use of buildings at Coach Road, Sleights.	No breach found.
18463	Alteration of windows and installation of air source heat pump and unauthorised holiday cottage at 2 Coastguard Cottages, Robin Hoods Bay.	Not a planning matter as works permitted development.
18512	Potentially unauthorised replacement of concrete tiles with Spanish slate on listed building at The Cottage, Sneaton Hall.	Notice of warning served.
18513	Barn potentially not in accordance with planning approval NYM/2019/0534/FL at Hemmelstones, Clack Lane, Osmotherley.	Matter has been progressed and remedied.
18597	Potentially unauthorised works at 37 Battersby Junction, Battersby.	No breach of planning and no development.
18647	Potentially unauthorised siting of shepherds hut, caravans and untidy site at Wood End Cottage, Fryupdale.	No untidy land and not developed.
18648	Untidy land at land adjacent to Lion Cottage, Stainsacre	Not expedient to pursue.

<b>Reference number</b>	<b>Development description and site address</b>	<b>Decision taken</b>
18657	Potentially unauthorised use of dwelling as spa business at 21 Egton Road, Aislaby.	Permitted development unless business expands.
18698	Potentially unauthorised erection of shed at 4a Castlegate, Helmsley.	Shed has been relocated to the rear of the yard away from the window.
18727	Potentially unauthorised change of use of agricultural land to garden at Garden House, Main Street, Oldstead.	Not expedient to pursue.
18728	Potentially unauthorised change of use of agricultural land to garden at Scawling House, Main Street, Oldstead	Not expedient to pursue.
18732	Potentially unauthorised brick structure at Cobweb Cottage, Duncombe Place, Helmsley	No further development has replaced the garage. Not expedient to pursue.
18742	Potentially unauthorised storage of building supplies on communal parking area at 1 Stonegarth, Helmsley.	Civil matter and not something the Authority can assist with.
18743	Potentially unauthorised use of land for camping and caravans on land at Stone Crest, Newton upon Rawcliffe.	Caravans have been sited there since 2009, only a small scale operation. Not deemed expedient to pursue.
18746	Potentially unauthorised storage of cars on private driveway at Mathewson's Garage and Prospect Place, Thornton le Dale.	Not expedient to pursue.
18757	Potentially unauthorised use of hostel at The Old School House, Robin Hoods Bay.	Not expedient to pursue.
18758	Monitoring of NYM/2014/0447/FL at forest tracks, Roxby.	Not expedient to pursue.
18776	Potentially unauthorised conversion of garage to dwelling at 23 Church Street, Castleton.	Not enough evidence of development.
18777	Potentially unauthorised construction on sheds at The Vicarage, Main Street, Westerdale.	Not expedient to pursue and likely permitted development.
18787	Potentially unauthorised outdoor seating area at 53 Staithes Lane, Staithes.	Not a planning matter.
18789	Potentially unauthorised trellis fencing at 6 Dreaken Fold, West Ayton.	Not expedient to pursue.
18793	Potentially unauthorised camping pod with hot tub at Whitby holiday park.	Pod in accordance with approval and hot tub to expedient to pursue.
18815	Potentially unauthorised operation of business (table top jam sales) at Brereton Car Park, Goathland.	Permitted development under 28 days.

<b>Reference number</b>	<b>Development description and site address</b>	<b>Decision taken</b>
18816	Potentially unauthorised change of use of garages at Ingleby Manor, Ingleby Greenhow.	Change of garage doors is Permitted Development.

## Appendix 4

### **A list of the number of planning applications which were validated over 13 weeks ago. Position as of 21 June 2022**

Please note that the documentation for each of the Authority's applications listed in this report can be found by clicking on the application reference number.

**Case officer: Miss Lucy Gibson**

**Application reference number:** NYM/2021/0561/LB

Listed Building consent for installation of 22 no. replacement windows, 6 no. replacement doors and 1 no. replacement concrete lintel together with repointing works at Forge Cottage, Lead Lane, Nether Silton

**Reason:** Awaiting amended plans

**Application reference number:** NYM/2021/0571/LB

Listed Building consent for replacement guttering, relocation of extractor, removal of exterior lighting (excluding lights above porch and back door), painting of front door and garage door, re rendering works, repair/maintenance of stonework, installation of chimney pots to 3 no. stacks and repair works together with internal alterations including but not limited to opening up of boxing of truss and ceiling in utility, replacement door, works to fireplace in dining room, plaster works, reinstatement of wall and fireplace and removal of wall at Holme Farmhouse, Battersby

**Reason:** Awaiting structural report.

**Application reference number:** NYM/2021/0942/FL

installation of replacement timber windows to front elevation, construction of replacement and additional dormer window to rear elevation together with installation of air extraction unit at The Anchorage, High Street, Staithes

**Reason:** Awaiting amended plans

**Application reference number:** NYM/2021/0943/LB

Listed Building consent for installation of replacement timber windows to front elevation, construction of replacement and additional dormer window to rear elevation, remedial works to guttering and soil pipe together with installation of air extraction unit at The Anchorage, High Street, Staithes

**Reason:** Awaiting amended plans and re-consultation response

**Application reference number:** NYM/2022/0003

installation of 9 no. replacement windows and 3 no. doors together with secondary glazing to 15 no. windows at The Old Farm House, Low Road, Throxenby

**Reason:** Awaiting amended plans

**Application reference number:** NYM/2022/0004

Listed Building consent for installation of 9 no. replacement windows and 3 no. doors together with secondary glazing to 15 no. windows at The Old Farm House, Low Road, Throxenby

**Reason:** Awaiting amended plans

**Application reference number:** NYM/2022/0023

Listed Building consent for installation of replacement windows, replacement door with window and removal of soil pipe together with internal alterations at Street Farm, Street Lane, Great Fryupdale, Lealholm

**Reason:** Awaiting re-consultation response

**Application reference number:** NYM/2022/0061

erection of general purpose agricultural building at land and buildings north of Church House Farm, Danby Head, Danby

**Reason:** Awaiting SCAIL assessment and landscaping scheme.

**Application reference number:** NYM/2022/0079

construction of replacement garage with storage space above at Leith Rigg Farm, Fylingdales

**Reason:** Awaiting amended plans

**Application reference number:** NYM/2022/0124

construction of garage and installation of 2 no. velux windows to rear roof at 5 Bondgate, Helmsley

**Reason:** Awaiting further details

**Application reference number:** NYM/2022/0229

Listed Building consent for installation of replacement double glazed windows, widening of external door opening, installation of replacement doors, roof repairs, repointing works together with internal alterations comprising formation of door openings, erection of partition wall, widening of door opening, removal of panelling, secondary glazing, kitchen ceiling, partition walls and doors, replacement hearth and fire surround, floor boards and joists and timbers to bathroom and ceiling replacement/repairs at Grinklewood Grange, Grinklewood Lane, Easington

**Reason:** Awaiting amended plans

**Case officer: Miss Megan O'Mara**

**Application reference number:** NYM/2019/0668/LB

Listed Building consent for installation of French drainage system together with the installation of replacement windows at Queen Catherine Hotel, 7 West End, Osmotherley

**Reason:** Awaiting amended plans

**Application reference number:** NYM/2020/1017/FL

conversion of domestic store to holiday cottage, erection of fence, location of an oil boiler and tank and construction of detached store (revised scheme to planning approval NYM/2019/0393/FL) (part retrospective) at The Old Blacksmiths, Bank Bottom, High Street, Staithes

**Reason:** Awaiting Officer to write the delegated report

**Application reference number:** NYM/2021/0263/LB

Listed Building consent for rebuilding of southeast spandrel wall using existing stone at Beck Hole Bridge

**Reason:** Awaiting amended details and methodology

**Application reference number:** NYM/2021/0312/FL

alterations and construction of two storey rear extension at Flither Cottage, 4 High Street, Staithes

**Reason:** Plans received – awaiting Building Conservation Officer comments



**Application reference number:** NYM/2021/0735/FL

alterations and extensions to dwelling, demolition of outbuilding and construction of double garage together with conversion of existing garage to form 1 no. annexe/holiday let and erection of gazebo at Church Bank House, Church Lane, Ingleby Greenhow

**Reason:** Bat survey received – officer to write up report

**Application reference number:** NYM/2021/0889/FL

conversion of attached outbuilding to 1 no. holiday let with associated parking at Holm Garth, Richardsons Row, Newholm

**Reason:** Awaiting bat survey

**Application reference number:** NYM/2021/0899/LB

Listed Building consent for installation of replacement timber windows, rooflights and cast iron guttering and downpipes together with removal of satellite dish and relocation of internal boiler stack at North Farm, Over Silton

**Reason:** Awaiting amended plans

**Application reference number:** NYM/2021/0917

demolition of single storey side extension and outbuildings to rear and construction of two storey side and single storey rear extensions at Chestnut Cottage, Carlton in Cleveland

**Reason:** Awaiting amended plans

**Application reference number:** NYM/2021/0918/LB

Listed Building consent for conversion of redundant building to form 1 no. dwelling with associated parking and landscaping works at North Farm, Over Silton

**Reason:** Awaiting amended plans

**Application reference number:** NYM/2021/1021

demolition of single storey extension, alterations including cladding of the exterior and construction of two storey extension and porch at The Gatehouse, Porret Lane, Hinderwell

**Reason:** Awaiting amended plans

**Application reference number:** NYM/2021/1028

construction of single storey side and rear extensions and raised patio at Moor Lodge, Brackenhill Lane, Sleights

**Reason:** Awaiting amended plans

**Application reference number:** NYM/2022/0028

construction of single storey rear extension at Waites House, High Street, Glaisdale

**Reason:** Amended plans received – Officer to write up report

**Application reference number:** NYM/2022/0044

erection of porch to front elevation and covered area to side elevation, alterations to fenestration and rendering/cladding of exterior at Ash Tree Farm, Faceby Road, Carlton In Cleveland

**Reason:** Awaiting amended plans

**Application reference number:** NYM/2022/0071

construction of replacement two storey side extension at 2 Seaton Crescent, Staithes

**Reason:** Awaiting amended plans – likely to be refused

**Application reference number:** NYM/2022/0123

demolition of single storey lean-to extension and construction of replacement two storey rear extension with balcony at 20 Cliff Road, Staithes

**Reason:** Awaiting amended plans

**Application reference number:** NYM/2022/0236

certificate of lawfulness for use of land as garden in excess of ten years at Ocean View, High Barrass, Staithes

**Reason:** Additional information received –to discuss with Authority Solicitor

**Case officer: Mr Mark Hill**

**Application reference number:** NYM/2019/0404/NM

non material amendment to planning approval NYM3/007/0005C/MR to allow changes to the restoration plan to include the addition of restored contours, network of additional access tracks, additional labels and the retention of borehole building, former gun store, 2 water tanks and former electrician substation at Spaunton Quarry, Keldholme, Kirkbymoorside

**Reason:** Ecology details now finalised, awaiting a revised plan to omit a quarry building before approval can be issued to realise restoration masterplan concept

**Application reference number:** NYM/2020/0500/FL

variation of conditions 2 (material amendment), 4, 5 & 6 of planning approval NYM/2015/0826/FL to allow revisions to internal layout in relation to shop, cafe and multiuse/training room and change of external window to door, the sale of new bikes and local goods (part retrospective) at Fryup Gill Farm, Yorkshire Cycle Hub, Fryup

**Reason:** Variation to Section 106 Agreement agreed at 2 December 2021 Planning Committee meeting. Awaiting completion of Section 106 Agreement

**Application reference number:** NYM/2021/0367/FL

change of use and alterations to barn to form camping barn together with installation of package sewage treatment plant at Birch Hagg Barn, Off Lund Road, Farndale

**Reason:** Awaiting further information from the applicant's agent

**Case officer: Mrs Helen Stephenson**

**Application reference number:** NYM/2011/0800/CLE

certificate of lawfulness for use of land for the siting of a static caravan for holiday use in excess of ten years at Summerfield Farm Hawsker

**Reason:** Being dealt with by the Authority's Solicitor

**Application reference number:** NYM/2020/0950/FL

erection of cattle shed at Westfield Lodge, Yan Brow, Hutton le Hole

**Reason:** Awaiting advice from Natural England

**Application reference number:** NYM/2021/0671/FL

demolition of bungalow and construction of 1 no. dwelling with associated access path and air source heat pump at Woodbine Cottage, Kilburn

**Reason:** Awaiting confirmation of the location of Yorkshire Water infrastructure

**Case officer: Mrs Hilary Saunders**

**Application reference number:** NYM/2018/0039/FL

construction of 4 no. dwellings with associated access, parking, garage/car ports, amenity space and landscaping works at land to the west of Byland Road, Coxwold

**Reason:** Awaiting Section 106 Agreement

**Application reference number:** NYM/2019/0349/LB

Listed Building consent for alterations to enable subdivision of dwelling to form 1 no. additional dwelling together with erection of fence at High Farmhouse, High Farm, High Street, Lythe

**Reason:** No response from agent regarding negotiations. Applicant has completed works so awaiting enforcement and Building Conservation site visit – think this has been organised/undertaken

**Application reference number:** NYM/2020/0443/FL

conversion of existing redundant agricultural buildings to 2 no. cottages (dual use (holiday letting/local occupancy letting) with associated access, parking and landscaping works at Greenhills, High Lane, Robin Hoods Bay

**Reason:** Awaiting Section 106 Agreement

**Application reference number:** NYM/2020/0702/FL

erection of 10 no. single storey lodges to provide woodland rooms ancillary to existing Hotel with associated linkage paths at Raithwaite Estate, Sandsend Road, Sandsend

**Reason:** Awaiting further amended plans

**Application reference number:** NYM/2021/0241/FL

conversion of redundant farm building to form 2 no. holiday letting cottages with associated landscaping, parking and amended driveway at Thirlsey Farm, Suffield

**Reason:** Need to resolve Environment Agency issues

**Application reference number:** NYM/2021/0301

creation of parking area to serve approved dwelling (part retrospective) at land adjacent Methodist Church, Chop Gate

**Reason:** Awaiting amended plans – maybe refused if not received soon and referred back to enforcement

**Application reference number:** NYM/2021/0532/FL

construction of storage/office building with associated parking and landscaping works at Windhill Farm, Bentley Buildings, Glaisdale

**Reason:** Awaiting amended plans and justification for proposal

**Application reference number:** NYM/2021/0768/FL

construction of two storey side extension to provide annex accommodation for retired farm worker at Wether Hill, Daleside Road, Farndale West at Spout House, Daleside Road, Farndale West

**Reason:** Awaiting amended plans – these have just been received – new site for extension to dwelling rather than new build

**Application reference number:** NYM/2021/0999/FL

stabilisation works to cliff together with construction of extension to tea hut to provide preparation/staff/storage areas at The Quarterdeck, Covet Hill, Robin Hoods Bay

**Reason:** Reconsulting on amended plans

**Application reference number:** NYM/2022/0012

construction of single storey extension with rendered exterior at Heatherlea, High Street, Glaisdale

**Reason:** Awaiting amended plans

**Application reference number:** NYM/2022/0212

prior notification for erection of agricultural storage/livestock building under Part 6 at Beacon Farm, Beacon Brow Road, Scalby

**Reason:** SCAIL assessment needed – applicant trying to do this

**Case officer: Mrs Jill Bastow**

**Application reference number:** NYM/2019/0502/LB

Listed Building consent for installation of replacement windows to dwelling at High Leas, Hawsker Lane, Hawsker

**Reason:** Awaiting amended plans

**Application reference number:** NYM/2019/0832/FL

proposed repairs to roads and tracks and creation of new tracks for agricultural and forestry purposes (part retrospective) at land at Newgate Farm, Hackness

**Reason:** Amended plans received and under consideration; will be reported to a future Planning Committee

**Application reference number:** NYM/2020/0087/FL

alterations, construction of replacement single storey rear extension and change of use from residential care facility (Use Class C2) to recording studio space with ancillary office and welfare facilities (Use Class B1) together with construction of bin store, revised access arrangement, creation of parking and landscaping works at The Bay Tree, Station Road, Robin Hood's Bay

**Reason:** Amended plans requested and declined; delegated decision to be drafted

**Application reference number:** NYM/2020/0092/LB

Listed Building consent for alteration and construction of replacement single storey rear extension at The Bay Tree, Station Road, Robin Hood's Bay

**Reason:** Amended plans requested and declined; delegated decision to be drafted

**Application reference number:** NYM/2020/0441/FL

change of use of land to accommodate parking and turning areas at Skelder View, Fern Lea, Normanby

**Reason:** Awaiting additional and amended plans

**Application reference number:** NYM/2020/0488/FL

construction of tree house for holiday letting accommodation at Stainsacre Hall, Stainsacre Lane, Whitby

**Reason:** Awaiting tree survey and amended plans

**Application reference number:** NYM/2020/0598/FL

demolition of 4 no. buildings and erection of an open fronted agricultural storage building at Taylor Hill Farm, Stape Road, Stape

**Reason:** Awaiting bat survey

**Application reference number:** NYM/2020/0951/FL

creation of lake at land to the south of Newgate Farm, Rice Gate, Hackness

**Reason:** Awaiting amended plans and additional information

**Application reference number:** NYM/2021/0254/CLE

certificate of lawfulness for use of land for the siting of 6 no. caravans for holiday purposes in excess of ten years at Bridge Farm, Langdale End, Scarborough

**Reason:** Under consideration

**Application reference number:** NYM/2021/0320/FL

erection of pergola to provide covered outdoor seating area, change of operating hours of premises and siting of chiller unit with timber screening (retrospective) at 18 Bridge Street, Helmsley

**Reason:** Awaiting amended plans

**Application reference number:** NYM/2021/0551/FL

alterations and construction of two storey side extension following demolition of existing single storey extension at Finisterre, Mount Pleasant North, Robin Hoods Bay

**Reason:** Awaiting amended plans

**Application reference number:** NYM/2021/0651/NM

non material amendment to planning approval NYM/2021/0053/FL to allow omission of basement, omission of internal mezzanine floors, omission of northfacing high level windows to mezzanine floors, addition of roof window over room G3 and addition of paired roof windows over rooms G8 and G10 at Land to the south of Stone Garth, Helmsley

**Reason:** Awaiting amended plans

**Application reference number:** NYM/2021/0764/LB

Listed Building consent for consolidation of the redundant and dilapidated buildings comprising reduction in height to a structurally safe level, minor repair works, soft capping and removal of surplus stone and other materials at Bumper Castle, Hawnby

**Reason:** Historic England objection, need to discuss reasons for refusal

**Application reference number:** NYM/2021/0808/FL

construction of single storey extension at Low Paper Mill Barn, Ellerburn Road, Thornton le Dale

**Reason:** Awaiting amended plans

**Application reference number:** NYM/2022/0091

demolition of barn and construction of residential annexe building at Cold Kirby Farm,  
Main Street, Cold Kirby

**Reason:** Awaiting amended plans

**Application reference number:** NYM/2022/0120

conversion of outbuilding to dual use as either residential annexe or holiday letting  
accommodation at Rookwood, Maltongate, Thornton le Dale

**Reason:** Amended plans received, delegated decision to be drafted

**Application reference number:** NYM/2022/0126

Listed Building consent for conversion of outbuilding to dual use as either residential  
annexe or holiday letting accommodation at Rookwood, Maltongate, Thornton le Dale

**Reason:** Amended plans received, delegated decision to be drafted



# North York Moors National Park Authority

## Item 9, Levelling-up and Regeneration Bill. A Summary.

### 1. Purpose of the report

- 1.1 To inform Members of the changes proposed to the planning system within the Levelling-up and Regeneration Bill.

### 2. Background

- 2.1 The Government published its Levelling-up and Regeneration Bill on 11 May 2022. The Bill follows on from the ‘Levelling Up in the United Kingdom White Paper’ published in February 2022 and covers a raft of potential changes to law. These include the setting of statutory ‘levelling up missions’ for Government to achieve, the establishment of ‘Combined County Authorities’ (CCAs) to allow devolution of powers in two tier areas, changes to compulsory purchase arrangements and development corporations, and the arrangements for letting out of high street premises.
- 2.2 Of most note to this Authority are likely changes to the planning system. The planning elements of the Bill replace what would have been a Planning Bill following consultation on August 2020’s Planning White Paper. The Authority’s response to the Planning White Paper was agreed by this committee on 15 October 2020, and it also contributed to a joint response from National Parks England that same month.

### 3. The proposals

- 3.1 In short, many of the more controversial aspects of the Planning White Paper are not proposed to be introduced, including replacing local plans (and policies) with maps identifying growth areas, renewal areas and protected areas, preventing local planning authorities from developing their own development management policies and instead relying on a national set of policies, automatic ‘permission in principle’ in growth and renewal areas and the imposition of nationally determined binding housing targets.
- 3.2 Much of the Levelling-up Bill is ‘enabling’ legislation, authorising Government to prepare secondary legislation (in the form of regulations) that will set out the detail of how the general aims of the Bill will be delivered. Elements of the Bill will also evolve as it moves through the parliamentary process. For these reasons, we cannot know the precise details of how any new planning system will operate at this early stage, however the Bill indicates Government’s overall intentions at this stage. The Government has indicated that changes to the planning system will begin in 2024.

3.3 A full summary of the Bill is available at **Appendix 1**. Much of the early parts of the Bill concerns devolution and governance arrangements. Subsequent clauses are of more relevance to National Park Authorities. The Bill proposes:

- A single Local Plan for each local authority, to be prepared within a specified period (likely to be 30 months).
- A new set of National Development Management Policies, which must be considered in decision-making, and which will carry equal weight to local plan policy, except where there is conflict, where they take precedence. In this circumstance the system would no longer be ‘plan-led.’
- A new system of statutory Supplementary Plans, replacing Supplementary Planning Documents which would be subject to independent public examination, and which could set out policy for individual sites, infrastructure requirements or specific design policies.
- The option to prepare a Joint Local Plan or wider strategic Spatial Development Strategy between two or more local planning authorities.
- A requirement for local planning authorities to produce a Design Code for their whole area.
- A new ‘requirement to assist’ with plan-making which would apply to other public bodies.
- The ‘duty to cooperate’ contained in existing legislation will be repealed and according to accompanying notes replaced with a more “flexible alignment test set out in national policy.”
- Changes to one of the tests which Neighbourhood Plans must meet to proceed to referendum, removing the need for general conformity with the Local Plan. This is to be replaced with a requirement that plans must not prevent housing supply identified in a development plan from going ahead. The Bill also proposes the creation of ‘neighbourhood priorities statements,’ which must be considered when producing local plans.
- Allowing charging authorities (from next year North Yorkshire Council) to charge double the rate of council tax on second homes and empty properties.
- The Bill proposes replacing Environmental Impact and Strategic Environmental Assessments (Sustainability Appraisals) with simpler ‘Environmental Outcome Reports’ reflecting national priorities and targets for the environment.
- A new statutory duty on Local Planning Authorities to produce and maintain a historic environment record.
- A new statutory ‘**Infrastructure Levy**’ (IL), to replace Community Infrastructure Levy and Section 106 agreements. This would include a ‘right to acquire’ affordable housing by local planning authorities, rather than the current system of negotiating levels of affordable housing.

Authorities will also be required to produce an **Infrastructure Delivery Strategy** to detail how levy monies will be spent. Detail on the relationship between current Section 106 contributions and the new IL is left to future regulations, with explanatory notes (page 225) explaining that these regulations will control the use of Section 70 of the Town and Country Planning Act relating to the use of planning conditions and agreements. Further information published states that there will be a “retained role for Section 106 agreements to support delivery of the largest sites. In these instances, infrastructure will be able to be provided in-kind and negotiated, but with the guarantee that the value of what is agreed will be no less than will be paid through the Levy.”

- Various changes to the **enforcement process**, including introducing **temporary stop notices** for work on listed buildings, an extension of the four-year enforcement period beyond which action cannot be taken to 10 years, increasing the time of temporary stop notices from 28 days to 56 and the introduction **enforcement warning notices** requiring the submission of a planning application within a certain period. Application fees for retrospective applications are also proposed to be doubled.
- Outside of the Bill, the Government has also announced an intention to increase **planning fees** by 25% for minor applications and 35% for major applications.

3.4 More details on the contents of the Bill are set out at **Appendix 1**.

#### **4. Implications for the National Park Authority.**

4.1 Should the Bill be enacted in its current form, the main implications for the Authority are around its planning policy work, and are likely to be:

- The eventual creation of a single new Local Plan replacing the three current ‘development plan documents’ – the Local Plan, the Helmsley Plan and the Whitby Business Park Local Plan. No transitional arrangements are set out, so the timing of this is currently uncertain. Whilst the requirement to produce a development plan in a much shorter time period is welcomed, the significant change in status of national planning policy moves away from a “plan-led system” and arguably signals the demise of “localism.” The content of national planning policy and the ability to influence it will therefore be of fundamental importance to ensure long-held National Park planning principles are upheld. This proposal is already attracting general concern as it has democratic implications whereby local plans drawn up with full local community involvement can be overridden by national ministerial policy.
- The requirement to produce a Design Code (or codes) to a national standard. The Authority is in a strong position as it has detailed current design guidance, however it will need updating and reformatting to a common standard.

- The introduction of the mandatory Infrastructure Levy (IL). There are few details at present of how this will be set, however if introduced this is likely to be a new area of work should the Authority be required to introduce one. The Authority currently has the option of introducing a locally set 'Community Infrastructure Levy' (CIL) which this new levy is intended to replace; however following viability work in 2012 it was decided not to introduce CIL as contributions from the expected level of development would not exceed the cost and time implications of introducing a levy. The Bill also includes a clause (Schedule 11 Part 10A, Section 204B, subsection 4) which would allow regulations to specify that a county, district or borough authority could be the charging body instead of the local planning authority, with explanatory guidance (page 203) giving the example of a National Park Authority where only a small part of their area falls within a certain district, and where it may be more appropriate for that district to charge for that area.

4.2 In addition, there are some welcome changes to the enforcement system, as well as a requirement to produce and maintain a historic environment record (HER). The Authority already has such a record, however forthcoming regulations may affect the content of that record, the need for updating and the need to provide both the record and advice on using it to the public.

4.3 The ability of the charging authority (from next year, North Yorkshire Council) to double council tax rates payable on second homes and vacant properties is also welcome and could go some way to reducing levels of second home ownership.

4.4 Finally, supporting information confirms that the Government intends to increase planning fees.

## **5. Financial and staffing implications**

5.1 None at present, however the Government has trailed that it intends to increase planning fees as detailed in this report. There may be a small loss of income for mitigation projects should the ability to negotiate Section 106 agreements around smaller developments be removed. However, the substantial increase in planning fees is welcomed in terms of addressing the reduction in fee income which is now starting to be seen following the significant increase during the two Pandemic years.

## **6. Contribution to National Park Management Plan**

6.1 Report for information only, no implications.

## **7. Legal and sustainability implications**

7.1 None at present. If enacted the Bill will mean changes to numerous statutory procedures including local plan preparation, enforcement, building conservation, development management and sustainability appraisal.

### **Contact Officer:**

Paul Fellows

Head of Strategic Policy

01439 772700

### **Appendices**

Appendix 1. Summary of the Levelling-up Bill.

### **Background documents to this report**

Levelling-up and Regeneration Bill, 11 May 2022

The Government's explanatory notes

NYMNPA's Response to the Planning White Paper, October 2020

## Appendix 1 – Summary of the Levelling-up Bill

### The Levelling-up ‘missions’ (Clauses 1 – 5)

1. The Bill provides a legal basis for setting and reporting on the **12 ‘missions’** announced in the Levelling-up White Paper. These covered four areas: boosting productivity and living standards by growing the private sector, spreading opportunities and improving public services, restoring a sense of community, local pride and belonging, and empowering local leaders and communities. A levelling-up mission statement will be laid before Parliament, accompanied by the methodology and metrics the Government intends to use to evaluate its progress towards delivery. The Bill also creates a statutory obligation for the Government to report annually on progress towards the delivery of each mission.

### Further devolution (Clauses 7-54)

2. The Levelling-up White Paper committed Government to offer a devolution deal to all areas by 2030, each with a directly elected mayor. The Bill includes measures to create new **‘combined county authorities,’** (CCAs) more suited to non-urban areas where there is a two tier (county and district/borough) structure. The difference between these and existing combined authorities such as Tees Valley is in membership – county combined authorities must only include two or more ‘upper tier’ members – for example one county representative and at least one other county or unitary representative, unlike current combined authorities where district or borough councils must be represented. ‘Lower tier’ councils cannot be members of a CCA.

### Council tax on second homes and unoccupied dwellings – Clauses 72 and 73

3. Clauses 72 and 73 of the Bill proposes changes to the Local Government Finance Act 1992 to allow local authorities (including from next year the new North Yorkshire Council) to charge double the rate of council tax on properties classed as a “long-term empty dwelling” or “dwelling occupied periodically” i.e., a second home.

### Planning data – Clauses 75 – 78

4. Clauses 75 to 77 of the Bill enable the Secretary of State to introduce regulations requiring local planning authorities to produce **planning data to a standardised format** and for them to acquire standardised data from others, and to require publication of that data. Clause 78 would require the use of standardised software approved by the Secretary of State.

## Development Plans – Clauses 82 - 91

5. A new set of **national development management policies** will be, once consulted upon will be signed off by the Secretary of State and will have statutory weight in decision making. There is no detail at present on the scope and range of topics these will cover.
6. Clause 83 then proposes that **decisions must be made in accordance** with the development plan and National Development Management Policies unless material considerations “**strongly** indicate otherwise”. Where there is a conflict between development plan and national development management policies decisions “must be resolved in favour of national development plan policy” (Clause 83(5C). This effectively means national policy and local plans will carry equal weight in decision making; unless there is a conflict in which case national policies should be followed. In ‘Further Information the Government also states that “increased weight given to plans and national policy by the Bill will give more assurance that areas of environmental importance – such as National Parks, Areas of Outstanding Natural Beauty and areas at high risk of flooding – will be respected in decisions on planning applications and appeals.”
7. Clause 87 would insert Schedule 7 of the Bill into legislation, which covers plan-making. Schedule 7:
  - Allows for two or more local planning authorities to prepare a ‘**spatial development strategy**’ which would include policies of ‘strategic importance,’ and which could specify infrastructure and affordable housing requirements for that area (Schedule 7 15A). This in effect gives a vehicle for statutory strategic plans – and subject to consultation and independent examination - albeit one that is optional, unlike the system of Regional Spatial Strategies that operated until 2012.
  - Requires local planning authorities to prepare a **single local plan**, with only one local plan allowed to operate in a local planning authority area (Schedule 7 15C2). At present local planning authorities can adopt numerous ‘development documents’ – for example, the National Park Authority has four development plan documents – The 2020 Local Plan, the 2015 Helmsley Plan, the 2014 Whitby Business Park Area Action Plan and the 2022 Minerals and Waste Joint Plan. Minerals and Waste Planning Authorities (which includes National Park Authorities) will have the option to include mineral and waste policies in their Local Plan or can produce a separate plan (including a joint plan) for these topics.
  - Local plans must set out local policies, infrastructure requirements and requirements ‘**in respect of design**’ (Schedule 7 15C4).
  - Requires that local plans be in **general conformity with any spatial development strategy and national development management policies**, which cannot be repeated in Local Plan (Schedule 7 15CA2, Schedule 7 15CA5c, and Schedule 15c (8)).

- Allows two or more local planning authorities to produce a **joint local plan** (Schedule 7 15I).
  - Requires local planning authorities to produce a **'local plan timetable'** (to replace current 'Local Development Schemes') (Schedule 7 (15B)) and to conform to that timetable (Schedule 7 15CA1). Government has stated that forthcoming regulations will require plans to be produced within a 30-month timeframe and be reviewed every five years.
  - Allows local planning authorities to prepare **'supplementary plans'** (Schedule 7 15CC). The Bill anticipate that these would be used in three circumstances – to provide site specific policy, to set out infrastructure requirements and to set out design policies. These would replace Supplementary Planning Documents (SPDs), which cannot include separate policy, only explain how policy in a development plan will be implemented, and supplementary plans would be subject to independent examination (unlike SPDs)
  - Requires local planning authorities to produce a **design code** for their whole area (Schedule 7 15F).
  - Provides the **Secretary of State with powers** to prepare or revise a local plan or give directions to the local planning authority to do so (Schedule 7 15HA). Supporting information states that “new Local Plan Commissioners may be deployed to support or ultimately take over plan-making if local planning authorities fail to meet their statutory duties.”
8. Clause 90 includes **'a requirement to assist'** with plan-making, replacing the current 'Duty to Co-operate.' This means that 'the prescribed public bodies' who influence the delivery and planning of infrastructure are required to be involved in the plan-making process and, according to the guidance note must do everything asked by the plan making authorities, within reason.

### **Neighbourhood Plans – Clause 89 and Schedule 7 15K**

9. Clause 89 replaces one of the five 'basic conditions' a neighbourhood plan must comply with to proceed to referendum. As present, the neighbourhood plan is required to be in 'general conformity'<sup>1</sup> with the local authority development plan. It is to be replaced by a condition that **must not prevent housing development** proposed in the development plan for the local area from coming forward.
10. Schedule 7 15K Empowers a 'qualifying body' (usually a Parish Council) to prepare a **'neighbourhood priorities statement'**, “which summarises what the body considers to be the principal needs and prevailing views, of the community in the neighbourhood area in relation to which the body is authorised, in respect of local matters” - for example housing, natural environment, economy, infrastructure and open spaces. This would be subject to local consultation but would not be independently tested or subject to referendum.

---

<sup>1</sup> Government does not further define this term in policy but in effect means that a neighbourhood plan cannot include anything that may undermine delivery of local plan strategy.



It would be published by the local planning authority who must take it into account in their own plan-making. Heritage – Clauses 92 – 95, Clause 185

11. The Bill will place a statutory duty on Local Planning Authorities to produce and maintain a **historic environment record** (Clause 185) and includes provisions (Clause 92) so that registered parks and gardens, World Heritage Sites, protected wreck sites, and registered battlefields have the same statutory protection within the planning system as listed buildings and conservation areas. The Authority already has a historic environment record.
12. New enforcement powers will be available to protect listed buildings by introducing **temporary stop notices** (Clause 93); strengthening the power to issue urgent works and recovering costs by local planning authorities (Clause 94); and removing the compensation liability in relation to Building Preservation Notices (Clause 95).

### **Planning permissions – Clauses 96 – 100 and 108 to 112**

13. Clause 96 is a ‘placeholder’ clause that would allow the Secretary of State to introduce regulation over the use of **‘Street Votes’** to allow residents to have a direct say on new development in their area. There is little detail on this, however explanatory notes and in the Government’s own publicity states this would allow “residents on a street to bring forward proposals to extend or redevelop their properties in line with their design preferences. Where prescribed development rules and other statutory requirements are met, the proposals would then be put to a referendum of residents on the street, to determine if they should be given planning permission.” This could imply some form of localised ‘local development order’ where rules on development are proposed and voted upon, which would then allow for development within those rules.
14. Clause 98 intends to allow for greater flexibility in the ability to **vary planning conditions**.
15. Clause 99 would require developers to provide a local planning authority with a **commencement notice** specifying when that development is expected to start.
16. Clause 100 removes the need for a local planning authority to secure the consent of the Secretary of State when serving a **completion notice** requiring that development be completed.

### **Enforcement – Clauses 101 - 107**

17. The Bill proposes extension of the 4-year **enforcement period** beyond which action cannot be taken to 10 years (Clause 101).
18. The period of **temporary stop notices** will increase from 28 days to 56. It will be a legal offence to ignore such a notice (Clause 102).

19. Clause 103 introduces **enforcement warning notices**. These would be used where a local planning authority becomes aware of an unauthorised development that has a reasonable prospect of being acceptable in planning terms. They would then serve an enforcement warning notice asking the person concerned to submit a retrospective planning application within a specified period.
20. Clause 104 would prevent an **enforcement appeal** being lodged where retrospective planning permission has been applied for before the expiry of the deadline for determining that application.
21. Clause 105 would allow the Secretary of State to dismiss an **enforcement appeal** if the applicant is causing undue delay.
22. Clause 106 **increases fines** associated with certain planning breaches (over Section 215 notices to tidy up land failing to comply with breach of condition notices) and doubling fees for retrospective applications.
23. Clause 107 would allow the Secretary of State to restrict local authorities from taking **enforcement action** in certain circumstances. A possible example given in explanatory notes is where there is a breach in conditions relating to deliveries to shops in certain hours, should there be a shortage of HGV drivers.

#### **The Infrastructure Levy – Clauses 113 - 115**

24. The Bill proposes replacement of Section 106 agreements and the Community Infrastructure Levy (CIL) with a mandatory '**Infrastructure Levy**' (IL). This would usually<sup>2</sup> be produced and enforced by local planning authorities and once prepared would be non-negotiable. The levy would be set as a percentage of gross development value and expressed in pounds per square meter. There will be a retained role for Section 106 agreements to support delivery of the largest sites.
25. The Bill introduces a new '**right to require**' to remove the role of negotiation in determining levels of onsite affordable housing. This is intended to rebalance the inequality between developers and local authorities by allowing local authorities to determine the portion of the levy they receive in-kind as onsite affordable homes.

#### **Environmental Outcome Reports – Clauses 116 – 130**

26. The Bill proposes replacing Environmental Impact and Strategic Environmental Assessments (Sustainability Appraisals) with a new set of **Environmental Outcome Reports, with Government** promising “a clearer and simpler process where relevant plans and projects are assessed against tangible environmental outcomes set by government.”

---

<sup>2</sup> The Bill also proposes that the Homes and Communities Agency could introduce an Infrastructure Levy

Few details are currently provided, however explanatory notes that such reports must have regard to the Government's Environmental Improvement Plan (currently the 25 Year Environment Plan), that it is likely that consent cannot be legally granted in the absence of such a report, that reports should consider realistic alternatives. Subsection 1 of Clause 120 requires that the Secretary of State to ensure that any new regulations requiring Environmental Outcome Reports must not lead to a lower level of protection than previous arrangements.

### **Compulsory Purchase Orders, Development Corporations and vacant high street premises (Clauses 131 – 183)**

27. Although not of direct relevance to a National Park Authority, for completeness the remainder of the Bill mostly covers simplification of **Compulsory Purchase Orders**, specifically for regeneration projects, and proposals for new 'locally led' development corporations, accountable to local authorities rather than the Secretary of State. The Bill, if enacted would also allow all current and future development corporations to act as local planning authorities for their areas, in line with current Mayoral Development Corporations. The Bill (at clause 181) also intends for the Government to have the power to publish land transactions data and contractual arrangements used by developers, to make more transparent where 'land banking' may be occurring. Finally, the Bill would grant powers for local authorities to instigate auctions to sell empty high street properties where they have been vacant for over a year.
28. Although not in the Bill, alongside its publication the Government also announced:
  - An intention for a national **increase in planning fees** increasing them by 25% for minor applications and 35% for major applications.
  - That there will be a new method of **assessing local housing needs**, with the Times reporting that plans will no longer be expected to reach "unrealistic" new housing targets providing their local plan is "well evidenced and drawn up in good faith." There are no further details or announcements at this stage however the previously intention to set and enforce national housing targets appears not to be going ahead.
  - The removal the requirement for authorities to maintain a rolling **five-year supply of deliverable land for housing**, where their plan is up to date, i.e., adopted within the past five years, Government states that this is to "curb perceived 'speculative development' and 'planning by appeal,' so long as plans are kept up to date". This Authority, as a National Park Authority delivering mostly small windfall development does not publish a five-year land supply figure.
  - Ministers confirmed they would bring forward legislation to enable the piloting of **community land auctions**. In pilot areas, landowners would be able to submit their land to local authorities in the process of developing their local plans, offering the council an option on the land at a price set by the landowner. The planning authority would allocate the land within its local plan

and then auction the development rights to a successful bidder. The difference between the option price offered by landowners and the price offered to develop allocated land will be retained by local authorities for the benefit of local communities. Note – although a National Park Authority is the local planning authority it is not the housing authority and not subject to local government finance regulations – hence it is unlikely this scheme would operate in National Parks.

- It will legislate to define what counts as a ‘suitable permission’ when assessing local planning authorities to provide suitable plots for those wishing to build **custom and self-build housing**.

# North York Moors National Park Authority

## Item 10, The Helmsley Local Plan - Review

### 1. Purpose of the report

- 1.1 To seek Member approval for continuing to use the Helmsley Local Plan in its current form as the basis for decision making on planning applications for the town of Helmsley.

### 2. Introduction

- 2.1 Helmsley straddles the local planning authority areas of both the North York Moors National Park Authority and Ryedale District Council (RDC), with around half the town within each. To help develop a coherent development strategy for the town, around the year 2011 a decision was made to produce a joint plan between the two authorities, recognising its role as an important local service centre for the wider rural hinterland.
- 2.2 The Helmsley Local Plan was adopted by this Authority on the 23 July 2015. In 2020 the Local Plan for the whole National Park area was adopted and also covers the part of Helmsley within the National Park. The 2020 Local Plan was written in a way that does not conflict with the Helmsley Local Plan and policies in both apply.
- 2.3 Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires that Local Planning Authorities review their local plans at least every five years from adoption to ensure policies remain relevant and effective. As the Helmsley Local Plan was adopted in 2015 it is overdue for review. In effect, the Authority can (jointly with RDC) either withdraw the Plan (on the basis that it has achieved its objectives), review and amend the Plan on the basis that it is not achieving its objectives and needs changing; or review the Plan and conclude that it has yet to achieve all of its objectives and therefore needs to be left in place 'as is.' It is this last option that officers are now asking Members to agree.

### 3. The Helmsley Local Plan – Review

- 3.1 Officers in each authority have reviewed the extent to which each of the Plan's policies have been implemented. This assessment is provided at Appendix 1.
- 3.2 The Helmsley Local Plan contains several land allocations for housing and employment. Those within the National Park area are for housing (land to the rear of the Black Swan, land north of Swanland Road, and land north of Elmslac Road) and these developments are now complete. For that reason, the Plan could be said to have achieved its purpose for housing delivery in the National Park area. However, not all sites in the Ryedale area have started or are complete. These include employment and housing development at Riccal Drive.

The Plan also has an end date of 2027 so effectively has some years to run. Officers have therefore jointly concluded that the Plan needs to remain in place for the foreseeable future.

- 3.3 Ryedale District Council will be considering a similar report to this at its Policy and Resources committee on 29 September. Should any changes be requested by Ryedale District Council Members, these will be reported back to this Committee.

#### **4. Conclusions**

- 4.1 The Helmsley Plan remains an appropriate document for setting out the planning strategy and policies for Helmsley town and is still being actively implemented in bringing forward good quality development.
- 4.2 There is no need to review the Plan at the current time and, subject to agreement by both authorities, it is recommended that the Plan be 'rolled forward' for continued use for at least the next five years or until all the allocated sites have been built out.

#### **5. Financial and staffing implications**

- 5.1 None. Work has been carried out in-house within existing budgets.

#### **6. Contribution to National Park Management Plan**

- 6.1 No direct link – land allocations within the National Park area have now been built out.

#### **7. Legal and sustainability implications**

- 7.1 None. As no changes are proposed there are no significant effects arising from any policy changes that could trigger the need for additional Strategic Environmental or Habitats Regulation Assessment work to be carried out.

#### **8. Recommendation**

- 8.1 That Members agree that the Helmsley Local Plan remains fit for purpose and should continue to be used as the basis for decision making on planning applications for the town.

#### **Contact Officer:**

Paul Fellows

Head of Strategic Planning

01439 772700

## **Appendices**

Appendix 1 - Review of the Helmsley Local Plan policies

### **Background documents to this report**

The Helmsley Local Plan 2014-2027.

## Appendix 1: Review of the Helmsley Local Plan policies

The Helmsley Local Plan contains fifteen policies and a plan showing the proposed locations for development for both employment and housing uses.

### Policy SD1 – Presumption in favour of Sustainable Development

This policy remains valid. The NPPF as revised still enshrines sustainable development (and the presumption in favour) into the heart of planning. No revisions are required.

### Policy H1 - New Residential Development

The delivery of at least 150 new homes over the plan period on allocated land as shown on the proposals map. The Plan set a target of 100 units to be completed by 2022 and at least 150 by 2027. At the time of writing the Plan, two sites had current commitments (land to rear of the Black Swan and land on Linkfoot Lane) and a further four were allocated (two in the National Park and two in Ryedale). Progress on these sites is below:

- NYMNP Land to rear of the Black Swan. 21 units. **Completed.**
- NYMNP Land to south of Swanland Road (Linkfoot Lane). 20 units. **Completed.**
- NYMNP NYMH1 Land to north of Swanland Road. 61 units. **Completed.**
- NYMNP NYMH3 Land to north of Elmslac Road. 99 units (incl. 64 extra care). **Completed.**
- RDC 183 Land to east of Riccal Drive. 50 units. **Development commenced.**
- RDC 174 Land to south of Riccal Drive. 45 units. **Not yet started.**

#### Permissions

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	Total
North York Moors	21	125	0	6	1 (outline)	0	<b>153</b>
Ryedale	0	0	0	46	1	1	<b>48</b>
<b>Total</b>	<b>21</b>	<b>125</b>	<b>0</b>	<b>52</b>	<b>2</b>	<b>1</b>	<b>201</b>

#### Completions:

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	Total
North York Moors	13	22	9	87	56	13	<b>200</b>
Ryedale	4	0	0	0	13	18	<b>35</b>
<b>Total</b>	<b>17</b>	<b>22</b>	<b>9</b>	<b>87</b>	<b>69</b>	<b>31</b>	<b>235</b>

#### Employment completions (Ryedale only)

	2015-16	2016-17	2017-18	2018-19	2020-21	2021-22	Total
Ryedale	0	0	0	0	0	0	<b>0</b>

### Policy H2 - Windfall Development (NYMNP only)

A further six residential units have been approved in the National Park with an additional unit granted at outline permission. Policy is still delivering so officers conclude no need for review.



### **Policy H3 – Affordable Housing Delivery**

This policy seeks a 40% affordable housing contribution on sites of 6 or more units or 0.2ha or more. For the National Park area, affordable housing contributions were sought on all four sites in the National Park.

1. Land to rear of the Black Swan – delivered **24%** (4/17)
2. Linkfoot Lane – delivered **25%** (5/20)
3. Swanland Road – delivered **40%** (24/37)
4. Elmslac Road – delivered **44%** (44/99)

### **Policy H4 – Employment Land**

There were two sites allocated for employment use, both within Ryedale District. These are:

- Site EMP1, Land to the West of Riccal Drive – Up to 1.3ha
- Site EMP2, Land to the South of Riccal Drive – Up to 0.6ha

Neither of the sites have come forward for development. The policy also allows for non-allocated sites to come forward, but none have come forward in the National Park.

### **Policy H5 – New Main Town Centre Uses**

This policy seeks to support proposals which enhance the viability and vitality of the town centre.

Although the town centre has lost two banks within the timescale of the Plan (NatWest and Barclays), this represents the national trend. Within the National Park the NatWest building has retained a retail/commercial use. New restaurant uses have emerged which has added to the night-time offer.

Several units remain vacant in Ryedale area; however, officers consider that the policy remains valid, in line with the NPPF, and no changes are needed.

### **Policy H6 – Protection of Retail Uses**

This policy seeks to resist the loss of retail floorspace unless lack of viability can be demonstrated.

Two applications have been approved which sought to change the use of existing commercial uses to residential (1 Bondgate and 9 Bondgate) however evidence was submitted to demonstrate that the business was no longer viable or lack of interest in a commercial use of the site via a period of marketing.

Despite these applications, officers consider that the town centre remains vibrant and as such the policy remains valid and in line with the NPPF.

### **Policy H7 – Loss of Community Facilities**

The policy sought to retain the existing community, cultural and recreational facilities (including the Town Hall, Arts Centre and Recreational Fields).

As part of the Plan, the extra care facility forming part of the allocated site NYMH3, was to utilise the overflow sports field at Baxtons Lane, and as such a replacement was secured as part of the granting of permission to off-set this loss.

All other community facilities are in use, and none has been lost. As such the policy remains valid and in line with the NPPF.

### **Policy H8 – Important Open Views and Spaces**

These were identified on the Policies Map. Spaces and views have been maintained.

### **Policy H9 – Design**

Design is at the heart of all decisions and opportunities for enhancement have been taken.

### **Policy H10 – Renewable Energy and Sustainable Building**

All the National Park developments were designed to reduce the need for energy consumption and utilise energy more efficiently. Such measures, as detailed in the planning application details include the provision of combined heat and power, airtightness; water efficient appliances; fabric first approach to construction and insulation; plot orientation; smart metering; local sourcing of materials; avoidance of materials that embody high energy use or carbon emissions; sustainable drainage measures; and sustainable management of waste.

### **Policy H11 – Green Infrastructure**

The policy requires improved biodiversity and green infrastructure. For the allocated sites development briefs were prepared which outlined the opportunities.

- NYMH1 (land north of Swanland Road)
- NYMH3 (land north of Elmslac Road)

### **Policy H12 – Developer Contributions**

Developer contributions were sought in connection with the developments in the National Park. These contributions are reported in the Authority's annual Infrastructure Funding Statement. For more information on this, the latest 2020-21 Statement can be viewed on the Authority's website.

### **Policy H13 – Open Space Requirements**

Policy has been complied with and development contributions sought were appropriate.

### **Policy H14 – Telecommunications Installations**

In total three notifications have been approved for telecommunications development focussing development at the existing telephone exchange. Approval has also been granted for the erection of a 12m mast, but this was outside of the town. All the proposals were to facilitate a Smart Metre Network.

# North York Moors National Park Authority

## Item 11, Newby & Scalby Neighbourhood Area Designation

### 1. Purpose of the report

- 1.1 To request that members approve an application to designate the area of Newby and Scalby parish within the National Park as a 'neighbourhood area' for the purposes of neighbourhood planning.

### 2. Background

- 2.1 Newby and Scalby Town Council has applied to Scarborough Borough Council (SBC) and this Authority for the Newby and Scalby Parish area to be designated as a 'neighbourhood area.' The parish covers both local planning authority areas, however almost all of the area falls within the SBC boundary.
- 2.2 Designation allows the Town Council to proceed with preparing a neighbourhood plan. If such a plan is eventually 'made' (adopted) by the two authorities, it will form part of their development plan and will be used to help decide planning applications for the parish area.
- 2.3 An application must include a map of the area and a set of reasons why designation is appropriate. A letter from the Town Council with an accompanying map is at Appendix 1.
- 2.4 Designation is a legal requirement in this case, and as such is a formality.

### 3. Legislative requirements

- 3.1 Under the 1990 Town & Country Planning Act<sup>1</sup> (Section 61G) a parish or town council must apply to the relevant local planning authority (or authorities) for them to designate a 'Neighbourhood Area.' The 2016 Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations then require that the authorities must designate an area where an application is received from a parish council for the whole of its area, which is the case with this application.
- 3.2 Section 61H of the 1990 Act also requires that whenever a local planning authority exercises its powers under section 61G to designate an area as a neighbourhood area, they must consider whether the authority should designate the area concerned as a 'business area.' This has the effect of allowing business people to vote in an additional referendum on whether to bring the neighbourhood plan into force. Designation can only be done if the authority considers that the area is wholly or predominantly business in nature (Section 61H (3)).

---

<sup>1</sup> As amended by the 2011 Localism Act

As the parish is predominately rural or residential in nature, it is not considered appropriate to designate the Newby and Scalby neighbourhood area as a business area.

#### **4. Next steps**

- 4.1 Details of the decision to designate the Neighbourhood Area will be placed on the Authority's website. Should the Town Council proceed and prepare a neighbourhood plan they will be required to carry out public consultation on the plan. Following any changes, the plan would then be formally submitted to the two local planning authorities. Following further consultation, the plan would then go through independent examination, which would check if 'basic conditions' are met. These include whether the plan is in general conformity with the National Planning Policy Framework and Local Plans and whether it is compatible with environmental and human rights obligations. If recommended to proceed, the plan would then be subject to a public referendum within that parish. If a majority 'yes' vote is achieved the plan is then adopted, or 'made' by each authority.
- 4.2 As most of the developed area of the parish is within the Scarborough local planning authority, SBC will act as lead authority and will carry out most of the administrative tasks associated with the plan, including appointing an independent examiner and organising the referendum.

#### **5. Financial and staffing implications**

- 5.1 None. Work will be carried out in-house within existing budgets.

#### **6. Contribution to National Park Management Plan**

- 6.1 No direct link.

#### **7. Legal and sustainability implications**

- 7.1 None. Designation of the area as submitted is a legal requirement.

#### **8. Recommendation**

- 8.1 That the specified area be designated as a Neighbourhood Area for the reasons set out in the application, and not to designate the area as a business area.

#### **Contact Officer:**

Paul Fellows

Head of Strategic Planning

01439 772700

#### **Appendices**

Appendix 1 – Newby and Scalby Town Council letter of application and map.

## **NEWBY AND SCALBY TOWN COUNCIL**

COUNCIL OFFICE  
445b Scalby Road  
SCARBOROUGH  
YO12 6UA

Clerk to the Council:  
Jools Marley (CiLCA)



20<sup>th</sup> June 2022

Clerk to the Council: - [clerk@newbyandscalby-tc.gov.uk](mailto:clerk@newbyandscalby-tc.gov.uk)  
Telephone: -01723 354018

**Dear Steve,**

**Newby and Scalby Town Council** gives notice that it wishes to make an application for the designation of a Neighbourhood Plan for the whole of Newby and Scalby Parish area including parts that are within North Yorkshire National Park.

The application is accompanied by a map identifying the area to which the application relates, (being the entire civil parish of Newby and Scalby).

This area is considered appropriate to be designated as a neighbourhood plan for the following reasons:

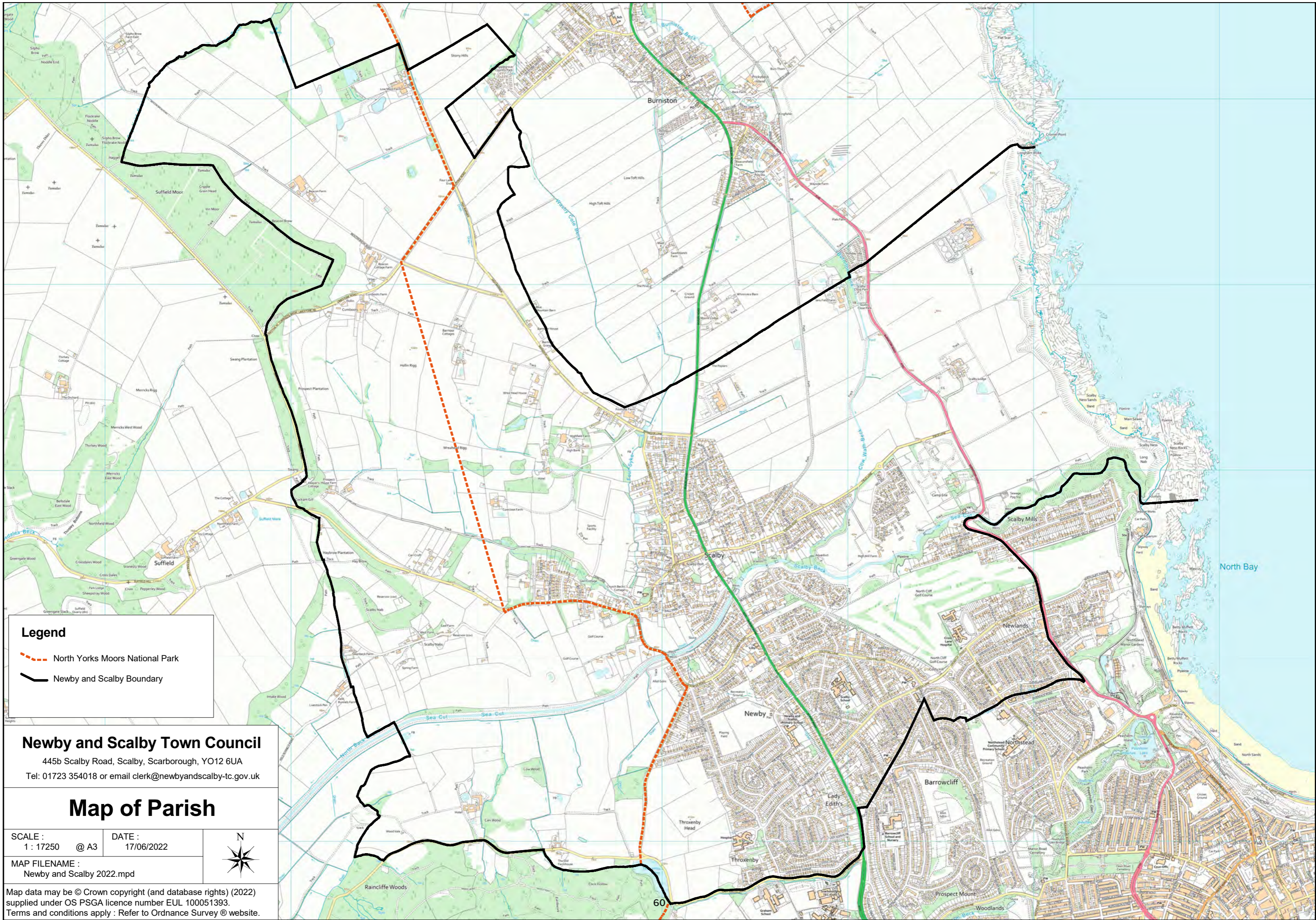
- 1) The area forms the existing Newby and Scalby Town Council area that is served by the Town Council
- 2) The proposed area already has legal and administrative status
- 3) To involve the community we have created a working group comprising of councillors and a group from Scalby and Newby Village Trust. We will work to expand this wider as we progress.

Newby and Scalby Town Council is the relevant body for the purposes of submitting a Neighbourhood Plan entire area applied for.

Yours sincerely



Chairman  
Newby and Scalby Town Council



**Legend**

- North Yorks Moors National Park
- Newby and Scalby Boundary

**Newby and Scalby Town Council**  
 445b Scalby Road, Scalby, Scarborough, YO12 6UA  
 Tel: 01723 354018 or email [clerk@newbyandscalby-tc.gov.uk](mailto:clerk@newbyandscalby-tc.gov.uk)

## Map of Parish

SCALE : 1 : 17250 @ A3      DATE : 17/06/2022

MAP FILENAME : Newby and Scalby 2022.mpd



Map data may be © Crown copyright (and database rights) (2022) supplied under OS PSGA licence number EUL 100051393. Terms and conditions apply : Refer to Ordnance Survey ® website.

## **Item 12, List of planning applications together with the Director of Planning's recommendations**

The time period for responses to consultations/publicity carried out on individual applications may not have expired before the given closing date for such responses to be reported to the committee meeting. Any responses received within the various specified consultation periods but not reported to the meeting will be taken into account. If such responses are contrary to the Committee's resolution and raise new matters the application will be presented for reconsideration by the Committee at a future meeting.

The background papers taken into account when considering planning applications on this list include all or some of the following items. Items 1 to 4 are included on the file for each individual application.

1. Application: includes, the application form, certificates under Section 65 of the Town and Country Planning Act 1990, plans, and any further supporting information submitted with the application.
2. Further correspondence with applicant, including any amendments to the application: includes any letters to the applicant/agent with respect to the application and any further correspondence submitted by the applicant/agent together with any revised details and/or plans.
3. Letters from Statutory Bodies – includes any relevant letters to and from the District Councils, Parish Councils, Departments of North Yorkshire County Council, Water Authorities and other public bodies and societies.
4. Letters from Private Individuals – includes any relevant letters to and from members of the public with respect to the application.
5. Statutory Plans and Informal Policy Documents – some or all of the following documents will comprise general background papers taken into account in considering planning applications in the National Park. The Plans listed under (b), (c) and (d) comprise the Development Plan which forms the basis for determining planning applications

### **Statutory Plans:**

- a) North York Moors National Park Management Plan – May 2022
- b) North York Moors Local Plan Adopted July 2020
- c) Helmsley Local Plan – July 2015
- d) Whitby Business Park Area Action Plan (2014) and Design Brief (2016)
- e) Ingleby Arncliffe Neighbourhood Plan – December 2021
- f) Minerals and Waste Joint Plan - 21 March 2022



**Supplementary Planning Documents (SPD):**

- g) Renewable Energy SPD (April 2010)
- h) Design Guide SPD
- i) Osmotherley and Thimbleby Village Design Statement SPD (2011)
- j) Ampleforth Conservation Area Appraisal & Management Plan SPD
- k) Oswaldkirk Conservation Area Appraisal & Management Plan SPD (2011)
- l) Hutton Buscel Village Design Statement (2010)

# North York Moors National Park Authority

## Plans list item 1, Planning Committee report 14 July 2022

**Application reference number:** NYM/2022/0469

**Development description:** application under Regulation 3 (Town and Country Planning General Regulations 1992) for change of use from office (Class E) and parking to dwelling (no alterations) (Class C3)

**Site address:** 13 Bondgate (Beaconsfield), Helmsley

**Parish:** Helmsley

**Case officer:** Mr Mark Hill

**Applicant:** North York Moors National Park Authority fao: Mr Ian Nicholls, The Old Vicarage, Bondgate, Helmsley, York, YO62 5BP

### Director of Planning's Recommendation

Approval subject to the following:

#### Condition(s)

Condition number	Condition code	Condition text
1	TIME01	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2	RSU00	The premises shall be used as a single dwelling.
3	WPD01	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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 14 Classes A to I of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.

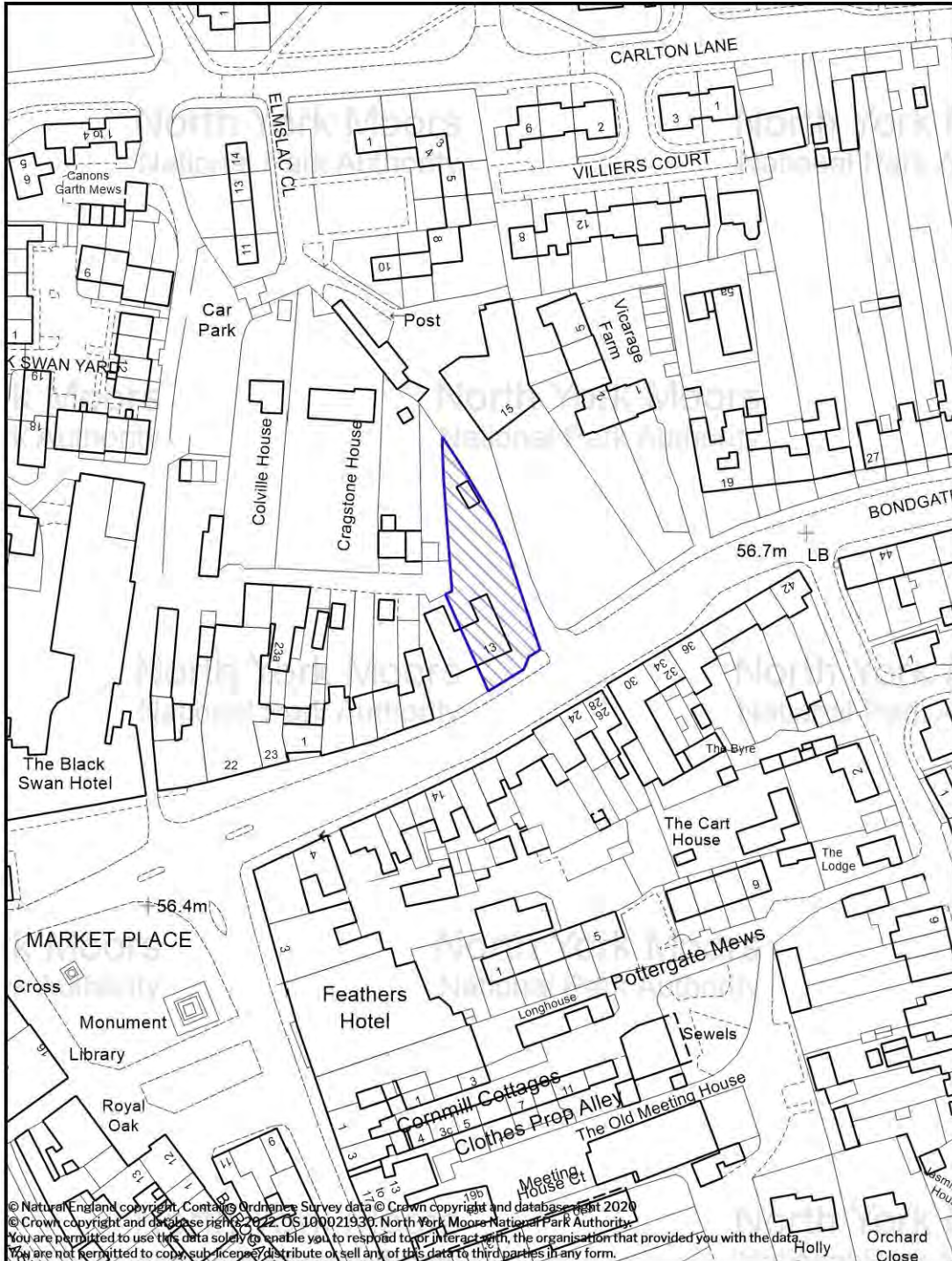
Map showing application site



North York Moors National Park

Application Number: NYM/2022/0469

Scale: 1:1250



**Photo showing central and right-hand side of building which is the North York Moors National Park Authority's secondary offices.**



## **Consultation responses**

### **Town Council**

No comments received.

### **Highways**

No comments received.

### **Yorkshire Water**

No comments received.

### **Environmental Health**

No comments received.

### **Police – Traffic**

No comments received.

## **Third party responses**

No comments received.

## **Consultation expiry**

11 July 2022

## **Background**

Following the reorganisation of Local Government in 1974 when the various Town and Rural and County District & County Councils were amalgamated to form a new set up of District & County Councils (Ryedale District Council and North Yorkshire County Council), arrangements were made to rehouse the staff supporting the North York Moors Park Committee from County Hall into dedicated premises within the National Park. In 1971, planning permission was granted for change of use, alterations and extensions of the Helmsley Vicarage to create office accommodation. In 1991, in order to deal with overcrowding of the offices at the former vicarage, the adjacent property, Beaconsfield Guest House was purchased and granted planning permission for use as additional office accommodation subject to a planning condition it could only be used as Use Class B1 office accommodation unless further permissions were granted. The Authority's records indicate that the building was originally a dwelling and permission was granted for its change of use to guest house in 1982.

Whilst the General Permitted Development Order 2021 (Class MA) allows the conversion of offices to residential use in many instances, this does not now apply in National Parks, with Listed Buildings or buildings which have a condition preventing their change without planning permission being granted.

Members will be familiar with the location of the North York Moors National Park offices at Beaconsfield on Bondgate. The building is not a Listed Building, it is located within the Town Conservation Area where there is an Article 4(1) Direction removing residential 'permitted development rights' to all elevations and the site is out with the Helmsley Commercial Limit area as defined in the Helmsley Local Plan (main shopping area).

Planning permission, without any alterations, is sought for the change of use to a single dwelling, retaining the rear parking area, front garden and small rear garden containing a timber 'garden type shed.'

The applicant has indicated that the reason for making the application is partially a consequence of post covid blended home/office working and the whole office accommodation being underused. Secondly, the Authority's aspiration to be carbon neutral by 2030, reducing the amount of office accommodation is part of the solution particularly given the nature of the traditional buildings currently utilised and their poor energy performance.

## **Main issues**

In terms of the key NYM Local Plan (2020) policies relevant to the proposal, these are; **Strategic Policy B** – The Spatial Strategy, **Policy BL2** – Reuse of existing employment and training facilities and **Policy CO6** – Housing in Helmsley.

In brief, Strategic Policy B sets out Helmsley's role as the main service centre for the National Park by providing additional housing and employment provision. Employment Policy BL2 seeks to bolster Helmsley's key service role by not allowing the conversion of employment sites to residential use unless the current use is either uneconomic or unsuitable. The uneconomic viability is usually demonstrated by being market tested for sale, as set out in the Appendix 2 Viability Test, which involves a period of 12 – 24 months (depending on market conditions) with appropriate marketing & price. The unsuitability test requires the Authority to be satisfied that there are particular locational or structural or other constraints such as proximity to residential use so as to not require the site to be either redeveloped or maintained for the existing employment use. Housing Policy CO6 (cross references to Helmsley Local Plan housing policies) supports new open market housing on four allocated sites, small infill sites within the defined settlement limit and arising from conversions.

Whilst the North York Moors Local Plan is a 'full' Local Plan, the provisions of the 2015 Helmsley joint Local Plan are relevant considerations and although the Local Plan has been written to complement the town plan, in the event of any disparity, the Helmsley policies apply. Policy H2, require proposals to conserve the town's historic character, Policy H3 requires provision of affordable housing for schemes of six units or above, Policy H5 looks to concentrate retail and commercial development within the Town Centre limits, Policy H10 seeks to ensure that new housing demonstrates low energy usage and Policy H13 requires any new residential development to contribute off-site open space contributions if within the Ryedale part of Helmsley (in terms of planning area).

The key issue is considered to be whether there is sufficient justification to warrant the loss of an employment space within Helmsley, which is where the spatial strategy seeks to direct the majority of new housing and employment provision.

The applicant has indicated that following the covid pandemic, and to support its longer term aspiration of becoming a carbon neutral operation by 2030, the workforce of approximately 140 staff has moved to a blended 50/50 home and office working arrangement such that for a great deal of the time the offices are partly empty whilst still incurring full heating & rates bills. The aim is to relocate staff into the adjacent Old Vicarage offices next door so as to operate in a similar way to the pre 1991 change.

The applicant considers that as the Authority is a major employer in Helmsley, it is committed to be based in Helmsley but looking to work in a more collaborative way that would not be possible based in a building with lots of small offices.

The building has not been offered for sale in line with the BL2 viability test, rather the case has been made that the building is 'unsuitable' for modern office working on account of its poor physical condition, small room internal layout and location being physically attached to a residential occupier and in part of the town which is wholly residential in nature. This unsuitability conclusion is supported by policy in the Helmsley Local Plan which precludes office or commercial uses outside of the defined town centre commercial area. In this respect the application represents the cessation of a non-conforming use with land use benefits including to residential amenity and traffic generation and safety.

Officers have assessed the unsuitability case and have therefore concurred with the applicant. The joint Helmsley Local Plan allocates land at Riccall Lane for employment and office use where bespoke purpose designed buildings can be created to encourage economic investment into the town. Beaconsfield lies outside the Commercial Town Limits in a residential area. The property was originally built as a dwelling(s) and is considered suitable for reuse for residential use. Officers consider there is likely to be little demand for the building as a Small -Medium-Enterprise (SME) or as an office base on account of its physical state, close proximity to residential occupiers and internal layout with poor accessibility (there is no lift) and poor ability to create open internal workspaces.

Officers are also cognisant that the loss of Lloyds, Barclays and Nat West banks & offices within the town centre have not been taken over by replacement office uses, the economic reuse has been retail or residential. As such Officers support the proposal and given the circumstances outlined above find no conflict with policy in the return of the building to residential use.

### **Pre-commencement conditions**

There are no pre-commencement conditions.

### **Contribution to Management Plan objectives**

Approval is considered likely to help support Outcome 6 where additional housing delivery helps communities to thrive.

### **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.



# North York Moors National Park Authority

## Plans list item 2, Planning Committee report 14 July 2022

**Application reference number:** NYM/2022/0363

**Development description:** removal of stables and erection of three timber lodges to provide rooms ancillary to the Country Inn

**Site address:** Bryherstones Inn, Newlands Road, Cloughton

**Parish:** Cloughton

**Case officer:** Mrs Jill Bastow

**Applicant:** Mr & Mrs Shipley, Bryherstones Inn, Newlands Road, North Yorkshire, Cloughton, YO13 0AR

**Agent:** WardmanBrown fao: Mr Lee Wardman, 113 Stanhope House, Stanhope Road South, Darlington, DL3 7SF,

### Director of Planning's Recommendation

Approval subject to the following:

#### Condition(s)

Condition number	Condition code	Condition text
1	TIME01	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2	PLAN02	The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
3	RSU011	The timber lodges unit 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	RSU014	The timber lodges hereby permitted shall form and remain part of the planning unit at Bryherstones Inn and shall not be leased off from the main business 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.

<b>Condition number</b>	<b>Condition code</b>	<b>Condition text</b>
5	GACS00	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 proposed lighting shall be of a style and luminance (typically a warm white bulb of 3000k or less and no more than 500 lumens) which minimises glare and light pollution. All lighting fixtures should be shielded/fully cut off to prevent upward and minimise horizontal light spill and all lighting shall be installed to minimise its impact on neighbouring amenity. The lighting shall be installed in accordance with the above and shall be maintained in that condition in perpetuity.
6	LNDS01	Prior to the development being brought into use details of a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for native hedge and tree planting along the north and west boundaries and shall include details of any existing hedges and trees to be retained on the site together with any measures for managing/reinforcing these and shall specify plant species, sizes and planting densities for any new areas of planting. The approved details shall be carried out no later than the first planting season following the occupation of the buildings, or completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. The approved landscaping scheme shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
7	WPDR12	Notwithstanding the provisions of Class B, Part 5 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking and re-enacting that order, no development required by the conditions of a site license shall be permitted without the granting of planning permission by the Local Planning Authority.
8	MISC00	If the use of the timber lodges for holiday letting purposes permanently ceases, the lodges shall be removed from the land in their entirety within 6 months of the use ceasing and the land shall, so far as is practicable, be restored to its condition before development took place unless the Local Planning Authority has otherwise agreed in writing.

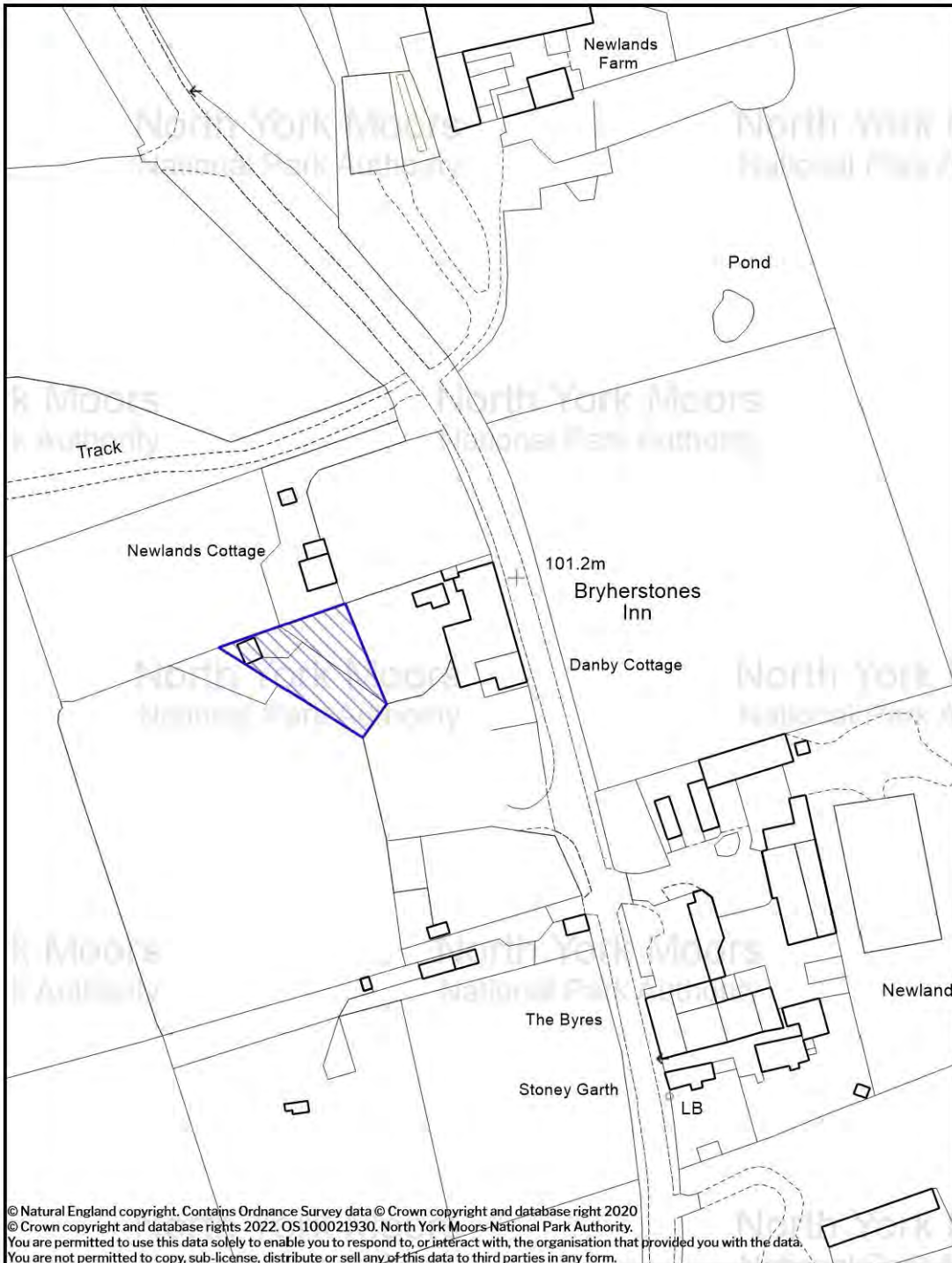
# Maps showing application site

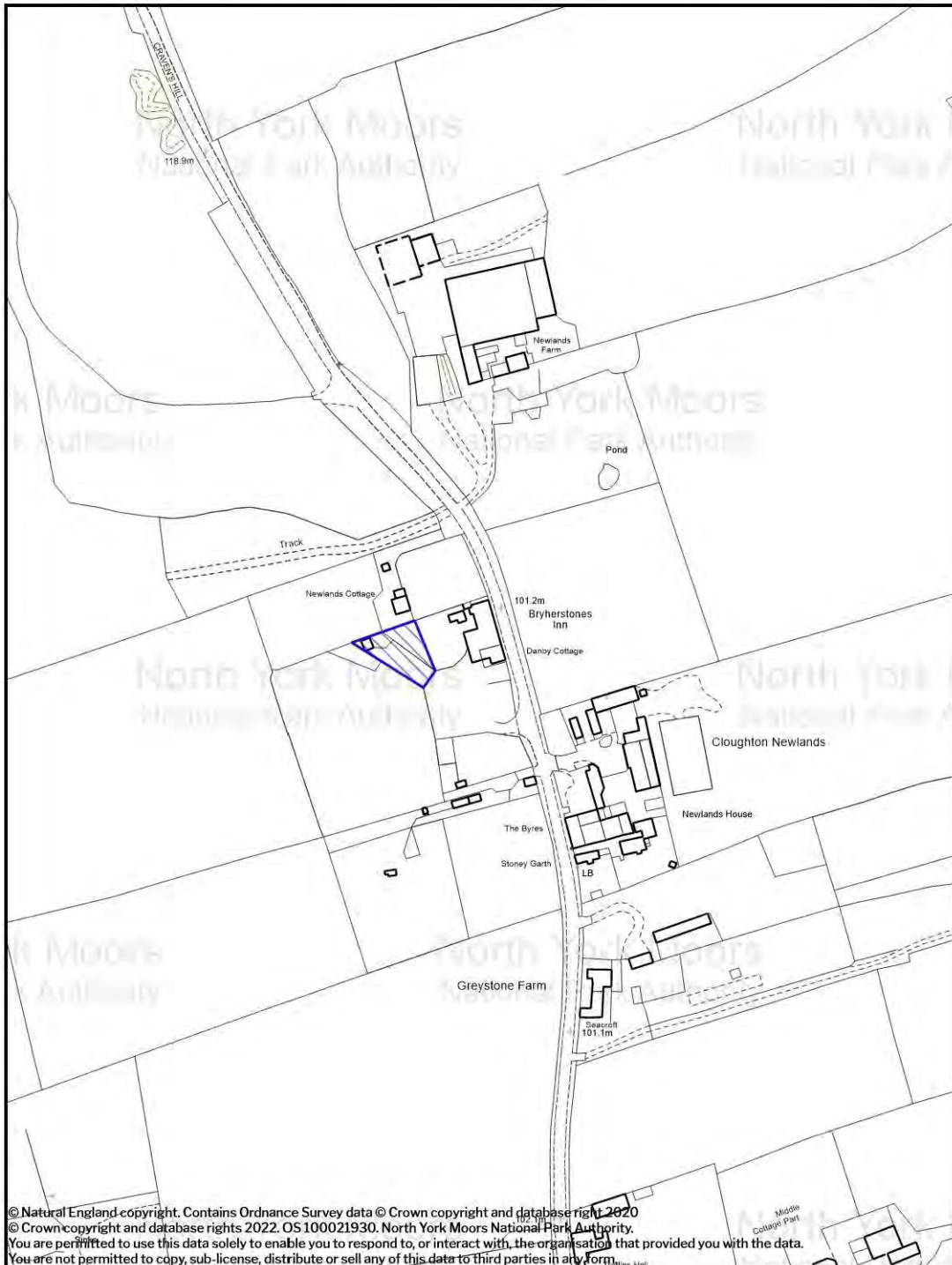


**North York Moors  
National Park**

Application Number: NYM/2022/0363

Scale: 1:1250





**Photo showing the existing stable building to be demolished and the proposed location of the three timber lodges viewed from within the customer car park**



**Photo showing the access to the customer car park from Craven Hill and the proposed location of the three timber lodges beyond**



## **Consultation responses**

### **Parish**

Object for the following reasons:

- Possible inaccurate plans which imply Danby Cottage is part of the application site when to the best of Council's knowledge, it was not within the applicant's ownership;
- Area of site used would be considerably more than that used by the stables resulting in an unacceptable intensification of use;
- Sewage system;
- No screening of the proposed lodges from the site itself, only from the highway;
- Potential for disturbance of/impact on domestic enjoyment for occupiers of Newlands Cottage due to the proximity of the proposed lodges.

### **Highways**

No objection. The site has a constructed access to the highway and has an off street car park.

### **Environmental Health**

No objection.

### **Third party responses**

David Cuthbertson, Danby Cottage, Newlands Road, Cloughton Objects for the following reasons:

Ongoing developments will encroach on my attempts to encourage wildlife and improve the environment. In February I planted six hundred trees and shrubs and started a wildflower meadow under the guidance of your officers and to some extent subsidised via your authority. The wildlife corridor created will be of no benefit if it is surrounded by a campsite, cabins and camper vans.

Flooding from extra run off is a major concern in that my fields are low lying and there is no other area for the water to go. Additional buildings will worsen this problem.

Traffic on this road needs to be considered with any additional developments. Vehicles joining the road at this point are not easily seen because of the hill and bends in the road. I have already witnessed several near misses.

Dogs in the area can prove difficult not only from the worry of attacking sheep but also scaring them with their barking. The camper vans that already visit nearly always have a dog, adding three cabins would worsen the problems. I retired to enjoy life in a quiet, rural environment and feel this is badly under threat from this development.

### **Consultation expiry**

15 June 2022

## Background

Bryherstones Inn is a traditional country inn positioned some 1.5 km to the north of Cloughton village on the west side of the road at Craven Hill. It is a stone-built property under a slate roof with an extensive beer garden to the rear (west) and a customer car park to the south. To the north lies Newland Cottage and to the south, adjoining the public house, lies Danby Cottage, both private residential properties. On the opposite side of the road lies Newlands House farm and a number of residential properties.

Planning permission is sought for the siting of 3 no. timber lodges in place of the redundant timber stable building located on an area of overgrown hardstanding to the rear of the public house, with one located within the beer garden. The lodges each measure 6.5 metres by 3.5 metres with an areas of timber decking to the front and would have a curved grass sedum roof. It is proposed to orientate the lodges so that they face south, towards the customer car park. The lodges would be let on a bed and breakfast basis as guest accommodation for the country inn. Drainage would be directed to the existing package treatment plant and guest parking would be available within the existing car park.

## Main issues

### Local Plan

The relevant strategic policies in the determination of this application are considered to be **Strategic Policy A** (Achieving National Park Purposes and Sustainable Development), **Strategic Policy B** (Spatial Strategy), **Strategic Policy C** (Quality and design and Development), **Strategic Policy G** (Landscape) and Strategic Policy J (Tourism and Recreation). **Policy UE1** (Location of Tourism and Recreation Development) and **Policy UE2** (Camping, Glamping, Caravans and Cabins) and **Policy ENV4** (Dark Night Skies) are the more detailed development management policies.

Policy UE1 only permits new tourism and recreation development win the Open Countryside where it complies with Policy UE2 and supports the expansion or diversification of an existing tourism and recreation business.

Policy UE2 supports proposals for small scale holiday accommodation (such as tents, pods, yurts, teepees, shepherd huts, cabins, chalets, caravans and motorhomes etc.) in the open countryside where the site is screened by existing topography, buildings or adequate well-established vegetation (which is within the applicant's control and where arrangements for its long term maintenance can be demonstrated) so as to respect the sensitivity of the local landscape. It also requires proposals to avoid extensive alterations to ground levels so that the accommodation can be removed without harm to the landscape; to not lead to unacceptable harm in terms of noise and activity; to not detract from the character, tranquillity or visual attractiveness of the area, and to be of a high standard of design.

Policy ENV4 seeks to protect the darkness of the night skies above the National Park by requiring development proposals to minimise light spillage. In the open countryside external lighting will only be permitted where it is essential for safety or security.

## **Principle of development**

This proposal is for a small-scale development of three modestly sized timber lodges each capable of accommodating two people with associated vehicular parking and would be utilised as bed and breakfast accommodation for the country inn on the site.

The lodges are of a high-quality timber design with a grass sedum roof that would complement the wooded surroundings. They require no foundations and would not be connected to the public foul drainage system and instead would be connected to the existing package treatment plant. As such they can be removed when no longer required and the land restored without harm to the landscape of the National Park.

Furthermore, it is not considered that there would be a notable increase in activity or noise in the immediate locality that would have a detrimental impact on the character or tranquillity of the area, particularly given that there is already a degree of noise and activity generated by the country inn itself and the farm opposite. As such in principle the proposal meets the requirements of Policy UE2.

## **Landscape setting**

It is proposed to site two of the lodges on the unused area of hard standing to the rear of the country inn, replacing the existing timber stables with the third lodge located within the beer garden to the public house itself. They will therefore be located within the existing curtilage of the business and be accessed from the adjacent customer car park. Although the lodges would be visible from within the customer car park and the nearby allotments in a slightly elevated position, they would not be visible on the skyline and instead would be viewed against a backdrop of rising land of the neighbouring fields. Furthermore, the site is well-screened in the wider landscape by virtue of the mature roadside vegetation and local topography and in any glimpsed views from the public highway the lodges would be seen in the context of the country inn and its car park and neighbouring property such that they would not appear as sporadic or isolated structures. As such it is not considered that the lodges would have a detrimental impact on the landscape of the National Park and as such meets with the requirements of Policy UE2.

## **Residential amenity**

The lodges would be orientated to face south towards the customer car park rather than towards the neighbouring property to the north (Newlands Cottage) which avoids any potential of mutual overlooking.

It is acknowledged that the provision of three timber lodges to the rear of the beer garden could result in additional activity that could cause some noise and disturbance to the occupiers of the neighbouring dwellings. However, the lodges would only accommodate two people each on a bed and breakfast basis as ancillary guest accommodation to the public house. Given the small-scale nature of the development it is not considered that the proposal would result in any notable increase in level of noise, activity and general disturbance that already occurs as a result of proximity of the beer garden and customer garden to these properties. Therefore, it is not considered that the proposal would have an adverse impact on the amenities of local residents.



## **Ecological interest**

The Authority's Ecologist has requested more information on the suitability of the habitats on the site to support species such as roosting bats or breeding birds given that there are records of roosting bats within 1km of the development, records of Great Crested Newts within 2km and several ponds within 500m. This would enable an assessment to be made as to the impact of the development on protected and priority species.

The site is predominantly overgrown hardstanding, and the applicant has completed the Natural England Small Sites Metric which demonstrates that the proposed development, by virtue of the grass seeded roofs will result in a 40% biodiversity net gain which is in excess of the 10% discretionary net gain for biodiversity sought under the Environment Act 2021, coming into effect November 2023.

As such it is considered that this proposal will provide enhancements for biodiversity.

## **Conclusion**

This application is for a small-scale development of three modestly sized timber lodges within the curtilage of the existing country inn on an underused area of hardstanding which is well screened in the immediate area. Noise and activity arising from the proposal is likely to be limited and would represent a small increase to that already generated by the country inn itself. Furthermore, it would provide en-suite letting bedrooms for the country inn enabling an existing tourism business within the National Park to expand. As such the proposal is considered on balance to comply with the policies of the Local Plan although a number of conditions are required to ensure adequate compensatory planting and appropriate external lighting.

As such it is considered that the proposal meets the criteria of Strategic Policies A, B, C, G and J along with Policies UE1, UE2 and ENV4 and approval is recommended.

## **Contribution to Management Plan objectives**

Approval is considered likely to help meet well-being Outcome 4, objective 17 to encourage visitors to make a positive contribution.

## **Explanation of how the Authority has worked positively with the applicant/agent**

The Local Planning Authority has acted positively in determining this application by assessing the scheme against the Development Plan and other material considerations and subsequently granting planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.