

**TOWN & COUNTRY PLANNING ACT 1990
FULL PLANNING PERMISSION**

Date of Application 1 July 2024
Proposal Application seeks full planning permission for the redevelopment of the existing farmstead to include the provision of 8no. dwellings together with associated works and landscaping at Moor Farm, Hunmanby Gap, Filey
Site Address Moor Farm Sands Road Hunmanby Filey North Yorkshire YO14 9QW
Applicant Mr Nigel Best

The North Yorkshire Council hereby give notice in pursuance of the Town & Country Planning Act 1990, that **full planning permission has been granted** for the carrying out of the development described above in accordance with the application and plans submitted, subject to the general condition (to ensure compliance with Section 91 of the said Act) that the development hereby permitted must be begun not later than **three years** from the date of this Decision Notice, and subject to the following condition(s)

- 1 The development hereby approved shall be carried out in strict accordance with the following:

Site Location Plan (drawing no. 1069.P001A) - received on 5 December 2024,

Site Plan (drawing no. 1069.P105B) - received on 2 June 2025,

Site Plan - Extended (drawing no. 1069.P106A) - received on 13 June 2025,

Proposed Ground Floor Plan Layout - Unit 1 (drawing no. 1069.P110A) - received on 5 December 2024,



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NOTES

This is an approval under the Town and Country Planning Act only. It does not absolve the applicant from the necessity of obtaining Listed Building consent if necessary or approval under the Building Regulations, or of obtaining approval under any other Bye-laws, Local Acts, Orders, Regulations and Statutory Provisions in force, and no part of the proposed development should be commenced until such further approval has been obtained.

YOUR RIGHTS OF APPEAL ARE AVAILABLE AT THE END OF THIS DOCUMENT

Decision No ZF24/01085/FL

Proposed Elevations Sheet 1 of 2 - Unit 1 (drawing no. 1069.P120) - received on 1 July 2024,

Proposed Elevations Sheet 2 of 2 - Unit 1 (drawing no. 1069.P121) - received on 1 July 2024,

Proposed Ground and First Floor Plans - Unit 4 (drawing no. 1069.P410A) - received on 5 December 2024,

Proposed Elevations Sheet 1 of 2 - Unit 4 (drawing no. 1069.P420) - received on 1 July 2024,

Proposed Elevations Sheet 2 of 2 - Unit 4 (drawing no. 1069.P421) - received on 1 July 2024,

Proposed Ground and First Floor Plans - Unit 5 (drawing no. 1069.P510A) - received on 5 December 2024,

Proposed Elevations Sheet 1 of 1 - Unit 5 (drawing no. 1069.P520) - received on 1 July 2024,

Proposed Ground and First Floor Plans - Unit 6 (drawing no. 1069.P610A) - received on 5 December 2024,

Proposed Elevations Sheet 1 of 1 - Unit 6 (drawing no. 1069.P620) - received on 1 July 2024,

Proposed Ground and First Floor Plans - Unit 7 (drawing no. 1069.P710A) - received on 5 December 2024,

Proposed Elevations Sheet 1 of 1 - Unit 7 (drawing no. 1069.P720) - received on 1 July 2024,

Proposed Ground and First Floor Plans - Unit 8 (drawing no. 1069.P810A) - received on 5 December 2024,

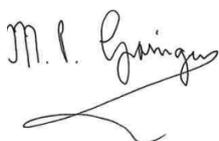
Proposed Elevations Sheet 1 of 2 - Unit 8 (drawing no. 1069.P820) - received on 1 July 2024,

Proposed Elevations Sheet 2 of 2 - Unit 8 (drawing no. 1069.P821) - received on 1 July 2024,

Proposed Ground Floor Plan Layout - Unit 9 (drawing no. 1069.P910A) - received on 5 December 2024,

Proposed Elevations Sheet 1 of 2 - Unit 9 (drawing no. 1069.P920) - received on 1 July 2024,

Proposed Elevations Sheet 2 of 2 - Unit 9 (drawing no. 1069.P921) - received on 1 July 2024,



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Proposed Ground Floor Plan Layout - Unit 10 (drawing no. 1069.P1010A) - received on 5 December 2024,

Proposed Elevations Sheet 1 of 2 - Unit 10 (drawing no. 1069.P1020) - received on 1 July 2024,

Proposed Elevations Sheet 2 of 2 - Unit 10 (drawing no. 1069.P1021) - received on 1 July 2024,

Proposed Drainage Layout (drawing no. 48254-ECE-XX-XX-DR-C-0001 Rev P01) - received on 1 July 2024,

Landscape Proposals - Detailed (drawing no. GLY0038 LP 01 B) - received on 5 December 2024.

Reason: For the avoidance of doubt.

- 2 Notwithstanding the submitted details, the roofs of the development hereby permitted shall be clad in traditional natural red clay pantiles. Where practicable, the pantiles from the existing roofs shall be re-used with the reclaimed pantiles used on the front roof slopes, and where new pantiles are necessary, these shall be traditional natural red clay pantiles to match those of the principal existing buildings on the site.

Reason: To avoid doubt and to ensure the development is of a high standard of design in accordance with Policy DEC1 of the Scarborough Borough Local Plan.

- 3 All new and replacement brickwork utilised in carrying out the development hereby permitted shall match that of the principal existing building on the site.

Reason: To avoid doubt and to ensure the development is of a high standard of design in accordance with Policy DEC1 of the Scarborough Borough Local Plan.

- 4 Prior to the installation of the doors and windows, colour and material specifications for these items shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To avoid doubt and to ensure the development is of a high standard of design in accordance with Policy DEC1 of the Scarborough Borough Local Plan.

- 5 Where present, the external face of the frame to new windows shall be set in reveals to match those of existing windows of the principal buildings on the site.

Reason: To ensure the development is of a high standard of design in accordance with Policy DEC1 of the Scarborough Borough Local Plan.

- 6 The rainwater goods utilised in the development hereby permitted shall be coloured black and thereafter so maintained. They shall be mounted directly to the wall with gutter spikes. Fascias and bargeboards shall not be used in the development hereby approved.



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Reason: To ensure the development is of a high standard of design in accordance with Policy DEC1 of the Scarborough Borough Local Plan.

- 7 Notwithstanding the submitted details, the roof lights of the development hereby permitted shall be "conservation" roof lights as detailed in the notation of the approved drawings.

Reason: To ensure the development is of a high standard of design in accordance with Policy DEC1 of the Scarborough Borough Local Plan.

- 8 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out without the prior written approval of the Local Planning Authority:

- (a) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
- (b) the erection of house extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;
- (c) alterations including the installation of replacement or additional windows or doors and the installation of roof windows;
- (d) the installation of flues;
- (e) the erection of any means of enclosure.

Reason: The open countryside location of the development amounts to a special circumstance where the removal of permitted development rights is warranted; Policy ENV6 of the Local Plan affords the open countryside protection for its own sake, and the above mentioned development could amount to harmful visual clutter if proper control is not exercised.

- 9 Except from the required site access as detailed on the approved drawings, the existing hedgerow along the southern (roadside) boundary of the site shall be retained and maintained at a height of at least 1.5 metres.

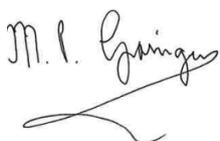
Reason: To protect the character and appearance of the landscape setting of these buildings.

- 10 Prior to the first occupation of the development hereby approved, the EASTERN access to the site at Moor Farm, Sands Road, Hunmanby shall be set out and constructed in accordance with the "Specification for Housing and Industrial Estate Roads and Private Street Works" published by the Local Highway Authority and the following requirements:

- a. The crossing of the highway verge must be constructed in accordance with Standard Detail number DC/CD C;
- b. Any gates or barriers must be erected and must not be able to swing over the existing or proposed highway.

All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.



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- 11 Prior to the first occupation of the development hereby approved, the WESTERN access to the site at Moor Farm, Sands Road, Hunmanby shall be permanently closed off and the verge re-instated.

Reason: In the interests of highway safety and the amenity of the area.

- 12 Prior to the first occupation of the development hereby approved, there must be no access or egress by any vehicles between the highway and the application site at EASTERN ACCESS MOOR FARM, SANDS ROAD HUNMANBY until splays are provided giving clear visibility looking west towards the bend, of 77 metres measured along the channel line of the major road from a point measured 2.4 metres down the centre line of the access road and giving clear visibility looking east towards Hunmanby Gap of 130 metres measured along the channel line of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

- 13 The landscaping shall be implemented in accordance with the approved planting scheme 'Landscape Proposals - Detailed GLY0038 LP 01 B'. The planting scheme shall be implemented within the first practicable planting season following the commencement of development. Thereafter, no felling, lopping, or other work to existing or new trees shall take place without the prior written approval of the Local Planning Authority.

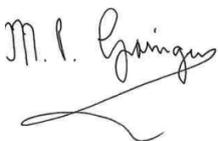
Reason: To ensure the character of the open landscape is protected, and in the interests of the appearance of the area and to ensure opportunities for biodiversity enhancement are maximised in accordance with policies DEC1, ENV5 and ENV7 of the Scarborough Borough Local Plan.

- 14 The development shall be implemented in accordance with the recommendations and proposals contained within the submitted 'Arboricultural Impact Assessment & Method Statement' prepared by Golby and Luck Ltd, received by the Local Planning Authority on 1 July 2024.

Reason: In the interests of the appearance of the area and to ensure opportunities for biodiversity enhancement are maximised in accordance with policies DEC1, ENV5 and ENV7 of the Scarborough Borough Local Plan.

- 15 The recommendations and methods outlined within the submitted 'Preliminary Ecological Appraisal' - Report prepared by Wold Ecology Ltd, received by the Local Planning Authority on the 1 July 2024 - shall be adhered to in full and shall be incorporated into the build process of the development hereby approved. In particular the mitigation measures set out in sections 8 and 9 of the report.

Reason: To ensure adequate protection is afforded to species protected by law and to ensure the development is carried out in accordance with the details set out in the supporting documentation accompanying the planning application in order to provide



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adequate and necessary mitigation for the adverse environmental impacts that have been identified. To ensure opportunities for biodiversity enhancement are maximised in accordance with policies DEC1, ENV5 and ENV7 of the Scarborough Borough Local Plan.

- 16 Notwithstanding the submitted details, a Species Mitigation and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The Species Mitigation and Enhancement Plan should detail the location of features to accommodate birds, barn owl, bats and hedgehog (e.g. number, type and location of bat and bird boxes).

Reason: In order to provide adequate and necessary mitigation for potential adverse environmental impacts associated with development and construction. To ensure opportunities for biodiversity enhancement are maximised in accordance with policies DEC1, ENV5 and ENV7 of the Scarborough Borough Local Plan.

- 17 Notwithstanding the submitted details, a Construction Ecological Management Plan (CEcMP) shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The CEcMP shall be produced by a suitably qualified expert and shall set out a methodology for the protection of habitats during the construction phase.

The approved CEcMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to provide adequate and necessary mitigation for potential adverse environmental impacts associated with development and construction. To ensure opportunities for biodiversity enhancement are maximised in accordance with policies DEC1, ENV5 and ENV7 of the Scarborough Borough Local Plan.

- 18 Notwithstanding the submitted details, prior to first occupation of the development hereby approved, a detailed scheme of external lighting for the development shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall seek to minimise any impact through light spillage on the visual amenities of the area. The lighting scheme for the development shall be carried out in accordance with the approved details and thereafter so maintained unless any alteration is first approved in writing by the Local Planning Authority.

Note: The Local Planning Authority will wish to see the external lighting on the site kept to a practical minimum, and low wattage low level lighting would be preferred.

Reason: In the interests of the visual amenities of the area, the surrounding landscape, and nature conservation, in accordance with policies DEC1 and ENV5 of the Scarborough Borough Local Plan.

- 19 Prior to the commencement of this development, a scheme for the implementation of the approved Biodiversity Gain Plan (BGP), required by the deemed planning condition attached to this permission, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:



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- A timetable for the implementation and completion of the biodiversity enhancement measures set out in the approved BGP.
- Proposals for the maintenance and monitoring of the on-site biodiversity enhancement measures. Where the biodiversity enhancements proposed in the BGP are "significant" in relation to the pre-development baseline biodiversity value of the site, provision shall be made for their maintenance and monitoring for a period of not less than 30 years from the date of completion of the development (including completion of the on-site habitat enhancements).
- Proposals for the submission of monitoring reports to the Local Planning Authority.

The scheme as approved shall be implemented in its entirety in accordance with the timetable set out in the approved scheme or such other period which may subsequently be approved in writing by the Local Planning Authority.

The Local Planning Authority shall be notified in writing within 28 days of the date of completion of the development (including completion of the on-site habitat enhancements).

If the development has commenced but completion of development is not reached, and construction works have ceased for a period of 12 months, notice shall be served to the Local Planning Authority in writing within 13 months of the last construction works on site. In the event that the development (excluding any approved on-site habitat enhancements) is not completed, the on-site enhancements shall still be implemented in full in accordance with the timetable set out the approved BGP and they shall be maintained and monitored in accordance with the provisions set out in the approved Plan.

Reason: In order to meet the requirements of Schedule 7A of the Town and Country Planning Act to achieve biodiversity net gain. To respond positively and seek opportunities for the enhancement of species, habitats and other assets to result in a net gain in biodiversity, in accordance with Local Plan Policy ENV5.

Note: "Significant increases from the on-site pre-development biodiversity value" is the term used in the Environment Act.

POSITIVE AND PROACTIVE STATEMENT

The proposed development as submitted was not entirely acceptable, so the Local Planning Authority acted positively and proactively by securing the submission of revised plans and additional information, which addressed the original concerns.

Note(s)

- 1 Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that



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development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the Plan.

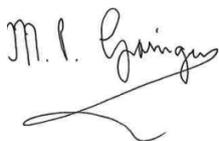
The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required, in respect of this permission would be North Yorkshire Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available, this permission is considered to be one which will require the approval of a Biodiversity Gain Plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure)



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(England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the biodiversity gain planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the



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purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted. Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat, the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

2 Great Crested Newts (GCN)

A Natural England GCN District Level Licence will need to be obtained in order for works to proceed. A detailed Mitigation Strategy should accompany the licence application. The development shall be implemented in accordance with the approved Mitigation Strategy.

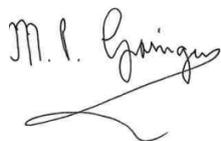
3 Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire Council as the Local Highway Authority, is available to download from the Council's web site. The Local Highway Authority will also be pleased to provide the detailed constructional specification referred to in conditions 10 and 11.

4 All dwellings with a dedicated car parking space within its curtilage shall be provided with an electrical socket capable of charging electric vehicles. It shall be provided before the dwelling is first occupied.

5 The removal of vegetation from the site must occur outside the core nesting bird season (March to September inclusive) unless a check for nesting birds is undertaken by an ecologist immediately prior to works commencing.

6 All new trees planted as part of the development will be subject to a Tree Preservation Order.

7 Any demolition of the buildings and re-building in addition to that identified within the Structural Report undertaken by Lightly & Lightly Surveys LHL Group, received by the Local Planning Authority on 1 July 2024, may constitute new building beyond the terms of this planning permission which is for the conversion of the buildings.



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Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Where this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

Otherwise, if an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

If this is a decision to refuse planning permission or prior approval for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

Otherwise, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

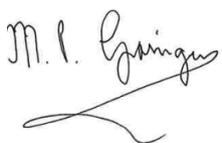
The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on



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A handwritten signature in black ink, appearing to read 'M. P. Grainger', with a long, sweeping horizontal stroke underneath.

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