



**HM Courts
& Tribunals
Service**

HM Courts & Tribunals Service
Leeds District Registry
Leeds Combined Court Centre
The Courthouse
1 Oxford Row
Leeds
LS1 3BG

Scarborough Borough Council
Democratic & Legal Services
Town Hall
St Nicholas Street
Scarborough
YO11 2HG

DX 703016 LEEDS 6

T 0113 3062800
F _____

www.gov.uk

Your ref: MR/000346

15 August 2019

Dear Sir

**Re: Case Number: E30LS233 The North York Moors
National Park Authority v Mr Roger Stephen Bohling**

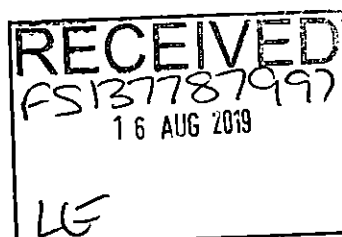
I enclose 3 approved and sealed copies of the order in this case as discussed. Please note the service provision for you to serve the Defendant's Solicitor.

His Honour Judge Davis-White QC has also stated in relation to this order that:

'The Judge has considered the parties' representations regarding Plan 3a attached to the Order. He considers that the Order is clear and has put in capitals the exception to the demolition (starting "EXCEPT") as set out in paragraph 2b of the Order. He does not consider that plan 3a needs to be altered for clarity.

Yours faithfully,

Mr Bobby Brown
Business & Property Court Section
Ext 2461



IN THE HIGH COURT OF JUSTICE

BUSINESS & PROPERTY COURTS IN LEEDS

PROPERTY, TRUSTS AND PROBATE LIST (Ch D)

HIS HONOUR JUDGE DAVIS-WHITE QC (SITTING AS A JUDGE OF THE HIGH COURT)

26 JULY 2019

BETWEEN:

THE NORTH YORKS MOORS NATIONAL
PARK AUTHORITY



Claimant

- and -

(1) ROGER STEPHEN BOHLING
(2) CHRISTINE BOHLING

Defendants

ORDER

PENAL NOTICE

IMPORTANT: NOTICE TO THE DEFENDANTS

1. This Order prohibits you from doing acts set out in this Order, and it and (in the case of Roger Stephen Bohling) the Undertakings below oblige you to do other acts set out in them. You should read it all carefully.
2. If you disobey this Order or, in the case of Roger Stephen Bohling, do not comply with the Undertakings below you may be found guilty of Contempt of Court and may be sent to prison or fined.

UPON JUDGMENT having been handed down on 9th May 2019

AND UPON the resumed hearing of the trial for the purposes of dealing with matters consequential to the judgment

AND UPON HEARING Mr Simon Pickles of Counsel on behalf of the Claimant and Mr Neil Cameron of Counsel on behalf of the Defendants

AND UPON THE FOLLOWING DEFINITIONS APPLYING

1. 'the Land' refers to land to the West of Craghill, Raven Hall Road, Ravenscar shown edged red on Drawing 1 attached to this order, which originally formed part of the Enforcement Notice
2. 'the Enforcement Notice' refers to the Enforcement Notice dated 20 December 2013 issued by the Claimant in respect of the change of use of the Land, engineering operations to excavate material and form a concrete apron to the building on the Land and erect stone retaining walls to the perimeter of the apron, and building operations comprising the erection of brick walls and new slate and polycarbonate roof (ref: 8/2013) as upheld by planning appeal decision letter dated 23 January 2015 (ref: APP/W9500/C/14/2212809-10)
3. 'the building' refers to the L-shaped building on the Land comprising an East-West wing itself comprising 'Area 1' and 'Area 2' and a North-South wing itself comprising 'Area 4', 'Area 5' and 'Area 6' shown on Drawing 2 attached to this order. The elevations of the building are identified on Drawing 2 and shown on Drawings 3a, 3b and 3c also attached to this order with parts shown edged red and green
4. 'Denton House' refers to Denton House, Raven Hall Road, Ravenscar registered under title no. NYK 255087

AND WHEREAS

1. The court has decided that the current user of the Land is in breach of planning control and the Defendants and each of them are required to cease the unauthorised use and that building operations undertaken by or on behalf of the Defendants and each of them on the Land in 2015 are in breach of planning control and require reversal
2. The Claimant does not admit that the brickwork above the dwarf wall forming the external gable to 'Area 1' shown on Drawing 3a is lawful notwithstanding no order is made in respect of it herein

AND UPON the First Defendant by his Counsel undertaking

1. By 26 November 2019 to remove the bed and any bedroom fittings currently within 'Area 4' of the building from the Land and not thereafter to replace them or install any other bed or bedroom fittings in the building
2. By 26 November 2019 to remove the brickwork and windows of the external gable wall to 'Area 6' of the building shown on Drawing 3b down to the level of the external dwarf walls of 'Area 6' or alternatively to demolish that gable wall entirely
3. By 26 November 2019 to remove the brickwork of the internal wall between 'Area 5' and 'Area 6' of the building down to the level of the external dwarf walls of 'Area 5' and 'Area 6' or alternatively to demolish that internal wall entirely.

IT IS ORDERED

1. That the Defendants and each of them are from the date of this order prohibited whether by themselves their servants agents or otherwise howsoever from carrying out any operational development on or over the Land except
 - (a) in accordance with the terms of an express grant of planning permission

- (b) in accordance with the terms of a certificate of lawfulness of proposed use or development
 - (c) in accordance with this order or the First Defendant's undertakings herein or
 - (d) by way of works immediately required should the need arise solely for the purpose of making the building safe provided that the Defendants or one of them, if possible, give the Claimant two business days' prior notice in writing of those works and shall in any event give the Claimant notice of such works within seven days of their commencement describing the works with reasons why they are considered to be or have been immediately required
2. That the Defendants and each of them shall by 26 November 2019 remove from 'Area 1', 'Area 2', 'Area 4', 'Area 5' and 'Area 6' of the building
- (a) the polycarbonate roof and timber rafters or other roof structure shown edged red on Drawings 3a, b and c attached to this order and
 - (b) all brickwork timber cladding and window frames above the external dwarf walls shown edged red or green/blue on Drawings 3a, b and c attached to this order EXCEPT the brickwork alone forming the external gable wall to 'Area 1' shown on Drawing 3a attached hereto
3. For the avoidance of doubt nothing in this order shall prevent the Defendants or either of them
- (a) installing secure external doors in the doorways in the walls between 'Area 2' and 'Area 3' and between 'Area 3' and 'Area 4' of the building
 - (b) taking down any of the dwarf walls to a level below their original level or demolishing those walls entirely

4. That the Defendants and each of them are from the date of this order prohibited from using or permitting the use of the Land including (but not limited to) the building other than
 - (a) for low level leisure and recreational use and for storage either or both of which are required to be in conjunction with the residential use and occupation of Denton House
 - (b) in accordance with the terms of an express grant of planning permission or
 - (c) in accordance with the terms of a certificate of lawfulness of proposed use or development

5. For the avoidance of doubt low level leisure and recreational use for the purpose of paragraph 4(a) above may include (but is not limited to)
 - (a) the use of the building or parts thereof as an apiary or
 - (b) the planting of trees or shrubs including fruit-bearing trees or shrubs

6. For the further avoidance of doubt low level leisure and recreational use for the purpose of paragraph 4(a) above does not include use of the building or any other structure including any mobile structure which may be built or sited now or in the future on the Land
 - (a) as a place of residence as a principal, second or holiday home or
 - (b) for any overnight accommodation.

7. That the Defendants and each of them pay ninety-two per cent of the Claimant's costs of and incidental to this action (except insofar as dealt with by the Order of District Judge Goldberg dated 23/07/19 sealed 07/08/19) to be the subject of detailed assessment on the standard basis if not agreed

8. The Claimant shall serve this Order on the Defendants.

Service of Order

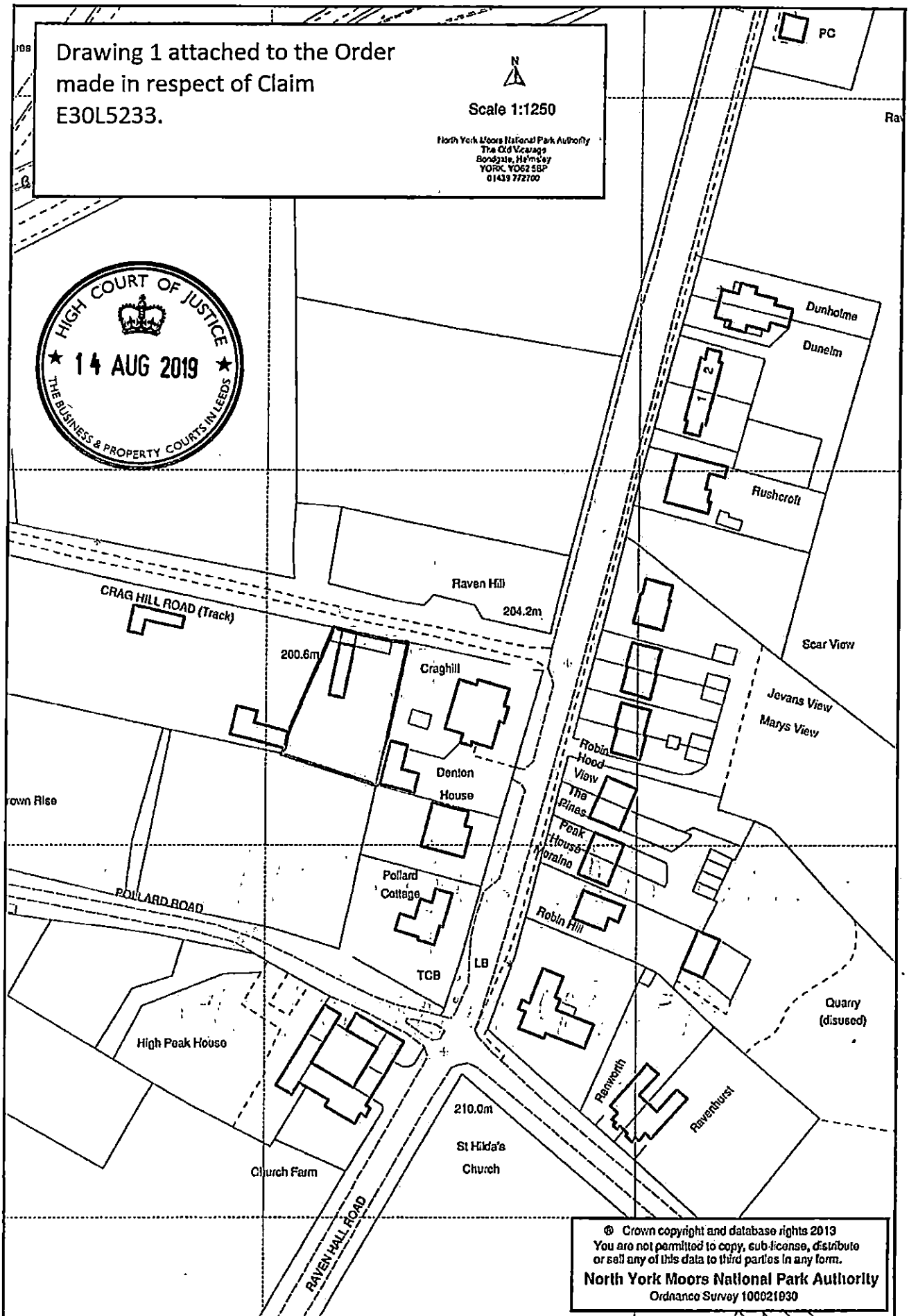
The Court has provided a sealed copy of this Order to the serving party:

Legal Services, Scarborough Borough Council, Town Hall, St Nicholas Street, Scarborough
YO11 2HG ref: FC/001003

Drawing 1 attached to the Order
made in respect of Claim
E30L5233.

N
Scale 1:1250

North York Moors National Park Authority
The Old Vicarage
Bonsley, Harrogate
YORK YO62 5BP
01439 772700

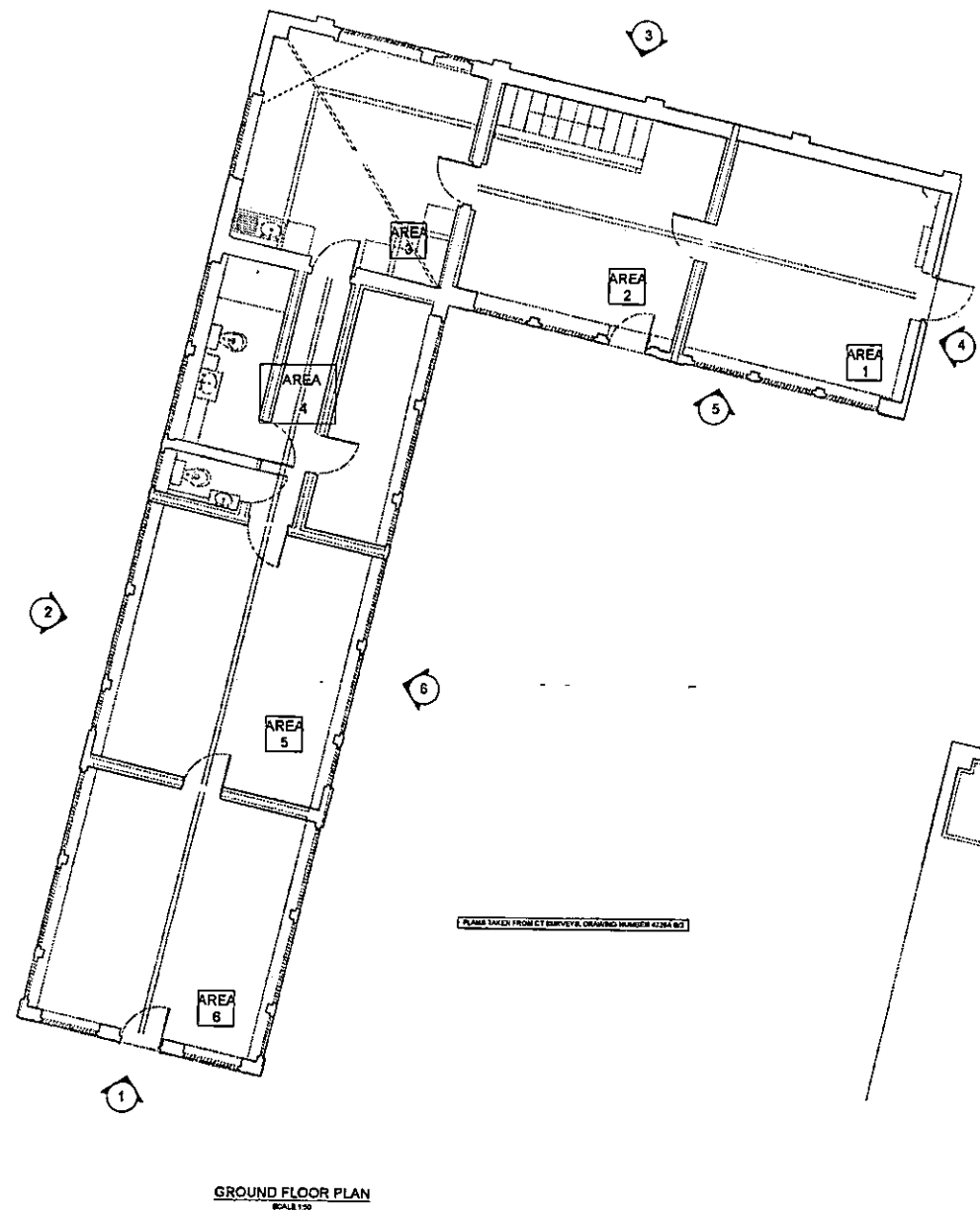


© Crown copyright and database rights 2013
You are not permitted to copy, sublicense, distribute
or sell any of this data to third parties in any form.
North York Moors National Park Authority
Ordnance Survey 100021930

Drawing 2 attached to the Order made in respect of Claim E30LS233



- NOTES
1. THESE NOTES ARE INTENDED TO AUGMENT DRAWINGS AND SPECIFICATIONS, WHOSE CONFLICT OF REQUIREMENTS SHALL BE THE ORDER OF PRECEDENCE SHALL BE AS SHOWN IN THE SPECIFICATION UNLESS THE CONTRACTOR PROVIDES OTHER EVIDENCE.
 2. THE DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT CONTRACTS AND ARCHITECT'S CORRECTIONS.
 3. DRAWINGS NOT TO BE SEaled, ALL DIMENSIONS TO BE CHECKED ON SITE BY THE CONTRACTOR, ANY DISCREPANCIES TO BE REPORTED TO THE SURVEYOR AND PARTIAL INSTRUCTIONS OBTAINED BEFORE WORK IS COMMENCED.
 4. THE STRUCTURE IS DESIGNED TO BE SELF-SUPPORTING AND STABLE AFTER THE REMOVAL OF ALL SUPPORTS. THE CONTRACTOR SHALL BE RESPONSIBLE TO DETERMINE THE EXISTING FOUNDATIONS AND FOUNDATION AND DESIGN THE REMOVAL AND RECONSTRUCTION AND SHALL BE RESPONSIBLE TO OBTAIN THE NECESSARY CONSENTS FROM ALL RELEVANT AUTHORITIES AND TO OBTAIN ALL NECESSARY CONSENTS FROM ALL RELEVANT AUTHORITIES AND TO OBTAIN ALL NECESSARY CONSENTS FROM ALL RELEVANT AUTHORITIES AND TO OBTAIN ALL NECESSARY CONSENTS FROM ALL RELEVANT AUTHORITIES.



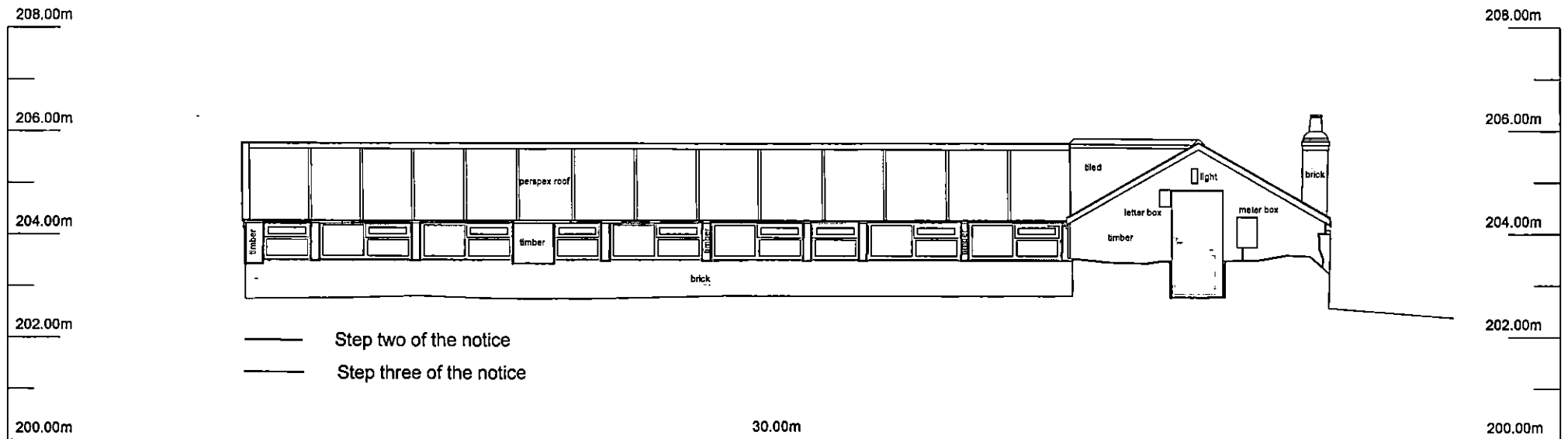
PICTO REVISION	NO.	BY	DATE
1	1	AW	14/08/19



Alan Wood & Partners

Scarborough Office Kingsley House 7 Parkside Road West Ayton Scarborough YO13 8JH T: 01723 85496 www.alanwood.co.uk	Consulting Civil & Structural Engineers Project Managers Building Surveyors Paul Louise London Birmingham York T: 01482 442738 F: 01723 292919 T: 02073 882373 F: 01142 444977 T: 01904 811384
--	---

Project: "The Old Greenhouse", Crag Hill Road, Ravenscar, North Yorkshire, YO13 0NY
Client: Williams Solicitors Ltd
Drawing: Survey Key Drawing
Job: B-Building Surveyor
Status: 41251 As Noted P02
Project Reference: CRH - AWP - XX - XX - DR - B - 0010

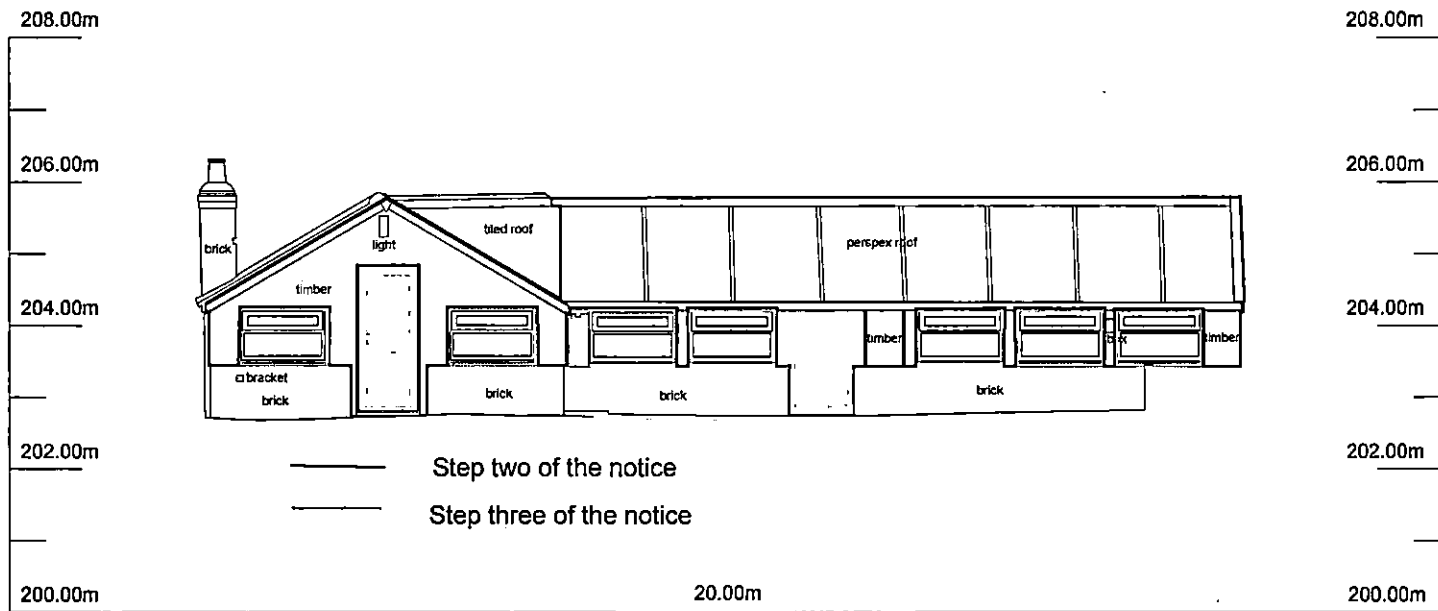


Drawing 3a attached to the Order made in respect of Claim E30LS233

ELEVATION A-A

SCALE - Use side bar

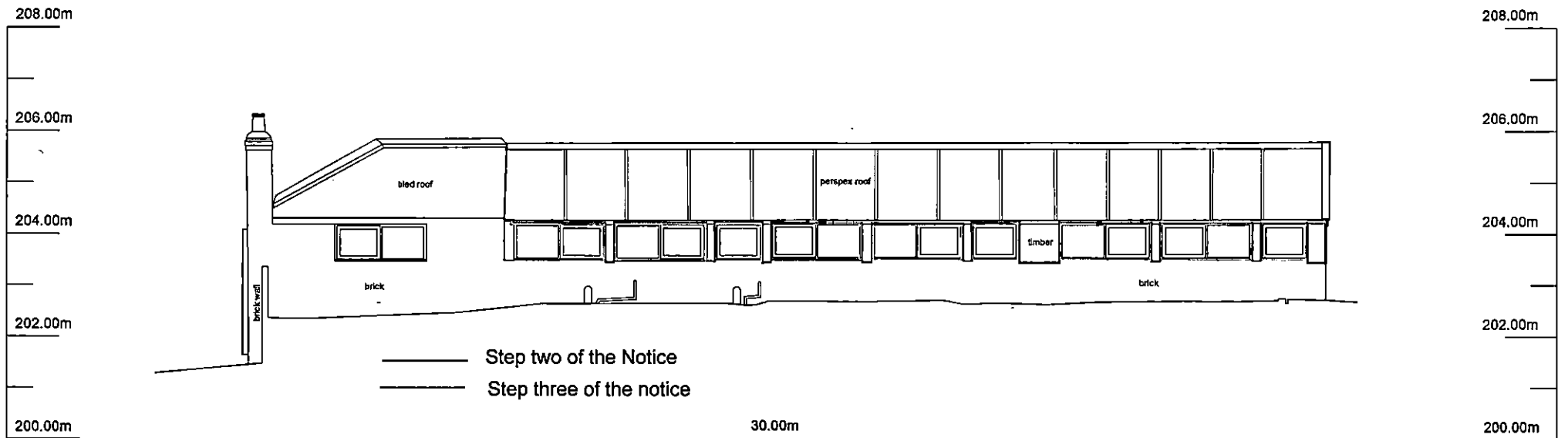




Drawing 3b attached to the Order made in respect of Claim E30LS233 - ELEVATION B-B

SCALE - Use side bar





Drawing 3c attached to the Order made in respect of Claim E30LS233 - ELEVATION C-C

SCALE - Use side bar

