

## North York Moors National Park Authority

<b>Scarborough Borough Council (South)</b> <b>Parish: Staintondale</b>	<b>App No. NYM/2019/0569/FL</b>
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**Proposal:** removal of condition 6 of appeal decision NYM4/027/0140/OU to allow the occupancy of the dwelling to be unrestricted

**Location:** Scar View, Raven Hall Road, Ravenscar

**Applicant:** Mr & Mrs Cummins, Scar View, Raven Hall Road, Ravenscar, Scarborough, YO13 0NA

**Date for Decision:** 17 October 2019

**Grid Ref:** 498004 501364

### Director of Planning's Recommendation

**Approval** subject to the following conditions:

1.           RSU000   The application property hereby permitted, shall be used as a principal residential dwelling (Class C3) and for no other purpose including any other use in Class C of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The property shall be the only or principal home of the main occupant and it shall be occupied by the main occupant for at least 80% of the calendar year in the event that the main occupant occupies more than one property. The property shall not be occupied by the main occupant as a second home. The occupants shall supply to the local planning authority (within 14 days of the local planning authority's request to do so) such information as the local planning authority may reasonably require in order to determine compliance with this condition. For the avoidance of doubt the property shall not be used as a single unit of holiday letting accommodation.
2.           WPDR00   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 and Part 2, Classes A to C of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.



North York Moors National Park  
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 The Old Vicarage  
 Bondgate  
 Helmsley YO62 5BP  
 01439 772700

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**Consultations**

**Parish – Object** - This is one of several properties on Raven Hall Road which were built with a local occupancy condition and it is considered essential that the condition remains in place. To remove the condition on one property sets a precedent for the ultimate removal of the same condition on neighbouring properties. This is totally unacceptable. It could be argued that a failure to successfully market a property with a local occupancy condition is as a result of cost or market conditions, not as a result of an inability to find purchasers who meet the occupancy criteria.

**Site Notice Expiry Date** – 9 October 2019

**Background**

Scar View is a detached two storey property positioned on the east side of Raven Hall Road and towards the northern end of the village, with views out across the bay to Robin Hoods Bay. It was granted approval, along with the neighbouring two pairs of semi-detached houses at appeal in January 2001. A condition was imposed by the Inspector in line with the then emerging Local Plan restricting the occupancy of the properties to persons satisfying the local occupancy criteria.

This application seeks removal of the local occupancy condition so that Scar View can be sold as an open market dwelling unencumbered by any occupancy condition. In support of the application the applicant and the estate agent have provided information detailing the marketing of the property. The estate agent has valued the property at £470,000 without the occupancy condition and as such the property has been marketed since May 2018 at a lower asking price of £399,950 to reflect the occupancy restriction. This was recently (April 2019) reduced further to £379,950. The estate agent advises that there have been seven viewings on the property since it was first made available on 3 May 2018; of those viewings, five qualified under the local occupancy restriction and the other two were uncertain. None of the viewings resulted in an offer being made on the property for various reasons such as the garden was not large enough or the age of the property however the common factor was concern of future reselling due to the local occupancy restriction. The property continues to attract interest on a weekly basis but primarily from people who do not meet the local occupancy criteria.

**Main Issues****Policy**

Under the spatial strategy of the Core Strategy and Development Policies Document Ravenscar is identified as an 'Other Village' where Core Policy J (Housing) supports new local needs housing development on infill plots only or as the conversion of existing buildings within the main built-up area of the village.

There is no policy within the Core Strategy and Development Policies Document which deals specifically with applications to remove local occupancy conditions however Development Policy 22 (Removal of Agricultural Occupancy Conditions) provides some useful guidance. It advises that agricultural occupancy conditions will only be removed where it can be demonstrated that there is no longer a need for the accommodation through a reasonable period of marketing. The same approach has been applied by the Authority to the removal of local occupancy conditions elsewhere within the National Park.

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**Principle**

The acceptability of the removal of a local occupancy condition depends on whether the property has been marketed at a price to reflect that occupancy restriction and for a reasonable period of typically between 12 and 18 months to demonstrate that there is no demand for the accommodation.

Scar View has been on the market for sale since May 2018, initially with a guide price of £399,950 but reduced recently to £379,950. It is commonly accepted that properties subject to occupancy conditions achieve lower sales values because of the more limited market, typically between 15% and 20% of the market value. With an open market valuation of £470,000 it is considered that an asking price in the region of £380,000 reasonably reflects the incumbency of a local occupancy restriction. However whilst the asking price of the property is considered to be reasonable and the marketing/sales particulars make clear reference to the local occupancy restriction on the property, the interest in the property from qualifying persons has been limited and no offers have been forthcoming.

**Draft Local Plan**

The emerging Local Plan retains the concept of local needs housing for the smaller villages identified in the Spatial Strategy of which Ravenscar is one. However it also introduces the concept of new housing as a principal residence in the larger villages. The relevant policies are CO7 and CO8 which can be given some weight given the limited objections these have received in the pre-submission draft. In the justification to these policies it advises that local needs housing forms a valuable part of the existing stock and that the Authority will normally resist applications to have local occupancy conditions removed. However it goes on to advise that if it has been clearly demonstrated that the property has been adequately marketed at a suitable price and for an appropriate period, the Authority will consider changing a local connection condition to a principal residence condition.

**Conclusion**

In view of the above it is considered that Scar View has been satisfactorily marketed for a reasonable period to establish whether or not there is a demand for the accommodation and that the asking price includes a reasonable reduction in the open market valuation to reflect the local occupancy restriction. In light of the emerging Local plan policies and supporting information, it is recommended that the local occupancy condition is replaced with a principal residence condition. This would allow the property to be lived in by anyone but only as their main residence. This will prevent the property being used as a second home thereby helping to maintain the sense of community within the village.

The concerns of the Parish Council are noted but each case has to be taken on its own merits and if there is no demand for this local occupancy dwelling then the Authority would be unreasonable in obliging the present occupants to remain or for the property to lie vacant. It has long been Government advice in respect of similar agricultural occupancy dwellings that it would be inappropriate to retain an occupancy condition resulting in an empty house.

The replacement of the local occupancy condition with a principal residence condition is not considered to undermine the approach to new housing in the National Park as set out in Core Policy J or in Policies CO7 and CO8 of the emerging Local Plan and other applications for the removal of occupancy conditions will be considered on a case by case basis.

Approval is therefore recommended.

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**Contribution to Management Plan Objectives**

It is considered that there are no Management Plan Policies applicable to this application.

**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.

**Additional Background Information:**

**The applicants have indicated their willingness to accept the proposed principal residence condition which Officers feel will go some way to addressing the objection from the Parish Council. By replacing the existing local occupancy restriction with a much wider principal residence condition the property will remain available as a person's main residence rather than a holiday cottage or second home. Ensuring dwellings are occupied as a principal residence benefits the local economy with people coming into the area to live, work and contribute to the local community whereas second homes can lead to an erosion of the sense of community within the village.**