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The Applicant

Mr S D Ashworth.
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Norton.
Malton.
North Yorkshire.
YO17 9DP

Site Address

Paddock House.
Sutherland Lane,
Cropton.
Pickering.
YO18 8EX

Planning Statement Sequence

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- Online Application.
 - Block Plan and Local Area Plan.
 - Planning Application Fee.
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1) The Application

This application is submitted under Section 73A of the Town and Country Planning Act 1990 (as amended) for the removal of the AOC 5, attached to Planning Permission NYM3/031/0010/PA granted in December 1975 which has outlived its useful purpose to serve the agricultural, forestry and or local occupancy housing needs within a twenty minute drive time or ten mile radius of Paddock House as held as being local or locality at Appeal.

2) Planning Condition Number 5

The occupation of Paddock House is limited to; 'Persons solely or mainly employed, or last employed, in the locality in agriculture as defined in section 290 (1) of the Town and Country Planning Act 1971, or in forestry, including any dependants of such a person residing with him or a widow or widower of such a person'

As the reader will be aware, the above occupancy condition represents the model condition of the day and is read against the definition of agriculture set out in S336 of the TCP act 1990 (as amended) which reads as follows:-

2.1: S336 definition of Agriculture

S336 definition of agriculture includes; 'Horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land, the use of land as grazing land, meadow land, osier land, market gardens and nursery land and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes'.

3) Planning Application Overview

The pre-application realistic assessments cover a period of time in excess of four years prior to this application prove conclusively, that:-

1. Paddock House no longer serves a need upon the holding for which it was originally intended.
2. Paddock House is not unique by virtue of its location or value to warrant the retention of condition 5 of PC; NYM3/031/0010/PA.
3. Paddock House is not required to meet agricultural housing need in the locality.
4. Paddock House is not required to meet forestry housing need in the locality.
5. Paddock House is not required to meet local occupancy needs.
6. There exists no agricultural, forestry and or local occupancy housing need that would warrant the retention of AOC 5 imposed upon Planning ref: NYM3/031/0010/PA or impose a local occupancy condition upon Paddock House.

4) Brief History of Paddock House

Paddock House is a detached four bedroom dwelling located upon a 0.25 acre parcel of land that is accessed by way of a right of way over a driveway from Sutherland Lane. The dwelling was built in the mid 70's by Mr D Ashworth as an extra agricultural worker's dwelling for Mr D Ashworth to live in on the 49 acre mixed livestock holding known as Skelton Banks Farm, which already had a farmhouse that his son, Mr R Ashworth moved into after Paddock House was built, who now owns the farm which was bequeathed to him upon his father's demise.

Paddock House was bequeathed to the present owner Mr S D Ashworth who works in an industry outside of agriculture, bringing rise to an application to remove condition 5 of planning reference_NYM3/031/0010/PA.

5) NYM Policy Considerations & Relevant Intercedence in *Blue Italic*

5.1: Development Policy 22; Removal of Agricultural Occupancy Conditions

The removal of agricultural occupancy conditions will only be permitted where it can be demonstrated that there is no longer a need for the accommodation on the holding or in the locality. Where permission is granted, the condition will be substituted with one which restricts occupancy to local needs as defined in Core Policy J. Where a local person cannot be found to occupy the dwelling permission may be granted for temporary holiday use or rented accommodation for local needs.

Proposals for new dwellings to meet the needs of a person employed in agriculture, forestry or other essential land management activities may be permitted in Open Countryside where the criteria set out in Annex A of Planning Policy Statement 7 are fully met. However, due to changing farm practices and the vulnerability of the agricultural sector there may be occasions where dwellings constructed for agricultural workers permitted in accordance with Planning Policy Statement 7 are no longer required. In such circumstances Planning Policy Statement 7 says that units should not be kept vacant, nor should the present occupants be unnecessarily obliged to remain in occupation simply by virtue of the agricultural occupancy condition.

If it is demonstrated that there is no longer an agricultural need for the accommodation the Authority may consider allowing the owners to find an alternative use for the accommodation such as holiday use or rented accommodation for people who meet the local occupancy condition criteria. However, if the owner wishes to dispose of the dwelling the agricultural occupancy condition will be replaced with a local occupancy condition as set out in Core Policy J to ensure the dwelling serves a local housing need.

- *It is clear there is no mention or guidance within policy 22 that describes how a person would demonstrate that there is no longer an agricultural need for the accommodation to justify the removal of an AOC, accordingly we must look elsewhere for this information.*

5.2: Core Policy J

Housing - A mix of housing types and tenures will be sought to maintain the vitality of local communities, consolidate support for services and facilities and support the delivery of more affordable housing. This will be delivered through:

■1 Locating all open market housing, including new build and converted units, in the main built up area of the Local Service Centre of Helmsley and the Service Villages. On larger sites more than 0.1 hectares or where 2 or more residential units are proposed, at least 50% of the resulting units must be affordable including conversion schemes. The 50% target may be varied in the light of the viability of the development and is an interim figure for a period of 3 years, pending the completion of a general affordable housing viability assessment. Sites of less than 0.1 hectare must meet the definition of a small infill gap.

■2 Supporting the development of local needs housing located on infill sites or as a conversion of an existing building within the main built up area of the Local Service Villages and Other Villages.

■3 Restricting new housing development in the Open Countryside to that which is proven as essential for farming, forestry or other essential land management activities, replacement dwellings and conversion of traditional rural buildings for residential letting for local needs.

■4 Supporting proposals for new development at Botton Village in the eight existing neighbourhoods, (Botton Farm, Lodge, Falcon, Village Centre, High Farm, Stormy Hall, Nook and Honey Bee Nest) where it can be demonstrated that the development is necessary to meet the needs of the existing community and cannot be accommodated through the through the re-use, extension or alteration of an existing appropriate building.

5.3: Guidance Circular; Conversions and the Economic Use Test

The National Park Authority is keen to retain existing tourism facilities, shops, public houses and economic services wherever possible. Within the National Park there are number of traditional and non traditional buildings which are no longer required for their original purpose. Many of these buildings are likely to be suitable for re-use for economic purposes which can operate without affecting the special qualities and tranquility of the Park. The National Park Authority is keen to ensure that opportunities for re-use for these activities is prioritised over the conversion for residential use as this does not benefit the economic vitality of local communities but is often a more financially lucrative option for the individual property owner. The Authority also recognises the importance retaining local services has on the continued vitality and sustainability of settlements.

The advice set out will apply to existing commercial enterprises (employment generating uses) and community facilities where change of use for permanent residential use is proposed.

The purpose of the advice note is to provide guidance in two circumstances, firstly where proposals are for a change of use of established 'enterprise uses' and secondly where a proposal is for a change of use to a redundant building, which is not yet in 'enterprise use'. The advice note will set out in detail what information applicants will need to supply to the National Park Authority with any formal planning applications of this nature.

5.4: Background

Within the North York Moors National Park community facilities like, shops, chapels, Post Offices and Public Houses often serve a network of small communities and are therefore considered an essential part of sustaining inclusive communities.

Due to the nature of the Park there are limited opportunities for economic growth and therefore there is also a need to try and retain enterprises that offer employment opportunities for local people where possible.

The National Park Authority receives many enquiries relating to the conversion of these properties for residential use, however there may be other opportunities for their continued or alternative uses which would continue to sustain the viability and provide employment opportunities for those living in the community. It is therefore necessary for a robust marketing exercise to be carried to ensure that potential uses are fully considered before valuable facilities are lost.

- *Although there is mention of the need for a robust marketing exercise to be carried out to ensure that potential uses are fully considered before valuable facilities are lost, however the aforementioned facilities include shops, chapels, Post Offices and Public Houses and not agricultural workers dwellings, and like policy 22 there is no information provided on how a person would demonstrate that there is no longer an agricultural need for the accommodation to justify the removal of an AOC, accordingly we must look elsewhere for this information.*

5.5: National Policy Framework

The English National Parks and the Broads – UK Government Vision and Circular 2010 contains the objective to foster and maintain vibrant, healthy and productive living and working communities. The Circular goes on to emphasise the necessity of a diverse and balanced economic base.

Planning Policy Statement 4 'Planning for Sustainable Economic Growth' says that Local Planning Authorities should support the conversion and re-use of appropriately and suitably constructed existing buildings in the countryside (particularly those adjacent or closely related to towns or villages) for economic development. Policy EC12 says that the re-use of buildings for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations and for some types of buildings.

5.6: North York Moors National Park Authority Core Strategy and Development Policies

Development Policy 11 states that proposals for the re-use of existing employment sites and training facilities for other purposes will only be permitted where the premises are not capable of beneficial re-use for economic purposes or the new use would result in a significant improvement to the environment or to access and highways arrangements, which outweighs the loss of employment land. The supporting text of the policy goes on to say that in exceptional circumstances the retention of an employment/training facility may no longer be viable as it cannot be re-used for alternative employment purposes or the activity is having an undesirable impact on nearby users. In these circumstances' applicants will need to adequately demonstrate the limitations of the current building to the Authority and to demonstrate through an appropriate marketing exercise that re-use for economic purposes is not viable.

Development Policy 15 Loss of Existing Tourism and Recreation facilities says that proposals that would result in the loss of an existing tourist or recreation facility will only be permitted where it can be demonstrated, to the satisfaction of the National Park Authority, that the business is no longer viable. The supporting text goes on to say that the Authority seeks to retain existing facilities unless it can be robustly demonstrated that the business is no longer viable, through the submission of relevant financial information.

Core Policy I says that the loss of community facilities will be resisted unless it can be demonstrated that it is no longer suitable or viable for a community use. The supporting text goes on to say that the access to community facilities and services are considered an essential element of sustainable and inclusive communities.

Development Policies 5 and 8 will also need to be taken into consideration where an application seeks to convert a listed building or traditional unlisted building.

5.7: Which Uses will the Viability and Marketing Tests Apply To?

Applicants will need to apply the viability and marketing tests when they wish to change existing community facilities/economic uses into permanent residential use and includes the following:-

Public Houses.
Shops.
Churches/Chapels.
Schools.
Village Halls.
Tourist Facilities.
Recreational Facilities.
Other Employment Uses.

- *Although there is mention of other employment uses, there is no mention of what uses are implied and therefore like policy 22, there is no information provided on how a person would demonstrate that there is no longer an agricultural need for the accommodation to justify the removal of an AOC, accordingly we must look elsewhere for this information.*

Which Uses will the Viability and Marketing Tests Apply To? Continued:-

It should be noted that holiday letting and local needs letting are considered to be an economic use and therefore in circumstances for the change of use to this purpose the viability and economic use tests will not be applicable.

For the purposes of clarity all these uses shall be referred to as an enterprise in the remainder of the advice note.

5.8: Demonstrating that the Building is Unsuitable

In exceptional circumstances it may not be possible to convert an existing building for economic use due to very specific restraints for example being in close proximity to dwellings.

The applicant will need to provide details outlining the particular locational and/or structural constraints relating to the property. On receipt of this information the National Park Authority may conclude that it is not necessary to carry out the viability and marketing assessments, however this is likely to be a very rare occurrence.

5.9: Demonstrating that the Enterprise is No Longer Viable

In the case of community facilities, schools and religious buildings information will be required about alternative available facilities in the proximity, user numbers etc which adequately demonstrate that the building is surplus to requirements.

In cases where the proposal is for the conversion of existing commercial premises, applicants will be asked to supply trading accounts over a period of 5 years for the existing enterprise. Depending on the nature of the enterprise this may need to be broken down into different components of the business. This information may then be assessed by an independent financial appraiser appointed by the National Park Authority. The details provided will remain confidential throughout the determination of the planning application and will be retained on our records as such.

5.10: Marketing Requirements

Applicants must provide evidence that a comprehensive marketing exercise to dispose of the existing enterprise has been carried out. In most cases applicants will need to carry out a minimum of 12 to 24 months active marketing depending on the circumstances of the case, which should include;

- *Although there is no mention of other employment uses, but mention of ‘an enterprise’, it is assumed that NYM imply that an AWD falls under this category and therefore the viability assessment set out below is applicable to the removal of an AOC, but still remains vague by the above paragraph, which confirms that “in most cases applicants will need to carry out a minimum of 12 to 24 months active marketing depending on the circumstances of the case”, which is lacking in precision, accordingly we look elsewhere for clarity as to the length of the market assessment term required to justify the removal of an AOC.*

1. The use of an established commercial agent
2. Advertising in the local and regional press as follows

Usually a minimum of one advert per month in at least one of the following local newspapers depending on the location of the property in question:

- Whitby Gazette
- Malton Gazette and Herald
- Darlington and Stockton Times
- Scarborough Evening News
- Middlesbrough Evening Gazette
- Or any other paper, which can be shown to provide coverage of the area in question.

A minimum of two adverts over the marketing period in a relevant national publication e.g. Dalton’s Weekly, Estates Gazette.

3. Where appropriate, registration of the availability of the property on the relevant Local Authority Commercial Property Database (see contacts section for further details).
 - *By the very type of media publications stipulated above and absence of farming publications being recommended along with the mention of commercial agent and the Authority commercial property Database, it is clear that the above market assessment does not relate to the removal of an AOC, nonetheless, despite this and the vagaries and lack of precision within NYM policies set out above, it is at least something to work with along side our own substantial experience in attending to these matters, backed up by NPPF guidelines, Circular 11/95 and Appeal decisions.*

Applicants will be asked to provide details of the marketing particulars including the details of the agency with which the property has been marketed and the asking price.

The National Park Authority will also request written details of all enquiries received and the reasons why potential buyers/leaseholders found the buildings to be unsuitable or why proposed offers were not accepted. In some circumstances the National Park Authority will need to seek independent advice as to whether a realistic sale price or leasehold rent has been set.

5.11: Determining the Planning Application

The National Park Authority will need to be satisfied that the viability and marketing exercises have been carried out robustly and in accordance with the criteria set out above. Where reference is made to the availability of other buildings for economic purposes the National Park Authority will need to make a judgement about whether comparisons may be drawn, for example the availability of a modern industrial unit is likely to cater for a different user to that of a converted farm building.

- *It is clear from the above that NYM do not stipulate a specific period of time to market assess a property with an AOC imposed upon it, accordingly we must rely upon pre-app advices provided by NYM that cover Local occupancy Condition market assessment along with Appeal Decisions, that consider 12 months as being a reasonable market assessment period in harmony with NPPF Guidelines, Circular 11/95; NYM Pre-App advice as follows:-*

5.12: The occupancy of local needs housing will be restricted to;

- A) People who are currently living in and have permanently resided in the National Park for 5 years or more and are living in accommodation that no longer meets their requirements or
- B) People who do not currently live in the National Park but have a strong and long standing link to the local community including a previous period of residence of 5 years or more or
- C) People who have an essential need to move to live close to relatives who are currently living in and have resided in the National Park for at least the previous 5 years or more and require support for reasons of age or infirmity or
- D) People who require support for reasons of age or infirmity and need to move to live close to relatives who are currently living and have resided in the National Park for at least the previous 5 years or more or
- E) People who need to live in the National Park as a result of current sole employment within that parish or adjacent parishes within the National Park.
- F) All applicants will need to demonstrate to the satisfaction of the National Park Authority that the needs of the identified proposed occupants are genuine, that the proposal represents the most practical and sustainable solution to meet the need identified and why the existing housing stock cannot meet their needs.

- *Although the intention and spirit of the above is fully understood, and the content of the Pro-Forma application required to be submitted with such applications is clear, our deep research of CVC applications that have been submitted and approved indicate that;*
 - 1) *There exists inconsistency with the fees charged which range from £35 to £116 for the same type of applications.*
 - 2) *That in the high majority of cases reviewed, no application form was completed by the applicants.*
 - 3) *That in the high majority of cases reviewed, no substantive evidence was supplied by the applicants to support the CVC applications.*

- 4) *That in the high majority of cases reviewed, applications were approved within too short a period to check the veracity of the claim made within the applications, in some instance's approvals were given within a couple of days or on the same day as application indicating the lack of due diligence in conducting reasonable background checks prior to approval.*

Although on face value the above information would not appear to be relevant to this application, it does in fact shed grave doubt upon the genuine nature of any CVC applications that may have bearing upon this application.

6) Pre-App Advice

6.1: By Mr C France; Removal of local occupancy Condition NYM/2018/0832/FL

12/2018

Lifting the condition would require a planning application to remove the condition and if approved would become an unfettered open market dwelling.

The recommendation would be in my name, but all such applications are referred to the Members of the Planning Committee as removal of such conditions are exceptional and approval needs to be by the Authority rather than at officer level. So, it may well be advisable for you to submit the application shortly in any case as by the time it would be determined at committee (28th February would be the target meeting if submitted shortly) that would be a full years marketing at the correct value and the recommendation would be favourable.

6.2: By Mr P Jones; Removal of local occupancy Condition NYM/2016/0121/FL

02/2016

"In order for this application to be successful, you need to establish that the property cannot be sold at a reasonable value, given the local occupancy condition restriction. In the past this has notionally been approximately 20% below open market value.

Peter Jones further suggests that the property should be marketed for a period of one year to establish if there is a market for the property, together with information on the number of viewings and offers made.

- *Although no real substance or clarity exists within any NYM policies relating to the market assessment period or discount that should be applied to properties with restrictive conditions imposed upon them, the above pre-app advices provide a reasonable indicator.*

7) Overview of NYM Planning Policies

It is clear that the council have no clear and unambiguous planning policy in place that specifically relates to the removal of agricultural occupancy conditions which is evidently confusing the public, agents acting on behalf of the public and planning officers alike.

8) NPPF Guidelines & Circulars

Since the introduction of the National Planning Policy Framework (NPPF) in April 2012 all previous national guidance on the subject of occupancy condition removal has been repealed, notably Planning Policy Statement 7 and Circular 11/95, accordingly guidance is somewhat limited as follows:-

Proposals to remove the occupancy condition on an agricultural, forestry or other occupational workers dwelling will not be permitted unless it can be demonstrated that:

- *There has been a genuine and unsuccessful attempt to market the property at an appropriate market value based on the occupancy restriction imposed upon the property.* 9
- There is no agricultural or forestry need for the dwelling on the holding, nor is a need likely to arise in the foreseeable future; and there is no agricultural or forestry need within the locality.

Policy 7 is clear in its position regarding the provision of agricultural worker accommodation in that the need for it must be essential. Dwellings will only be granted if it can be demonstrated that the need for it cannot be fulfilled by another existing dwelling on the unit or within the locality.

The same approach can be taken when assessing the need to retain an agriculturally tied dwelling, in that an agricultural tie should only be retained if there is an essential need to do so. Retention of an agricultural occupancy condition should therefore be based upon an assessment of the essential needs of agriculture within the locality which is the key note of the NPPF as would be the need to retain a dwelling to satisfy rural enterprise or local housing needs.

8.1: Circular 11/95

The Use of Conditions in Planning Permissions was cancelled on the 6 March 2014 following the launch of the Planning Practice Guidance (PPG March 2014). The cancelled guidance had been a most useful reference point for two decades and for the sake of completeness we refer to Paragraph 105 which related specifically to agricultural occupancy conditions and informed us that:

‘Where an agricultural occupancy condition has been imposed it will not be appropriate to remove it on a subsequent application unless it is shown that the existing need for dwellings for agricultural workers in the locality no longer warrants reserving the house for that purpose’.

The above guidance is consistent with the intention of paragraph 55 of the NPPF.

9) Tests for Conditions

On a number of occasions, the courts have laid down the general criteria for the validity of planning conditions and, in addition to satisfying the court’s criteria, the Secretaries of State have previously taken the view that conditions should not be imposed unless they are both necessary and effective, and do not place unjustifiable burdens on applicants.

The National Planning Policy Framework carries forward the six tests for conditions, previously outlined in Circular 11/95, confirming at paragraph 206 that conditions should only be imposed where they are:

- *Necessary*
- *Relevant to planning and*
- *Relevant to the development to be permitted*
- *Enforceable*
- *Precise and reasonable in all other aspects*

It is an established position that Conditions should not to be imposed unless there is a definite need for them. The same principle is applied when dealing with applications for the removal of a condition under Section 73; a condition should not be retained unless there are sound and clear-cut reasons for so doing.

Millbank (Execs) v SoS & Rochford D C [1991] considered the question of agricultural occupancy condition removal and determined that the point to consider is not whether condition removal can be justified but distinctly, whether retention of the condition can be justified.

To assess whether there are sound and clear-cut reasons to retain this occupancy condition we pose the following question based upon the relevant policy considerations:-

Is there sufficient justification to retain Paddock House as an agricultural workers dwelling to meet the essential needs of agriculture both upon the holding and within the locality? i.e. **‘is the condition necessary’?**

If it is found that there is no essential agricultural need upon the holding and within the locality sufficient to justify retention of the condition in line with National and Local Policy considerations, it will be deemed '**unnecessary**' as it will fail one of the NPPF tests.

The condition need only fail one test for its continued retention to be deemed unjustifiable, thus providing sufficient grounds for its removal.

8.2: Is the AOC Imposed upon Paddock House Necessary?

In the first instance and taking account of the reason planning permission was granted for this dwelling, we ask whether there remains a need for the dwelling in connection with the use applied for, 'specifically an extra agricultural worker's dwelling for the holding'. The answer to which is a clear no, as the original justification no longer exists, and with only 0.25 of an acre of land associated with the dwelling, the subject property is not agriculturally sustainable on its own.

10) Professional Support

The following professions have been employed to thoroughly and objectively assess if Paddock House should be retained to meet agricultural, forestry and or local occupancy 'needs' within the locality.

1. A suitably qualified local Estate Agent (Rounthwaite & Woodhead) has been employed to conduct a thorough market assessment of the said property at a value taking the agricultural occupancy condition into consideration.
2. PSi Planning Law Ltd, being a suitably qualified planning consultancy practice who specialise in onerous condition assessments and removal have been employed to implement all realistic assessments required to be conducted in harmony with NYM Development Policy 22. NYM Policy J, NPPF Guidelines, Circular 11/95 and Planning Appeal Decisions.

In an effort to realistically assess genuine agricultural, forestry and or local occupancy 'need' within the locality, considered at Planning Appeal as being an eight mile radius of or 20 minute drive time to and from a subject property, the following fundamental realistic tests also referred to as 'Realistic Assessments' have been conducted.

11) Pre-Application Realistic Assessments & Relevant Intercedence in *Blue Italic*

Given the vagaries within NYM Planning Policies, we have taken into consideration NPPF guidance, relevant circulars and planning appeals in our approach to this application, and in an effort to thoroughly assess the Agricultural, Forestry and Local Occupancy housing needs within the locality we have undertaken no less than 15 pre-application realistic assessment, which include comprehensive local housing statistics, planning statistics along with a thorough market assessment of Paddock House over an 18 month period, the culmination of which provide a clear indicator of the level of local housing need for this type of accommodation over a period of time in excess of 4 years as follows:-

Realistic Assessment 1

Applications for new Agricultural Workers Dwellings; 10/2019	Planning Ref	Outcome	Date	Distance Miles	Outside Locality
No Application Found	NA	NA	NA	NA	NA

- *The above statistics indicate that there has been no need for new agricultural accommodation in the locality therefore Paddock House should not be reserved to meet a need that does not exist.*

Applications for new Agricultural Workers Dwellings; 09/2018	Planning Ref	Outcome	Date	Distance Miles	Outside Locality
1) Application for an AWD	NYM/2017/0781/FL	Approved	01/18	13	3

- *The above statistics indicate that there has been no need for new agricultural accommodation in the locality therefore Paddock House should not be reserved to meet a need that does not exist.*

Applications for new Agricultural Workers Dwellings; 09/2017	Planning Ref	Outcome	Date	Distance Miles	Outside Locality
1) Application for an AWD	NYM/2017/0409/OU	Approved	08/17	13	3
2) Application for an AWD	NYM/2017/0009/OU	Approved	08/17	13	3
3) Application for an AWD	NYM/2017/0042FL	Approved	03/17	14	4
4) Application for an AWD	NYM/2016/0883/FL	Approved	03/17	20	10

- *The above statistics indicate that there has been no need for new agricultural accommodation in the locality therefore Paddock House should not be reserved to meet a need that does not exist.*

Applications for new Agricultural Workers Dwellings; 09/2016	Planning Ref	Outcome	Date	Distance Miles	Outside Locality
None Found	NA	NA	NA	NA	NA

- *The above statistics indicate that there has been no need for new agricultural accommodation in the locality therefore Paddock House should not be reserved to meet a need that does not exist.*

Applications for new Agricultural Workers Dwellings; 09/2015	Planning Ref	Outcome	Date	Distance Miles	Outside Locality
None Found	NA	NA	NA	NA	NA

- *The 2015 to 2019 NYM Planning Statistics indicate that there has been no agricultural, accommodation need in the locality of Paddock House over the last four years, and the applications approved district wide were based upon site specific need, therefore Paddock House would not have been able to meet the stated needs.*

Realistic Assessment 2

Applications for Forestry Workers Dwellings; Since 1980	Planning Ref	Outcome	Date	Distance Miles	Outside Locality
1) Mobile Home for Forest Worker	NYM/2004/0598/FL	Refused	12/04	Unknown	Unknown

- *NYM Planning Statistics over the last ten years show only on application for forestry worker accommodation district wide, with no other applications found over the last 40 years, therefore Paddock House should not be reserved to meet a none existent need.*

Applications to Remove Agricultural Occupancy Conditions under S73	Planning Ref	Outcome	Date	Distance Miles	Outside Locality
1) Remove C 3 of NYM4/029/0280B/PA;	NYM/2016/0436/	Approved at appeal	08/16	27	17

- The above statistics indicate there has been a very low district wide interest in applying for the removal of AOC's under S73 over the last four years, which we feel is entirely due to the fall back position of NYM imposing local occupancy condition which offers no real benefit, accordingly it is reasonable to postulate that owners of such properties have and will hunt for a certificate of lawful use by a material breach of the AOC as is reflected in Stat 12 below.

Realistic Assessment 4

CVC Applications for Agricultural Accommodation 09/2019	Planning Ref	Outcome	Date	Distance Miles	Outside Locality
1) CVC of C4 NYM2/023/0003/PA- C5 NYM2/023/0003A/PA	NYM/2019/0197/CVC	Approved	05/19	19	9
2) CVC of C5 NYM3/031/0010/PA	NYM/2019/0103/CVC	Approved	02/19	0	0
3) CVC of C11 NYM3/107/0011A/PA	NYM/2019/0068/CVC	Approved	02/19	7	0

- NYM Planning Statistics over the last four years indicate that there has been little need expressed for agricultural accommodation in the locality, with CVC 2) above demonstrating no genuine housing need and CVC 3) being site specific requiring eight acres of land for goats, therefore Paddock House should not be reserved to meet a need that simply does not exist.

CVC Applications for new Agricultural Accommodation 09/2018	Planning Ref	Outcome	Date	Distance Miles	Outside Locality
No Application Found	NA	NA	NA	NA	NA

- The above statistics indicate that there has been no need for new agricultural accommodation district wide, therefore Paddock House should not be reserved to meet a need that does not exist.

Applications for new Agricultural Accommodation 09/2017	Planning Ref	Outcome	Date	Distance Miles	Outside Locality
No Application Found	NA	NA	NA	NA	NA

- The above statistics indicate that there has been no need for new agricultural accommodation district wide, therefore Paddock House should not be reserved to meet a need that does not exist.

CVC Applications for Agricultural Accommodation 09/2016	Planning Ref	Outcome	Date	Distance Miles	Outside Locality
1) CVC of C4 NYM/2005/0009/FL	NYM/2016/0654/CVC	Approved	09/16	38	20
2) CVC of C4 NYM/2005/0009/FL	NYM/2016/0544/CVC	Approved	08/16	27	6

- The above statistics indicate that there has been no need for new agricultural accommodation in the

CVC Applications for Agricultural Accommodation 09/2015	Planning Ref	Outcome	Date	Distance Miles	Outside Locality
No Application Found	NA	NA	NA	NA	NA

- The above statistics indicate that there has been no need for new agricultural accommodation district wide therefore Paddock House should not be reserved to meet a need that does not exist.

Realistic Assessment 5

CVC Applications for Local Occupancy 09/2019	Planning Ref	Outcome	Date	Distance Miles	Outside Locality
1) CVC of C4 NYM/2009/0699/FL	NYM/2019/0425/CVC	Approved	07/19	30	20
2) CVC of C1 NYM/2015/0785/FL	NYM/2019/0333/CVC	Approved	05/19	16	6
3) CVC of C4 NYM/2007/0663/FL	NYM/2019/0286/CVC	Approved	05/19	24	14
4) CVC of C7 NYM4-030-0202-PA	NYM/2019/0223/CVC	Approved	04/19	15	5

- The above statistics indicate that there has been no need for local occupancy accommodation within the locality of Paddock House; therefore it should not be reserved to meet a need that does not exist.

CVC Applications for Local Occupancy 09/2018	Planning Ref	Outcome	Date	Distance Miles	Outside Locality
1) CVC of C4 NYM/2016/0575/FL	NYM/2018/0427/CVC	Approved	07/18	29	19
2) CVC of C4 NYM/2010/0389/FL	NYM/2018/0303/CVC	Approved	06/18	17	7
3) CVC of C4 NYM/2007/0791/FL-C2 NYM/2016/0569/FL	NYM/2018/0294/CVC	Approved	06/18	32	22
4) CVC of C2 NYM/2016/0569/FL	NYM/2018/0138/CVC	Approved	03/18	32	22
5) CVC of C4 NYM/2016/0263/FL	NYM/2018/0012/CVC	Approved	01/18	10	0

- The above statistics indicate that there has been no need for local occupancy accommodation within the locality of Paddock House; therefore it should not be reserved to meet a need that does not exist.

CVC Applications for Local Occupancy 09/2017	Planning Ref	Outcome	Date	Distance Miles	Outside Locality
1) CVC of C4 NYM/2006/0657/FL	NYM/2017/0760/CVC	Approved	12/17	16	6
2) CVC of C3 of NYM/2011/0461/FL	NYM/2017/0607/CVC	Approved	09/17	15	5
3) CVC of C7 NYM/4/030/0202/FL	NYM/2017/0299/CVC	Approved	06/17	16	6
4) CVC of C4 NYM/2010/0070/FL	NYM/2017/0356/CVC	Approved	05/17	18	8
5) CVC of C6 NYM/2009/0273/FL	NYM/2017/0303/CVC	Approved	05/17	22	12
6) CVC of C2 of NYM/2016/0436/FL	NYM/2017/0162/CVC	Approved	04/17	25	15

- The above statistics indicate that there has been no need for local occupancy accommodation within the locality of Paddock House; therefore it should not be reserved to meet a need that does not exist.

CVC Applications for Local Occupancy 09/2016	Planning Ref	Outcome	Date	Distance Miles	Outside Locality
1) CVC of C7 NYM4/030/0202/FL	NYM/2016/0601/CVC	Approved	08/16	16	6
2) CVC of C7 NYM4/030/0202/PA	NYM/2016/0202/CVC	Approved	04/16	15	5
3) CVC of C7 NYM4/030/0202/PA	NYM/2016/0087/CVC	Approved	02/16	15	5

- *The above statistics indicate that there has been no need for local occupancy accommodation within the locality of Paddock House; therefore it should not be reserved to meet a need that does not exist.*

CVC Applications for Local Occupancy 09/2015	Planning Ref	Outcome	Date	Distance Miles	Outside Locality
1) CVC of C3 NYM/2013/0432/FL	NYM/2016/0601/CVC	Approved	03/15	32	22

- *The above statistics indicate that there has been no need for local occupancy accommodation in the locality over the last four years; therefore Paddock House should not be reserved to meet a need that does not exist.*

Realistic Assessment 6

Applications for Removal of Local Occupancy under S73 09/2019	Planning Ref	Outcome	Date	Distance Miles	Outside Locality
1) Removal of C4 NYM/2007/0791/FL- C2 NYM/2016/0569/FL	NYM/2019/0226/FL	Refused	07/19	32	22
2) Removal of C3 NYM/2016/0762/FL 18	NYM/2018/0832/FL	Approved	03/19	18	8

- *The above statistics indicate that there has been a very low interest in removing local occupancy conditions within the district under S73.*

Applications for Removal of Local Occupancy under S73 09/2018	Planning Ref	Outcome	Date	Distance Miles	Outside Locality
No Application Found	NA	NA	NA	NA	NA

- *The above statistics indicate that there has been no interest in removing local occupancy conditions within the district under S73.*

Applications for Removal of Local Occupancy under S73 09/2017	Planning Ref	Outcome	Date	Distance Miles	Outside Locality
No Application Found	NA	NA	NA	NA	NA

- *The above statistics indicate that there has been no interest in removing local occupancy conditions within the district under S73.*

Applications for Removal of Local Occupancy under S73 09/2016	Planning Ref	Outcome	Date	Distance Miles	Outside Locality
1) Removal of C4 NYM/2005/0481/FL	NYM/2016/0193/FL	Refused	12/16	32	22
2) Removal of C3 NYM/2013/0432/FL	NYM/2016/0638/FL	Approved	10/16	32	22
3) Removal of C4 NYM/2007/0791/FL	NYM/2016/0121/FL	Refused	06/16	32	22
4) Removal of C7 NYM/2015/0785/FL	NYM/2016/0197/FL	Refused	05/16	16	6
5) Removal of C4 NYM/2007/0791/FL	NYM/2015/0904/FL	Refused	02/16	32	22

- *The above statistics indicate that there has been a very low interest in removing local occupancy conditions within the district under S73.*

Applications for Removal of Local Occupancy under S73 09/2015	Planning Ref	Outcome	Date	Distance Miles	Outside Locality
1) Removal of C1 NYM/2004/0465/FL	NYM/2015/0602/FL	Refused	10/15	19	9
2) Removal of C7 NYM4/030/0202/PA	NYM/2015/0378/FL	Refused	08/15	16	6
3) Removal of C10 -C12 NYM/2004/0396/FL	NYM/2014/0840/FL	Refused	03/15	23	12

- The above statistics indicate there has been a very low interest in applying for the removal of a local occupancy condition under S73 over the last four years which we feel is entirely due to the fall back position of NYM imposing a local occupancy condition which offers no real benefit, accordingly it is reasonable to postulate that owners of such properties are likely to have hunted for a certificate of lawful use as reflected in Stat 13 below.*

Realistic Assessment 7

	Open Market 4 Bed Accommodation for sale within a ten mile radius, of Paddock House at 01/10/2019	OMV
	Paddock House taking the AOC into consideration (Average OMV)	£385,000
1)	4 bed detached Whitby Rd, Pickering	£380,000
2)	4 bed cottage Bridge St, Pickering	£389,000
3)	4 bed detached Whitby Rd, Pickering	£384,000
4)	4 bed bungalow Lowfield, Old Malton	£380,000

- The above statistics indicate that the current open market value of Paddock House is reasonable by way of value comparisons.*

Realistic Assessment 8

	Open Market 4 Bed Accommodation for sale within a ten mile radius, of Paddock House since 01/04/2018	OMV
	Paddock House taking the AOC into consideration (Average OMV)	£385,000
1)	4 bed detached Middleton, Pickering	£420,000
2)	4 bed detached Chapel Cl, Helmsley	£455,000
3)	4 bed semi Main St, Harome	£445,000
4)	4 bed detached Westgate, Old Malton	£420,000
5)	4 bed detached Duncombe Cl, Malton	£375,000
6)	4 bed detached Woodlands Park Pickering	£412,500
7)	4 bed semi Lealholm, Whitby	£382,000
8)	4 bed detached Main St, Kirby Misperton	£425,000
9)	4 bed detached Main St, Ebberston	£410,000
10)	4 bed terrace Main St, Harome	£430,000
11)	4 bed detached Allenby Rd, Helmsley	£425,000
12)	4 bed detached Chapel Cl, Helmsley	£415,000
13)	4 bed terrace Ashdale Rd, Helmsley	£395,000

- The above statistics indicate that the open market value of Paddock House at between £375,000 and £395,000 is realistic over the market assessment period.*

Realistic Assessment 9

Four Bedroom Accommodation available for sale within a ten mile radius, of and a lesser value than Paddock House at 10/2019			
Paddock House taking the AOC into consideration (Average RV)			£285,000
			OMV
1)	4 Bed Accommodation	Main St, Ebberston	£270,000
2)	4 bed Accommodation	Outgang Rd, Pickering	£265,000
3)	4 Bed Accommodation	Westgate, Pickering	£259,950
4)	4 Bed Accommodation	Low Moorgate, Rillington	£240,000
5)	4 Bed Accommodation	Church St, Kirbymoorside	£235,000
6)	4 Bed Accommodation	Westgate, Pickering	£235,000
7)	4 Bed Accommodation	Eastgate, Pickering	£235,000
8)	4 Bed Accommodation	Manor Dr, Pickering	£234,900
9)	4 Bed Accommodation	Outgang Rd, Pickering	£229,950

- *The above statistics indicate that Paddock House is not unique from a price and location perspective to justify Paddock House being reserved to meet nonexistent agricultural, forestry or local occupancy housing needs in the locality as there have been no less than 9 cheaper properties in the locality with four bedroom accommodation that would satisfy any housing needs that are available at present.*

Realistic Assessment 10

Four Bedroom Accommodation available for sale within a ten mile radius, of and a lesser value than Paddock House at marketing commencement			
Paddock House taking the AOC into consideration (Average RV)			£285,000
			OMV
1)	4 Bed Accommodation	Thornton Dale, Pickering	£193,000
2)	4 Bed Accommodation	Westgate, Pickering	£145,000
3)	4 Bed Accommodation	Thornton Dale, Pickering	£274,500
4)	4 Bed Accommodation	Middleton Rd, Pickering	£269,000
5)	4 Bed Accommodation	Thornton Dale, Pickering	£235,000
6)	4 Bed Accommodation	Church View, Salton	£250,000
7)	4 Bed Accommodation	Thornton Dale, Pickering	£245,500
9)	4 Bed Accommodation	Whitfield Ave, Pickering	£220,000
10)	4 Bed Accommodation	Thornton Dale, Pickering	£265,000
11)	4 Bed Accommodation	Westgate, Pickering	£222,000
12)	4 Bed Accommodation	Marton, Sinnington	£250,000
13)	4 Bed Accommodation	Middleton Rd, Pickering	£230,000

- *The above statistics indicate that Paddock House is not unique from a price and location perspective to justify Paddock House being reserved to meet nonexistent agricultural, forestry or local occupancy housing needs in the locality as there have been no less than 22 cheaper properties in the locality with four bedroom accommodation that would satisfy any housing needs over the last 18 months.*

	Open Market 3-4 Bed Accommodation for Rent within a ten mile radius, of Paddock House at 01/10/2019	Monthly Rental
	Paddock House rental value taking the AOC into consideration	£700
		OMRV
1)	Bungalow Brook Lane, Thornton le Dale	£695
2)	Detached Kingfisher Dr, Pickering	£675
3)	Semi Detached South Terrace, Wilton	£650
4)	Cottage Wychwood, Hutton le Hole	£695

- *The above statistics indicate that Paddock House is not unique from a rental and location perspective to warrant that Paddock House should be reserved to meet nonexistent agricultural, forestry or local occupancy housing needs in the locality as there have been no less than 4 cheaper rental properties in the locality with 3- 4 bedroom accommodation that would satisfy any housing needs.*

Realistic Assessment 12

Applications to Remove Agricultural Occupancy Conditions under S191 Certificate of Lawful Use.	Planning Ref	Outcome	Date
1) For the occupation of a dwelling without compliance	NYM/2019/0080/CLE	Approved	04/19
2) For the occupation of a dwelling without compliance	NYM/2018/0617/CLE	Approved	11/18
3) For the occupation of a dwelling without compliance	NYM/2014/0247/CLE	Approved	07/14
4) For the occupation of a dwelling without compliance	NYM/2013/0604/CLE	Approved	10/13
5) For the occupation of a dwelling without compliance	NYM/2011/0452/CLE	Approved	09/11
6) For the occupation of a dwelling without compliance	NYM/2010/0770/CLE	Approved	11/10
7) For the occupation of a dwelling without compliance	NYM/2009/0372/CLE	Approved	08/09
8) For the occupation of a dwelling without compliance	NYM/2008/0104/CLE	Approved	04/08

- *The above statistics indicate there has been a preference in applying for the removal of an agricultural occupancy conditions by way of a LUC under S191 since 2008 which accords with our reasonable postulation at Stat 6, that owners of such properties preferred to keep their heads down and apply for a certificate of lawful use after a 10 year breach period.*

Realistic Assessment 13

Applications to Remove Local Occupancy Conditions under S191 Certificate of Lawful Use.	Planning Ref	Outcome	Date
1) For the occupation of a dwelling without compliance	NYM/2015/0584/CLE	Approved	11/15
2) For the occupation of a dwelling without compliance	NYM/2015/0345/CLE	Approved	07/15
3) For the occupation of a dwelling without compliance	NYM/2013/0812/CLE	Approved	05/14
4) For the occupation of a dwelling without compliance	NYM/2010/0841/CLE	Refused	07/11
5) For the occupation of a dwelling without compliance	NYM/2010/0937/CLE	Approved	02/11
6) For the occupation of a dwelling without compliance	NYM/2008/0104/CLE	Approved	04/08
7) For the occupation of a dwelling without compliance	NYM/2007/0089/CLE	Approved	03/08

- *The above statistics indicate there has been a preference in applying for the removal of a local occupancy condition by way of a LUC under S191 since 2008 which accords with our reasonable postulation at Stat 6, that owners of such properties are likely to have hunted for a certificate of lawful use.*

Realistic Assessment 14

Prior to placing Paddock House on the market, by way of a realistic empirical test, the vendor invited 3 suitably qualified Estate Agents in the locality to inspect the property and provide their opinion of value who confirmed that a fair market price taking the AOC into consideration was between £275k and £295k, therefore in an effort to secure a qualifying purchaser for Paddock House with the condition intact, the applicant elected to sell the property through Rounthwaite & Woodhead Estate Agents being a long established company with good experience in selling properties with an agricultural occupancy condition imposed upon them advised an opening guide price of £295k at the start of April 2018.

In an effort to stimulate the market, the opening guide price was significantly reduced to £275k in Dec 2018 and in light of the interest expressed in Paddock House during the marketing term, the guide price reflects the fair market value of Paddock House taking the AOC into consideration.

Please See Appendix 1: Paddock House Sales Particulars.

In September 2018, the applicant also sought guidance from PSi Planning law Ltd who specialise in agricultural occupancy conditions and then to correctly interpret the AOC imposed upon Paddock House and assist the agent to find a qualified purchaser who possessed a genuine need for the dwelling.

The above was achieved providing all interested parties on a low key housing needs questionnaire within which the occupancy condition was set out and supplied with all property details to ensure that all parties that could argue that they qualify were provided with the opportunity to purchase Paddock House based upon a genuine agricultural, forestry and local occupancy need being proven.

Realistic Assessment 15

Since commencing marketing of Paddock House at the start of April 2018, Rounthwaite & Woodhead Estate Agents confirm that as a result of no less than 34 adverts being placed in both local newspapers and national farming publication, along with displaying Paddock House within their showroom and listing it with Rightmove.com and Onthemarket.com, which resulted in the following enquiries being generated who completed the housing need questionnaire.

Please See Appendix 2: Paddock House Market Valuation.

When reviewing the completed housing needs questionnaires provided by each enquirer, we considered the information they had provided against 3 fundamental tests, all of which are required to be satisfied to qualify as genuine housing need for Paddock House.

15.1: Fundamental Tests Applied to all Enquiries

A) Compliance

Does the enquirer meet the terms of condition 5 being the AOC imposed upon Paddock House?

B) Housing Need

Does the enquirer possess an existing genuine agricultural housing need for Paddock House?

C) Alternative Housing Available

Could the housing need claimed be equally or better met by other properties available within an eight mile radius of or twenty minute drive time to Paddock House? (considered as local or locality by Planning Appeal Inspectors).

It is important to note that when assessing interest in any property under market assessment, we remain objective, impartial and open minded to compliance and genuine housing need issues, furthermore, Rounthwaite & Woodhead Estate Agents were instructed to advertised Paddock House as they would any other property they have on their books, but with extra national farming publication targeted marketing which comprise a rigorous realistic market assessment of Paddock House, concluding in no genuine agricultural, forestry or local occupancy housing need being found over an 18 month period.

To round up, we confirm that with no less than 35 adverts being placed in local and national publications, with target marketing in areas from which one would expect to attract agricultural workers with a need for accommodation, along with advertising on Rightmove and Zoopla, it is considered that the property has had full exposure to the market place over a realistic time frame and at a discount from OMV which is considered by the selling agent to represent a realistic restricted guide price for Paddock House.

Please See Appendix 6: Paddock House Marketing Synopsis.

11) Conclusion of all Realistic Assessments Supplied with this Application

Agricultural – Forestry workers dwellings will only be granted if it can be clearly demonstrated that there is a genuine need for such accommodation upon the application site, and that the need for the proposed dwelling cannot be satisfied by other existing dwellings within the locality, accordingly, the retention of an occupancy condition could potentially be justified if there is no other available accommodation within the locality which would represent a clear need for agricultural-forestry accommodation within the locality.

Further to the above, we have taken into consideration NYM development policy 22 wherein it states; If it is demonstrated that there is no longer an agricultural need for the accommodation the Authority may consider allowing the owners to find an alternative use for the accommodation such as holiday use or rented accommodation for people who meet the local occupancy condition criteria. However, if the owner wishes to dispose of the dwelling the agricultural occupancy condition will be replaced with a local occupancy condition to ensure the dwelling serves a local housing need.

Taking account of the assessments undertaken, we consider the policy based question, Specifically; Is there any reasonable planning justification to retain Paddock House as an agricultural workers dwelling to meet the essential needs of agriculture? , more specifically, is AOC 5 Necessary?

Based upon the available evidence and statistics, the answer to which is clearly no, which is consistent with *Millbank*, who informs us that the question is not is condition removal justified but rather, can retention of the condition be justified which in the case of Paddock House it cannot be.

Further to the above, the broad based and far reaching assessments conducted and compelling planning and local housing statistics supplied, considered in the light of relevant policies have shown that there is no essential agricultural, forestry or local housing need sufficient to justify retaining Paddock House for those purposes.

In conclusion of all realistic assessments conducted in support of this application, it is evident that there is no reasonable planning justification to retain Paddock House to meet agricultural, forestry or local occupancy housing within the locality of Paddock House as no such genuine housing need exists for the following reasons:-

- 1) *Paddock House was granted consent in 1975 as an extra dwelling which was considered to be an agricultural need at the time of approval that now no longer exists.*
- 2) *Paddock House is a four bedroom house standing on only 0.25 of an acre which would not be self sustaining as an agricultural unit in its own right.*
- 3) *Any agricultural, forestry or local occupancy accommodation requirements arising in the future can be fulfilled by the abundant supply of dwellings within the locality at a lesser value than paddock house taking the AOC into consideration.*

- 4) *The 15 realistic assessments conducted that have focused on the essential needs of agriculture, forestry and local occupancy housing in the locality of Paddock House over a period of time in excess of four years provided with this application, prove conclusively that no need has been identified that would justify retaining Paddock House as an agricultural, forestry or local occupancy dwelling.*
- 5) *A suitably qualified local Estate Agent was employed to market Paddock House over a period of time in excess of the assessment timeframe considered to be reasonable by NYM Director of Planning and Officers within his department.*
- 6) *The guide price for Paddock House was significantly discounted taking the AOC into consideration.*
- 7) *The vigorous and protracted marketing campaign undertaken over the past 18 months concludes that there is no agricultural, forestry or local occupancy needs existing within the locality of Paddock House, which has been held at Planning Appeals as being a 20 minute drive time to and from the subject property to a place of work.*
- 8) *No less than 35 adverts have been placed in local and national media publications, including Farmers Weekly and the Smallholder magazines.*
- 9) *Paddock House has been continually listed on Rightmove and Zoopla over an 18 month period.*
- 10) *A suitably qualified planning consultancy practice have been employed to impartially assess all interest expressed in Paddock House.*
- 11) *No parties that have enquired about Paddock House over the 18 month market assessment period, possessed an agricultural, forestry or local occupancy need for Paddock House.*
- 12) *Paddock House guide price was reviewed and significantly reduced twice during the 18 month marketing term.*
- 13) *Local housing statistics show that there have been no less than 22 four bedroom properties that were readily available within the locality of Paddock House, with an average OMOV of £227,380, all of which were and are at a significantly lower value than Paddock House at an average guide price of £285,000 taking the agricultural occupancy condition into consideration, which proves that Paddock House is not worthy of its retention to meet the needs of agricultural, forestry or local occupancy housing due to the abundance of properties available within the locality at a lesser value than Paddock House that would serve such needs if such a need existed, which in this case there is provably none.*
- 14) *Planning statistics demonstrate no demand for agricultural, forestry and local occupancy accommodation in the locality over a period of time in excess of four years, proving that Paddock House is not worthy of its retention to meet the needs of agricultural, forestry or local occupancy housing.*
- 15) *The retention of the AOC imposed upon Paddock House fails all the essential tests prescribed for conditions to be retained within paragraph 206 of the NPPF and Millbrook appeal.*
- 16) *The removal of AOC 5 is in harmony with Circular 11/9, NPPF guidelines and appeal decisions that relate to the removal of onerous conditions.*
- 17) *The removal of the AOC imposed upon Paddock House, satisfies NYM Development Policy 22 and Core Policy J, and is in harmony with NYM Pre-App advice provided by the Director of Planning and other NYM planning officers that relate to the assessments required to be conducted for removal of occupancy conditions.*
- 18) *Simply because a person or persons who may satisfy an occupancy restriction express an interest in purchasing a property with an occupancy condition, is not an indicator of 'Genuine Need', without proof, nor would it likely to be held as such at appeal.*

- 19) *Simply because a person or persons who may live in the locality express an interest in purchasing a property with an occupancy condition on the pretext of local occupancy housing, is not an indicator of 'Genuine Need' without proof of need, nor would it likely to be held as such at appeal.*
- 20) *Paddock House could not be put to an alternative commercial use without considerable money being spent upon it.*
- 21) *Realistic assessment Stat 11 indicates that there are sufficient properties currently available for rent in the locality to meet any local occupancy housing needs.*
- 22) *The removal of AOC 5 in its entirety would not take away valuable agricultural, forestry or local occupancy housing stock from the locality.*
-

13) Application Conclusion

By far the most compelling pre-application realistic assessments conducted in this case, are to be found within the local housing and planning statistics provided herewith, which clearly prove that there has been no agricultural, forestry and or local occupancy need within the locality of Paddock House over a period of time in excess of four years.

Given the weight of the compelling evidence that has been provided with this application, it is clear that Paddock House is not required to meet the needs of agriculture, forestry and or local occupancy housing within the locality of Paddock House, accordingly the AOC 5 attached to planning Ref; NYM3/031/0010/PA has outlived its useful purpose for agriculture, forestry and or local occupancy housing, accordingly it is therefore considered to be unnecessary.

14) Desired Outcome

Given that this application satisfies all relevant NYM Planning Policies, NPPF Guidelines and Circulars and is in harmony with Planning Appeal decisions that relate to this subject, it follows that there can be no reasonable objective planning justification that would warrant the retention of the AOC 5 imposed upon Paddock House, or other planning justification to replace the AOC 5 with a local occupancy condition in the event that the AOC is removed from Paddock House.

In light of the substantive evidence provided with this application, the applicant respectfully requests that AOC 5 is removed from his property in its entirety, thus enabling him to enjoy the unrestricted use of Paddock House, without a local occupancy condition or other onerous conditions being imposed upon it.

Paddock House, Cropton, YO18 8EX

A remotely situated four bedroom property with garage and plenty of outside space. SUBJECT TO AGRICULTURAL OCCUPANCY CLAUSE

£275,000

Entrance Hall Kitchen Sitting Room
Utility Room Dining Room Separate WC
4 Bedrooms Bathroom Oil Central Heating
Garage Large Garden (approx. 1/4 acre)
AGRICULTURAL OCCUPANCY CLAUSE

Description

Cropton is situated on the southern fringe of the North York Moors National Park and is a community of farms, smallholdings and traditional houses and cottages only 5 minutes' drive from the main A170 Thirsk to Scarborough road. This in turn gives quick and easy access to the market towns of Pickering and Kirkbymoorside to which Cropton is dependant for most of its every day amenity, although does have its own thriving village pub. The village is situated in the heart of great walking country and is surrounded by forestry and moorland. Its nearest train station is in Malton some 15 miles away where a direct service to York gives access to the Intercity London to Edinburgh service.

Paddock House is a couple of miles North East of Cropton and can be found 'off the beaten track'. It was constructed in 1976 and whilst it is requiring some general updating it has had some recent improvements including new uPVC windows fitted throughout as well as new oil fired central heating boiler. The property offers spacious accommodation arranged over two floors. On the ground floor both the sitting room and dining room are dual aspect, enjoying views across the moorland. The kitchen is well proportioned but would benefit from updating with utility room separate. On the first floor there are three double bedrooms and a smaller fourth bedroom. These are served by a house bathroom and separate W/C.

Outside the gardens extend to around a quarter of an acre, enclosed with wooden fencing and hedging. There is ample private parking as well as an integrated garage. The outside space offers plenty of scope for landscaping/enhancing.

AGRICULTURAL CLAUSE:

'The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed in the locality in agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971, or in forestry (including any dependents of such a person residing with him) or a widow or widower of such a person.'

General Information

Services: Mains water and electricity are connected. Drainage to septic tank. Oil fired central heating. Telephone connection subject to the usual British Telecom Regulations.

Council Tax: We are informed by Ryedale District Council that this property falls in Band C.

Tenure: We are advised by the Vendor that the property is freehold and that vacant possession will be given upon completion.

Note: WE RECOMMEND PROSPECTIVE PURCHASERS OBTAIN CLARIFICATION OF COMPLIANCE WITH THE AGRICULTURAL OCCUPANCY CLAUSE. NORTH YORK MOORS NATIONAL PARK - 01439 772700.

Viewing Arrangements: Strictly by prior appointment through the Agents Messrs Rounthwaite & Woodhead, Market Place, Pickering. Telephone: 01751 472800/430034.

Directions: Arriving at the village of Cropton travel past the Pub on the left hand side and then take the next right turn onto the village main street. Continue out of the village, bearing right and travel approximately 4 miles down the road. The Forestry commission lane is on the left hand side, signposted Sutherland and has a metal memorial bench before the turn off. Continue down this track and the property can be found on your left hand side. Postcode: YO18 8EX

R O U N T H W A I T E



W O O D H E A D

MARKET PLACE
PICKERING
NORTH YORKSHIRE
YO18 7AA

Mr Simon Ashworth,
7A, Welham Road,
Norton,
Malton,
YO17 9DP.

18th September 2019

Dear Simon,

Re: Paddock House, Cropton, Pickering, YO18 8EX

Thank you for inviting me to have a look round Paddock House again. I am writing to confirm my thoughts on the property's market value assuming there are no restrictions imposed.

In my opinion, I consider the current market value of Paddock House, Cropton, (without any restrictions) sits somewhere around the £375,000 - £395,000 mark.

Yours sincerely,

Jamie Rounthwaite

Estate Agents, Valuers and Surveyors

Partners:- Neil Gilbertson Sue Pearson Jon Rounthwaite BSc. M.R.I.C.S. Nicholas Woodhead
Also at: 26 Market Place, Kirkbymoorside

www.rounthwaite-woodhead.co.uk

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MICHAEL WOOD

Owner and
Managing Director

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BERNARD MOSS

Headkeeper at Farndale and
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RICHARD WOOD

Game Breeders Manager
and Director



JEREMY DEALTRY

Head keeper at Black Park
and Rearing Supervisor



OUR PHILOSOPHY

WELCOME TO WESTFIELD FARMS A SMALL FAMILY BUSINESS WHICH HAS BEEN IN OPERATION SINCE 1953

ABOUT US

My family have been farmers for many generations at Westfield Farm, the passion to farm having been passed to me by my parents. I have always considered myself a Farmer and country man. From my very early days I was fascinated with nature and the creation of life, never more so than in the spring seeing a pair of Jackdaws flying past each with a twig in their beak on their way to the new nest site, the sparrow on the lawn trying to decide which of two goose feathers would be most suitable for its nest. The water hens looking for a suitable site to build their new home and the sight of the first swallow back from South Africa all go to inspire me.

I am a farmer, a creator of life, and a proud producer of food which ultimately helps to feed our world. It was from this background that Westfield Pheasantries was established in 1953, from small beginning's breeding hatching and rearing pheasant chicks, under broody bantams. Things have changed since those early days; not sure what the broody mothers would think to our computerised high-tech hatchery which produces today's chicks.

At Westfield Farms we specialise in the production of Pheasants from our closed flock, also producing Red-leg Partridge, Grey Partridge and Mallard ducklings, for nationwide customers new and old as well as our own shoots.



The business has been built on producing a quality product with dedicated support to all our customers.

**OUR BIRDS ARE RENOWNED FOR THEIR ABILITY TO FLY HIGH AND FAST FROM ANY TERRAIN JUST ASK FOR,
WESTFIELD IT'S THE NAME OF THE GAME SINCE 1953**

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I have invented a new drinker called Cleanflo, the new drinker gives a plentiful supply of clean water suitable for day old chicks to adult birds across a wide range of game and domestic poultry. To promote the consumption of game meat amongst the wide public our new company Field to Fork is taking off nicely processing and marketing the game from the shoots.

We have three shoots at the moment Black Park, which I have organised and hosted for 50 years, Farndale has been under our umbrella for 16 years which is run by Bernard, and Place Newton for 7 seasons is hosted by Adam.

Marketing Report Regarding Paddock House Cropton

Dear Simon

As promised, please find our market synopsis for Paddock House as follows:-

- 1) Paddock House was placed on the open market at a guide price that reflected the AOC imposed upon it in March 2018.
- 2) The property has been constantly advertised on Rightmove, and Onthemarket.com and has been displayed within our Pickering & Kirkbymoorside Offices since April 2018.
- 3) The property guide price has been reduced twice during the marketing campaign from the original asking price of £295k to £285k and is currently for sale at £275k.
- 4) Paddock House has also been advertising in local and national media publications as follows:-

Gazette & Herald Advertising

14.03.2018	£295,000
21.03.2018	
04.04.2018	
11.04.2018	
30.05.2018	
15.08.2018	£285,000
22.08.2018	
05.09.2018	
26.09.2018	
24.10.2018	
21.11.2018	
16.01.2019	£275,000
06.02.2019	
27.02.2019	
27.03.2019	
03.04.2019	£720 pcm Rental
08.05.2019	£275,000
12.06.2019	
10.07.2019	
21.08.2019	

Farmers Weekly Advertising

09.11.2018	£285,000
16.11.2018	
23.11.2018	
30.11.2018	
18.01.2019	£275,000
29.03.2019	
05.04.2019	
12.04.2019	
19.04.2019	
07.06.2019	
12.07.2019	

Smallholder Magazine Adverts

15/02/2019	£275,000
15/03/2019	£275,000
02/08/2019	£275,000

The above extensive advertising resulted in many enquiries coming forward, the high majority of which were from non qualifying individuals attracted by the discounted value but were put off by the agricultural tie on the property, and those that pursued the matter further, completed the housing needs questionnaire supplied with all sales particulars which were considered by your planning agent as follows:-

Although one viewing was arranged and offers put forward by _____, your planning agent reported to us that all interested parties failed the fundamental housing needs test, accordingly the offers were declined.

Trusting the above fully clarifies the position.

Yours sincerely

Jamie Rounthwaite