

## The Planning Inspectorate

### QUESTIONNAIRE (s78) and (s20) PLANNING AND LISTED BUILDING CONSENT (Online Version)

You must ensure that a copy of the completed questionnaire, together with any attachments, are sent to the appellant/agent by the date given in the start letter. You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us by the date your statement is due.

Appeal Reference

APP/W9500/W/20/3253018

Appeal By

MR SIMON ASHWORTH

Site Address

Paddock House  
Sutherland Lane, Cropton  
PICKERING  
YO18 8EX

#### PART 1

1.a. Do you consider the written representation procedure to be suitable? Yes  No

Note: If the written procedure is agreed, the Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

2.a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land? Yes  No

2.b. Is it essential for the Inspector to enter the site to assess the impact of the proposal? Yes  No

2.c. Are there any known health and safety issues that would affect the conduct of the site inspection? Yes  No

Please describe

Covid-19

3.a. Are there any other appeals or matters relating to the same site still being considered by us or the Secretary of State? Yes  No

3.b. Are there any other appeals or matters adjacent or close to the site still being considered by us or the Secretary of State? Yes  No

#### PART 2

4. Does the appeal relate to an application for approval of reserved matters? Yes  No

5. Was a site ownership certificate submitted with the application? Yes  No

6. Did you give publicity to the application in accordance with either Article 15 of the DMPO 2015, Section 67/73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or Regulation 5 of the Planning (Listed Buildings

and Conservation Areas) Regulations 1990?

- |   |     |                             |                                     |
|---|-----|-----------------------------|-------------------------------------|
| 7. Does the appeal relate to a county matter?   | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 8. Please indicate the development type for the application to which the appeal relates.  |     |                             |                                     |
| Major Developments  |     |                             | <input type="checkbox"/>            |
| Minor Developments  |     |                             | <input checked="" type="checkbox"/> |
| Other Developments  |     |                             | <input type="checkbox"/>            |
| 8.b. Minor Developments   |     |                             |                                     |
| Dwellings   |     |                             | <input type="checkbox"/>            |
| Offices/R and D/light industry  |     |                             | <input type="checkbox"/>            |
| General industry/storage/warehousing  |     |                             | <input type="checkbox"/>            |
| Retail and services   |     |                             | <input type="checkbox"/>            |
| Traveller caravan pitches   |     |                             | <input type="checkbox"/>            |
| All other minor developments  |     |                             | <input checked="" type="checkbox"/> |
| Is the appeal site within:  |     |                             |                                     |
| 9.a. A Green Belt?  | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 9.b. An Area of Outstanding Natural Beauty?   | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 10. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |

### PART 3

- |   |     |                             |                                     |
|---|-----|-----------------------------|-------------------------------------|
| 11. Would the development require the stopping up or diverting of a public right of way?  | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 12.a. Is the site in a Conservation Area?   | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 12.b. Is the site adjacent to a Conservation Area?  | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 12.c. Does the appeal proposal include the demolition of a non-listed building within a conservation area?  | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 13.a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building?  | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 13.b. Would the proposed development affect the setting of a listed building?   | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 14. Has a grant been made under s3A or s4 of the Historic Buildings and Ancient Monuments Act 1953?   | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 15.a. Would the proposals affect an Ancient Monument (whether scheduled or not)?  | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 16. Is any part of the site subject to a Tree Preservation Order?   | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 17. Have you made a Local Development Order under s61A to 61C of the Town and Country Planning Act 1990 (as inserted by s40 of the Planning & Compulsory Purchase Act 2004) relating to the application site? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 18. Does the appeal involve persons claiming Gypsy/Traveller status, whether or not this is accepted by the planning authority?   | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |

19.a. Is the appeal site in or adjacent to or likely to affect an SSSI or an internationally designated site (ie. cSAC, SAC, pSPA, SPA Ramsar)?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
19.b. Are any protected species likely to be affected by the proposals?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

#### PART 4

##### Environmental Impact Assessment - Schedule 1

20.a.i. Is the proposed development Schedule 1 development as described in Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
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##### Environmental Impact Assessment - Schedule 2

20.b.i. Is the proposed development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
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20.c.i. Have you issued a screening opinion (SO) Please attach a copy of the SO that was placed on the planning register, and any other related correspondence <input checked="" type="checkbox"/> see 'Questionnaire Documents' section	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
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20.c.ii. Did the SO state that the proposed development is EIA development as defined by the EIA Regulations?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
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##### Environmental Impact Assessment - Environmental Statement (ES)

20.d. Has the appellant supplied an environmental statement?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
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##### Environmental Impact Assessment - Publicity

20.e. If applicable, please attach a copy of the site notice and local advertisement published as required for EIA development. <input checked="" type="checkbox"/> see 'Questionnaire Documents' section	Applies <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>
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21. Have all notifications or consultations under any Act, Order or Departmental Circular, necessary before granting permission, taken place? Please attach copies of any comments that you have received in response. <input checked="" type="checkbox"/> see 'Questionnaire Documents' section	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
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#### PART 5

22. Do you wish to attach your statement of case?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
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##### For appeals dealt with by written representations only

23. If this appeal is not following the written representations expedited procedure, do you intend to send a statement of case about this appeal?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
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##### Copies of the following documents must, if appropriate, be attached to this questionnaire

24.a. a copy of the letter with which you notified people about the appeal;	<input checked="" type="checkbox"/>
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[see 'Questionnaire Documents' section](#)

24.b. a list of the people you notified and the deadline you gave for their comments to be sent to us;

[see 'Questionnaire Documents' section](#)

Deadline

24/07/2020

24.c. all representations received from interested parties about the original application;

[see 'Questionnaire Documents' section](#)

24.d. the planning officer's report to committee or delegated report on the application and any other relevant documents/minutes;

[see 'Questionnaire Documents' section](#)

24.e. any representations received as a result of a service of a site ownership notification;

24.f. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan);

You must include the front page, the title and date of the approval/adoption, please give the status of the plan. Copies of the policies should include the relevant supporting text. You must provide this even if the appeal is against non-determination.

[see 'Questionnaire Documents' section](#)

[see 'Questionnaire Documents' section](#)

List of policies

CPB, CPJ, DP22, Stratigic Policy M and Policies CO, CO13, CO16

24.g. extracts of any relevant policies which have been 'saved' by way of a Direction;

24.h. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted and if so, when;

24.i. extracts from any supplementary planning document that you consider necessary, together with the date of its adoption;

In the case of emerging documents, please state what stage they have reached.

24.j. a comprehensive list of conditions which you consider should be imposed if planning permission is granted;

Only tick that this applies if you intend to submit a list of conditions with the questionnaire. If you do not submit the list with the questionnaire, then this should be submitted by the date your statement is due. This list must be submitted separately from your appeal statement.

24.k. if any Development Plan Document (DPD) or Neighbourhood Plan relevant to this appeal has been examined and found sound/met the basic conditions and passed a referendum, the date the DPD or Neighbourhood Plan is likely to be adopted and, if you consider this date will be before the Inspector's decision on this appeal is issued, an explanation of the Council's policy position in respect of this appeal upon its adoption. You should also include an explanation of the status of existing policies and plans, as they relate to this appeal, upon adoption and which (if any) will be superseded;

24.l. if any DPD or Neighbourhood Plan relevant to this appeal has been submitted for examination, or in the case of a Neighbourhood Plan has been examined and is awaiting a referendum, an explanation of any substantive changes in the progress of the emerging plan, and their relevance to this appeal if it is considered that the plan will not be adopted before the Inspector's decision on this appeal is issued;

24.m. your Authority's CIL charging schedule is being/has been examined;

24.n. your Authority's CIL charging schedule has been/is likely to be adopted;

24.o. any other relevant information or correspondence you consider we should know about.

[see 'Questionnaire Documents' section](#)

For the Mayor of London cases only

25.a. Was it necessary to notify the Mayor of London about the application? Yes  No

25.b. Did the Mayor of London issue a direction to refuse planning permission? Yes  No

#### LPA Details

I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today.

LPA's reference

Completed by

On behalf of

Please provide the details of the officer we can contact for this appeal, if different from the Planning Inspectorate's usual contact for this type of appeal.

Name

Phone no (including dialling code)

Email

Please advise the case officer of any changes in circumstances occurring after the return of the questionnaire.

Appeal Reference	APP/W9500/W/20/3253018
Appeal By	MR SIMON ASHWORTH
Site Address	Paddock House Sutherland Lane,Cropton PICKERING YO18 8EX

The documents listed below were uploaded with this form:

- Relates to Section: PART 4  
 Document Description: 20.c.i. A copy of the screening opinion (SO) that was placed on the planning register, along with any other related correspondence.  
 File name: Front Sheet.pdf
- Relates to Section: PART 4  
 Document Description: 20.e. A copy of the site notice and local advertisement published as required for EIA development.  
 File name: Copy of Site Notice.pdf
- Relates to Section: PART 4  
 Document Description: 21. Copies of any comments that you have received in response.  
 File name: 2019-11-15 Public - Third Party.pdf  
 File name: 2019-12-03 Public - Consultation Responses.pdf
- Relates to Section: PART 5  
 Document Description: 24.a. A copy of the letter with which you notified people about the appeal.  
 File name: Copy of Parish Letter.pdf
- Relates to Section: PART 5  
 Document Description: 24.b. A document containing a list of the people you notified of the appeal.  
 File name: List of those Notified.pdf
- Relates to Section: PART 5  
 Document Description: 24.c. Copies of all representations received from interested parties about the original application.  
 File name: 2019-11-15 Public - Third Party.pdf  
 File name: 2019-12-03 Public - Consultation Responses.pdf
- Relates to Section: PART 5  
 Document Description: 24.d. The planning officer's report to committee or delegated report on the application and any other relevant documents/minutes.  
 File name: 2019-11-28 Public - December Committee Report.pdf  
 File name: 2019-12-05 Public - Members Update Sheet.pdf
- Relates to Section: PART 5  
 Document Description: 24.f. Copies of extracts from any relevant statutory development plan policies.  
 File name: Title Page.pdf  
 File name: Copy of Front Cover.pdf
- Relates to Section: PART 5

Document Description:	24.f. Copies of extracts from any relevant statutory development plan policies.
File name:	Core Policy B.pdf
File name:	Development Policy 22.pdf
File name:	Core Policy J.pdf
File name:	Draft Local Plan.pdf
Relates to Section:	PART 5
Document Description:	24.o. Copies of any other relevant information or correspondence you consider we should know about.
File name:	Public 2019-02-25 - CVC Decision Letter.pdf
Completed by	<input type="text" value="Not Set"/>
Date	<input type="text" value="26/06/2020 11:33:21"/>
LPA	<input type="text" value="North York Moors National Park Authority"/>

## **List of those Notified**

Andrew Keane and Emma Creaser  
31 Ruffa Lane  
Pickering  
YO18 7HN  
Via email

Ian Davidson  
Bilsdale Hall  
Chop Gate  
Middlesbrough  
TS9 7HY  
Via email

Elissa & Alan Cummings  
Sutherland Beck  
5 Forestry Bungalows  
Cropton  
YO18 8EU  
Via email

Cropton and Cawthorne Parish Council  
c/o Anthony Warnock-Smith  
Hardey House  
Cropton  
Pickering  
YO18 8HL  
Via email

Internal - Conservation  
The Old Vicarage  
Bondgate  
Helmsley  
York  
YO62 5BP  
via email:



**From:**  
**To:** [Planning](#)  
**Subject:** NYM/2019/0681/FL  
**Date:** 01 November 2019 14:15:29

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To whom it may concern

I would like to object to the agriculture and forestry tie being removed from Paddock House Cropton as I feel there is need for suck properties in the area. I tried to view the house with the intention of making an offer only to be told by the sellers agent I did not meet the criteria, even though I am a farmer.

Regards

Ian Davison

Bilsdale Hall  
Chop Gate  
Middlesbrough  
TS9 7HY

**From:** Ian Davison  
**Sent:** 15 November 2019 07:58  
**To:** Hilary Saunders  
**Subject:** Re: FW: Paddock House - application to remove agricultural occuoancy restriction

Hi Hilary

Sorry I haven't been in touch. I also apologise for not putting my new address on my last email, it is..

Bilsdale Hall  
Chop Gate  
Middlesbrough  
TS9 7HY

As you can see it is a a lot further away than I wanted but even with my holding number the house in Cropton was taken off the market.

Regards

Ian

On Mon, 11 Nov 2019, 11:50 Hilary Saunders, <[h.saunders@northyorkmoors.org.uk](mailto:h.saunders@northyorkmoors.org.uk)> wrote:

Dear Mr Davison,

Apologies for contacting you again with regards to the above.

I just wanted to advise you that if I do not hear otherwise before 10am on Wednesday 13<sup>th</sup> November 2019, the Authority will destroy the documentation referred to in my previous email.

However, please do not hesitate to contact me if you have any queries or wish to discuss.

Yours sincerely

*H. Saunders*

Mrs Hilary Saunders MRTPI  
Planning Team Leader  
Development Management

Tel. no 01439 772700

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**From:** Hilary Saunders [mailto:[h.saunders@northyorkmoors.org.uk](mailto:h.saunders@northyorkmoors.org.uk)]

**Sent:** 05 November 2019 10:44

**To:** i

**Subject:** Paddock House - application to remove agricultural occupancy restriction

Dear Mr Davison,

Thank you for your letter received in relation to this application.

Supporting information has been submitted by the applicant's agent in relation to the above application, see link below and attachment:-

[http://planning.northyorkmoors.org.uk/northgate/documentexplorer/application/folderview.aspx?type=NLP11GL1\\_DC\\_PLANAPP&key=815263&iWgrnzsWW4I=aH8Pp24Bn4U=](http://planning.northyorkmoors.org.uk/northgate/documentexplorer/application/folderview.aspx?type=NLP11GL1_DC_PLANAPP&key=815263&iWgrnzsWW4I=aH8Pp24Bn4U=)

The information submitted contains documents you submitted to the estate agent.

At present the Authority is holding the information, but has not published it on the Authority's website because we are concerned that if you didn't provide the estate agent or planning agent your express written consent to use this data for other purposes than originally intended that it breaches the General Data Protection Regulations (GDPR).

I would be grateful if you could confirm if you have given your consent, and if you haven't, do you give the National Park Authority consent to use the data in relation to considering this planning application and to publish it on our website (personal details such as phone numbers and email addresses would be redacted).

If you do give your consent, then you also have the opportunity to comment on the information submitted and provide additional information regarding how you think you comply with the agricultural occupancy restriction.

Yours sincerely

*H. Saunders*

Mrs Hilary Saunders MRTPI  
Planning Team Leader  
Development Management

Tel. no 01439 772700

**From:**  
**To:** [Planning](#)  
**Subject:** Paddock house  
**Date:** 11 November 2019 11:59:27

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Andrew Keane  
[31 Ruffa lane](#)  
[Pickering](#)  
[YO18 7HN](#)

In ref to NYM/2019/0681/FL

To whom it may concern,

We (Andrew Keane & Emma Creaser) would like to object to the removal of condition 5 NYM3/031/0010/DA on Paddock house Cropton.

We have approval off the National Parks Authority that we fit the restriction of the condition on the property and have made numerous offers of the full asking price which have been declined by the seller.

We don't feel the restriction should be lifted as we have an agricultural and forestry need for the property in relation to are jobs,

I (Andrew Keane) work for the Forestry Comission and Cropton Forest is my main place of work and i need to live in the area for various reason from fires to timber protection. My main roles are species management for the protection of the growing timber stands. And completing environmental assessment forms for works to be carried out i.e Felling of trees,Ground preparations for planting, and also planting trees and which tree species to be planted where.

And (Emma Creaser) is a farmer manager at Westfield farm Cropton where she runs the arable side as well as been responsible for all the alarms on the units which is why she also needs to live close to her place of work.

Paddock house would be perfect for are agricultural and forestry needs and would very much ask for the restriction NOT to be removed.

Many Thanks

Andrew Keane and Emma Creaser

Sent from my iPhone

**From:**  
**To:** [Planning](#)  
**Subject:** Planning Ref NYM/2019/0681/FL  
**Date:** 06 November 2019 18:25:28

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I would like to object to the above planning application on Paddock House to have the agricultural clause removed. I strongly believe that this property should remain in the hands of agriculture, forestry, etc, workers. It is difficult enough for people who work in these industries to buy properties in this area, due to a number of properties being sold as second or retirement homes. Therefore as mentioned above this property should stay with an agricultural clause and be sold to such a family.

Elissa & Alan Cummings

Sutherland Beck

5 Forestry Bungalows

Cropton

YO18 8EU

**From:**  
**To:** [Planning](#)  
**Subject:** Objection  
**Date:** 24 October 2019 15:38:15

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Andrew Keane  
31 Ruffa lane  
Pickering  
YO18 7HN

In ref to NYM/2019/0681/FL

To whom it may concern,

We (Andrew Keane & Emma Creaser) would like to object to the removal of condition 5 NYM3/031/0010/DA on Paddock house Cropton.

We have approval off the National Parks Authority that we fit the restriction of the condition on the property and have made numerous offers of the full asking price which have been declined by the seller.

We don't feel the restriction should be lifted as we have an agricultural and forestry need for the property in relation to are jobs,

I (Andrew Keane) work for the Forestry commission and Cropton Forest is my main place of work and i need to live in the area due to various reasons (Wildlife, fires etc).

And (Emma Creaser) is a farmer manager at Westfield farm Cropton where she runs the arable side as well as been responsible for all the alarms on the units which is why she also needs to live close to her place of work.

Paddock house would be perfect for are agricultural and forestry needs and would very much ask for the restriction NOT to be removed.

Many Thanks

Andrew Keane and Emma Creaser

Sent from my iPhone

**From:**  
**To:** [Wendy Strangeway](#)  
**Subject:** Re: Access to NYMNPAs planning portal  
**Date:** 03 December 2019 12:18:50

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Dear Wendy.

Apologies for the confusion on my behalf and thank you for clarifying matters.

I have consulted with my colleagues on CPC and we agree that we have no further comment to make on the application. Thank you for giving us the opportunity to do so.

Kind regards

Melanie Bailey  
CPC.

**From:**  
**To:** [Planning](#)  
**Subject:** FW: Cropton Parish Council. NYM/2019/0681/FL  
**Date:** 01 November 2019 14:04:46

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Good afternoon,

I should be grateful if you would note that Cropton Parish Council has no objections to the application NYM/2019/0681/FL.

Could I also ask if we can expect a response to the email below which I sent a couple of weeks ago.

Many thanks.

Kind regards

Anthony Warnock-Smith.

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**From:** Tony Warnock-Smith  
**Sent:** Monday, October 14, 2019 5:03 PM  
**To:** 'planning@northyorkmoors.org.uk' <planning@northyorkmoors.org.uk>  
**Subject:** Cropton Parish Council

Good afternoon,

I have recently taken over the role of The Clerk to Cropton Parish Council from your current contact, Richard Maher. Could I ask you , therefore, to amend your records and to note that our address for email correspondence and planning consultations is now  
. Would you please set me up with a user name and password for access to your consultation site.

May I also ask if you would kindly let me have details of planning consultations which have been sent to Cropton Parish Council in the last 18 months so I can be sure that our records are correct. Please reply on this question to my private email address.

Many thanks

Anthony Warnock-Smith  
Hardey House  
Cropton  
Pickering  
North Yorkshire  
YO18 8HL



## **Members Update Sheet**

### **Item 4            NYM/2019/0681/FL**

#### **Additional Correspondence from Applicant**

Comments have been received from the applicant expressing concerns regarding the processing of the application. He comments that two pages of important and vital information and two attachments have been deleted without consent, which the Planning Committee need to see to arrive at an objective decision. The application published on the Authority's website is therefore misleading and should not be determined without this evidence, as it will lead to an undemocratic decision being made.

**North York Moors National Park Authority**

<b>Ryedale District Parish: Cropton</b>	<b>App No. NYM/2019/0681/FL</b>
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**Proposal:** removal of condition 5 of planning approval NYM3/031/0010/PA to allow the occupancy of the dwelling to be unrestricted

**Location:** Paddock House, Sutherland Lane, Cropton

**Applicant:** Mr Simon Ashworth, 7A Welham Road, Malton, YO17 9DP

**Agent:** Planning Services Initiative Ltd, fao: Mr Chris Garner, Queensgate House, 48 Queens Street, Exeter, EX4 3SR

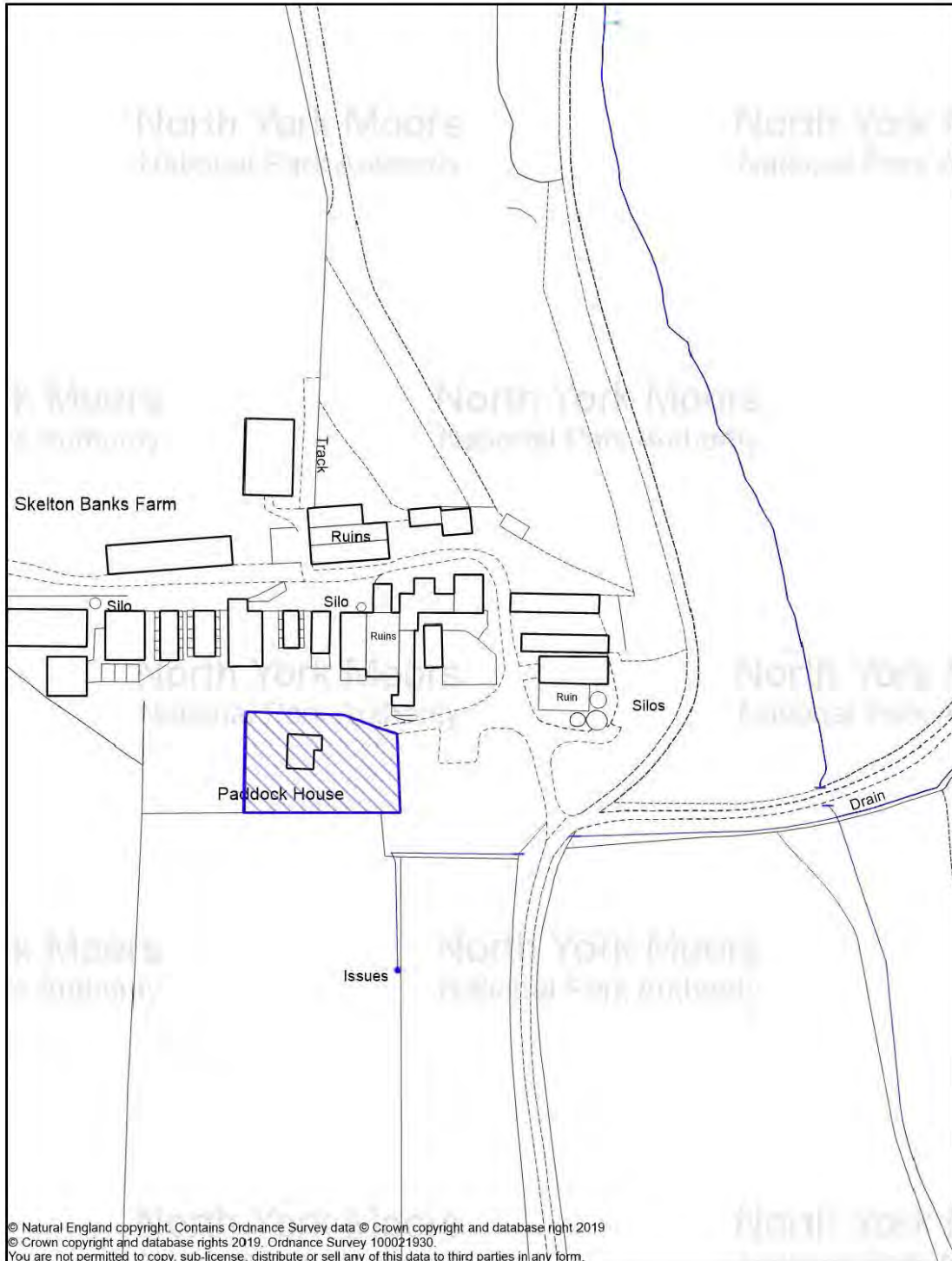
**Date for Decision:** 02 December 2019

**Grid Ref:** 476721 489991

**Director of Planning's Recommendation**

**Refusal** for the following reasons:

1. MISC00 It is considered that the existence of qualifying buyers for the property demonstrates that there is continuing need for the provision of this agricultural/forestry workers dwelling within the locality, and therefore the proposal is contrary to Development Policy 22 and Core Policies B and J of the NYM Local Development Plan.
2. MISC00 The removal of the agricultural occupancy condition would be contrary to the provisions of Core Policies B and J of the NYM Local Development Plan which state that new residential dwellings in the open countryside will be subject to an agricultural, forestry and essential land management occupancy restriction. If permitted, the proposal would undermine the Spatial Strategy which seeks to ensure that the limited opportunities for new development in the open countryside in the National Park cater for essential rural workers rather than external market demand.
3. MISC00 The removal of the agricultural occupancy restriction would result in the creation of an open market dwelling contrary to Development Policy 22 of the NYM Local Development Plan, which requires that if such a restriction were to be lifted it would be substituted with a local occupancy restriction to ensure the dwelling continues to provide housing for local needs, rather than meet external demand.





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**Application No: NYM/2019/0681/FL**

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**Consultations**

**Parish** – 1/11/2019 – No objections

**Site Notice Expiry Date** – 14 November 2019

**Others** – 24/10/2019 & 11/11/2019 – **Andrew Keane and Emma Creaser, 31 Ruffa Lane, Pickering** – Object. We don't feel the restriction should be lifted as we have an agricultural and forestry need for the property in relation to our jobs. We have approval from the National Park Authority that we fit the restriction and have made numerous offers of the full asking price which have been declined by the seller. We have an agricultural and forestry need for the property in relation to our jobs.

I work for the Forestry Commission and Cropton Forest is my main place of work and I need to live in the area for various reasons from fires to timber protection. My main roles are species management for the protection of the growing timber stands. And completing environmental assessment forms for works to be carried out i.e. felling of trees, ground preparations for planting, and also planting trees and which tree species to be planted where. Emma is a farmer manager at Westfield Farm, Cropton where she runs the arable side as well as being responsible for all the alarms on the units which is why she also needs to live close to her place of work.

Paddock House is perfect for our agricultural and forestry needs.

1/11/2019 – **Ian Davison, Bilsdale Hall, Chop Gate** – I would like to object to the agriculture and forestry tie being removed as I feel there is a need for such properties in the area. I tried to view the house with the intention of making an offer only to be told by the seller's agent I did not meet the criteria, even though I am a farmer. As you can see I now live a lot further away than I wanted but even with my holding number the house in Cropton was taken off the market.

6/11/2019 – **Elissa & Alan Cummings, Sutherland beck, 5 Forestry Bungalows, Cropton** - Object – Strongly believe that this property should remain in the hands of agriculture, forestry workers etc. It is difficult enough for people who work in these industries to buy properties in this area, due to a number of properties being sold as second or retirement homes. The property should be sold to such a family.

**Background**

This application relates to "Paddock House", situated in a remote location adjacent to Skelton Banks Farm and Peat Rigg Outdoor Activity Centre, approximately 1km to the east of Cropton Village, 4km from the A170 and 6.5km North West of Pickering.

The property comprises a four-bed stone and pantile property constructed in 1976. It was granted planning permission at that time following a need being demonstrated for an extra agricultural worker's dwelling to serve Skelton Banks Farm. Such a need was, and is still, under current policies, a requirement for the approval of new dwellings in the open countryside. Consequently, the property is subject to the following agricultural/forestry occupancy condition: -

'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.'

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**Application No: NYM/2019/0681/FL**

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## Background continued

The definition of agriculture as set out in both the 1971 Act and subsequent 1990 Town and Country Planning Act is as follows: -

'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'.

There is no definition within the Act relating to forestry.

It should be noted that the condition refers to agriculture as defined in the relevant Act, OR forestry; that is including forestry as an independent occupation, not just ancillary to an agricultural activity.

The condition requires that an occupant is employed in either agriculture or forestry in the locality; but there is no "housing need" element to this condition, i.e. it does not prevent an existing home owner who is employed in agriculture/forestry from moving into this property. The need element applies to the construction of a new agricultural workers dwelling on a farm holding, rather than the subsequent occupancy of an existing agricultural workers dwelling. The condition also applies to last employed, thereby being available to local retired agricultural or forestry workers. As such these type of dwellings (not required on the original farm steading) to provide an important part of the Park's housing stock which particularly allow older generation farmers (or other essential rural workers) to find suitable accommodation whilst allowing younger farmers to take over farm houses/bungalows located within working farm steadings without the need for additional farm worker dwellings on the units.

This application seeks permission to remove the condition in its entirety to provide an open market dwelling because the farm has been inherited by the applicant who works in an industry outside of agriculture and does not require the property.

The property has been on the market for approximately 18 months, with the estate agents details clearly setting out the agricultural occupancy restriction. The property was originally marketed at £295,000 in March 2018, then reduced to £285,000 in August 2018 and then £275,000 in January 2019. It was also briefly offered for rent at £720 per calendar month. The property has been marketed by Rounthwaite and Woodhead Estate Agents and has also been advertised in the Gazette & Herald and Farmers Weekly.

In connection with the marketing of this property, a prospective purchaser submitted details to the Authority, in the form of a discharge of condition application, demonstrating that both partners were employed in either agriculture or forestry. This application was approved by the Local Planning Authority and the couple are still offering the asking price. However, this has been rejected because the applicant's agent has advised the Estate Agent and the vendor that he does not agree with the Authority's determination and does not consider they comply with the restriction.

In support of the application, the applicant's agent has stated that:-

*It has been demonstrated that there exists no agricultural, forestry and or local occupancy housing need that would warrant the retention of the Agricultural Occupancy restriction or the imposition of a local occupancy condition. It is contended that the Authority's guidance on how to demonstrate that a need no longer exists is unclear, and that the Authority*

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**Application No:** NYM/2019/0681/FL

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## Background continued

*appears to have no real substance or clarity within any NYM policies relating to the market assessment period or discount that should be applied to properties with restrictive conditions imposed upon them.*

*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, as set out in the National Planning Policy Framework. Locality, as found in many appeals is considered to be an eight mile radius or 20 minute drive time to and from a subject property.*

*No need remains for the dwelling in connection with the use applied for, 'specifically an extra agricultural worker's dwelling for the holding'. The original justification no longer exists, and with only 0.25 acres of land associated with the dwelling, the subject property is not agriculturally sustainable on its own.*

*A suitably qualified local Estate Agent (Rounthwaite & Woodhead) has been employed to conduct a thorough market assessment of the property at a value taking the agricultural occupancy condition into consideration and PSi Planning Law Ltd, a suitably qualified planning consultancy practice who specialise in onerous condition assessments and removal have been employed to implement all realistic assessments.*

*Having considered local housing statistics and planning statistics, it is clear that as there have been few applications approved in recent years for the construction of new agricultural workers dwellings 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. Also, there has only been one application submitted in recent years to remove an Agricultural Occupancy restriction, which we feel is entirely due to the fall-back position of the imposition of a local occupancy condition which offers no real benefit. It seems that owners of such properties are likely to apply for Lawful Use Certificates year after a 10 breach period, as they prefer to keep their heads down.*

*During the marketing of the property, all interested parties were required to complete a housing needs questionnaire to ensure that all parties interested had a proven and genuine agricultural, forestry and local occupancy need. When reviewing the completed housing needs questionnaires provided by each enquirer, we considered the information they had provided against three fundamental tests to qualify as genuine housing need for Paddock House. These were compliance with the condition; housing need (does the enquirer possess an existing genuine agricultural housing need for Paddock House?) and whether there was alternative housing available (i.e. could the housing need claimed be equally or better met by other properties available within the locality?)*

*In conclusion 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:*

- 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.*
- It 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.*

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**Application No: NYM/2019/0681/FL**

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**Background continued**

- *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.*
- *No parties that have enquired possessed an agricultural, forestry or local occupancy need for Paddock House.*
- *The retention of the condition fails all the essential tests prescribed for conditions to be retained within the NPPF.*
- *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.*

*In conclusion, it is clearly proven that there has been no agricultural, forestry and or local occupancy need within the locality of Paddock House, accordingly the occupancy restriction has outlived its useful purpose for agriculture, forestry and or local occupancy housing, accordingly it is therefore considered to be unnecessary.*

The supporting information also includes a letter from the Estate Agents confirming that although one viewing was arranged and offers put forward, their planning agent advised them that all interested parties failed the fundamental housing needs test and accordingly the offers were declined.

**Main Issues**

The main issue is considered to be whether it has been demonstrated that the property has been marketed at a reasonable price (reflecting the occupancy restriction) for a sufficient period of time without a reasonable offer being made by someone who complies with the restriction, and as such demonstrating there is no continuing need for the agricultural occupancy condition.

**Local Development Plan Policies**

Core Policy B of the North York Moors Local Development Plan (NYMLDP) sets out the strategy to meet the needs of people in the National Park based upon improving the sustainability of local communities by improving and consolidating existing services and facilities and includes a settlement hierarchy of local service centres, service villages, local service villages, other villages and the open countryside. This Core Policy sets out that in the open countryside housing development will only be permitted if it is related to an essential need to live in the countryside.

Core Policy J of NYMLDP seeks to ensure the provision of a mixture of housing types and tenure to maintain the vitality of local communities, consolidate support for services and facilities and support the delivery of more affordable housing. This includes restricting new housing development in the Open Countryside to that which is proven as essential for farming, forestry or other essential land management activities.

Development Policy 22 of the NYMLDP permits the removal of agricultural occupancy restrictions only where it can be demonstrated that there is no longer a need for the accommodation either on the holding or the locality. It also requires that where permission is granted, the condition will be substituted with one which restricts occupancy to local needs as defined in Core Policy J, or if a local person cannot be found, a temporary holiday use or



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**Application No: NYM/2019/0681/FL**

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**Main Issues continued**

rented local needs use may be permitted. This is justified due to changing farm practices and the vulnerability of the agricultural sector which may result in dwellings which were constructed for agricultural workers no longer being required.

**National Planning Policy Framework (NPPF) 2019**

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) does not change the statutory status of the Development Plan as the starting point for decision making but is a material consideration in the determination of an application. Development that accords with an up-to-date Local Plan should be approved, and conversely development that conflicts should be refused unless other material considerations indicate otherwise.

The North York Moors Local Development was adopted on 13 November 2008 under the provisions of the 2004 Act and is considered not to conflict with national policies in the NPPF. It is therefore up-to-date and should be the starting point for any decision making in the North York Moors National Park.

The Government's commitment to the protection of National Parks is clearly set out in Paragraph 172 and says that great weight should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection in relation to landscape and scenic beauty. Paragraph 172 also confirms that the scale and extent of development within these designated areas should be limited. It is clear therefore that the NPPF expects a different approach to be taken in National Parks both to plan making and decision taking compared with other areas outside of designated National Parks.

Paragraph 54 of the NPPF sets out that Local Planning Authorities should only impose conditions where they are necessary, relevant to planning and relevant to the development to be permitted.

Paragraph 79 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

**Draft Local Plan**

Draft Policy CO16 relates to the removal of Agricultural Occupancy Conditions and states that the removal of such conditions will only be permitted where it can be demonstrated that there is no longer a need for the accommodation on the holding or from persons meeting the conditions in the locality. Where this has been successfully demonstrated the condition will be substituted with a condition restricting the occupancy to local needs. The further explanation contained in this Policy sets out that before considering an application for the removal of such a condition owners must demonstrate that they have actively marketed the dwelling at a realistic price reflecting the occupancy restriction for 12-18 months.

No objections have been received to this Policy, and the Examination in Public of the Draft Local Plan has taken place, without amendments being suggested to this Policy. Consequently, this Policy can be given some weight, particularly as it reflects the similar Policy in the current adopted Local Development Plan.

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**Application No: NYM/2019/0681/FL**

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**Marketing, Value and Offers to Purchase the Property**

The supporting information submitted with the application, sets out why the current owner doesn't require this dwelling and also sets out that extensive and satisfactory marketing has been carried out.

Officers have considered the valuation of the property and looked at other detached four bed properties on the market in the locality. It is considered that the asking price represents a satisfactory reduction in value to take account of the agricultural occupancy restriction.

As a Local Planning Authority, the National Park Authority is the statutory enforcing body in terms of enforcing planning conditions. The applicants planning agent has set out his considerable experience in the field of dealing with 'agricultural occupancy condition'. Notwithstanding the planning agents experience in this area, Officers consider the agent analysis of whether there is a continuing need for the condition is flawed in respect of: how the need should be addressed, the acceptability of forestry employment and not acknowledging potential continuing need for local retired workers who would comply. In terms of the level of interest, the applicant's agent has advised that whilst offers have been made, none of the interested parties demonstrated an agricultural or housing need to live in the property and consequently the offers were rejected.

However, one prospective purchaser who has offered the asking price on a number of occasions (most recently in August 2019) submitted a formal discharge of condition application to the National Park Authority in February 2019. This was approved as satisfactory evidence was submitted regarding the compliance of both partners with the agricultural occupancy restriction, one working in forestry and the other in agriculture, both in the locality (the Director of Planning has subsequently visited the farm where one of the partners is farm manager and is satisfied that this is an agricultural enterprise, albeit with a game breeding element to the business).

This offer verifies that an interested party who meets the restriction has attempted and is still attempting to purchase the property with the restriction in place. This recently rejected offer needs to be taken into consideration with this current application.

Given these circumstances, it is clear that there is a continuing need for this property to serve an agriculture or forestry worker in the locality. It needs to be taken into account that the original planning permission for the construction of this dwelling in the open countryside in the National Park was in response to a proven agricultural need, and the Authority's continuing and adopted Policies are to ensure that such development is retained for that purpose unless demonstrated that there is no need, to avoid unacceptable sporadic development in the open countryside, to the detriment of the special qualities of the National Park.

**Requirements of the Agricultural Occupancy Condition**

In the applicant's agents supporting information it is stated that there are three fundamental tests to assess if someone meets the occupancy restriction, these are listed as compliance with the condition; housing need and whether there was alternative housing available.

However, these second two criteria relate to evidence required when considering an application to construct a new agricultural workers dwelling on a particular farm holding. A new dwelling would only be permitted if these criteria (and others relating to financial and functional tests) were met.

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**Application No:** NYM/2019/0681/FL

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**Main Issues continued**

However, the occupancy restriction attached to such dwellings reflects the special circumstances under which a new dwelling in the open countryside was approved (as set out in both the Authority's adopted policies and the NPPF) and seeks to ensure that it continues to be available for this purpose even if the requirement on the holding it was originally to serve has changed.

Consequently, the condition does not require a person to be in housing need or to demonstrate that no other properties are available, just that the occupiers need to be 'solely or mainly employed, or last employed in the locality in agriculture... or in forestry.'

Furthermore, the Authority's adopted policies require that if satisfactory evidence is provided that is no longer an agricultural or forestry need in the locality, such a restriction would be replaced with a local occupancy restriction, in accordance with both Development Policy 22 and Core Policy J to ensure that the property continues to meet local housing needs.

**Conclusion**

In conclusion it is considered that whilst the property has been on the market for 18 months, at a reasonable asking price, the applicant has continued to refuse an offer of the asking price to purchase the property. In summary, the applicant has a current offer at the asking price from someone who complies with the agricultural occupancy criteria.

Furthermore, the applicant's agent has made it clear that even if the Authority accepted there was no longer an agricultural need, he would not accept a local occupancy restriction as a substitute, in accordance with adopted Policy. It is a principle of the planning system that planning conditions should not be placed on approvals which deprive an applicant of what they are seeking to achieve through an application.

In view of the above considerations, refusal is recommended.

**Contribution to Management Plan Objectives**

There are no relevant Policies in the Management Plan relating to this form of development.

**Explanation of how the Authority has Worked Positively with the Applicant/Agent**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and concluded that the scheme represents a form of development so far removed from the vision of the sustainable development supported in the Development Plan that no changes could be negotiated to render the scheme acceptable and thus no changes were requested.

**Town and Country Planning Act 1990  
North York Moors National Park Authority**

**Notice of Decision of Planning Authority on Application for  
Permission to Carry out Development**

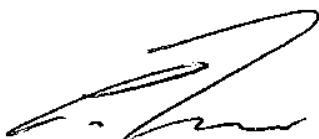
To Mr Simon Ashworth  
c/o Planning Services Initiative Ltd  
fao: Mr Chris Garner  
Queensgate House  
48 Queens Street  
Exeter  
EX4 3SR

The above named Authority being the Planning Authority for the purposes of your application validated 07 October 2019, in respect of **removal of condition 5 of planning approval NYM3/031/0010/PA to allow the occupancy of the dwelling to be unrestricted at Paddock House, Sutherland Lane, Cropton** has considered your said application and has **refused** permission for the proposed development for the following reason(s):

1. It is considered that the existence of qualifying buyers for the property demonstrates that there is continuing need for the provision of this agricultural/forestry workers dwelling within the locality, and therefore the proposal is contrary to Development Policy 22 and Core Policies B and J of the NYM Local Development Plan.
2. The removal of the agricultural occupancy condition would be contrary to the provisions of Core Policies B and J of the NYM Local Development Plan which state that new residential dwellings in the open countryside will be subject to an agricultural, forestry and essential land management occupancy restriction. If permitted, the proposal would undermine the Spatial Strategy which seeks to ensure that the limited opportunities for new development in the open countryside in the National Park cater for essential rural workers rather than external market demand.
3. The removal of the agricultural occupancy restriction would result in the creation of an open market dwelling contrary to Development Policy 22 of the NYM Local Development Plan, which requires that if such a restriction were to be lifted it would be substituted with a local occupancy restriction to ensure the dwelling continues to provide housing for local needs, rather than meet external demand.

**Explanation of how the Authority has Worked Positively with the Applicant/Agent**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and concluded that the scheme represents a form of development so far removed from the vision of the sustainable development supported in the Development Plan that no changes could be negotiated to render the scheme acceptable and thus no changes were requested.



Mr C M France  
Director of Planning

Date 5 December 2019

**Please Note your Rights of Appeal are attached to this Decision Notice**

## **Non - Householder Rights of Appeal**

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for non-householder development, they may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice (12 weeks in the case of a minor commercial application). The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

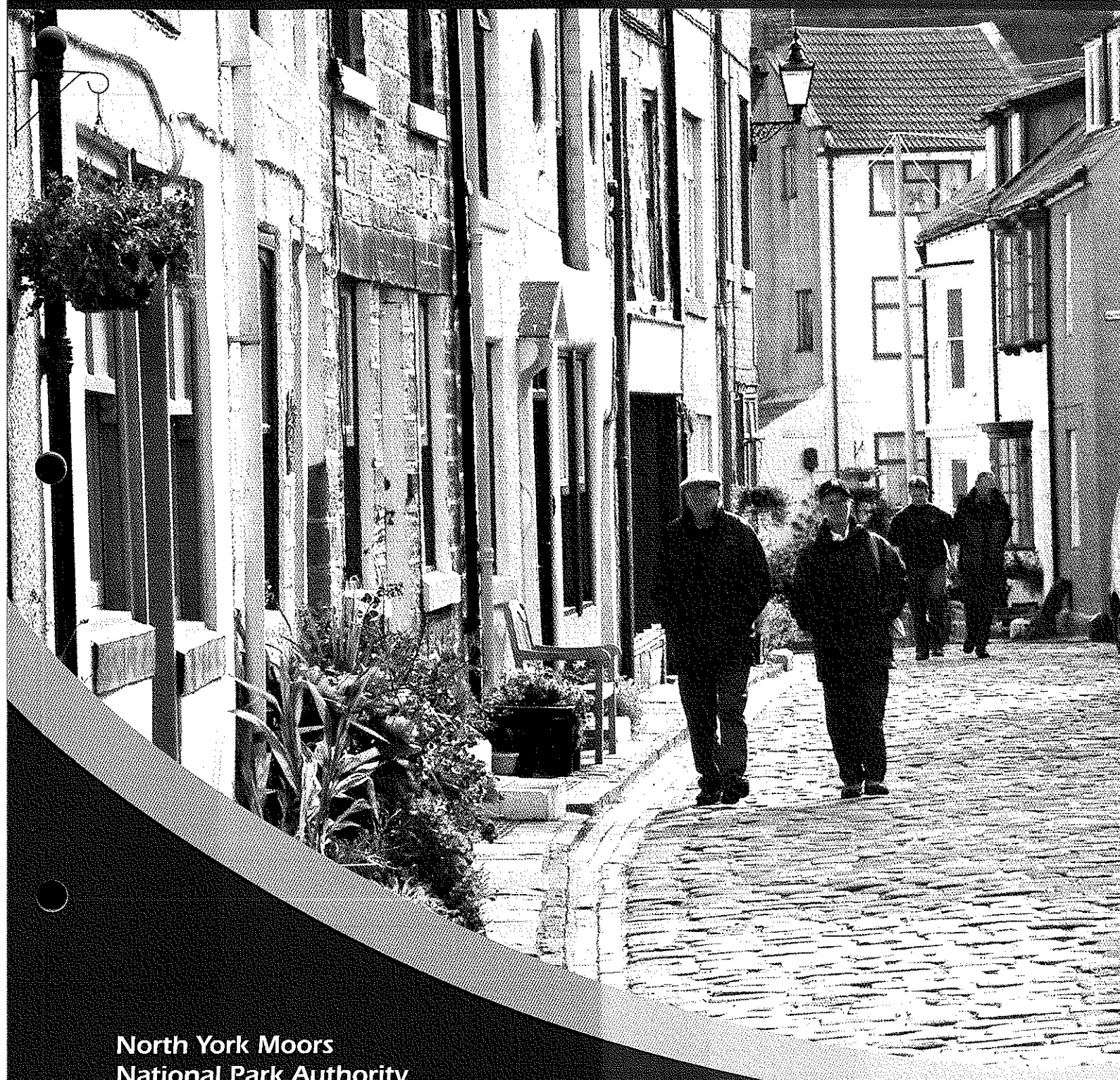
- (2) If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, the owner of the land may claim that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the council of the county/district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Note: If an aggrieved applicant wishes to exercise their right of appeal as above mentioned, they should do so using a form which you can get from the Secretary of State at:

**Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN**  
(Tel: 0303 444 00 00) or online at [www.planningportal.gov.uk/planning/appeals](http://www.planningportal.gov.uk/planning/appeals)

### **Notes**

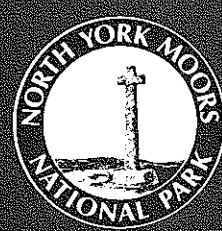
1. Please note, only the applicant possesses the right of appeal.
2. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within 28 days of the date of this notice.
3. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.
4. Prospective appellants requesting an inquiry into their appeal must notify the Local Planning Authority and Planning Inspectorate via email ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days prior to appeal submission.



North York Moors  
National Park Authority  
Local Development Framework

# Core Strategy and Development Policies

November 2008



# North York Moors National Park Authority

The Old Vicarage, Bondgate, Helmsley, York YO62 5BP  
Tel: 01439 772700  
Email: [general@northyorkmoors.org.uk](mailto:general@northyorkmoors.org.uk)  
Planning enquiries: [planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk)  
[www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk)



**Andy Wilson**  
Chief Executive

Cropton and Cawthorne Parish Council  
c/o Anthony Warnock-Smith  
Hardey House  
Cropton  
Pickering  
YO18 8HL  
Via Email

Your ref:

Our ref: NYM/2019/0681/FL

Date: 24 June 2020

This matter is being dealt with by: Mrs H Saunders

Dear Sir/Madam

## Town and Country Planning Act 1990

**Land at:** Paddock House, Sutherland Lane, Cropton

**Proposed development:** removal of condition 5 of planning approval NYM3/031/0010/PA to allow the occupancy of the dwelling to be unrestricted

**Appeal reference:** APP/W9500/W/20/ 3253018

**Appeal starting date:** 19 June 2020

**Appellant(s) name:** Mr Simon Ashworth

I am writing to let you know that an appeal has been made to the Secretary of State in respect of the above site. The appeal follows the refusal of planning permission by this Planning Authority for the reasons given on the decision notice. All appeal documentation including a copy of the appeal decision will be published on the [Planning Explorer](#) section of the Authority's website under the application reference number. The documentation is accessible by using either the application search option or the advanced search option and by using the appeal search. A copy of the appeal decision will also be published on the GOV.UK website <https://www.gov.uk/appeal-planning-inspectorate>. The appeal is to be decided on the basis of an exchange of written statements by the parties and a site visit by an Inspector.

Any comments already made following the original application for planning permission (unless they are expressly confidential) will be forwarded to the Department and copied to the appellant and will be taken into account by the Inspector in deciding the appeal. Should you wish to withdraw or modify your earlier comments in any way, or request a copy of the appeal decision letter, you should write direct to the Planning Inspectorate, 3M Kite Wing,



Ref No

Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN within five weeks of the appeal start date, quoting the appeal reference number.

Three copies of any comments need to be forwarded to the Inspectorate. If they receive representations after the deadline, they will not normally be seen by the Inspector and they will be returned.

The Planning Inspectorate will not acknowledge your letter however; they will ensure that it is passed on to the Inspector dealing with the appeal.

You can get a copy of the Planning Inspectorate's appeal guidance booklet from the following website: <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>

Please do not hesitate to contact the Officer dealing with this matter by email ([planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk)) if you require any additional information.

Yours faithfully

*Mark Hill*

M Hill

Head of Development Management





## Planning Notice

### Notice under Article 15 of the Town and Country Planning (Development Management Procedure) Order 2015

<b>Application Number</b>	<b>NYM/2019/0681/FL</b>
<b>Applicant</b>	<b>Mr Simon Ashworth</b>
<b>Site Address</b>	<b>Paddock House, Sutherland Lane, Cropton</b>
<b>Proposal</b>	<b>Removal of condition 5 of planning approval NYM3/031/0010/PA to allow the occupancy of the dwelling to be unrestricted</b>

Members of the public may inspect the electronic application(s), including plans at the National Park Offices during normal office hours by appointment or on the Authority's website [www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk). You are advised to inspect the plans carefully to assess any impact on you as the description can only cover the main parts of the development. Any comments on the application(s) should be sent to the address below within 21 days of the date of this advertisement, quoting the application reference number. Comments may also be submitted using the online form on the Authority's website. If you have any queries on the application(s) please contact the National Park Office.

Under the provisions of the Freedom of Information, Access to Information and Environmental Information Acts any comments received are available for public inspection. They will also be forwarded to the Secretary of State for Communities and Local Government in the event of an appeal. If you do not wish your views to be treated in this way please make this clear in your reply.

**Please note that where the consultation period extends over a Bank Holiday an additional day is given for each Bank Holiday that falls within this period.**

Mr C M France  
Director of Planning  
North York Moors National Park Authority  
The Old Vicarage  
Bondgate  
Helmsley  
York, YO62 5BP

website: [www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk)  
email: [planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk)  
tel: 01439 772700

#### **Date of Notice:**

This notice may be removed 21 days after the above date.



North York Moors National Park Authority

19/103-45 Dec. etter

Case Officer: SAT HS

Application No: NYM/2019/0681/FL

PROPOSED DEVELOPMENT

Parish: Cropton
Applicant: Mr Simon Ashworth
Development: Removal of condition 5 of planning approval NYM3/03/10010/PA to allow the occupancy of the dwelling to be unrestricted
At: Laddock House, Sutherland Lane, Cropton
Grid Ref: 476721, 489991
Road class:

PROCEDURE

Date of Receipt: 07 OCT 19
Date of Validation: 7 OCT 19
DATE FOR DECISION: 2 Dec 19
DoE Code: 18
Major Application: NO (13 wks)
EIA: NO (16 wks)

CONSTRAINTS

Flood plain: Zone 1
PROW: -
Conservation Area: -
Listed Building: - Grade:
TPO/Hedgerow: -

DEVELOPMENT PLAN POLICIES / SCREENING OPINION

Relevant RSS/EU Dirs/HRA:
Core/Development Policies: DP22, CPB, CP5
NMD/Bat/Structural/Tree Survey/FRA/Ag Workers Report: NR
Departure: NO
EIA Schedule 1/Schedule 2: NO
Brownfield/Greenfield/Ag conversion/Non-Agr conversion:
More than 5 houses or 200 sqm? NO

Monuments, PSR, CSAC, Section 3 Coast, SAC, SSSI, Ant Mons, Nat Trust, Article 4, RAF (10.5), SPA, Section 3 Woodland, Section 3 Moorland, Historic P&G, Registered Common Land, Mining Hazards, Heritage Coast, Ancient Woodland, Dev't low risk (coal referral), Dev't high risk (coal consultation)

County Matter: NO
If Schedule 2, is statement required: Yes/No: NO
Net change to no. of dwellings: NA
10% Renewables: NO

SITE NOTICE / ADVERTISEMENT

Site Notice Required: [checked] Date Posted: 17/10/19 Expiry Date: 14/11/19
Advertisement Required: NO Date Posted: Expiry Date:

CONSULTATIONS

Table with columns: District, Ward Member, Parish, Highways, EHO, EA, Water, Date consulted, Reply by, Re-consulted, Reply by, In the Authority's opinion would the development - affect the setting or appearance of a Conservation Area? YES NO NA

DECISION

Date of Decision: Date of Expiry:
Application Type:

North York Moors  
National Park Authority  
Local Development Framework

Core Strategy and  
Development Policies

Adopted Copy 13<sup>th</sup> November 2008

For York  
May 2008

## Core Policy B – Spatial Strategy

The overarching strategy to meet the needs of people in the National Park is based upon improving the sustainability of local communities by supporting, improving and consolidating existing services and facilities, providing additional housing and employment opportunities within settlements and enabling alternative modes of travel to the private car in accordance with the following settlement hierarchy:

### 1. Local Service Centre - Helmsley

- a. Housing including open market and affordable housing.
- b. Employment development to support existing or provide new employment opportunities in the town and support and diversify the rural economy.
- c. Improve existing facilities and provide new facilities to serve local residents, strengthen its role as a Local Service Centre and support its role as a visitor destination.

### 2. Service Villages

In Scalby, West and East Ayton, Guisborough, Sleights, Thornton Le Dale, Easington and Ampleforth:

- a. Housing including open market and affordable housing.
- b. Employment development to support existing or provide new employment opportunities and support and diversify the rural economy.
- c. Improve existing facilities and provide new facilities to consolidate the Service Village role.

### 3. Local Service Villages

In Fylingthorpe, Hinderwell, Lythe, Staithes, Osmotherley and Swainby:

- a. Housing to meet an identified local need to live in the parish and affordable housing.
- b. Employment development to support existing or provide new employment opportunities and support and diversify the rural economy.
- c. Improve existing facilities and provide new facilities to consolidate the role in service provision.

### 4. Other Villages

- a. Opportunities for new housing to meet an identified local need to live in the parish.
- b. Affordable housing where it will improve the environmental, social and economic sustainability of the settlement.

## 5. Open Countryside

- a. Housing relating to an essential need to live in the countryside.
- b. Conversion of traditional rural buildings to support economic uses including holiday accommodation or residential letting for local needs.
- c. Other essential social or community need where there are no other suitable locations in settlements listed in the settlement hierarchy.
- d. Development to meet the needs of farming, forestry, recreation, tourism or other rural enterprises with an essential need to locate in the countryside.
- e. Replacement dwellings.
- f. Conversion of other existing buildings for employment use.

### Applicants should refer to:

- Planning Policy Statement 1 – Delivering Sustainable Communities
- Planning Policy Statement 7 – Sustainable Development in Rural Areas
- Regional Spatial Strategy – Policies YH2, YH6, RR1
- Helmsley Joint Area Action Plan Development Plan Document (to be prepared)

### For further reference:

- Regional Spatial Strategy Settlement Study Report

### Sustainability Appraisal

*In particular, this policy will have positive impacts upon social and economic sustainability objectives by seeking to ensure that services, facilities, housing and employment opportunities are available locally.*

- 5.4 The spatial strategy in Core Policy B sets out how the limited opportunities for new development in the Park will be distributed to achieve the visions for the Park to 2026 in accordance with the objectives. The policy allows for the development of new services and facilities, housing and employment development within settlements according to its designation within the settlement hierarchy with the overall aim of making local communities more self sustaining. Determining an appropriate distribution of development involves an understanding of how the settlements across the Park function, including the role of settlements beyond the Park boundary which serve a large rural hinterland.
- 5.5 The settlement hierarchy which forms the basis of Core Policy B is located in Section 3. The policy makes a distinction between the larger settlements on the periphery of the Park (which are located within it or split by the Park boundary) identified as Service Villages and the smaller, more self contained settlements within the Park identified as Local Service Villages and Other Villages. The Authority has historically permitted open market housing in the larger settlements on the periphery of the Park which tend to serve a wider

housing market area and have a greater range of house types. Consultation on the Core Strategy and Development Policies showed that people thought that a mixture of open market, local needs and affordable housing should continue to be allowed in the Park and the policy provides for this. It is considered that the levels of open market housing will be relatively low and will not undermine the Regional Spatial Strategy which has no general housing provision figure for the two National Parks.

- 5.6 The Proposals Maps show all of the settlements in the hierarchy, but no development limits are identified. The suitability of a site for development will be assessed on a case by case basis. In the case of Helmsley a joint Development Plan Document for the town will be produced with Ryedale District Council which will address the scope for further housing and employment development including allocations where necessary.

## 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 re-use, extension or alteration of an existing appropriate building.

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.

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.

Applicants should refer to:

- Planning Policy Statement 3 – Housing
- Planning Policy Statement 7 – Sustainable Development in Rural Areas
- Regional Spatial Strategy – Policies H1, H4, H6, RR1, C1
- Helmsley Joint Area Action Plan Development Plan Document (to be prepared)
- Housing Supplementary Planning Document

For further reference:

- Delivering Affordable Housing
- Affordable Rural Housing Commission, Final Report 2006
- Yorkshire and Humber Regional Housing Strategy

Sustainability Appraisal

*This policy contributes positively towards sustainability objectives which seek to ensure that local needs are met locally. Potential impacts upon the historic environment can be mitigated at the implementation level.*

- 9.6 The Regional Spatial Strategy does not include target figures for the provision of new housing in the region's National Parks. With the exception of the Local Service Centre of Helmsley (where sites may be allocated in a future Development Plan Document), all new housing development is likely to be the result of windfalls. Due to the environmental constraints of the Park there are limited opportunities for new housing development and therefore future completions are likely to be small in number. Over the last 16 years (1<sup>st</sup> April 1991 to 31<sup>st</sup> March 2007) a total of 423 new build residential properties have been completed within the Park, it is anticipated that future completions will be of a similar average annual figure of 26 units and will be focused in the Local Service Centre and Service Villages. This anticipated level of completed dwellings excludes provision on exception sites, the scale of which will relate to the need identified in a current Parish Housing Needs Survey. As a result of the requirement to meet local need and the small levels of anticipated development it is not considered appropriate to compile a list of developable sites for the 15 year period set out in Planning Policy Statement 3.



- 9.7 Local Occupancy conditions have been applied to new build properties in the Park since 1992. The concept was extended in the 2003 Local Plan to include most new build dwellings. This approach helps the Authority ensure that the limited opportunities for new housing meet local need rather than external demand. The policy does not produce 'affordable' properties as the value of houses with the condition is lowered by only 15 – 20% of market value. The high average house prices in the Park means that this is still unaffordable to many people but the policy does provide opportunities to meet the housing needs of local people who are already in the housing market.
- 9.8 The policy provides a number of potential ways of demonstrating a need for a dwelling in a particular locality. However there is an overall requirement to demonstrate that there are no suitable properties available within the existing housing stock to meet the need and that the proposal is the most appropriate means of meeting that need. The Authority will be producing further guidance on the information that will need to be submitted to demonstrate that the local needs criteria have been met in the Housing Supplementary Planning Document and this information will be required at the planning application stage.
- 9.9 The definition of affordable housing in Planning Policy Statement 3 has been used as the basis for the Authority's definition which is;
- 'Non-market housing provided to those whose needs are not met by the market. It can include social rented and intermediate housing (such as shared ownership). It should be available at low enough cost to afford based on local incomes and house prices and must include provision for the home to remain at an affordable price for future eligible households'.
- 9.10 Affordable housing is usually provided and managed by Registered Social Landlords, however other models will be considered where it can be robustly demonstrated through either an up to date District Housing Needs Survey or Parish Housing Needs Survey that the houses will be affordable to local people in need and will remain so in perpetuity. Further details on the information which will need to be demonstrated by applicants and the different types of affordable housing models will be set out in the Housing Supplementary Planning Document.
- 9.11 Evidence obtained from the District Housing Needs Surveys show that there is a high level of affordable housing need as follows:

District	Date of Housing Needs Survey	Affordable Housing Need per annum in National Park	Total affordable housing requirement (April 2007 to March 2012)
Scarborough	2006	100	500
Ryedale	2006	44	220
Hambleton	2004	8.6	43
Redcar and Cleveland	2006	Not collated at this level	30 required in the sub area of Guisborough, which includes a small part of the National Park

- 9.12 Planning Policy Statement 3 Housing sets an indicative national minimum threshold of 15 dwellings for where a percentage of affordable housing must be provided. However, Local Planning Authorities may set a different threshold where viable and practicable. In determining the minimum site-size threshold, an assessment of the impact on economic viability must be undertaken together with the impact upon overall levels of housing delivery and creating communities.
- 9.13 The Authority has been unable to undertake a full general viability assessment of the affordable housing target in criterion 1 of Core Policy J, but will carry out such an assessment within 3 years of the adoption of this DPD and then review the 50% figure if necessary in the light of the results of the assessment. In the interim period, the 50% quota will be applied. This figure is based on Policy H4 of The Yorkshire and Humber Plan and on the high price of housing in the National Park, which will support the viability of housing developments providing 50% affordable housing. It also takes into account the shortfalls of affordable housing units identified in the District Housing Needs Surveys and the scale of housing that has been provided in the Park in the past. The type of housing provided must reflect the need identified in the relevant Housing Needs Survey.
- 9.14 Proposals for dwellings in the open countryside for people employed in agriculture, forestry and other essential land management activities will be assessed against the criteria set out in Annex A of Planning Policy Statement 7: Sustainable Development in Rural Areas. The occupancy of dwellings approved under this policy will be subject to appropriate occupancy conditions. Applications for the removal of such conditions will be assessed through Development Policy 22.
- 9.15 Core Policy J allows for housing development within the main built up area of the settlements. The Proposals Maps show the entire settlement and an interpretation of what constitutes the main built up area will be considered on a case by case basis.

- 9.16 The majority of new housing development will take place on infill sites and these are defined as a small gap within a continuously built up frontage within the main built up area of the settlement, which can accommodate no more than one dwelling. However it is important to recognise the amenity value of certain open spaces within the built up area of settlements and therefore not every gap will be considered as an appropriate infill site. Gaps created by the development of affordable housing exception sites are not considered as infill gaps and may not necessarily be part of the main built up area of the settlement. On larger sites in Helmsley and the Service Villages consideration will be given to the use of the whole site and therefore on sites which can accommodate more than one unit proposals to split the site into smaller units for the construction of single dwellings will not be considered as infill gaps.
- 9.17 Botton Village towards the head of Danby Dale is a village owned by the Camphill Village Trust, which is a registered charity that works to provide people with special needs with the opportunity to live and work within a largely self sufficient community. Community facilities and houses in which members of the community live in larger 'family' groups are located in neighbourhood areas, each centred around established dwellings/farmsteads. Residents of the community find their daily work within the community and its well developed social and cultural activities provide support and leisure activities for all. Physically and socially Botton Village is different to all other settlements and communities in the Park and therefore requires specific mention in the policy, to allow development for local needs without damaging the landscape.
- 9.18 A large part of Helmsley is located outside of the National Park Boundary within Ryedale District Council. For this reason the Authority will work in conjunction with Ryedale District Council to develop a joint Development Plan Document for the whole settlement which will address the need for further housing development to meet the housing provision figure for Helmsley in the Ryedale Core Strategy.

## **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.

- 9.27 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.

## **Draft Local Plan**

<https://www.northyorkmoors.org.uk/planning/framework>

Please go into:

**View a version of the draft plan incorporating the Inspectors Modifications and Minor Amendments**

Pages 94, 103, 108 and 110

Strategic Policy M and Policies CO10, CO13 and CO16

# North York Moors National Park Authority

The Old Vicarage, Bondgate, Helmsley, York YO62 5BP  
Tel: 01439 772700  
Email: general@northyorkmoors.org.uk  
Planning enquiries: planning@northyorkmoors.org.uk  
www.northyorkmoors.org.uk



Andy Wilson  
Chief Executive

Andrew Keane and Emma Creaser  
31 Ruffa Lane  
Pickering  
YO18 7HN

Your ref:  
Our ref: NYM/2019/0103/CVC  
Date: 25 February 2019

Dear Mr Keane and Ms Creaser

## Verification check of condition 5 of planning approval NYM3/031/0010/PA at Paddock House, Cropton

I refer to the details submitted on 14<sup>th</sup> February 2019 in relation to the above verification check.

Having assessed the information submitted; I can now confirm that on the basis of your full time employment with the Forestry Commission (based at Pickering) and full time employment at Westfield Farm, Cropton Lane, Pickering, you do comply with the criteria set out in Condition 5 of the above planning permission.

I trust that the above advice is of assistance, but if you have any further queries please don't hesitate to contact Hilary Saunders (Planning Team Leader) at the above address.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'C M France'.

Mr C M France

