

## **Members Update Sheet**

### **Item 7            ‘Local Occupancy ‘Mortgagee in Possession Clause’.**

In response to questions at Member's Briefing:

- 1) Members asked whether there would be a 'suitable marketing period' as part of 'Option 1'. (para. 5.1 of the report). No, the Authority would not require a marketing period before the restriction changed from local occupancy to principal residence if there is a default on the loan. This is likely to represent too much of a risk to lenders and would not therefore serve its purpose

Option 3 in the Report is current practice. Option 2 is the position taken by some other National Parks. Option 1 (the Preferred Option) is presented as a compromise between the two. It would avoid time spent by home purchasers and the Authority in dealing with a variation to the local occupancy condition in the event a mortgage could not be secured. Because this is triggered in the event of default only Officers see this as a very rare occurrence. In the event that it is not, Officers will reconsider the position and come back to Members with a recommendation on a different approach.

- 2) It is already our standard practice to place a mortgagee in possession clause on affordable housing developments brought forward by housing associations that discharges the occupancy restriction after a period of marketing (the 'Option 2' scenario). We have been advised that if we do not so then they cannot raise adequate finance. The clauses that are set out in the report would be applied to schemes brought forward by private individuals and small builders for local occupancy houses to avoid situations when they cannot raise finance.

**Item 8                    NYM/2020/0227/FL – Plough Inn, Fadmoor**

Please note two additional conditions as follows:

- 22.     MISC00        A report of appropriately resourced, robust and detailed bat activity survey(s) must be submitted to the Authority and approved in writing prior to any works being undertaken to the buildings or structures on site. This report should set out whether any bat roosts are present on the site, whether a European Protected Species Licence is required and the details of any mitigation necessary to ensure the development does not impact on protected species. The development should proceed in accordance with the findings of this report once accepted by the Authority.
- 23.     MISC00        If a European Protected Species Licence is required due to the presence of protected species on the site, a copy of this must be provided to the Authority once obtained and acknowledged in writing prior to any licensable works taking place.

**Public Question - Tracy Hostler, Low Hagg Farm, Starfitts Lane, Kirkbymoorside, North Yorkshire, YO62 7JF – Submitted the following question:**

Has the Committee seen the five year plan that was submitted, as requested, following the last Committee Meeting in July?

We ask as there is no mention of it in the Committee Report.

Community pubs, can be, and are, not only viable but also hugely successful. Members should not just take our five year plan and word for it – have they seen the Plunkett Report, which highlights exactly how successful community pubs and other facilities are?

If Committee were to consider that a Community Business, operated by a Community Benefit Society in Fadmoor may not be appropriate, why would that be, when there are a growing number of such successful businesses throughout the country and when not one has failed, as the Plunkett Foundation report of 30<sup>th</sup> September 2020 confirms?

**Officers are aware that documentation and comments from members of the local community have been sent directly to Members prior to the Planning Committee Meeting as part of the lobbying process.**

**Please see below a copy of the appellant's (applicant's) Statement of Case submitted to the Planning Inspectorate in relation to the appeal against non-determination of the planning application:**

**Planning Appeal – Statement of Case – Planning Application Ref: NYM/2020/0227/FL**

**Conversion of and extensions to former public house and outbuildings to form 2 no local occupancy letting units and 4 no holiday letting units with associated access, parking, bin/bike stores, amenity spaces and landscaping works at:**

**The former Plough Inn PH, Boonhill Road, Fadmoor, North Yorks. YO62 7HA**

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**1.0 Appellant**

Mr Luke Wilkinson  
HOLF Leisure  
Pennyholme Estate  
Stoneley Woods  
Fadmoor  
YO62 7JH

**2.00 Agent/Architect**

Barrett+Barrett architects Ltd  
Morwick Hall  
Mortec Office Park  
York Road  
Leeds  
LS15 4TA

**3.00 Introduction**

This appeal is based on the LPA failure to give notice of its decision within the appropriate period for an application for permission or approval.

The above Full Planning Application was submitted to and subsequently validated by North York Moors National Parks Authority on the 27 March 2020 (copy attached) with a Statutory date for determination of the 22 May 2020, however, due to on-going negotiations and design developments, the LPA requested on the 03 July 2020, for an Extension of Time for the application until the 24 July 2020, this was agreed by ourselves as agents on the 07 July 2020.

A Planning Committee meeting (virtual) was held on the 16 July 2020 with a recommendation of approval by the Director of Planning, subject to conditions. (refer to attached officers report dated 16 July 2020) The Planning Committee failed to make a decision within the Statutory Period.

**Conversion of and extensions to former public house and outbuildings to form 2 no local occupancy letting units and 4 no holiday letting units with associated access, parking, bin/bike stores, amenity spaces and landscaping works at:**

**The former Plough Inn PH, Boonhill Road, Fadmoor, North Yorks. YO62 7HA**

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## **2.00 Statement of Case**

Although this appeal is for non-determination of the application within the appropriate period, we wish to summarise important facts for the benefit of the Appeal Inspector.

- 2.01 - The local Planning Committee voted to deferred the application to allow further time to instruct a viability study with a view to a compulsory purchase of the former Plough Inn and reopening as a public house, community centre etc. The appellant considers that due to local issues the application needs to be determined by appeal to ensure a fair, reasonable and unbiased decision is made
- 2.02 – The former Plough Inn Public House ceased trading and closed for business in 2011 due to the unviability of the business. Full accounts were submitted as part of the application to confirm the same
- 2.03 – The former public house was put on the market for sale in 2011 after a valuation by Fleurets, specialist PH valuers and surveyors. The property was subsequently marketed for 15 months with little interest and no viable offers. A full marketing summary was submitted as part of the application to confirm the same
- 2.04 – The local community made an offer in 2011 to purchase the former public house, the offer was nearly 30% below the valuation and asking price and therefore rejected. Since the 2011 offer, nearly a decade ago, the community has not made any further Offer to purchase to former PH or indeed had any communication whatsoever with the appellant/present owner
- 2.05 - The Royal Oak Public House in Gillamoor (also owned by the appellant) is just over 700m away from the former Plough Inn PH It is a thriving pub, but is reliant on tourists and customers from further afield, just 5% of their customers are from the locality
- 2.06 – Fadmoor and Gillamoor have 4 existing shared community assets, the village hall, the church, the school and the Royal Oak PH
- 2.07 – The application, as deferred, has been carefully and sensitively designed and developed through a lengthy negotiations process with the LPA resulting in proposals that full comply with both Local and National Planning Policies
- 2.08 – The NYMNPA Director of Planning has recommended the application for approval and made the Planning Committee aware that to (possibly) refuse the application that comply with planning polices that would support the application would be considered to be unreasonable and Planning Officers strongly advising that a refusal of the application would be difficult to justify

End.

**Plans List Item 1      NYM/2020/0757/FL**

At the Planning Committee Meeting held on 03 December 2020 Members deferred the decision on the above planning application in order for a site visit to be undertaken. In the light of the recent national lockdown regulations about Coronavirus (Covid-19) the Authority has made the decision to postpone the committee site visit and has removed the planning application from the 14 January 2021 Planning Committee Agenda.