

# Cundalls

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**JUSTIFICATION FOR REMOVAL OF  
AGRICULTURAL OCCUPANCY CLAUSE  
AND MARKETING COMMENTARY**

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ON

**BRIDGE FARM**  
NEAR FYLINGTHORPE  
WHITBY  
NORTH YORKSHIRE  
YO22 4UL



**APPLICANT**

**MR J AND MRS V CUSSONS**

Prepared by:  
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15 Market Place  
Malton  
North Yorkshire  
YO17 7L

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## **I. INTRODUCTION**

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This Report has been commissioned by Mr J and Mrs V Cussons of Bridge Farm, Fylingthorpe, Whitby, North Yorkshire, YO22 4UL in connection with a Planning Application for the removal of the Agricultural Occupancy Clause on Mr J and Mrs V Cussons of Bridge Farm, Fylingthorpe, Whitby, North Yorkshire, YO22 4UL following sufficient marketing of the property by Cundalls.

The purpose of this Report is to provide an objective appraisal of the marketing of the property and the subsequent lack of interest received, which in our view is due to the agricultural occupancy clause. The Report has been prepared with the guidance of the National Planning Policy Framework whilst in addition to having regards to Planning Policy Statement 7 (PPS.7), Sustainable Development in Rural Areas and in particular reference has been made to Annex A, which outlines the criteria for agricultural workers dwellings.

This Justification Appraisal and Marketing Commentary Report has been prepared by Tom Watson BSc (Hons) MRICS FAAV and Will Tyson MRICS FAAV, both who hold a Bachelor of Science Honours Degree in Rural Enterprise and Land Management and are also Fellows of the Agricultural Valuers Association and professional Members of the Royal Institution of Chartered Surveyors.

Cundalls are an independent firm of chartered surveyors, auctioneer, land and estate agents established in 1860 and we are therefore highly regarded as being one of the leading agents in the sale, purchase and valuation of rural properties throughout North and East Yorkshire.

Cundalls have 5 fully qualified rural/agricultural chartered surveyors and a consultant with over 50 year's experience. Therefore we have a very good all round team to help assist in all agricultural sale matters and we also operate Malton Livestock Auctioneers, which helps profile rural and agricultural properties to a specialist marketplace.

The information used in this Appraisal, has been based on on-going historical work for the family and information obtained from site inspections.

Bridge Farm, subject to this application is one of three units which have been included within the farming business. The purchase of a 600 acre farm in 2015 has necessitated the sale of all three units.

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## **2. INFORMATION**

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It is assumed that the information supplied by Mr J and Mrs V Cussons is correct at the date of valuation and there are no matters disclosed that would materially affect our comments and opinions.

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## **3. PURPOSE OF REPORT**

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This supporting statement and report has been prepared to accompany a planning application for the removal of the Agricultural Occupancy Clause on Mr J and Mrs V Cussons of Bridge Farm, Fylingthorpe, Whitby, North Yorkshire, YO22 4UL following sufficient marketing of the property

The report sets out the marketing commentary of the property why and provides commentary on why the occupancy clause should now be removed.

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#### **4. LOCATION & SITUATION**

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Bridge Farm is located in a rural position in open countryside, in an area known as Fylingdales, situated near Fylingthorpe between Whitby and Scarborough.

Fylingthorpe is a small coastal village, there is a good level of local amenities available including; village shop, doctor's surgery and public house. Fylingthorpe is located at the top of the ever popular fishing village of Robin Hood's Bay, a picturesque coastal village characterised by its steep main street, running down to the beach and sea with narrow, cobbled alleys running off, concealing pretty cottages.

The traditional sea port of Whitby is a fascinating mix of eclectic shops and high quality restaurants, at the centre of the Heritage Coast and surrounded by the glorious scenery of the North York Moors National Park. There are good road links close by via the A171, A169 and the A174. The A171 provides good access to Scarborough, Whitby and Teesside, whilst the A64 provides access to York, Leeds and the south. The train station at Scarborough has frequent direct links to York, Leeds and Hull.

We attach as Appendix 1, a location plan. Appendix 2, a site plan outlining the whole property, owned, which has been assessed edged in red.

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#### **5. GENERAL DESCRIPTION**

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Situated in a rural position, in the North York Moors National Parks, Bridge Farm is an attractive small rural farm, amounting to approximately 49.69 acres.

The farm, is situated at the end of a private roadway in a secluded rural setting and comprises a modern farmhouse constructed in 1990 and subject to an agricultural occupancy clause meaning that only "those solely employed or mainly employed in the locality in agriculture, can reside there".

There is a small modern livestock building and the property benefits from being located within 49.69 acres of grassland and woodland with frontage to Howdale Beck.

The accommodation is very well presented and attractive, it briefly comprises: Front Porch, Entrance hall, sitting room, conservatory, kitchen and dining room, and utility room. Three double bedrooms, one single bedroom and family bathroom. The property benefits from oil fired central heating.

The property is situated in attractive gardens with a west facing concrete patio area edged by raised stone borders planted with a variety of shrubs and perennials. A spacious grass lawn surrounds the property with borders stocked with spring bulbs with stone steps leading to an Orchard with mature fruit trees. There are also post and rail grass paddocks to either side. A concrete roadway leads to a General Purpose building

From a passing persons perspective, walking along the adjoining footpath, it is not a property that one would expect to have an Agricultural Occupancy Clause, as the property is not situated within a large working farmyard.

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## **6. AGRICULTURAL BUSINESS DESCRIPTION**

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Over the last fifty years the applicants have expanded the livestock farming business to approximately 300 acres of agricultural land but with the handicap of having to work with three separate units. Those being:

- Howdale Farm
- Woodside Farm
- Bridge Farm which is the subject of this application.

In 2015 the farming business took the opportunity to purchase a 600 acre farm which not only has the land and farmstead within one unit but has increased the acreage considerably. In order to finance this business expansion the three separate units are to be sold.

The sale of Woodside Farm, which is a viable unit, was launched in June 2015 and Howdale Farm will follow after.

In anticipation of realising capital for expanding the farming enterprise Bridge Farm's sale was launched in June 2013. Due to the location of Bridge Farm the unit is difficult to access with modern day farm machinery and there is a lack of buildings

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## **7. MARKETING BACKGROUND AND COMMENTARY**

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As Mr and Mrs Cussons family wished to expand the farming enterprise, they duly instructed Cundalls to value the property and then subsequently instructed Cundalls to prepare marketing details.

Cundalls stated that due to the Agricultural Occupancy Clause, it could prevent purchasers from buying the property and due to the location and lack of useable land, type of land and lack of buildings, that agricultural purchasers may be difficult to attract. Therefore we compromised that although the family still want to keep farming we would offer the property with around 50 acres of land to try and attract agricultural or forestry workers. However we have marketed as two lots in order to try and generate interest from as wide a variety of purchasers as possible.

### **7.1. VALUATION OF THE SUBJECT PROPERTY**

The property was placed on the open market at a guide price of £450,000 for Lot 1, comprising house, building and 15.69 acres and £100,000 for Lot 2 comprising 34 acres.

We felt that this was a realistic price guide range to attract interest and that the figure was a fair and reasonable value given the Agricultural Occupancy Condition.

Having inspected the property, we were of the opinion that the unrestricted Market Value of Lot 1 would be in the region of £600,000.

In our experience having sold a number of properties subject to agricultural occupancy clause we have found they have usually achieved figures of around 20% to 25% below market values and therefore we placed a guide price on the property / lot 1 at around £450,000.

## **7.2. MARKETING CAMPAIGN**

The property was launched onto the open market for sale in June 2013 and has and is still being marketed now.

To achieve maximum exposure of the property to suitable potential purchasers, we prepared a full marketing campaign. This involved national, regional and local marketing/advertising.

Our marketing included the following aspects:-

- **SALES BROCHURE**

Detailed glossy landscape particulars were prepared including full dimensions and details and internal and external elevated photographs, floorplans.

- **MAILING LIST**

We have an extensive computerised mailing list with purchasers looking for farms, estates, sporting, equestrian properties and land. Details were sent to relevant parties and we also forwarded copies to local farmers in the area.

- **ADVERTISING**

REGIONAL: Yorkshire Post Property and Country Section. Northern Farmer. Farmers Mart

LOCAL:, The Scarborough, Gazette and Herald. York Evening Press

NATIONAL: National coverage obtained from extensive internet coverage and Farmers Guardian.

- **WEBSITES**

Inclusion on [www.cundalls.co.uk](http://www.cundalls.co.uk), which includes a specialist residential, agricultural and lifestyle and leisure section and the number one, national property website [www.rightmove.co.uk](http://www.rightmove.co.uk), [www.zoopla.co.uk](http://www.zoopla.co.uk), [www.fish4homes.co.uk](http://www.fish4homes.co.uk), [www.vebra.com](http://www.vebra.com), [www.findaproperty.com](http://www.findaproperty.com), on [www.primelocation.com](http://www.primelocation.com), and UK land and farms, [www.uklaf.co.uk](http://www.uklaf.co.uk).

- **SHOP AND WINDOW DISPLAYS**

The property has been advertised within the office and in window displays in our Malton, Helmsley and Pickering office and also in the Cundalls agricultural shop window which fronts on Malton Livestock Market.

Based on the above Cundalls have a direct marketing access to farmers not just locally but as renowned agricultural property experts, we have access to agricultural purchasers on a national basis.

### **7.3. INTEREST IN THE PROPERTY**

To date there has only been limited interest with 25 viewings and no formal offers have been received. Interested parties have included locals, but also people from County Durham, Derbyshire, Scotland and Cumbria, showing that marketing has been far and wide.

The principle feedback we have received from interested parties or people who have enquired are that they wouldn't meet the Agricultural Occupancy Restriction or that due to the restriction, finance cannot be raised.

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## **8. PLANNING POLICY GUIDANCE**

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In more years national planning policy is undergoing several changes, the most important being the introduction of the National Planning Policy Framework which has replaced national planning policy statements and guidance.

The subject property is situated within the North York Moors National Park Authority Area. When looking at the planning guidance of the North York Moors Local Plan adopted May 2003,

Development Policy 22, states the following:

“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”.

I have also considered the general national guideline on the removal of agricultural or forestry occupancy conditions, which generally states that occupancy clauses will only be permitted to be removed where:

- 1. The restricted occupancy dwelling is not needed to meet the needs of agricultural or forestry business in the area as a whole and not just the particular relevant holding.*
- 2. The property concerned has been appropriately marketed for a reasonable period of time, taking into account resale price, the condition of the dwelling and the likely price which an agricultural/forestry worker could pay for the actual value of the property.*

In relation to criteria 1, the current dwelling whilst used and occupied for agricultural purposes is no longer required as the applicants have purchased an additional 600 acre farm and require the sale of this property.

In considering criteria 2, at the date of this report, the property has been marketed for a period of over 3 years at a realistic price level. From marketing it is clear that there is no demand from local or national agricultural workers and sales details have been sent to local farmers in the area and our marketing has not resulted in interest from such parties.

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## 9. SUMMARY

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This report justifies the reasons why the Agricultural Occupancy Clause placed on Bridge Farm, Fylingthorpe should be removed following 3 years of marketing the property with no sale being agreed.

The applicants Mr J and Mrs V Cussons have owned the property for a number of years and originally build the property in 1990.

Following an inspection of the property, as rural surveyors, we duly provided advice on the properties marketing options and value due to the occupancy clause and can confirm that we have duly prepared details and marketed the property as a whole with sufficient land for a farming business or as two lots to attract smaller farmers or those looking at retiring onto a smaller unit. Whilst interest has been received, the agricultural occupancy clause has ultimately stopped would be purchasers, as they don't meet the occupancy criteria and there has been no formal offers from parties who could meet the occupancy clause.

In brief, we would summarise the case as follows:

- Bridge Farm received planning consent, subject to an agricultural occupancy clause, and construction works were completed in 1990.
- The layout of the land and access prohibits further buildings being erected to develop a more commercially suited agricultural unit
- The property was duly launched onto the open market for sale in June 2013.
- The marketing and advertising has included a large V Board sign being erected on the Scarborough to Whitby road, local, regional and national/global marketing including publications such as the Gazette and Herald, The Scarborough, York Press, Whitby Gazette, Yorkshire Post, Northern Farmer, Farmers Mart and Farmers Guradian. National websites have included: [cundalls.co.uk](http://cundalls.co.uk), [zoopla.co.uk](http://zoopla.co.uk), [rightmove.co.uk](http://rightmove.co.uk) and [uklandandfarms.co.uk](http://uklandandfarms.co.uk)
- To date there has been 25 viewings, yet despite 3 years of marketing, no formal offers have been received.
- The principle feedback we have received from interested parties or people who have enquired are that they wouldn't meet the Agricultural Occupancy Restriction or that due to the restriction; finance cannot be raised with lenders.
- Overall there is a clear need that the property has been marketed at a fair and reasonable price based on the occupancy clause and that the property has been marketed for a sufficient period of time. With the lack of interest it is clear that there is no demand for such a property with an Agricultural Occupancy Clause and



that the condition no longer serves a useful purpose. In our view the property will only be able to be sold going forward if the occupancy clause is removed.

- We feel it is vital to remove the clause in order for the family to continue to invest in their farming business.

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## 10. CONCLUSIONS

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On the basis that the property has been marketed by Cundalls for in excess of 18 months at what we feel is a realistic value, with high quality and extensive marketing and having received interest from potentially interested parties, it is clear that there is no demand for Bridge House, Fylingdales due to the agricultural occupancy clause.

The house does not have sufficient land or enough buildings for a purchaser to be able to making a living from the site. The sales particulars have highlighted that it could be split into two separate lots to interest local farmers and land owners as well as amenity buyers and those wishing to have small holdings. However this still failed to generate any offers.

Coupled with the above factors, in our opinion although the property is situated in a rural yet private position due to the fact there is limited buildings and land it is more of a amenity lifestyle property rather than an agricultural dwelling. A hypothetical passing person would see the property as a lifestyle/residential property, not an agricultural dwelling.

In conclusion the report has demonstrated that the property has been properly marketed at a reasonable value and that there is no interest in the property due to the agricultural occupancy clause. In our view the property will remain unsaleable and Mr and Mrs Cussons family will not be able to relocate to their new farm or purchase extra land and expand their business, unless the clause is removed.

The lack of interest demonstrates there is no demand for such a property with an Agricultural Occupancy Clause and that the condition no longer serves a useful purpose. In our view the property will only be able to be sold going forward if the Occupancy Clause is removed.

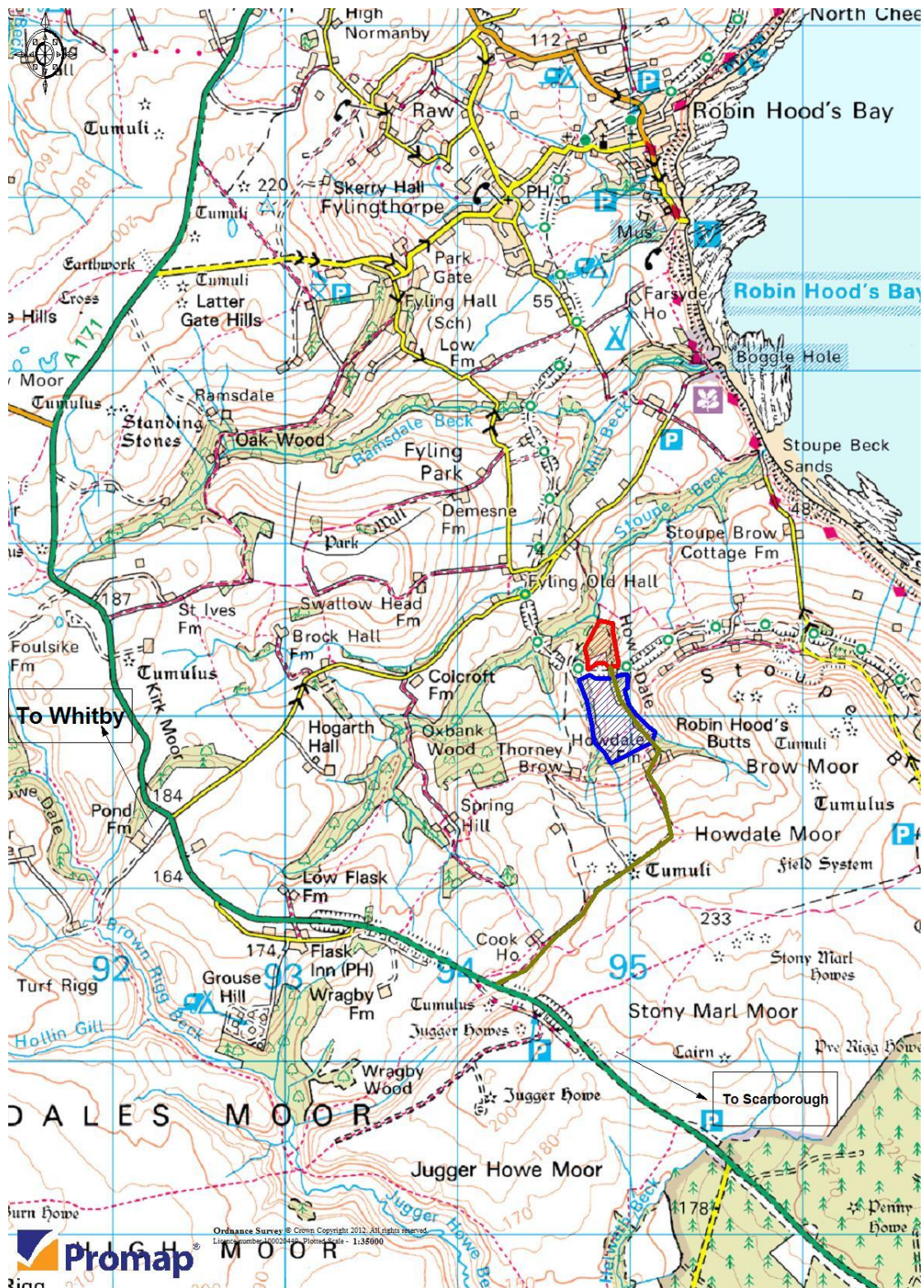
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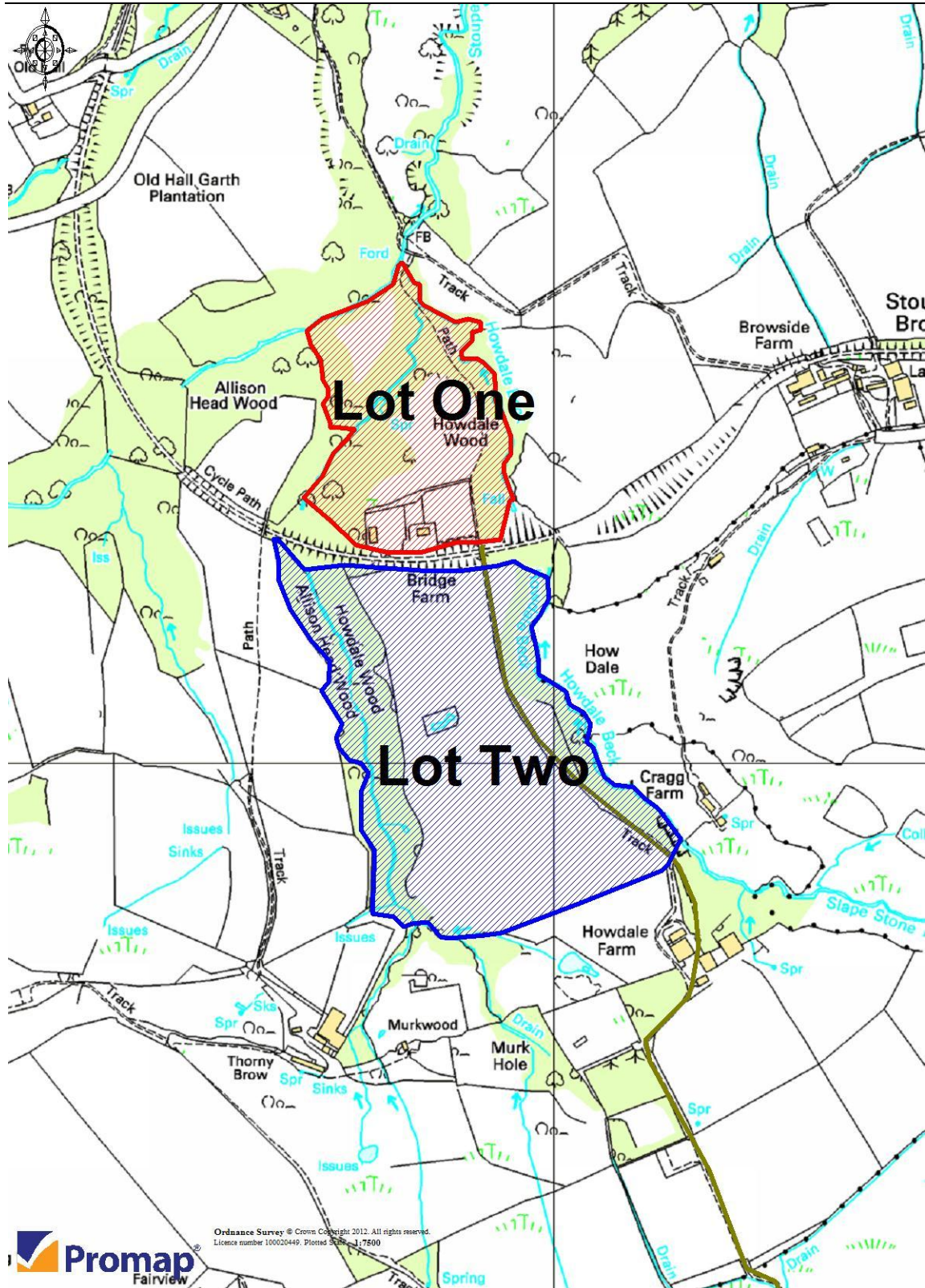
**Tom Watson BSc (Hons) MRICS FAAV**  
CUNDALLS

**Will Tyson BSc (Hons) MRICS FAAV**

# APPENDIX ONE – LOCATION PLAN



# LOT TWO: FARM PLAN



## APPENDIX THREE: PHOTOGRAPHS







#### **APPENDIX 4 – LIST OF VIEWERS**

- **Mrs Roche – Whitby**
- **Mr Healey - Sherburn in Elmet**
- **Mrs Lovett - Gristhorpe**
- **Mrs Hunn – Hunmanby**
- **Mrs Higham – Cumbria**
- **Mr Wood – Whitby**
- **Mr Housley – Derbyshire**
- **Mr Roberts – Aberdeen**
- **Mrs Shaw – South Milford**
- **Mr and Mrs Hall – Darlington**
- **Mr Beastall – Derbyshire**
- **Mr Barker – Harrogate**
- **Mrs Cawthorne – Wetherby**

## **APPENDIX 5: MARKETING / SALES DETAILS**

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