

**John Howlett BSc (Hons), Dip TP, MRTPI Planning Consultant**  
45 Windmill Rise York YO26 4TU

Our Ref: JHP/Heaton  
Your Ref:

jhp

North York Moors National Park Authority  
The Old Vicarage,  
Bondgate,  
Helmsley,  
York,  
North Yorkshire  
YO62 5BP



24<sup>th</sup> August 2016

Dear Sirs

**PLANNING APPLICATION TO DELETE CONDITION 3  
(OCCUPANCY CONDITION) ATTACHED TO PLANNING  
PERMISSION NYM/2013/0432/FL) ON LAND AT HIGH PEAK HOUSE,  
POLLARD ROAD, RAVENSCAR.**

This application seeks to delete condition 3 attached to planning permission NYM/2013/0432/FL. This condition, set out below, is effectively a local occupancy condition, which restricts occupancy in accordance with Core Strategy and Development Policies 2008, Policy J. Condition 3 is set out below:

*The occupation of the dwelling hereby permitted shall be limited to:*

- i) a qualifying person; and*
- ii) a wife or husband (or person living as such), licensee, dependant or sub-tenant of a qualifying person.*

*For the purpose of the above, a person is a qualifying person in relation to the dwelling if he/she has an interest in the dwelling (see Note A) and, immediately prior to occupying the dwelling, he/she satisfied the Local Planning Authority that he/she was in need of local needs housing in terms of the criteria set out in Core Policy J of the adopted North York Moors Local Development Framework, namely that he/she:*

- a) is currently living in and has permanently resided in the National Park for five years or more and is living in accommodation that no longer meets their requirements or*

**John Howlett BSc (Hons), Dip TP, MRTPI Planning Consultant**  
45 Windmill Rise York YO26 4TU

*b) does not currently live in the National Park but has a strong and long standing link to the local community including a previous period of residence of five years or more or*

*c) has 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 five years or more and require support for reasons of age or infirmity or*

*d) requires 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 five years or more or*

*e) needs to live in the National Park as a result of current sole employment within that parish or adjacent parishes within the National Park.*

*Prior to the occupation of the development the qualifying person shall have obtained confirmation in writing from the Authority that they satisfy the local need criteria outlined in points a - e above.*

Background

2014

The property was first placed on the open market, with Colin Ellis in May 2014 at a price of £325,000. It was advertised without making it plain the occupancy of the property was subject to the above condition. The following is a list of people who visited the site:

1. Mrs Bryers	Singapore	20.05.2014
2. Not known	Chesterfield	27.01.2014
3. D Wadkin	Rotherham	28.05.2014
4. Mrs Binks	Not known	15.08.2014
5. Mr Cousin	Rotherham	22.08.2014
6. Mr S Ault	Whitby	24.08.2014
7. Mr Cousin	Rotherham	25.08.2014



No offers to purchase the property were made during this time.

2015

Only two potential purchasers visited the property in the first part of 2015. The first was Mr and Mrs Michulitis from Burniston, who visited the property on 1<sup>st</sup> March 2015.

This potential purchaser enquired of the Local Planning Authority whether their occupation of the property would accord with condition 3. It is clear via a response to this enquiry that given the long standing links with the National Park, the occupation of the dwelling by Mr and Mrs Michulitis would have accorded with condition 3 of the above permission, however no formal offer was submitted pursuant to this enquiry as the potential purchases were concerned about the impact of condition 3 on their ability to sell the property at a later date.

**John Howlett BSc (Hons), Dip TP, MRTPI Planning Consultant**  
45 Windmill Rise York YO26 4TU

Mr Oldroyd from Skipton visited the site in May 2015. No offer was received.

In April 2015 the applicant reduced the price to £275,000 to reflect the effect of the occupancy condition in response to a report from Simon Ward (see Appendix 1). The property details were also changed to reflect the occupancy condition at this point. The results of this were 2 further viewings in 2015.

Not known	Doncaster	03.06.2015
Mrs Stead/Steel		17.08.2015
Mr Mason	Fylingthorpe	18.08.2015



No formal offers were submitted to the owner to enable consideration to be given to the sale of the property.

### 2016

The property continued to be advertised for sale through Colin Ellis. One viewing and one enquiry has been recorded in this time.

D Turner	Staintondale	10.05.2016	(enquiry)
J Lockwood	Leeds	28.05.2016	(viewing)

At the time of submitting this application, a total of 16 months after the property was first advertised for sale at a value which reflects the occupancy condition, no formal offers have been submitted for consideration by the applicant.

In July 2016 Emerson Valuation and Survey Ltd were asked to provide a valuation of the property (see appendix 2). Their conclusion is that the property was worth £330,000. Given the effect of the occupancy condition is to reduce the value by 20%, this provides a net valuation of £270,000.

### **Assessment**

Paragraph 206 of the National Planning Policy Framework states "Planning conditions should only be imposed where they are:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects.

In granting planning permission for the conversion of the building to form a dwelling, it was clear that at that time the Local Planning Authority could impose condition 3.

**John Howlett BSc (Hons), Dip TP, MRTPI Planning Consultant**  
45 Windmill Rise York YO26 4TU

However, conditions need to be continued to be necessary for the lifetime of the development.

This application seeks to remove condition 3 by demonstrating it is no longer necessary. In order to justify that the condition should be deleted, it can be seen from the chronology of events above, the price the property was offered for sale was adjusted in April 2015 from a market value to one which adequately reflected the effect of the occupancy condition. Since that time, no offers have been forthcoming from potential occupants of the property. Similarly it is therefore not possible to determine if such people would meet the terms of condition 3.

A more up to date valuation was provided by Emerson Valuation and Survey Ltd which demonstrates that the price the property is advertised for sale, is well judged to reflect the imposition of the occupancy condition.

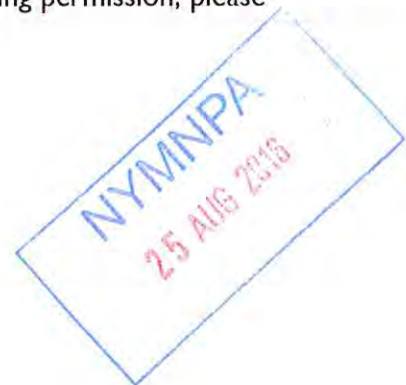
Given the lack of interest in the property, particularly given the fact there has only been 1 viewing in the current year, it can readily be established that there is no interest locally in the property, some 16 months since the property was first offered for sale at a price which realistically reflect the local occupancy condition. Throughout all of this time the property has been marketed through Colin Ellis, a local and well respected Estate Agent. Consistent with their approach to marketing, the property appears on the Rightmove website, where the listing has attracted over 172, 646 viewings.

It is interesting to note that Core Policy J makes provision for people who wish to move into the National Park to care for relatives can accord with the provisions of the policy. However, the opposite appears not to apply, a point which is entirely relevant to this application. Mrs Heaton suffers from ill health (the details of which can be provided under separate cover) and the applicants wish now to live in an area where there is greater health and social provision to meet their increased need for these services.

Given the importance of the application to the Mr and Mrs Heaton, if you feel there is any other information required or necessary to grant planning permission, please do not hesitate to contact me.

Kind regards,

John Howlett



**John Howlett BSc (Hons), Dip TP, MRTPI Planning Consultant**  
45 Windmill Rise York YO26 4TU

**Enclosures**

- 1 Valuation report from Simon Ward
- 2 Valuation report from Emerson Valuation and Survey Ltd

