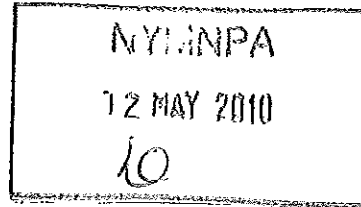


7 May 2010



Your Ref: NYM/2010/0278/NEW

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



Dear Miss Trousedale,

Re: application for 2 detached dwellings etc., off Sledgates, Fylingthorpe

Further to your letter of the 15th April I am now able to forward the further plans you requested.

In paragraph 3 of your letter you drew my attention to the most recent planning policy Core policy J and asked how the applicant can comply. For the most part this policy is not really any different from its predecessor Local Plan policies H1 and H2 and as such the applicant has always known that any dwellings permitted on this site would be subject to local occupancy restrictions.

However, you are now asking firstly that we identify at this stage who the occupiers will be and secondly how they might comply with the occupancy restrictions.

I think it is likely that the applicant will, if permission is granted, sell the two plots. In these circumstances it is impossible to say at this stage who will purchase those plots and who might thereafter occupy the dwellings to be built.

Whilst the application is a full one it is almost inevitable that any future purchaser will wish to adapt the design to their own requirements and at that stage a new application will have to be put before the Planning Authority and at that stage the information you are seeking now could easily be provided.

Notwithstanding, in an attempt to try to meet your request I have approached a local agent who knows both the village and the site very well. I have attached a copy of his letter which is self-explanatory.

It surely must be clear to you that no prospective purchaser who is able to comply with the occupancy restrictions is going to commit to a purchase and occupation in advance of knowing that the relevant dwelling has planning permission, that the design is to their liking and that the dwelling meets their needs entirely.

If I am to try to interpret the relevant paragraph of the policy and to judge how it might have been intended to work in practice it seems to me that the NYMNPA would impose on any type of permission (outline or full) appropriately worded and robust conditions restricting occupancy in the terms set out in the policy - as has so I understand been the previous practice.

Hilltop Cottage
36 Hollingsworth Lane
Epworth
DN9 1EY

Surely such conditions in seeking to implement the new phraseology would also in turn require future occupiers to demonstrate to the planning authority that compliance is achieved prior to taking occupation of the property concerned. I seriously doubt that the NYMNPA could attach to any planning permission a condition requiring that the relevant dwelling be occupied **only by or in the first instance by** any persons named in the way you seem to be seeking, nor do I think is that the intention of the policy.

It is clear that the new policy continues to recognise the merits of permitting new local needs housing on infill sites within the village and it has already been clearly determined more than once that this site is an infill site. The policy also seeks a mix of housing types and tenures and were these two proposed dwellings to be built for rent then it would be even more impractical to try to determine future occupiers at this stage.

The applicant is fully aware of the issue of local occupancy and has throughout his attempts to secure a permission known that such restrictions would be applied. Surely experience and common sense dictate that nobody will buy and ultimately occupy new dwellings here unless they can comply. To do otherwise would be taking a serious risk with what would be a significant investment. I do not see any solicitor, bank or building society cooperating in any efforts to ignore the restrictions set out in the policy.

I would further like to draw to your attention that when these two same dwellings were considered in the immediately preceding application ref: NYM/2007/0146/FL the planning officer was clearly not concerned about the ability of the NYMNPA's ability to secure local occupancy.

I trust that the enclosures and above comments which are written in support of and as part of the submitted application enable the application to proceed

