

## North York Moors National Park Authority

Ryedale District Parish: Lockton	App Num. NYM/2012/0669/FL
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**Proposal:** Variation of condition 3 of planning approval NYM/2012/0324/FL to allow the occupancy of the letting unit by person(s) living/working in the Ryedale District area

**Location:** Charm View, High Kingthorpe

**Applicant:** Mr John Robinson, High Kingthorpe, Pickering, North Yorkshire, YO18 7NG

**Date for Decision:** 26 November 2012

**Grid Ref:** SE 483869 486659

### Director of Planning's Recommendation

**Approval** subject to the following conditions:

1. TIME00 The permission hereby granted is valid only for five years from the date of this permission and the use shall be discontinued and the site restored to its former condition before this consent expires.
2. RSUO00 The accommodation hereby approved shall not be sold off separately from the existing main dwelling known as High Kingthorpe and shall remain as part of the curtilage of this main dwelling as a single planning unit, and shall be used for either: local needs letting purposes as defined below or for holiday letting purposes as defined below or for agricultural workers accommodation as defined below.

For the purpose of this condition 'holiday letting' means letting to the same person, group of persons or family for periods not exceeding a total of 28 days in any one calendar year.

For the purpose of this condition, local occupancy means, 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
- 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

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High Kingthorpe

Charm View

Silos

Silo

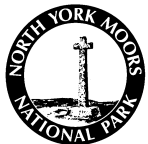
Sheep Dip

Track

Cattle Grid

High Kingthorpe

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**Condition 2 (continued)**

- 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.

Note A: For the purposes of the above, a person has an interest in the dwelling if he/she has a freehold or leasehold interest in the whole or any part of it, or is a secure tenant or statutory tenant within the meaning of the Housing Act 1985 or the Rent Act 1977.

Note B: For the purposes of the above, resident within the National Park will include the whole of parishes split by the National Park boundary, including the parish of Pickering, with the following exceptions; Allerston, Beadlam, Burniston, East Ayton, East Harlsey, Ebberston and Yedingham, Great Ayton, Great and Little Broughton, Great Busby, Guisborough, Ingleby Arncliffe, Irton, Kirkby in Cleveland, Kirkbymoorside, Lockwood, Nawton, Newby, Potto, Scalby, Snainton, Sutton under Whitestonecliffe, West Ayton.

For the purposes of this condition, agricultural workers accommodation means 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 336 of the Town and Country Planning Act 1990 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order), or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.

**Reasons for Conditions**

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. The site is in a location where new residential development would be contrary to NYM Core Policy J but permission for local needs letting or holiday accommodation has been permitted to provide an alternative to leaving these dwellings vacant in the short term in accordance with NYM Development Policy 22.

**Consultations**

**Parish** - No objections.

**Site Notice Expiry Date** - 31 October 2012.

**Background**

Charm View and Woodland View are a pair of detached bungalows located on High Kingthorpe Farm, approximately 4 kilometres north east of Pickering.

Planning permission was granted for the erection of these dwellings in 1972 with a condition limiting the occupation of the dwellings to persons employed or last employed locally in agriculture.

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**Background (continued)**

In June 1997 planning permission was refused for the relaxation of this condition 3 at Charm View as it was considered that insufficient evidence had been submitted to demonstrate that an attempt had been made to secure an agricultural tenant.

A further application was submitted in 1997 with additional supporting information and also with the applicant being willing to accept a temporary relaxation so the property could be rented out rather than sold. It was not considered that reasonable endeavours had been made to secure agricultural tenants and consequently it was considered that the most appropriate way of dealing with the proposal was for the applicant to enter into a Section 106 Agreement with the Authority, to the effect that no action would be taken in respect of any breach of the occupancy condition for a three year period, rather than formally relaxing the condition and the application was withdrawn.

Planning permission was subsequently granted in 2006 for the temporary replacement of the agricultural occupancy condition with a local occupancy condition for a period of three years. The reasoning for this was to meet the changing needs of the holding which at the time did not require on-site farm workers accommodation at that time and to reassess the situation in the future.

Planning permission was sought in May 2012 for the relaxation of the agricultural occupancy restriction on both bungalows, to allow them both to be rented out to local people or used as holiday accommodation.

There was no information submitted in support of that application although the applicant did advise that the properties were not required for workers on the farm holding at High Kingthorpe at this time and that they had been vacant for much of the previous 12-15 months.

Consequently, as it had not been established whether there was a long term need for farm workers accommodation to serve this holding or others in the locality a temporary relaxation of the occupancy condition was granted to enable full and proper marketing of the dwellings as farm workers accommodation to take place, as well as an assessment of the need for the accommodation on the holding at High Kingthorpe.

The current proposal relates to only one of the units, known as Charm View, and again seeks full permission to relax the local letting/holiday restriction so that the property could be occupied by anyone living or working in the Ryedale District, which would include the area outside the National Park.

The applicant has submitted additional information which provides some details of the marketing over the last 18 months, including dates of marketing and rental prices, method of advertising and type of interest. Whilst not being extensive in detail, it does go some way to demonstrating the efforts that have been made and highlights that the local connection criteria has limited the market for the property.

## **Main Issues**

### **Policy Context**

Development Policy 22 of the Local Development Framework deals with the relaxation of agricultural occupancy conditions and has been used in the determination of the previous proposals on this site. It permits the variation of agricultural restrictions to a local occupancy dwelling but only where it can be demonstrated that there is no longer a need for the accommodation for a farm worker on the holding or in the locality.

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**Policy Context (continued)**

The policy does indicate an order of 'preference' for subsequent uses – local occupancy for sale is the first option and if there is no evidence of demand for that, local occupancy letting or holiday use is the 'fall back' position.

However, the Authority has been pragmatic in the interpretation of this policy in other cases, so that if the owner's preference has been to retain ownership and not sell the unit off separately, often to prevent harm to their farm operation the Authority has permitted the 'default' uses of local letting or holiday accommodation. In this case, there is a condition attached to the 2012 consent preventing the sale or lease of the two units from the main dwelling at High Kingthorpe.

As permission is also sought for holiday letting purposes Development Policy 14 is also relevant. The policy recognises that the farming sector continues to face a period of instability caused by market pressures and changes in farm support mechanisms. For this reason farmers are diversifying their businesses to supplement their income. The Authority therefore supports diversification schemes which will ensure the continued viability of farm businesses as long as they do not generate an increased level of activity which could harm the character, appearance and natural environment of the area. In this instance the proposal will make use of an existing building.

Advice recently published in the National Planning Policy Framework, Section 3, 'Supporting a Prosperous Rural Economy' encourages Local Planning Authorities, local and neighbourhood plans to support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.

**Planning Balance**

The applicant has advised that due to a rationalisation of the business on-site, accommodation is not required for farm workers at present. He has also confirmed that the dwellings have been vacant for some months as there seems to be little demand within the National Park for such accommodation.

The location of the properties within a working farm so close to Pickering is somewhat unusual and the fact that there are two properties available for rent makes the restricted market for them even more limited.

In view of the above it is considered reasonable to provide some additional flexibility to this case which has had a number of temporary consents over the years, a variation of the catchment area for local letting so that it extends to the whole of the parish of Pickering is considered to be a pragmatic solution reflecting the specific locational circumstances of this case. This will hopefully extend the market for the property to an increased potential market, but still retain the ability to meet much needed accommodation to meet a local need. It is also considered that due to the close relationship of the Charm View with the main farm, that the property should remain 'tied' to the main dwelling. It also would be appropriate to include provisions for agricultural workers who were the original intended occupiers.

Furthermore, a second agricultural workers cottage (Woodland View) remains on the farm which has only a temporary relaxation to the holiday use until 2014. Consequently, if increased agricultural need arises, that unit would still be available.

In terms of the temporary versus permanent issue, whilst agriculture is currently going through difficult times it is considered the long term future for these properties remains in the agricultural sector. Farm business plans change over time and given the nature and location of the units a temporary permission remains the most appropriate period so that the units are not lost permanently to the agricultural community.

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**Recommendation**

In view of the above consideration, approval is recommended.

**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 confirmed to the applicant/agent that the development is likely to maintain the economic, social and environmental conditions of the area.

**Reason for Approval**

The evidence submitted with the current proposal, is considered to be sufficient to warrant extended flexibility of the condition to allow local occupancy letting, and due to the particular siting of the property, an increase to the local occupancy area to include the parish of Pickering is considered to be within the spirit of Development Policy 22 of the NYM Local Development Framework and to include provision for potential agricultural occupation.