

**John Blaymires
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Tel. (

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

19 April 2015

Dear Sirs

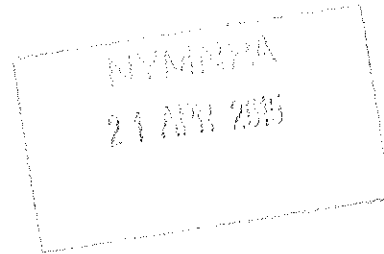
**Appeal against decision No.NYM/2014/0840/FL
Removal of conditions 10 and 12 of approval NYM/2004/0396/FLto allow the workspace to be
used as residential accomodation etc.**

I attach appeal forms which have been sent to The Planning Inspectorate ,Initial Appeals, Temple Quay House ,Bristol together with supporting documents for your information.Please note that for clarity I have included **all** supporting documents even though I understand that only supporting documents not previously sent to you **need** be sent and these are included (documents numbered 9,9A,9B -agents particulars and letters).

I trust all is clear.

Yours faithfully

John Blaymires





For official use only
Date Received

PLANNING APPEAL FORM

If you need this document in large print, in audio format or in Braille, please contact our helpline on 0303 444 5000. To help you fill in this form correctly please refer to the enclosed guidance leaflet, "How to complete your planning appeal form".

WARNING: The appeal and essential supporting documents must reach the Inspectorate within the appeal period. If your appeal and essential supporting documents are not received in time we will not accept the appeal.

PLEASE PRINT CLEARLY IN CAPITALS USING **BLACK** INK

A. APPELLANT DETAILS See section A of the guidance leaflet. The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name I A I N H A R R I S O N

Company/Group name (if applicable)

Address F O X H I L L P A D D O C K S L O W R O A D
T H R O X E N B Y
S C A R B O R O U G H Postcode Y 0 1 2 5 T D

Daytime phone Fax

I prefer to be contacted by Post Email*

*Email address

B. AGENT DETAILS (IF ANY) FOR THE APPEAL See section B of the guidance leaflet.

Name J O H N B L A Y M I R E S

Company/Group name (if applicable)

Address S 6 P A S T U R E L A N E
S E A M E R
S C A R B O R O U G H Postcode Y 0 1 2 4 Q R

Your reference

Daytime phone Fax

I prefer to be contacted by Post Email*

*Email address

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

See section C of the guidance leaflet.

Name of the LPA **NORTH YORK MOORS NATIONAL PARK AUTHORITY**
LPA's application reference number **NYM/2014/0840/FL**
Date of the application **10 12 2014**
Did the LPA validate and register your application? Yes No
Date of the LPA's decision notice **03 03 2015**

D. APPEAL SITE ADDRESS

See section D of the guidance leaflet.

Address **FOXHILL PADDOCKS LOW ROAD**
THROKENBY
SCARBOROUGH Postcode **YO12 5TD**

Note: Failure to provide the full postcode may delay the processing of your appeal

Please answer the questions below:

- 1 Is the appeal site within a Green Belt? Yes No
- 2 Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? If yes, please describe them on a separate sheet. Yes No

E. DESCRIPTION OF THE DEVELOPMENT

See section E of the guidance leaflet.

Has the description of the development changed from that on the application form? Yes No

REMOVAL OF CONDITIONS 10 AND 12. SEE DOCUMENT 1A ATTACHED
OF PLANNING APPROVAL NYM/2004/0396/FL
TO ALLOW WORKSPACE TO BE USED AS RESIDENTIAL ACCOMMODATION AND THE OCCUPATION OF THE SUBSEQUENT DWELLING TO BE UNRESTRICTED.
Area of the whole appeal site (i.e. the boundary) in hectares **1.20 HA INCLUDING ALL SITE**
Area of floor space of proposed development in square metres **755 SQUARE METRES**
Does the proposal include demolition of non-listed buildings within a conservation area? **(WORKSPACE TO CHANGE TO RESIDENTIAL ACCOMMODATION)** Yes No

F. REASON FOR THE APPEAL

See section F of the guidance leaflet.

The reason for this appeal is that the LPA has (please tick which applies):

- 1 Refused planning permission for the development described in Section E.
- 2 Granted planning permission for the development subject to conditions to which you object.
- 3 Refused prior approval of permitted development rights.
- 4 Refused approval of matters reserved under an outline planning permission
- 5 Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object.
- 6 Refused to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above).
- Or
- 7 Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.
- 8 Failed to give notice of its decision within the appropriate period because of a dispute over provision of local list documentation.

G. CHOICE OF PROCEDURE

It is important that you read carefully section G of the guidance leaflet before you complete this section.

There are 3 possible procedures:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances before selecting your preferred option by ticking the box.

1 THE WRITTEN REPRESENTATIONS PROCEDURE

W *

This is normally the simplest, quickest and most straightforward way of making an appeal. The written procedure is suited to the vast majority of appeals. You should refer to the criteria within the guidance leaflet to help you select the appropriate option.

- * a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes No
- b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? If so, please explain below or on a separate sheet. Yes No

AREA OF BUILDINGS CONCERNED IS NOT EASILY IDENTIFIED FROM EXTERNAL INSPECTION ONLY.

2 THE HEARING PROCEDURE

H

This procedure is likely to be suited to more complicated cases which require detailed discussion about the merits of a proposal. Although you may indicate a preference for a hearing, the Inspectorate must also consider that your appeal is suitable for this procedure. If you are proposing that this appeal follows the hearing procedure you must submit a draft statement of common ground. You must give detailed reasons below or on a separate sheet why you think a hearing is necessary.

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- ◇ a) If you are proposing that this appeal follows the hearing procedure you must liaise with the LPA and agree two alternative dates on which a hearing could take place. The dates should not fall on a Monday but should be between the period 7 - 11 weeks from submission of your appeal.

Please note that failure to provide at least one agreed date will result in a date being fixed by the Planning Inspectorate.

- b) Is there any further information relevant to the hearing which you need to tell us about? If yes please explain below. Yes No

3 THE INQUIRY PROCEDURE

I

This is the most formal of the procedures. Although you may indicate a preference for an inquiry the Inspectorate must also consider that your appeal is suitable for this procedure. You are required to provide information concerning the number of witnesses and the length of time they need to give their evidence. If you are proposing that this appeal follows the inquiry procedure you must submit a draft statement of common ground. You must give detailed reasons below or on a separate sheet why you think an inquiry is necessary.

- ▲ a) How many witnesses do you intend to call? No. of witnesses
- b) How long do they need to give their evidence?
- c) How long do you estimate the inquiry will last? No. of days

(Note: We will take this into consideration, but please bear in mind that our estimate will also be informed by others' advice and our own assessment.)

G. CHOICE OF PROCEDURE (continued)

d) If you are proposing that this appeal follows the inquiry procedure and have estimated that it will last no more than 2 days you must liaise with the LPA and agree two alternative dates on which an inquiry could open and enter the details below. The opening date should not fall on a Monday or Friday but should be between the period 10 - 17 weeks from submission of your appeal.

Please note that failure to provide at least one agreed date will result in a date being fixed by the Planning Inspectorate.

e) Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below.

Yes No

H. FULL STATEMENT OF CASE

See section H of the guidance leaflet to help you decide what to include in your full statement of case.

There is no further opportunity to add to your statement of case at a later stage.

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?

Yes No

Have you made a costs application with this appeal?

Yes No

DIRECT RESPONSES TO L.P.A (NATIONAL PARK AUTHORITY)

① 'LOSS OF A LIVE WORK UNIT' ----- 'ECONOMY'

A/ IT IS ACKNOWLEDGED THAT THIS SMALL BI ACCOMMODATION WOULD BE LOST BUT THE N.P.A. (NATIONAL PARK AUTHORITY) MUST ACCEPT THAT IT IS A VERY SMALL UNIT WITHIN A VERY LARGE BUILDING PRIMARILY GIVEN OVER TO RESIDENTIAL USE AND ONLY A VERY SMALL AMOUNT OF FLOOR SPACE IS INVOLVED.

FURTHERMORE THE POSITION OF THE WORKSPACE WITHIN THE HEART OF THE RESIDENTIAL SPACE OF THE DWELLING MEANS THAT IT'S COMMERCIAL USE IS VERY LIMITED INDEED.

B/ 'WOULD CREATE AN OPEN MARKET DWELLING' ----- 'LOCAL NEEDS'

IT IS SUGGESTED THAT APPROVING THE APPLICATION WOULD CREATE AN OPEN MARKET DWELLING IN THE COUNTRYSIDE CONTRARY TO CORE POLICY J. HOWEVER POLICY J RESTRICTS THE CONVERSION OF TRADITIONAL RURAL BUILDINGS IN OPEN COUNTRYSIDE FOR RESIDENTIAL LETTING FOR LOCAL NEEDS. MY CLIENT FAILS TO SEE THE LINK THAT THE N.P.A. IS MAKING HERE. THIS LARGE COMPLEX OF FARM BUILDINGS WAS CONVERTED INTO TWO OPEN MARKET DWELLINGS WITH ANCILLARY BI USE WHICH WAS NOT CONFINED IN ANY WAY TO LETTING OR TO LOCAL NEEDS. IT IS ARGUED THEREFORE, THAT POLICY J DOES NOT APPLY IN THIS VERY PARTICULAR CASE; NOR IS IT ACCEPTED, IN ANY EVENT, THAT THE UNDERLYING PRINCIPLES OF POLICY J WOULD BE HARMED OR COMPROMISED IN ANY WAY BY GRANTING PERMISSION FOR THIS APPLICATION. ANY APPROVAL WOULD BE SO EXCEPTIONAL THAT IT COULD NOT BE CITED AS A PRECEDENT BY OTHERS.

② 'NO JUSTIFICATION' ----- 'PARK'

A/ THE SECOND REASON FOR REFUSAL MAKES REFERENCE TO THE LACK OF JUSTIFICATION TO LIFT THE RESTRICTION DUE TO THE LACK OF EVIDENCE OF MY CLIENTS ATTEMPTS TO SELL THE PROPERTY WITH THE RESTRICTIONS IN PLACE. WE ARE DISSAPPOINTED BY THIS

H. FULL STATEMENT OF CASE (continued) I

STATEMENT IN PARTICULAR, GIVEN THAT THE OFFICERS WERE WELL AWARE OF MY CLIENT'S LONGSTANDING EFFORTS TO FIND A BUYER FOR THE PROPERTY OVER A NO. OF YEARS, ENCLOSED WITH THE APPEAL PAPERS IS THE EVIDENCE OF THE DATES WHEN THIS BUILDING HAS BEEN OFFERED FOR SALE, THE PRICE REDUCTIONS MADE TO TRY AND SECURE A BUYER, AND THE BUYERS WHO HAVE AGREED TO PURCHASE AND WALKED AWAY WHEN THE RESTRICTIONS WERE POINTED OUT TO THEM. (AND ANY OTHER SALE INFORMATION). THESE DEMONSTRATE THAT IT HAS BEEN ALMOST IMPOSSIBLE FOR MY CLIENT TO DISPOSE OF THE PROPERTY.

(SEE ATTACHED DOCUMENTS 9, 9A AND 9B.)

② B/CONTRARY POLICY II ECONOMIC PURPOSES
THE N.P.A. SEEMS TO RELY ON DEVELOPMENT POLICY II WHICH SEEMS TO RESIST THE LOSS OF EMPLOYMENT AND TRAINING FACILITIES. IT IS SUBMITTED THAT 3 SMALL ROOMS WITHIN THIS SUBSTANTIAL RESIDENTIAL BUILDING CANNOT BE REGARDED AS BEING 'EMPLOYMENT AND TRAINING FACILITIES' FOR THE PURPOSES OF POLICY II. FURTHERMORE THERE IS NO EVIDENCE TO SUGGEST THAT THE ECONOMY OF THE NATIONAL PARK WOULD BE IRREVOCABLY AFFECTED BY THIS CHANGE. IT IS CONSIDERED THERE WOULD BE NO HARM TO POLICY II IN APPROVING THIS APPLICATION NOR WOULD THE INTEGRITY OF THE POLICY BE IRREVOCABLY COMPROMISED GIVEN THE SPECIAL CIRCUMSTANCES OF THIS CASE. (SEE ALSO NOTE A IN RELATION TO REASON 1).

② C/NOR ENVIRONMENT ACCESS EMPLOYMENT LAND
IT IS ARGUED THAT IN ORDER TO JUSTIFY REFUSING PERMISSION THE PLANNING AUTHORITY MUST CONSIDER WHAT HARM THERE WOULD BE BY REMOVING THE RESTRICTIONS (IT IS NECESSARY FOR THE AUTHORITY TO IDENTIFY WHAT THIS MIGHT BE AND THAT IT WOULD BE SUFFICIENTLY SERIOUS TO WARRANT REFUSAL OF PERMISSION.) THE RESPONSES REFER TO THERE IS ANY HARM TO THE INTEGRITY OF POLICIES. THE N.P.A. ARGUE THAT ONE OF THE REASONS FOR IMPLEMENTATION OF THE POLICY IS TO PROTECT (REF TO ENVIRONMENT) THE CHARACTER AND APPEARANCE OF THE NATIONAL PARK. THERE WOULD CLEARLY BE NO HARM TO THE CHARACTER AND APPEARANCE OF THE BUILDING OR ITS SURROUNDINGS IN THIS PART OF THE NATIONAL PARK (NO CHANGES TO BUILDING APPEARANCE) IN FACT IT COULD BE ARGUED THAT IT WOULD BRING ABOUT AN IMPROVEMENT BY REMOVING THE RELATIVELY INTENSIVE ACTIVITIES ASSOCIATED WITH THE PRESENT BUSINESS ACTIVITY (BUILDING CONTRACTORS) AND ALL OF THE COMINGS AND GOINGS THAT ARE ASSOCIATED WITH IT - ESPECIALLY THE VEHICLE ACTIVITY.

IN ADDITION TO THE ABOVE RESPONSES TO THE PRECISE REASONS FOR REFUSAL WE GIVE THE FOLLOWING ADDITIONAL INFORMATION WHICH WE FEEL IS RELEVANT:-
PRIOR TO MAKING THE APPLICATION IT WAS SUGGESTED TO MY CLIENT THAT THE CONDITION REGARDING THE WORKSPACES COULD BE LIFTED BUT ONLY IF IT WERE REPLACED WITH A LOCAL OCCUPANCY CONDITION (SEE ATTACHED DOCUMENT NO.10). MY CLIENT CONSIDERS THE SUGGESTED REPLACEMENT CONDITION TO BE MUCH MORE ONEROUS THAN THE PRESENT ONE AND UNSURPRISINGLY HAS DECLINED TO AGREE TO THIS. NEVERTHELESS IT IS RELEVANT TO THE APPEAL THAT, AS PART OF THE PROCESS OF RE-APP NEGOTIATION, THE OFFICERS HAVE ACCEPTED THAT THE PRESENT CONDITIONS ARE NO LONGER FIT FOR PURPOSE.

Please continue on a separate sheet if necessary

I. (part one) APPEAL SITE OWNERSHIP DETAILS

This must be completed for all appeals. See section I of the guidance leaflet.

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s) and be sure that you have told them that you have made an appeal.

You must tick below which of the "certificates" applies.

Please tick **ONE** box only ✓

If you are the sole owner of the whole appeal site, certificate A will apply:

CERTIFICATE A

A

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner of any part of the land to which the appeal relates:

OR

CERTIFICATE B

B

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:

Owner's name	Address at which the notice was served	Date the notice was served (this must be within the last 21 days)

OR

CERTIFICATES C & D

C/D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D in the guidance leaflet and attach it to the appeal form.

I. (part two) AGRICULTURAL HOLDINGS CERTIFICATE

This must be completed for all appeals. See section I of the guidance leaflet.

We need to know whether the appeal site forms part of an agricultural holding.

Please tick either (a) or (b).

Please tick **ONE** box only ✓

a) None of the land to which the appeal relates is, or is part of, an agricultural holding:

A

OR

~~b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below:~~

B

Please note: If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under "Tenant's name".

Tenant's name	Address at which the notice was served	Date the notice was served (this must be within the last 21 days)

H. FULL STATEMENT OF CASE (continued). 2

WHILST THIS SUGGESTION MIGHT BE A STANDARD PLANNING CONDITION WHICH THE AUTHORITY WOULD SEEK TO APPLY TO A NEW RESIDENTIAL CONVERSION, IT IS MUCH MORE ONEROUS THAN THE PRESENT CONDITION. AT LEAST SOME OF THE LIMITED SCALE INTEREST IN THE PAST HAS BEEN FROM PURCHASERS LIVING OUTSIDE YORKSHIRE, WITH THE WHEREWITHALL TO BUY THE PROPERTY. THE REPLACEMENT CONDITION WOULD RESTRICT THE ALREADY LIMITED SPECTRUM OF AVAILABLE PURCHASERS TO AN EVEN GREATER EXTENT.

A FURTHER MATTER TO BE TAKEN INTO ACCOUNT IS THAT THESE BUILDINGS WERE IN A VERY POOR STATE OF REPAIR WHEN THEY WERE TAKEN ON BY MR. HARRISON. THE RESTORATION OF THE FABRIC OF THESE IMPORTANT RURAL BUILDINGS TO THE EXACTING STANDARDS OF THE NATIONAL PARK AUTHORITY WAS A VERY COSTLY BUSINESS. THE RESULT HAS BEEN TO CREATE A RELATIVELY EXPENSIVE DOMESTIC UNIT WHICH IS WELL BEYOND THE MEANS OF ALL BUT A FEW PURCHASERS LOOKING TO BUY PROPERTY IN THIS PART OF THE NATIONAL PARK. THIS MUST BE TAKEN INTO ACCOUNT IN CONSIDERING THE APPROPRIATENESS OF AN EXCHANGE CONDITION LIMITING OCCUPATION TO PERSONS LIVING OR WORKING IN THE NATIONAL PARK, WHERE STATISTICS CLEARLY SHOW LOWER INCOMES ETC.

J. ESSENTIAL SUPPORTING DOCUMENTS

See section J of the guidance leaflet.

If we do not receive ALL your appeal documents by the end of the appeal period we will not accept your appeal.

You **must** send the documents listed 1-6 below with your appeal form. Please tick the boxes to show which documents you are enclosing.

- 1 A copy of the **planning application** sent to the LPA. 1 ✓
ACOPY OF VALIDATION LETTER FROM PLANNING AUTHORITY 1A ✓
- 2 A copy of the **site ownership certificate and agricultural holdings certificate** submitted to the LPA at application stage (this is usually part of the LPA's planning application form). 2
- 3 A copy of the **LPA's decision notice** (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application. 3 ✓
- 4 A **site plan** (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. 4 ✓
ADDITIONAL SITE LOCATION PLAN PROVIDED BECAUSE ORDNANCE SURVEY PLAN AT 1:2500 WILL NOT SHOW 2 ROADS
- 5 Copies of all **plans, drawings and documents** sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA. 5 ✓
Please number them clearly and list the numbers here or on a separate sheet.

5, (LETTER TO L.P.A) 5A, (LOCATION 1:2500) 5B (PLAN 1:500) 5C G.F.PLAN, 5D DESIGN AND ACCESS STATEMENT, 1:240

- 6 Copies of any **additional plans, drawings and documents** sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). Please number them clearly and list the numbers here or on a separate sheet. 6
NOT APPLICABLE.

[Empty box for listing additional documents]

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You **must** send copies of the following, if appropriate:

- 7 A copy of the **design and access statement** sent to the LPA (if required). 7
INCLUDED IN 5 ABOVE DOCUMENT NUMBERED 5D.
- 8 A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure. 8
NOT APPLICABLE.
- 9 Additional plans, drawings or documents relating to the application **but not previously seen by the LPA**. Acceptance of these will be at the Inspector's discretion. 9 ✓

Please number them clearly and list the numbers here or on a separate sheet:

9 AGENTS INFORMATION, 9A AGENTS INFORMATION, 9B AGENTS INFORMATION

- 10 Any relevant **correspondence** with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements. 10 ✓
PRE-APP CORRESPONDENCE
- 11 If the appeal is against the LPA's refusal or failure to approve the **matters reserved under an outline permission**, please enclose:
a) the relevant outline application; 11a
b) all plans sent at outline application stage; 11b
c) the original outline planning permission. 11c
NOT APPLICABLE.
- 12 If the appeal is against the LPA's refusal or failure to decide an application which relates to a **condition**, we must have a copy of the original permission with the condition attached. 12 ✓
- 13 A copy of any **Environmental Statement** plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). 13
NOT APPLICABLE
- 14 If the appeal is against the LPA's refusal or failure to decide an application because of a dispute over the local list documentation, a copy of the letter sent to the LPA which explained why the document was not necessary and asked the LPA to waive the requirement that it be provided with the application 14
NOT APPLICABLE

K. OTHER APPEALS

See section K of the guidance leaflet.

If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.

NOT APPLICABLE

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L. CHECK SIGN AND DATE

See section L of the guidance leaflet.

Please tick the boxes to confirm that the following actions have been carried out

1 I have completed all sections of the form and the details of the ownership (sections I one and two) are correct to the best of my knowledge. ✓

2 I have enclosed **all** the essential supporting documents listed in section J. ✓

3 I have sent a copy of this appeal form and relevant documents to the LPA (if you do not we will not normally accept your appeal). ✓

4 I have signed and dated the form (*unsigned forms will be returned to you*). ✓

Signature

Date 17 APRIL 2015

Name (in capitals) JOHN BLAIRMIRE

On behalf of (if applicable)
MR IAIN HARRISON



The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found in the guidance leaflet.

M. NOW SEND

Remember, it is your responsibility to make sure that we **RECEIVE** your appeal form and **ALL** supporting documents within the time limit. See section M of the guidance leaflet

Send **THIS** form (not a photocopy of it) to us at:

Initial Appeals
PO Box 3035
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 9FG

Helpline: 0303 444 5000

Send a copy to the LPA

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again; send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

You may wish to keep a copy of the completed form for your records

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.



1 planning application
 and 2 site ownership certificate
 + agricultural holdings cert.

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

Telephone: 01439 772700
 Email: planning@northyorkmoors.org.uk
 Website: www.northyorkmoors.org.uk

Application for removal or variation of a condition following grant of planning permission.
 Town and Country Planning Act 1990.
 Planning (Listed Buildings and Conservation Areas) Act 1990

You can complete and submit this form electronically via the Planning Portal by visiting www.planningportal.gov.uk/apply

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Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the authority's website. If you require any further clarification, please contact the Authority's planning department.

Please complete using block capitals and black ink.

It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application.

1. Applicant Name and Address

Title: First name:

Last name:

Company (optional):

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

2. Agent Name and Address

Title: First name:

Last name:

Company (optional):

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

Address Details
 Provide the full postal address of the application site.

House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Postcode (optional):

Description of location or a grid reference (must be completed if postcode is not known):

Easting: Northing:

Description:

4. Pre-application Advice
 Has assistance or prior advice been sought from the local authority about this application? Yes No

If Yes, please complete the following information about the advice you were given. (This will help the authority to deal with this application more efficiently).
 Please tick if the full contact details are not known, and then complete as much as possible:

Officer name:

Reference:

Date (DD/MM/YYYY):
 (must be pre-application submission)

Details of pre-application advice received?

Description Of Your Proposal

Please provide a description of the approved development as shown on the decision letter, including the application reference number and date of decision in the sections below:

1 AMENDMENTS TO PREVIOUSLY APPROVED SCHEME, REBUILDING OF COLLAPSED SECTION OF BUILDING (RESPECTIVE) / PROPOSED DEMOLITION AND REBUILDING OF WORKSHOP TO UNIT 2 AND DEMOLITION OF EXISTING OUTBUILDINGS AND ERECTION OF GARAGE AND STABLES (NYM/2004/0396/FL & NYM/2004/0297/LB) (THE PERMISSION RELATES TO PREVIOUSLY APPROVED PERMISSIONS OF DEC 1999 FOR CHANGE OF USE REF NYM4/018/2010B/PA AND NYM4/019/2010C/LB)

Reference number: Date of decision (DD/MM/YYYY): (date must be pre-application submission)

Please state the condition number(s) to which this application relates:

1.	CONDITION No. 8 (AMENDED TO 10 OF NYM/2004/0396/FL BY AGREEMENT WITH L.A.)	8.
2.	CONDITION No. 10 (AMENDED TO 12 OF NYM/2004/0396/FL BY AGREEMENT WITH L.A.)	9.
3.		10.
4.		
5.		

Has the development already started? Yes No
 (Yes, please state when the development started (DD/MM/YYYY): (date must be pre-application submission)

Has the development been completed? Yes No
 (Yes, please state when the development was completed (DD/MM/YYYY): (date must be pre-application submission)

Condition(s) - Removal

Please state why you wish the condition(s) to be removed or changed:

If you wish the existing condition to be changed, please state how you wish the condition to be varied:

Partnership Certificates

One Certificate A, B, C, or D, must be completed with this application form

CERTIFICATE OF OWNERSHIP - CERTIFICATE A

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12
 I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the land or building to which the application relates.

Signed - Applicant: _____ Or signed - Agent: _____ Date DD/MM/YYYY: 10/12/2014

CERTIFICATE OF OWNERSHIP - CERTIFICATE B

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12
 I certify/ The applicant certifies that I have/the applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the land or building to which this application relates.

Name of Owner	Address	Date Notice Served
<div style="border: 1px dashed black; padding: 5px; width: fit-content; margin: 0 auto;"> NOTICE 21 APRIL 2015 </div>		

Signed - Applicant: _____ Or signed - Agent: _____ Date DD/MM/YYYY: _____

CERTIFICATE OF OWNERSHIP - CERTIFICATE C

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12
 I certify/ The applicant certifies that:

Neither Certificate A or B can be issued for this application

All reasonable steps have been taken to find out the names and addresses of the other owners (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of the land or building, or of a part of it, but I have/ the applicant has been unable to do so.

The steps taken were:

Name of Owner	Address	Date Notice Served

Notice of the application has been published in the following newspaper circulating in the area where the land is situated):

On the following date (which must not be earlier than 21 days before the date of the application):

Signed - Applicant: _____ Or signed - Agent: _____ Date DD/MM/YYYY: _____

Ownership Certificates (continued)

CERTIFICATE OF OWNERSHIP - CERTIFICATE D

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

I certify/ The applicant certifies that:

Certificate A cannot be issued for this application

All reasonable steps have been taken to find out the names and addresses of everyone else who, on the day 21 days before the date of this application, was the owner (*owner is a person with a freehold interest or leasehold interest with at least 7 years left to run*) of any part of the land to which this application relates, but I have/ the applicant has been unable to do so.

The steps taken were:

Notice of the application has been published in the following newspaper circulating in the area where the land is situated:

On the following date (which must not be earlier than 21 days before the date of the application):

Signed - Applicant:

Or signed - Agent:

Date DD/MM/YYYY:

1. Agricultural Land Declaration

AGRICULTURAL LAND DECLARATION

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

Agricultural Land Declaration - You Must Complete Either A or B

A) None of the land to which the application relates is, or is part of, an agricultural holding.

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY)

10/12/2014

B) I have/ The applicant has given the requisite notice to every person other than myself/ the applicant who, on the day 21 days before the date of this application, was a tenant of an agricultural holding on all or part of the land to which this application relates, as listed below:

Name of Tenant	Address	Date Notice Served

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY)

1. Planning Application Requirements - Checklist

Please read the following checklist to make sure you have sent all the information in support of your proposal. Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority has been submitted.

The original and 3 copies of a completed and dated application form:



The original and 3 copies of the completed, dated Ownership Certificate (A, B, C, or D - as applicable):



The original and 3 copies of other plans and drawings or information necessary to describe the subject of the application:



The original and 3 copies of the completed, dated Article 12 Certificate (Agricultural Holdings):



The correct fee:

145.00

Declaration

I/We hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Signed - Applicant:

Signed - Agent:

Date (DD/MM/YYYY):

10/12/2014

(date cannot be pre-application)

11. Applicant Contact Details

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

12. Agent Contact Details

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

13. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? Yes No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

Agent

Applicant

Other (if different from the agent/applicant's details)

If other has been selected, please provide:

Contact name:

Telephone number:

Email address:

10/12/2014
21/11/2014

1A

validation letter confirming amendment to wording of application.

North York Moors National Park Authority



A member of the Association of National Park Authorities

The Old Vicarage, Bondgate, Helmsley, York YO62 5BP
Tel: 01439 772700 Fax: 01439 770691
Email: general@northyorkmoors.org.uk www.northyorkmoors.org.uk
Planning enquiries email: planning@northyorkmoors.org.uk

Andy Wilson
Chief Executive (National Park Officer)

Mr John Blaymires
56 Pasture Lane
Seamer
Scarborough
North Yorkshire
YO12 4QR

Your ref:
Our ref: NYM/2014/0840/FL
Date: 17 December 2014

This matter is being dealt with by: Mrs J Bastow

NYM/2014/0840/FL
21 DEC 2014

Dear Sir/Madam

Application in respect of removal of conditions 10 and 12 of planning approval NYM/2004/0396/FL to allow the workspace to be used as residential accommodation and the occupation of the subsequent dwelling to be unrestricted at Foxhill Paddocks, Low Road, Throxenby
Grid Reference 500430 488999

Thank you for your application which I received on 15 December 2014 which is being progressed. The statutory date for determination of your application is 09 February 2015.

The application form you have submitted states that you wish to remove conditions 8 and 10 of planning approval NYM/2004/0396/FL, however condition 8 relates to guttering. Having spoken with the Southern Team Leader Mrs Saunders we have concluded that it is conditions 10 and 12 you wish to have removed from the planning approval. As such you will find the description of the development given differs from the wording you provided on the submitted forms, the intention being to clarify the nature of the development. I will assume the description is acceptable to you unless informed otherwise within seven days of the date of this letter.

A range of consultations is now being carried out with bodies such as the Parish Council and we will contact you should these consultations raise issues. However if you wish to submit any further information in support of your proposal you are advised to do so as soon as possible so that we, and other relevant consultees, can take full account of this.

Many non-controversial applications are determined by the Director of Planning under a scheme of delegation agreed by the Authority and is one to be determined by the Committee and the date of the Committee meeting will then be given details of the further written comments you v

... determined by the Director of Planning under a

NO 13249 DATE 15/12/14
RECEIVED FROM lam'hamison Ltd

THE SUM OF one hundred + ninety five pounds only
£195- ref 2014/0840

SIGNATURE DPaton

CASH [checked] CHEQUE CREDIT CARD DEBIT CARD MONEY ORDER



3

LPA
decision
notice

Decision No. NYM/2014/0840/FL

Town and Country Planning Act 1990
North York Moors National Park Authority

Notice of Decision of Planning Authority on Application for
Permission to Carry out Development

To Mr Iain Harrison
c/o Mr John Blaymires
56 Pasture Lane
Seamer
Scarborough
North Yorkshire
YO12 4QR

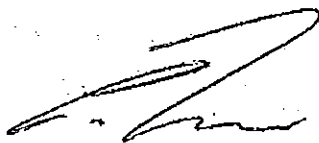
21 MAR 2015

The above named Authority being the Planning Authority for the purposes of your application validated 15 December 2014, in respect of **removal of conditions 10 and 12 of planning approval NYM/2004/0396/FL to allow the workspace to be used as residential accommodation and the occupation of the subsequent dwelling to be unrestricted at Foxhill Paddocks, Low Road, Throxenby** has considered your said application and has **refused** permission for the proposed development for the following reason(s):

1. The Local Planning Authority considers that the proposal would result in the loss of a live-work unit aimed at diversifying the rural economy and would create an open market dwelling in the open countryside contrary to Core Policy J of the Local Development Framework which only permits the conversion of traditional rural buildings in open countryside for residential letting for local needs.
2. No justification for the loss of the economic use or evidence of marketing of the property for its current mixed use has been submitted to demonstrate that there is no demand for such B1 (Business) and associated living accommodation in this area of the National Park contrary to the requirements of Development Policy 11 which seeks to resist the loss of employment and training facilities unless the premises are no longer capable of re-use for economic purposes, or the new use would result in significant improvement to the environment or to access and highway arrangement which outweighs the loss of employment land.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.



Mr C. M. France
Director of Planning

Date **- 3 MAR 2015**

Householder Rights of Appeal

NY/PA
21 APR 2015

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for householder development, they may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990. As this is a decision to refuse planning permission for a householder application, if you want to appeal against your Local Planning Authority's decision then you must do so within 12 weeks of the date of this notice. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

- (2) If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, the owner of the land may claim that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the council of the county/district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Note: If an aggrieved applicant wishes to exercise their right of appeal as above mentioned, they should do so using a form which you can get from the Secretary of State at:

Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN
(Tel: 0303 444 00 00)

0303 444 5000

or online at www.planningportal.gov.uk/planning/appeals

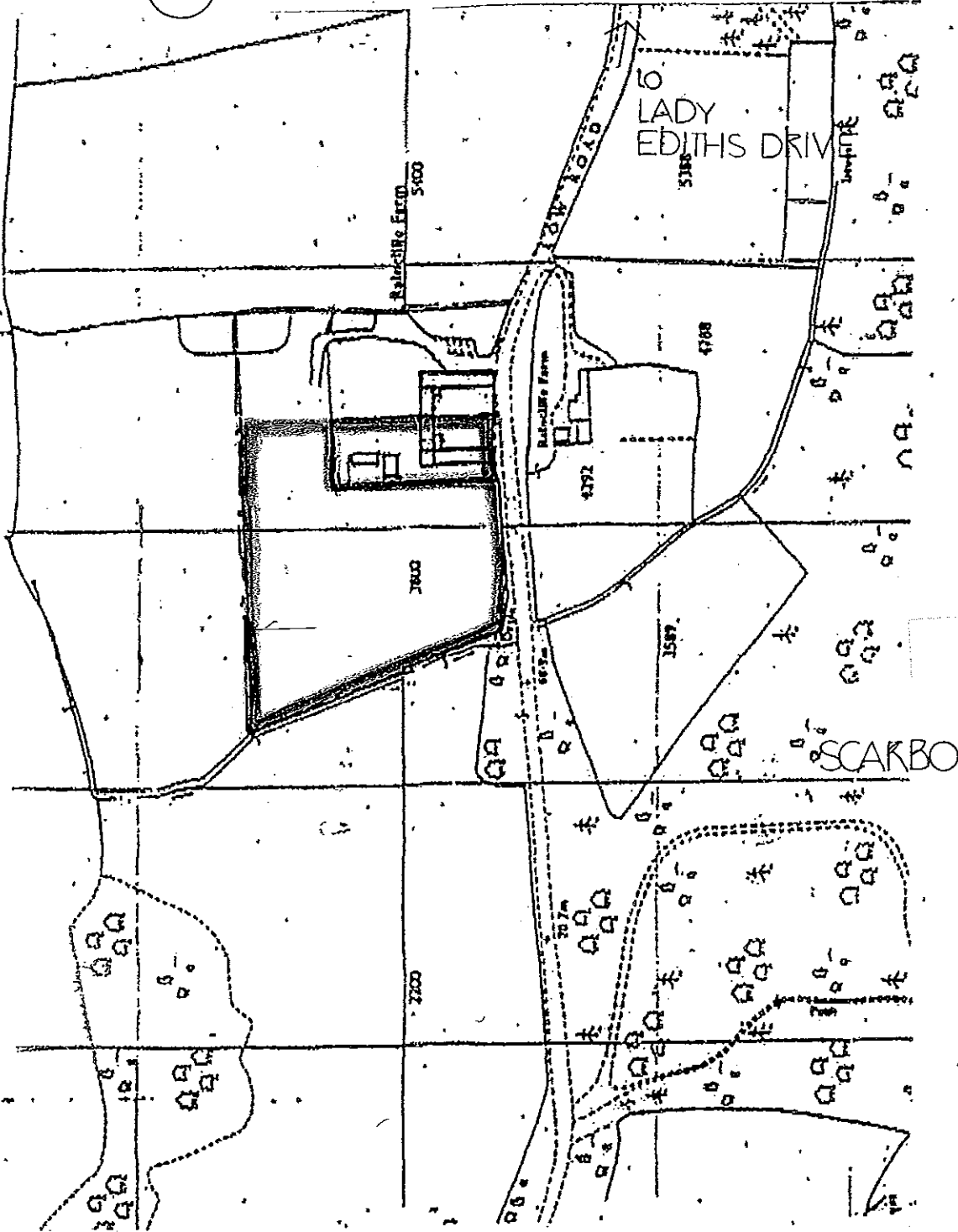
Notes

1. Please note, only the applicant possesses the right of appeal.
2. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within 28 days of the date of this notice.
3. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

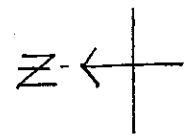
SITE PLAN

4

site location plan 1: 2500



21 APR 2015



Foxhill Paddocks
Low Road
Throxenby

Location plan

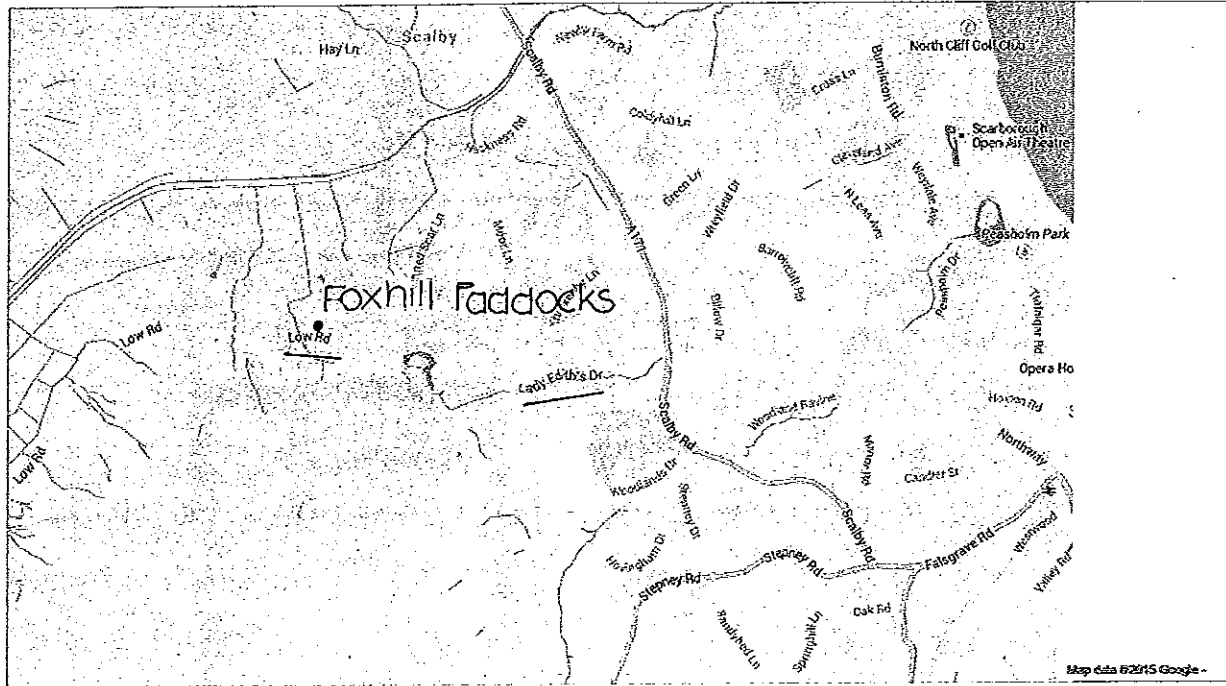
John Blaymires
ARCHITECT

Dwg.no.2014/85/2

1A SITE PLAN

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



SCARBOROUGH

NOV 2014
21/11/2015

5

document submitted with application

John Blaymires
ARCHITECT
56 Pasture Lane Seamer
Scarborough YO12 4QR

Tel

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

December 2014

Dear Sirs

Planning Application for removal/variation of condition nos ~~8 and 10~~ of Planning Approval no. NYM/2004/0396/FL and NYM2004/0397/LB to allow whole of property to be used for residential accommodation and to be available as an open market dwelling for sale.

NOS
AMENDED BY AGREEMENT WITH L.A
TO CONDITIONS 10 AND 12 SEE RECEIPT
LETTER.

Further to your Hilary Saunders Email of 02/12/2014 and my subsequent tel.conversation I enclose duly completed forms together with relevant plans. I understand from Hilary that The application should be in the form attached if permission is to be obtained for full residential use and therefore available for open market sale.

In support of The Application I would wish to make the following points:-

The relevant conditions were originally imposed under a now redundant policy and since that time the property has been improved and changed (with various permissions and including demolition of outbuildings and erection of garage and stables and internal improvements.) It is now arranged as a large family house and the conditions now represent an anachronism. The property is clearly prominently used as a dwelling.

The present conditions are very restrictive and unreasonable particularly since the Planning policy has now changed. Hilary Saunders Email indicates that the present conditions are considered very restrictive and more restrictive than the present policy. However it also indicates that were these conditions to be lifted then a Local occupancy condition would be imposed. In this case my client considers such a condition would also be too restrictive because a large family dwelling of this nature has a very restricted market anyway simply because of its size and consequent high value. Even on the open market such a large dwelling has restricted appeal and to impose a further restriction is unreasonable and in the future could render the property almost unsaleable and it could even become unoccupied. This is surely an undesirable scenario for The Planning Authority.

It is understood that from April 2014 The Government has made changes to permitted development rights to allow changes of use of farm buildings to residential use and although I understand these rights do not apply to Listed Buildings and National Park areas (as in this case) and larger units nevertheless the clear intention is to make a more flexible approach to changes of use in agricultural situations and to encourage Authorities to make more dwellings available without major restrictions. It is argued that the limitations imposed on these new rights are to make sure that alterations to buildings (which are often necessary) are carried out without any detriment to the buildings concerned. In this case there would be no alterations to the buildings at all since the rooms forming the workspaces are integral to the rest of the building and the main residential areas. The granting of this present Application would therefore have no adverse impact on the environment. It is argued that the removal of the restrictive conditions in order that the property is saleable on the open market is in the spirit of government policy.

Finally I would reiterate that whilst I/my clients understand the reasons for the various past and present restrictions it is argued that this is an exceptional case and should be treated as such.

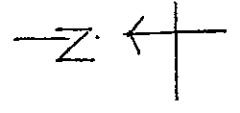
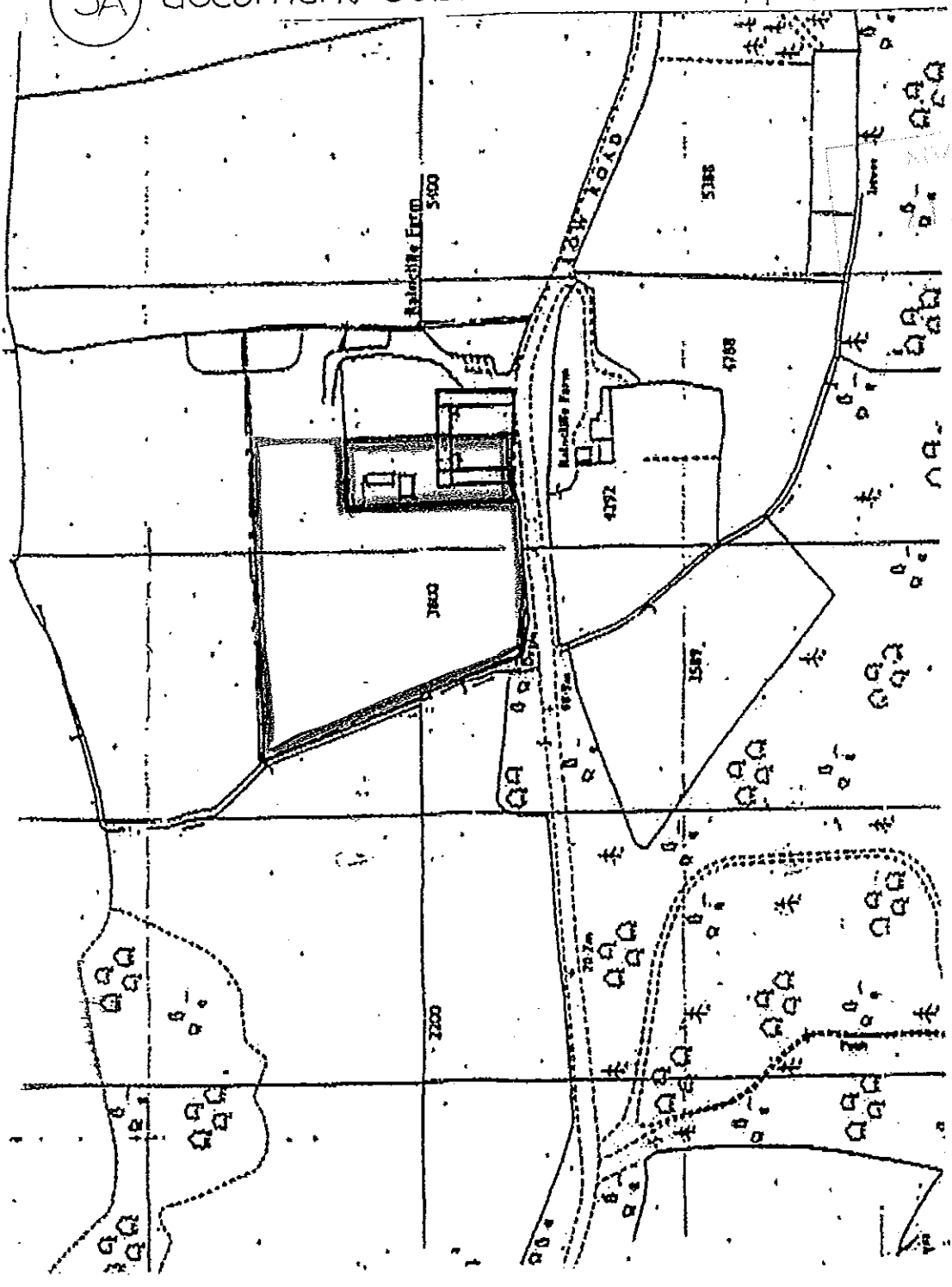
I trust all is clear but should you have any queries please ring /Email me. Email posey.1@tiscali.co.uk

Yours faithfully

John Blaymires

21 JUN 2013

5A document submitted with application (1:2500)



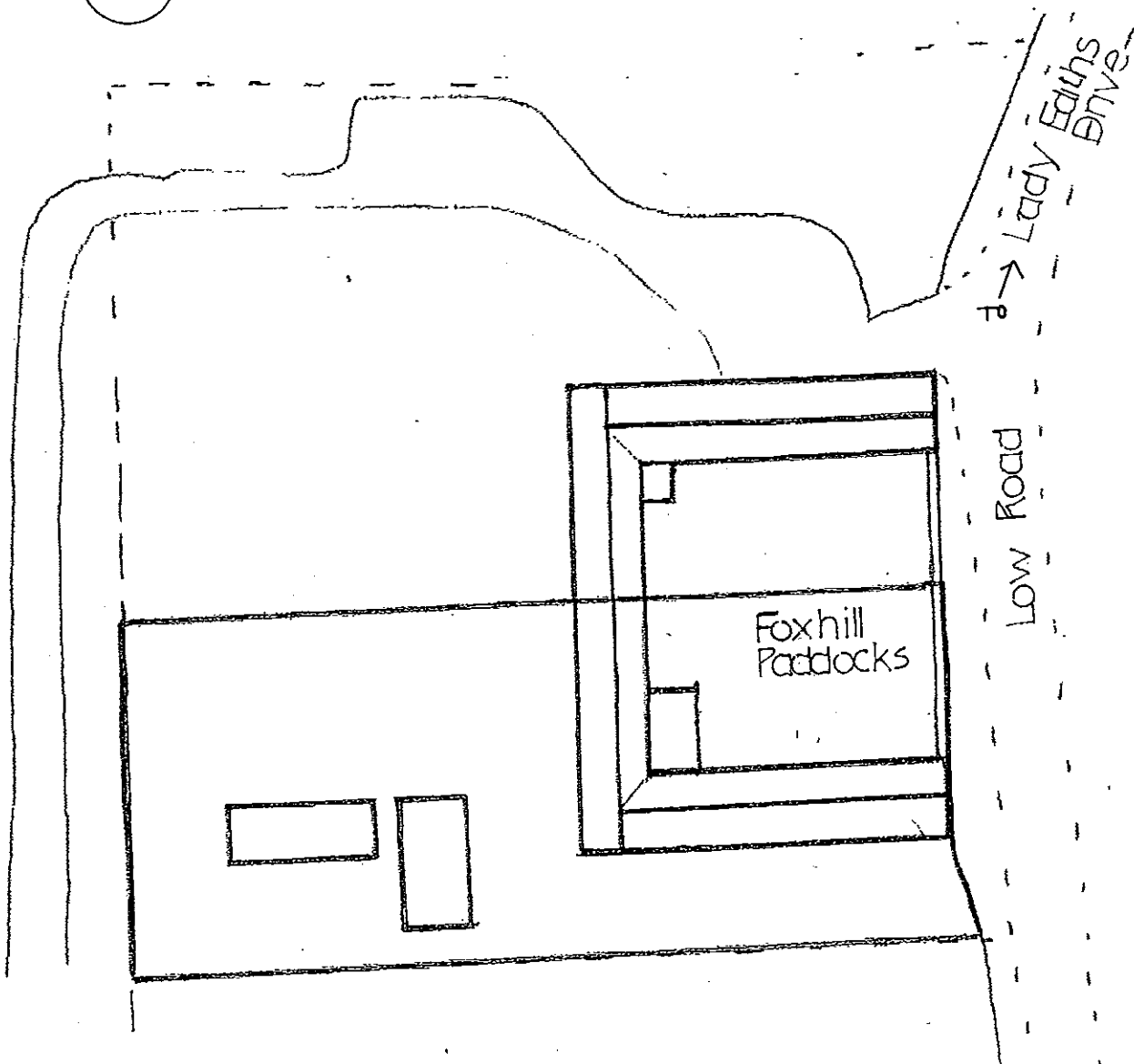
Foxhill Paddocks
 Low Road
 Throxenby

Location plan

John Blaymires
 ARCHITECT
 Tel.no

Dwg.no.2014/85/2

(5B) document submitted with application



21/03/2014

Foxhill Paddocks
Low Road
Throxenby

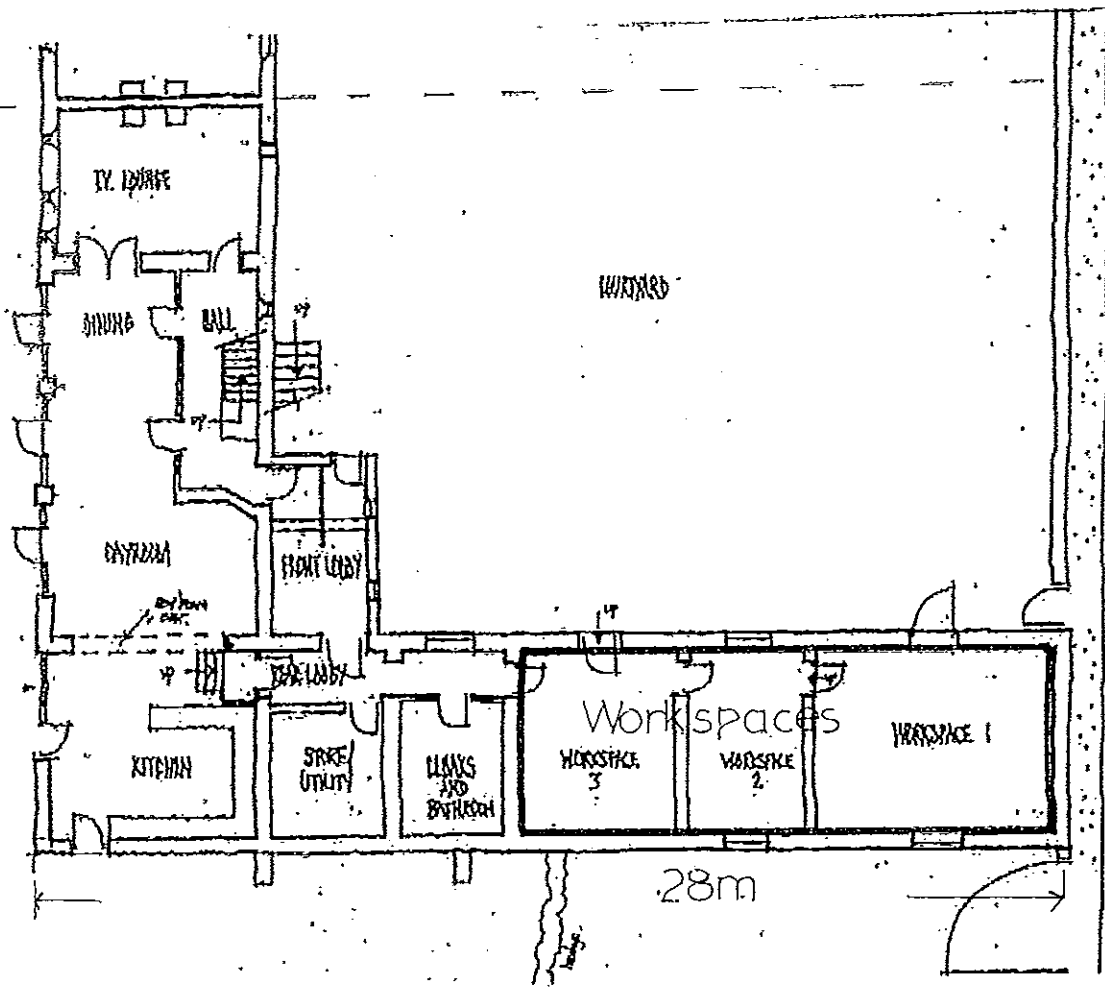
Block plan 1:500

John Blaymires
ARCHITECT
Tel.no.

Dwg.no.2014/85/2 A

5C

document submitted with application



21/03/2014

Foxhill Paddocks
Low Road
Throxenby

Ground floor plan 1:200

John Blaymires
ARCHITECT
Tel.no

Dwg.no.2014/85/1

50 document submitted with application.

DESIGN AND ACCESS STATEMENT

The application is for a variation/removal of conditions and there will be no changes to the present arrangements for access and no changes to the building fabric. As the application purely relates to the use of the building access and design considerations are not issues in this case.

21/11/85

Foxhill Paddocks
Low Road
Throxenby

Design and access statement

John Blaymires
ARCHITECT
Tel.no.

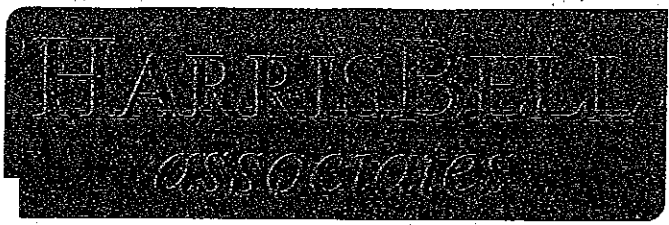
9

additional information not previously seen by N.F.A.

Harris Bell Associates

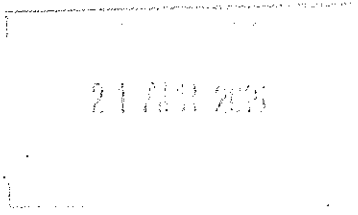
25 Northway | Scarborough
North Yorkshire | YO11 1JH

T
F



E:

Mr and Mrs Iain Harrison
Foxhill Paddocks
Low Road
Throxenby
Scarborough
North Yorkshire
YO12 5TD



16th March 2015

Dear Mr and Mrs Harrison

Re: Foxhill Paddocks, Low Road, Throxenby, Scarborough, North Yorkshire, YO12 5TD

This letter is to confirm that we have been marketing your property since 13th June 2013. There have been several interested parties over this course of time. Dr Salmons of Scarborough Hospital was purchasing the property in but did withdraw on the 24th November 2014 due to the B1 restrictive issue. Also Mr & Mrs Royston of Cheshire who also expressed serious interest in purchasing but were also put off by this.

Accompanying this letter is your brochure confirming we are advertising the property with this clearly marked.

If I can be of any further assistance to you, please do not hesitate to contact me.

Yours sincerely,

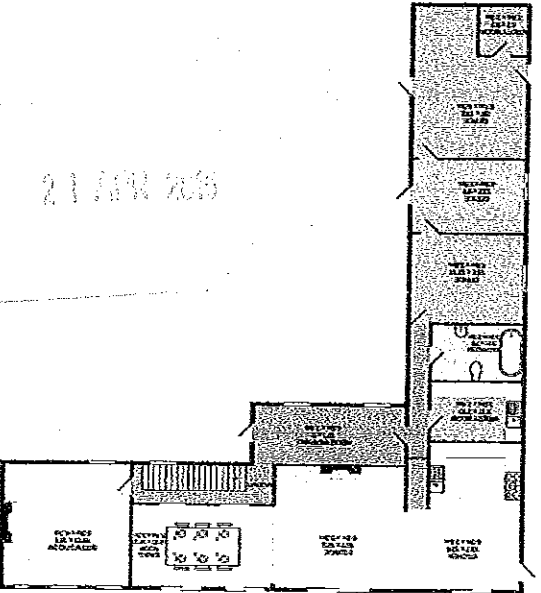
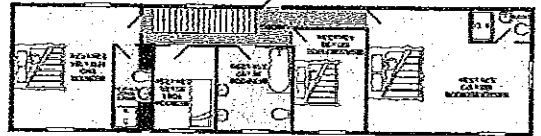
Mark Shields
Director

www.harrisbell.com



ESTATE AGENTS | VALUERS | PROPERTY MANAGEMENT | LETTINGS

www.davegreen.co.uk
 10 Foxhill Paddocks, Throxenby, Scarborough, YO12 5TD
 01753 833333

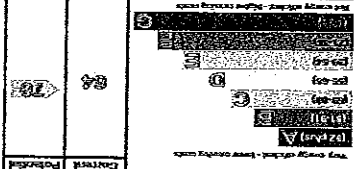


To find out more about the recommended measures and other actions you could take today to save money, visit www.davegreen.co.uk/savingenergy or call 0300 123 1234 (standard national rate). The Green Deal may allow you to make your home warmer and cheaper to run at no upfront cost.

Recommended measure	Indicative cost	Typical savings over 3 years	Available with Green Deal
1. Solar water heating	£4,000 - £8,000	£249	Yes
2. Solar photovoltaic panels, 2.5 kWp	£9,000 - £14,000	£627	Yes
3. Wind turbine	£1,000 - £4,000	£237	Yes

Top actions you can take to save money and make your home more efficient

The graph shows the current energy efficiency of your home. The higher the rating the lower your fuel bills are likely to be. The predicted rating shows the effect of undertaking the recommendations on page 2. The average energy efficiency rating for a dwelling in England and Wales is band D (rating 60).



Energy Efficiency Rating

These figures show how much the average household would spend in this property for heating, lighting and hot water. This excludes energy used for running appliances like TVs, computers and cookers, and any electricity generated by micro-generation.

Category	Current costs	Potential costs	Potential savings over 3 years
Lighting	£630 over 3 years	£600 over 3 years	£30
Heating	£9,375 over 3 years	£6,000 over 3 years	£3,375
Hot Water	£702 over 3 years	£435 over 3 years	£267
Totals	£10,707	£6,635	£4,072

You could save £248 over 3 years

Estimated energy costs of this home

Estimated energy costs of dwelling for 3 years:	£ 7,677
Over 3 years you could save:	£ 248

Use this document to:
 • Compare current ratings of properties to see which properties are more energy efficient
 • Find out how you can save energy and money by taking improvement measures

Use the document to:
 Date of certificate: 12 August 2012
 Date of assessment: 18 July 2012
 Reference number: 6912-6523-6300-6828-9992
 Type of assessment: FDSAP, existing dwelling
 FDSAP number: 3271
 Total floor area: 3271 m²

Energy Performance Certificate
 Foxhill Paddocks, Throxenby, SCARBOROUGH, YO12 5TD

HARRISBELL
associates

Foxhill Paddocks
 Low Road
 Throxenby
 Scarborough
 YO12 5TD

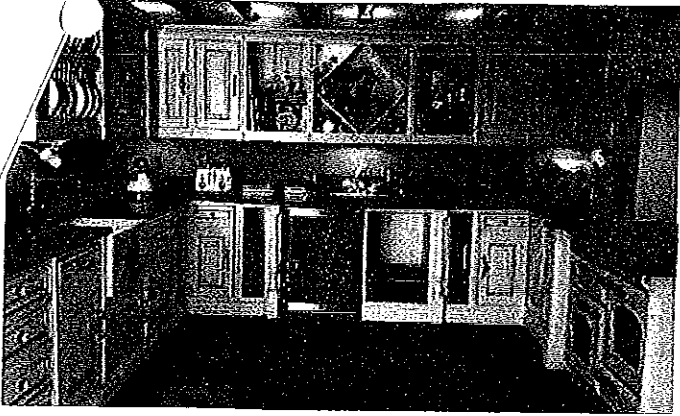
- ✓ A Grade II Listed Home
- ✓ Stone Barn Conversion
- ✓ Approx 3 Acres Of Land
- ✓ Stables & Paddocks
- ✓ Beautiful Countryside Views
- ✓ Four Bedrooms
- ✓ Bespoke Quality Finish
- ✓ Will be available in 2013

GUIDE PRICE £675,000

expertise close to home



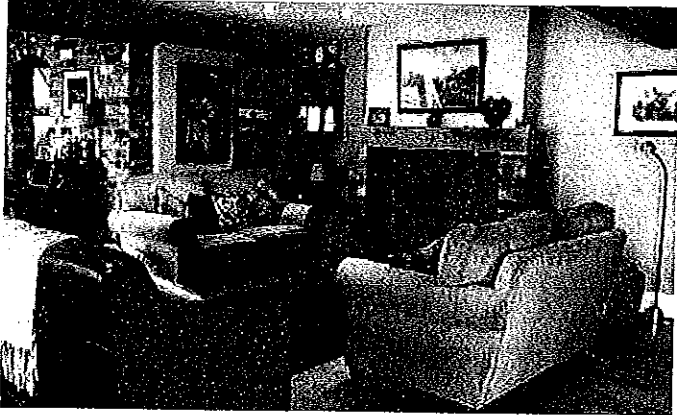
KITCHEN



DINING ROOM



LOUNGE

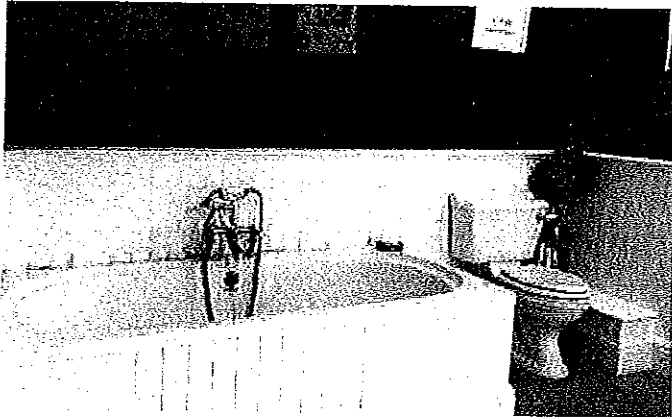


MASTER BEDROOM

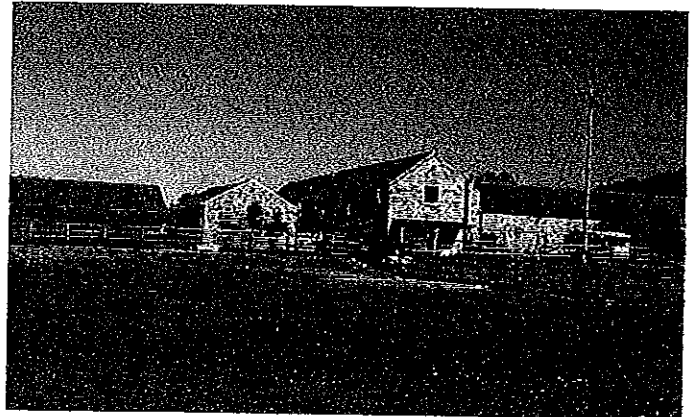


BATHROOM

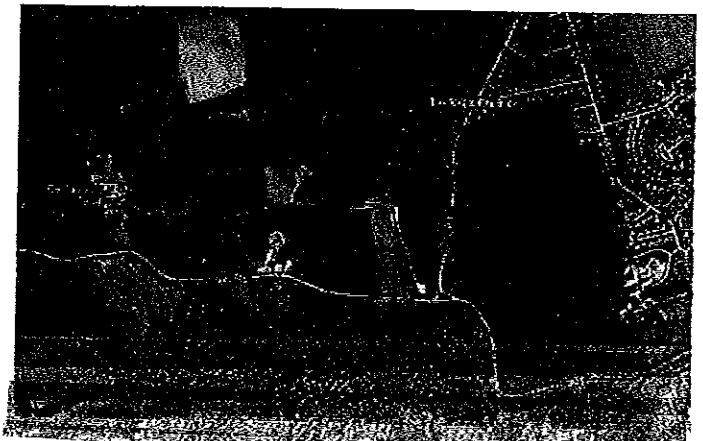
21 APR 2005



ELEVATION



LOCATION MAP



The showpiece of this outstanding Grade II listed stone barn conversion is the surrounding landscape. Set in approximately three acres of the beautiful North Yorkshire Moors National Park. The property also comes with a stable block for three which will also appeal to the equine lovers. Set close to Raincliffe woods, you will find this home offers immense charm and character as well as idyllic countryside views just a few minutes drive from Scarborough. Beamed ceilings, open stone walls and floors, fireplaces mixed with modern bespoke fittings. The accommodation is set out in two wings and briefly comprises; rear facing bespoke kitchen, to lounge, dining room, separate sitting room, ancillary workspace, hallway, feature stairs, landing, four bedrooms, two of which have en-suites, family bathroom. The west wing utility room, ground floor bathroom, three offices / utility room and mezzanine store.

9A

additional information not previously seen by N.F.A.

From: Iain Harrisor

To:

Date: 17/03/2015 13:53

Subject: Fwd: Foxhill Paddocks, Low Road, Throxenby, Scarborough

Sent from my iPad

Begin forwarded message:

From: Maureen Stockill

Date: 17 March 2015 13:48:42 GMT

To:

Subject: Re: Foxhill Paddocks, Low Road, Throxenby, Scarborough

Dear Mr Harrison

Further to our conversation I can confirm the above property was for sale through our office from July 2012 to May 2013, unfortunately with no success. One of the possible reasons for this could be the restriction regarding the B1 Office/Workshop use imposition on the property.

Yours sincerely

Nick Fenwick

Colin Ellis Property Services

49 Aberdeen Walk

Scarborough

YO11 1BD

Telephone:

www.colinellis.co.uk

9B additional information not previously seen by NPA.

From: Iain Harrison
To:
Date: 16/03/2015 11:22
Subject: Fwd: Foxhill Paddocks

Sent from my iPad

Begin forwarded message:

From: David Hastie
Date: 16 March 2015 11:19:58 GMT
To:
Subject: Foxhill Paddocks

21 MAR 2015

Dear Mr Harrison,

Following our conversation, I confirm that CPH Property Services were instructed to market your property at the beginning of October 2009. Instructions were subsequently withdrawn after several months as we had been unable to find a buyer. One of the reasons behind this is that the outbuildings attached had to be used for B1 office/workshop use in connection with the owner's business. This proved a stumbling block to a number of potentially interested parties.

A copy of our sales particulars is attached as requested.

Kind regards,

David Hastie.

D M Hastie FRICS
RICS Registered Valuer
CPH Property Services
19 St Thomas Street
Scarborough
YO12 5DH

Visit our website at www.cphproperty.co.uk

Privilege and Confidentiality Notice.

This e-mail and any attachments to it are intended only for the party to whom they are addressed. They may contain privileged and/or confidential information
Thank you.

Visit our website at www.cphproperty.co.uk

10 relevant pre-app. correspondence with N.F.A.

From: Hilary Saunders

To:

Date: 02/12/2014 15:55

Subject: RE: removal of condition 10 of planning permission NYM/2004/0396/FL to allow workspace to be used for residential use at Foxhill Paddocks Low Road Throxenby

Dear John,

Thank you for your email.

I have now had the opportunity to discuss this with Chris France and Mark Hill and have re-read the full wording of the condition (copy attached).

The existing condition states that the property shall only be occupied by someone fully or wholly employed in the associated workspace. This is clearly a very restrictive condition and more restrictive in terms of the possible market of potential buyers than a local occupancy would be. In view of the current restricted nature of the occupancy of the dwelling, and as would be the case with a restrictive agricultural occupancy restriction, the condition would only be lifted if it were replaced with a local occupancy condition, in accordance with Core Policy J of the LDF. However, an application to remove that condition and change the occupancy of the unit to an open market dwelling would be likely to be recommended for refusal.

I trust that the above advice is of assistance, but please do not hesitate to contact me again if you have any further queries.

Kind regards

Hilary

Mrs Hilary Saunders
Planning Team Leader (Southern Area)
Development Management

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

Tel. no. 01439 772700

Web: <http://www.northyorkmoors.org.uk>

Please note that my normal working days are Tuesday - Friday.

-----Original Message-----

From:
Sent: 27 November 2014 14:25
To: Hilary Saunders
Subject: removal of condition 10 of planning permission NYM/2004/0396/FL to allow workspace to be used for residential use at Foxhill Paddocks Low Road Throxenby

Hello Hilary

Ref. Foxhill Paddocks, Low road, Throxenby, Scarborough YO12 5TD

Further to our brief tel. conversation today as you know my client wishes to make an Application for the property to be wholly used as a dwelling. I understand that the condition regarding part business use was imposed under a previous now superceded policy but that if permission was given for the buildings to be used wholly as a dwelling The Authority could impose condition that it should only be used for local needs and not for open market sale.

However in this case the property is very large and it is unlikely to be sold at all if the market was so restricted. Furthermore I understand that recent changes in government policy /permitted development rights would

appear to support a change of use in such cases without the imposition of such a restriction. Whilst I understand the change in permitted development rights does not apply to Listed buildings I would suggest the reason for this safeguard is because conversions/changes of use usually involve alterations to the Listed building concerned and these must be controlled. In this case however there would be no changes at all to the building. The spaces concerned are physically connected to the dwelling and not even any internal alterations would be made.

In view of the above my client feels that this is a rather unique case and that under the circumstances it would be unreasonable not to give permission for the whole property to be used as a dwelling.

Before I submit a formal application could you please give some further consideration to this situation and give some indication as to whether under the new guidelines The Authority could grant permission for the whole property to be used as a dwelling without the above mentioned restrictions. Could I also request that you indicate which Applications need to be made for the restrictions/conditions to be lifted and what Application fees will be payable.

I trust all is clear and await your response but should you have any queries please Email/ring me.

Regards

John Blaymires
ARCHITECT
56 Pasture Lane
Seamer
Scarborough
YO12 4QR

21/03/05

12

copy of Planning Approval
Notice of 18 Aug 2004
containing conditions which
are asked to be removed.

Decision No. NYM/2004/0396/FL

TOWN AND COUNTRY PLANNING ACT, 1990.
NORTH YORK MOORS NATIONAL PARK AUTHORITY

NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR
PERMISSION TO CARRY OUT DEVELOPMENT

To Mr and Mrs I Harrison
C/o Denton & Denton Chartered Architects
4 Station Shops
Westborough
Scarborough
YO11 1TR

21/08/04

The above named Authority being the Planning Authority for the purposes of your application registered 23 June 2004, in respect of proposed development for the purposes of amendments to previously approved scheme, rebuilding of collapsed section of building (retrospective), proposed demolition and rebuilding of workshop to unit 2 and demolition of existing outbuildings and erection of garage and stables at Raincliffe Farm, Lady Edith's Drive, Scarborough, have considered your said application and have granted permission for the proposed development subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The development hereby permitted shall not be carried out other than in accordance with the application plans as amended by the plans received at the National Park Department on the 30th July 2004 (amended door and window details), 6th August 2004 (amended red line), 11th August 2004 (amended window details) and 12th August 2004 (amended garage and stable block floor plan).
3. No work shall commence on site to erect the garage hereby permitted until details of the stone and tiles including samples to be used together with full elevation plans have been submitted to and approved in writing by the local planning authority. The materials used and construction of the building shall conform to the details so approved unless otherwise agreed in writing with the local planning authority.
4. No work shall commence on site to erect the stables hereby permitted until details of the materials to be used together with full elevation plans have been submitted to and approved in writing by the local planning authority. The details shall provide for a timber building and the materials used and construction of the building shall conform to the details so approved unless otherwise agreed in writing with the local planning authority.

Continued/Conditions 5 to 12

V A Dilcock

Mrs V A Dilcock
Chief Planning Officer

18 AUG 2004

Date

21 AUG 2004

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. NYM2004/0396/FL

Date: 28 AUG 2004

Conditions (Continued)

- 5. The new window frames in the development hereby permitted shall accord with the details agreed by the National Park Authority by letter dated 10th June 2004. No work shall commence on the painting of the windows in the development until details of the colour have been submitted to and approved in writing by the local planning authority. The work shall accord with the details so approved and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the local planning authority.
- 6. The external face of the frame to all new windows shall be set in reveals to match those of the existing windows.
- 7. All new doors shown as boarded doors on the plans hereby approved shall be of a vertical boarded, ledged, braced and framed timber design, side-hung in a finish to be agreed in writing by the local planning authority. The work shall accord with the details so approved and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the local planning authority.
- 8. The guttering to the development hereby permitted shall be directly fixed to the stonework by means of gutter spikes with no fascia boarding being utilized in the development and shall thereafter be so maintained.
- 9. All rainwater goods shall be black painted cast iron and thereafter so maintained unless otherwise agreed in writing by the local planning authority.
- 10. The workspace accommodation hereby approved shall be and remain ancillary to the use of that dwelling to which it is attached, shall form and remain part of the curtilage of that dwelling and shall not be sold off or let separately. The residential accommodation hereby approved shall not be occupied in advance of the associated workspace being made available and the residential accommodation hereby approved shall only be occupied by persons wholly or mainly employed in the associated workspace and their dependants unless otherwise agreed in writing with the local planning authority.
- 11. There shall be no retail sales from the premises the subject of the permission hereby approved unless a further separate grant of planning permission has first been obtained from the local planning authority.
- 12. The workspaces in the development hereby approved shall be used for Class B1 purposes of the Town and Country Planning (Use Classes) Order or any Order revoking and re-enacting that Order and for no other purpose unless a further separate grant of planning permission has first been obtained from the local planning authority.

Continued/Conditions 13 to 16

V A Dilcock

Mrs V A Dilcock
Chief Planning Officer

28 AUG 2004
Date

21/08/2004

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. NYM2004/0396/FL

Date: 18 AUG 2004

Conditions (Continued)

- 13. Full details of the proposed means of disposal of surface water and foul drainage shall be submitted to and approved in writing by the local planning authority within 3 months of the date of this permission and shall be installed in accordance with the details so approved before the development is occupied.
- 14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H and within Schedule 2, Part 2, Classes A to C of that Order shall take place without the prior written consent of the local planning authority.
- 15. No work shall commence on site to demolish and reconstruct the section of barn on the eastern side of the building until a statement detailing the method of dismantling and reconstructing the building has been submitted to and approved in writing by the local planning authority. The statement shall provide for the re-use of the existing stone, details and position of any new stone and shall include annotated drawings of the existing and proposed elevations of the building. The work shall accord with the details so approved.
- 16. Prior to the commencement of any other part of the development hereby permitted, the accesses to the site shall be laid out and constructed in accordance with the following requirements:- (i) the crossing of the highway verge shall be constructed in accordance with standard detail number B9A and the specification of the local Highway Authority. (ii) any gates, barriers or other means of enclosure shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall open into the site. Note: It is an offence under section 153 of the Highways Act 1980 to permit any door, gate or bar to open outwards across a highway. (iii) that part of the accesses extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10. (iv) that part of the accesses extending 6 metres into the site from the carriageway of the existing highway shall be made up and surfaced in accordance with the specification of the local Highway Authority. (v) provision shall be made to prevent surface water from the site/plot discharging onto the existing highway in accordance with the specification of the local Highway Authority

Continued/Conditions 17 to 19

V A Dilcock

Mrs V A Dilcock
Chief Planning Officer

Date: 18 AUG 2004

21/03/2005

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. NYM2004/0396/FL

18 AUG 2004

Date:

Conditions (Continued)

- 17. Prior to the commencement of the development hereby permitted full detailed plans shall be submitted to show how visibility splays providing clear visibility of 2.4 metres by 70 metres measured down the centre line of the access road and the nearside channel line of the major road shall be provided at the junction of the access road with the county highway. The approved visibility splays shall then be provided prior to the occupation of either dwelling's or workshops hereby approved and once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times thereafter.
- 18. Prior to the first use of the development the vehicular access, parking and turning facilities shall be formed in accordance with the submitted drawing (ref: H29A 1203/10B). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times
- 19. Within 3 months of the date of this permission, full details of the proposed boundary treatment of the site and the hard surfacing to be utilised including driveway surfaces shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details.

Reasons for Conditions

- 1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act, 1990.
- 2. To avoid doubt and accord with the provisions of Local Plan policy GP3
- 3. The local planning authority is anxious to ensure that the materials used will be in character with the materials in general use in the area in accordance with the provisions of Local Plan policy BE6.
- 4 to 9. The local planning authority is anxious to ensure that the materials used will be in character with the materials in general use in the area in accordance with the provisions of Local Plan policy BE6.
- 10. The provision of residential accommodation is contrary to the provisions of the Local Plan and would not usually be allowed in this location, consent only being granted on the basis that such accommodation would facilitate the beneficial use of this important range of buildings
- 11. The site is in a location where retail use would be contrary to the provisions of the Local Plan in particular policy C1 and to protect the amenities of nearby residents and the amenities of this part of the National Park

Continued/Reasons for Conditions 12 to 19

V A Dilcock

Mrs V A Dilcock
Chief Planning Officer

18 AUG 2004

Date

21/11/2003

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. NYM2004/0396/FL

Date: 18 AUG 2004

Reasons (Continued)

- 12. To protect the amenities of nearby residents in particular and this area of Lady Edith's Drive in general and accord with the provisions of Local Plan policy GP3.
- 13. To avoid pollution of watercourses and ensure the proposed development has satisfactory sewage disposal facilities and to reflect the provisions of Local Plan policy U4.
- 14. In order to enable the local planning authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with policies BE6 and BE15 of the Local Plan.
- 15. In order to ensure that the rebuilding reflects the existing character and appearance of the barn and to comply with policy BE3 of the Local Plan.
- 16 to 18 In the interests of the safety and convenience of users of the highway and of the free flow of traffic on the highway and to reflect the provisions of Local Plan policies T7, T9 and GP3.
- 19. To avoid doubt and accord with the provisions of Local Plan policy GP3.

Development Plan policies relevant to the decision

- Structure Plan B1 - Environment
- Local Plan BE3 - Changes to Listed Buildings
BE4 - Development affecting the setting of a Listed Building

Reason for Approval

It is considered that the scheme meets the requirements of policies BE2, BE3, H12 and GP3 of the Local Plan and that the benefits of removing the large modern agricultural building to the north of the site justify setting aside the normal requirements of policy BE14 and that the new stable/garage block is acceptable.

V A Dilcock

Mrs V A Dilcock
Chief Planning Officer