



Received

Questionnaire (s78) & (s20)

Planning, Listed Building Consent and Conservation Area consent

Appeal ref: APP/WA500/W/15/3089152

Appeal by: Mr Iain Harrison

Grid ref: SE 00 88

Site address: Foxhill Road, Hauxley, Throxenby

Postcode: YO12 5TD

When you have completed this questionnaire you must send a copy, with attachments, to the appellant/agent and to our case officer, **within 2 weeks** of the 'starting date'. You can send it to us by e-mail. The start date and case officer's details and e-mail address are in our letter.

1	a	Despite our initial letter, do you consider that this appeal can be dealt with by the written representation procedure?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
	b	Or do you wish to be heard by an Inspector at;		
		(i) a hearing? or	YES <input type="checkbox"/>	NO <input type="checkbox"/>
		(ii) an inquiry?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
	c	How long do you expect an inquiry would last?	_____ days	
	d	How many witnesses do you intend to call?	_____	
	e	What are the preferred Hearing dates you have agreed with the appellant/agent? (2 dates should be provided, or more if possible)	_____	
	f	What are the preferred Inquiry dates you have agreed with the appellant/agent? (2 dates should be provided, or more if possible)	_____	
2	a	If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
	b	Is it <i>essential</i> for the Inspector to enter the site to assess the impact of the proposal?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
		If YES, please explain;	_____	
c	Are there any known health and safety issues that would affect the conduct of the site inspection?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
	If YES, please describe;	_____		

3	Please provide the name, telephone number and e-mail address of the officer we can contact to make arrangements for the site visit, hearing or inquiry. Name: <u>WENDY STRANGEMAN</u> Tel No: <u>01439 772700</u> E-mail address: <u>planning@northyorkmoss.org.uk</u>
4	Does the appeal relate to an application for approval of reserved matters? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
5	Was a DMPO 2010 Article 12 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
6	Did you give publicity to the application in accordance with either Article 13 of the DMPO 2010, Section 67/73 of the Planning (Listed Buildings and Conservation Areas) act 1990 or Regulation 5 of the Planning Listed Buildings and Conservation Areas) Regulations 1990? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> If YES, please attach; a a copy of the notice published; <input checked="" type="checkbox"/> Attached b any representations received as a result of that notice; No of docs <u>1</u>
7	Is the appeal site within; a A Green Belt? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> b An Area of Outstanding Natural Beauty? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
8	Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If YES, please attach details. <input type="checkbox"/> Attached
9	a Are there any other appeals or matters relating to the same site still being considered by us or the Secretary of State? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If YES, please give our reference numbers and if necessary attach details. Refs: _____ <input type="checkbox"/> Attached b Are there any other appeals or matters adjacent or close to the site still being considered by us or the Secretary of State? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If YES, please give our reference numbers and if necessary attach details. Refs: _____ <input type="checkbox"/> Attached
10	Would the development require the stopping up or diverting of a public right of way? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If YES, please attach an extract from the Definitive Map and Statement for the area, and any other details. <input type="checkbox"/> Attached
11	a Is the site in a Conservation Area? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If YES, please attach a plan of the Conservation Area <input type="checkbox"/> Attached b Does the appeal relate to an application for conservation area consent? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
12	a Does the proposed development involve the demolition, alteration or extension of a listed building? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If YES, is it a: Grade I <input type="checkbox"/> Grade II* <input type="checkbox"/> Grade II <input type="checkbox"/> Date of Listing: _____ b Would the proposed development affect the setting of a listed building? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

If YES, to (a) or (b), please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest.

Attached

C If YES to (a) or (b), was English Heritage consulted?

YES NO

Please attach a copy of any comments

Attached

13 Has a grant been made under s3A or s4 of the Historic Buildings and Ancient Monuments Act 1953?

YES NO

14 a Would the proposals affect an Ancient Monument (whether scheduled or not)?

YES NO

b If YES, was English Heritage consulted?

YES NO

Please attach a copy of any comments.

Attached

15 Is any part of the site subject to a Tree Preservation Order?

YES NO

If YES, please attach a plan showing the extent of the Order and any relevant details.

Attached

16 Have you made a Local Development Order under s61A to s61C of the Town and Country Planning Act 1990 (as inserted by s40 of the Planning & Compulsory Purchase Act 2004) relating to the application site?

YES NO

If YES, please attach a copy of the relevant order.

Attached

17 Does the appeal involve persons claiming Gypsy/Traveller status, whether or not this is accepted by the planning authority?

YES NO

18 a Is the appeal site in or adjacent to or likely to affect an SSSI and/or an Internationally designated site (ie. cSAC, SAC, pSPA, SPA, Ramsar)?

YES NO

If YES, please attach the comments of Natural England.

Attached

b Are any protected species likely to be affected by the proposals?

YES NO

If YES, please attach details.

Attached

19 Environmental Impact Assessment

Schedule 1

a (i) Is the proposed development Schedule 1 development as described in Schedule 1 of The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999?

YES NO

(ii) If YES, under which description of development? (ie Nos 1-21)

Schedule 2

b (i) Is the proposed development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999?

YES NO

(ii) If YES, under which description of development in Column 1? (ie Nos 1-13)

(iii) Is the applicable threshold/criteria in Column 2 exceeded/met?

YES NO

c Is the development within or partly within a 'sensitive area' as defined by Regulation 2 of the Town and Country planning (Environmental Impact Assessment) (England & Wales) Regulations 1999?

YES NO

If YES, please provide details:

NATIONAL PARK

Screening

d (i) Have you issued a screening opinion (SO)? YES NO
 If YES, please attach a copy of the SO that was placed on the planning register, and any other related correspondence. Attached

(ii) If YES, did the SO state that the proposed development is EIA development as defined by the EIA Regulations? YES NO
 If you decided that the proposed development is not EIA development as defined by the EIA Regulations, please attach brief reasons for your opinion. Attached

Environmental Statement (ES)

e Has the appellant supplied an environmental statement? YES NO
 If YES, please supply any related correspondence from statutory consultees and others that you may have had about the adequacy of the environmental information contained in the ES, having regard to The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 and Circular 2/99. Attached

Publicity

f If applicable, please attach a copy of the site notice and local advertisement published under Article 13 of the DMPO 2010, as required for EIA development. Attached

20 Have all notifications or consultations under any Act, Order or Departmental Circular, necessary before granting permission, taken place? YES NO
 If YES, please attach copies of any comments that you received in response. Attached
 If NO, please inform the appropriate bodies of the appeal now and ask for any comments to be sent to us within six weeks of the starting date.

21	Copies of the following documents must, if appropriate, be attached to this questionnaire;	N/A	No of docs
a	a copy of the letter with which you notified people about the appeal;	<input type="checkbox"/>	<u>1</u>
b	a list of the people you notified and the deadline you gave for their comments to be sent to us; Deadline: <u>6 July 2015</u>	<input type="checkbox"/>	<u>1</u>
c	all representations received from interested parties about the original application;	<input type="checkbox"/>	<u>1</u>
d	the planning officer's report to committee or delegated report on the application and any other relevant documents/minutes;	<input type="checkbox"/>	<u>1</u>
e	any representations received as a result of a DMPO 2010 Article 12 (or Regulation 6) notice;	<input checked="" type="checkbox"/>	<u> </u>
f	extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan). You must include the front page, the title and date of approval/adoption, please give the status of the plan. Copies of the policies should include the relevant supporting text. You must provide this even if the appeal is against non-determination; List of policies: <u>Development Policy 11 & Core Policy T</u>	<input type="checkbox"/>	<u>1</u>

g extracts of any relevant policies which have been 'saved' by way of a Direction.

List of policies: _____ _____

h extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted and if so, when;

i extracts from any supplementary planning document that you consider necessary, together with the date of its adoption. In the case of emerging documents, please state what stage they have reached;

j a comprehensive list of conditions which you consider should be imposed if planning permission is granted. You need not attach this to the other questionnaire papers, but it should reach us within 6 weeks of the starting date. The list must be submitted separately from your appeal statement;

Attached

At 6 weeks

k any other relevant information or correspondence you consider we should know about;

No of docs _____

22 For appeals dealt with by written representations only.

Do you intend to send a 6 week statement about this appeal?

YES NO

If NO, please attach the following information now (for all appeals, whether refusal or non-determination);

a a list of the plans submitted with the application; Attached

b the relevant planning history; Attached

c any supplementary reasons for the decision on the application or what the decision notice would have said; Attached

d matters which you want the Inspector to note at the site visit; Attached

e how the relevant development plan policies relate to the issues of this appeal; Attached

23 For the Mayor of London cases only

a Was it necessary to notify the Mayor of London about the application? YES NO

If YES, please attach a copy of that notification. Attached

b Did the Mayor of London issue a direction to refuse planning permission? YES NO

If YES, please attach a copy of that direction Attached

Your reference: NUM/2014/0840/FL

I confirm that a copy of this questionnaire and any attachments have been sent to the appellant/agent today.

Name: Wendy STRANGWAY

On behalf of (LPA): North York Moors National Park Authority

Date: 8 June 2015

Please tell us of any changes to the information you have given on this form.

Question 19
Environment Impact Assessment – Screening
Part d (ii)

It is of the opinion of the Authority that having taken into account the criteria in Schedule 3 to the 2011 Regulations, the development would not be likely to have significant effect on the region by virtue of factors such as its nature, size or location.



Planning Notice

Town and Country Planning (Development Management Procedure)

Order 2010 Notice Under Article 13

Application Number NYM/2014/0840/FL

Applicant Mr Iain Harrison

Site Address Foxhill Paddocks, Low Road, Throxenby

Proposal 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

Other Information It is considered that the proposed development does not accord with the provisions of the development plan in force in the area which the land to which the application relates is situated.

Members of the public may inspect the application(s), including plans at the National Park Offices during normal office hours by appointment or on the Authority's website www.northyorkmoors.org.uk. You are advised to inspect the plans carefully to assess any impact on you as the description can only cover the main parts of the development. Any comments on the application(s) should be sent to the address below within 21 days of the date of this advertisement, quoting the application reference number. Comments may also be submitted using the online form on the Authority's website. If you have any queries on the application(s) please contact the National Park Office.

Under the provisions of the Freedom of Information, Access to Information and Environmental Information Acts any comments received are available for public inspection. They will also be forwarded to the Secretary of State for Communities and Local Government in the event of an appeal. The Authority can therefore not accept comments marked as confidential as valid objections and any such comments will not form any part of the consideration or determination of the application.

Mr C M France
Director of Planning
North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
York, YO62 5BP

Date of Notice: 8 January 2015

website: www.northyorkmoors.org.uk
email: planning@northyorkmoors.org.uk
tel: 01439 772700

This notice may be removed 21 days after the above date.

**Planning Notice
Town and Country Planning (Development Management Procedure)
Order 2010 Notice Under Article 13**

Mr Iain Harrison

Foxhill Paddocks, Low Road, Throxenby

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

It is considered that the proposed development does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated.

The application(s) may be inspected at the National Park Offices, by appointment or on the Authority's website www.northyorkmoors.org.uk. Comments on the application(s) should be sent via email, post or submitted using the online form within 21 days of the date of this advertisement, quoting the application reference number.

Mr C M France, North York Moors National Park Authority
The Old Vicarage, Bondgate, Helmsley, York, YO62 5BP
tel: 01439 772700
email: planning@northyorkmoors.org.uk

Date of Notice: 8 January 2015

**Planning Notice
Planning (Listed Buildings and Conservation
Areas) Act 1990**

Reference: NYM/2014/0856/LB
North Yorkshire County Council, Mowthorpe
Bridge, Mowthorpe Road, Everley
Listed Building consent for removal of mass
concrete widening's and replacement with
masonry, concrete repairs and crack injection to
adjacent wing walls and coating with textured buff
stone-coloured acrylic paint, addition of
sandstone copings and improvements to signing
and carriageway markings
The building concerned is a Listed Building.

**Planning Notice
Town and Country Planning (Development
Management Procedure)
Order 2010 Notice Under Article 13**

Reference: NYM/2014/0819/FL
Mr R Walker, South Moor Farm, Langdale End,
Scarborough

change of use of land to form 2 no. grass
runways, construction of storage building and
pilot/restroom building (revised scheme to
NYM/2013/0435/FL)

The development is in an isolated location which
has resulted in the Authority having difficulty in
finding places to put site notices in locations
where the wider public will read them. It is
considered that the proposal might have an
impact on the wider population due to aircraft
flight routes.

Reference: NYM/2014/0840/FL
Mr Iain Harrison, Foxhill Paddocks, Low Road,
Throxenby

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

It is considered that the proposed development
does not accord with the provisions of the
development plan in force in the area in which the
land to which the application relates is situated

Reference: NYM/2014/0806/EIA
Mr J Mallhouse, Thirley Farm, Silpho, Thirley
Farm, Silpho

Application in respect of construction of a general
purpose agricultural building to house pigs
(revised scheme to NYM/2014/0198/EIA)

The application is accompanied by an
Environmental Statement. The development
proposed is a major development as set out in
the above Order.

The application(s) and Environmental Statement
may be inspected at the National Park Offices,
by appointment or on the Authority's website
www.northyorkmoors.org.uk. Members of the
public may obtain copies of the Environmental
Statement from Cundalls, 15 Market Place,
Malton, North Yorkshire, YO14 7LP at a charge
of £10.00. Comments on the application(s) should
be sent via email, post or submitted using the
online form within 21 days of the date of this
advertisement, quoting the application reference
number.

Mr C M France, North York Moors National
Park Authority, The Old Vicarage,
Bondgate, Helmsley, York, YO62 5BP
tel: 01439 772700
email: planning@northyorkmoors.org.uk
Date of Notice: 8 January 2015

SEN



North York Moors National Park Authority

Case Officer: H.S. HWB (JNB)

Application No: 2014/0840/R

PROPOSED DEVELOPMENT

Parish: Newby Scabby (4118)
Applicant: Mr. Iain Harrison

Development: Removal of 10 x 12 of plan as shown N.Y.M. 2004/S361/R to allow the site to be used as residential accommodation and the occupation of the subsequent building to be used as a 11 bedrooms, low rise, 3 storey house.
Grid Ref: SE 500450, 488999
Road class: U

PROCEDURE

Date of Receipt: 15 Dec 14
Date of Validation: 15 Dec 14

DATE FOR DECISION: 9 Feb 15

DoE Code: 13
Major Application: NO (13 wks)
EIA: NO (16 wks)

CONSTRAINTS

Flood plain: Zone 1
PROW:
Conservation Area:
Listed Building: YES - no alterations - one window
TPO/Hedgerow:

DEVELOPMENT PLAN POLICIES / SCREENING OPINION

Relevant RSS/EU Dirs/HRA:
Core/Development Policies: CPJ, AP11
NMD/Bat/Structural/Tree Survey/FRA/Ag Workers Report

Departure: Yes
EIA Schedule 1/Schedule 2: NO
Brownfield/Greenfield/Ag conversion/Non-Ag conversion:
More than 5 houses or 200 sqm? N/A

County Matter: N/A
If Schedule 2, is statement required: Yes/No - N/A
Net change to no. of dwellings: N/A
10% Renewables: N/A

SITE NOTICE / ADVERTISEMENT

Site Notice Required:
Advertisement Required: DEP
Date Posted: 7 Jan 2015 (dated 8 Jan 2015)
Date Posted: 28 Jan 2015
Date Posted: 29-1-15

CONSULTATIONS

Table with columns: Date consulted, Reply by, Re-consulted, Reply by. Rows include District, Ward/Member, Parish, Highways, EHO, EA, Water, Canso Parish.

DECISION

Date of Decision: -3 MAR 2015
Application Type: Refused
Date of Expiry:

Question 19d

C

JWS

Wendy Strangeway

From: Newby & Scalby Parish Council
Sent: 26 January 2015 12:21
To: Planning
Subject: Comments on NYM/2014/0840/FL

NYM/2014/0840/FL

Remove conditions 10 and 12 of NYM/2004/0396/FL to allow workspace to be used as residential accommodation and occupation of subsequent dwelling to be unrestricted.

Foxhill Paddocks, Low Road, Throxenby, Scarborough

The above application has been considered by Council.


It is considered that essentially this is an application to create a new dwelling.

Council objects to the application on the grounds:-

- the applicant has not demonstrated the premises are not capable of beneficial re-use for economic purposes in accordance with Development Policy 11
- the applicant has not demonstrated any justification for the occupation of the subsequent dwelling to be unrestricted (Local Occupancy Policy of Core Policy J, core Strategy & Development DPD refers)

Jools Marley (Mrs) CiLCA
Clerk to the Council

Newby & Scalby Parish Council
Parish Hall
Scalby Road
Scalby, Scarborough
YO13 0RA

NYM/2014/0840/FL
26 JAN 2015


Disclaimer This email (and any files attached) may contain confidential or privileged information and is intended for the addressee(s) only. If you are not the intended recipient, please be aware that any disclosure, copying distribution or any action taken is prohibited and may be unlawful. You should delete it from your system. Any opinions expressed are those of the author of the email, and do not necessarily reflect those of Newby & Scalby Parish Council. PLEASE THINK BEFORE YOU PRINT

Wendy Strangeway

From: planning@northyorkmoors.org.uk
Sent: 19 December 2014 08:52
To: Planning
Subject: Comments on NYM/2014/0840/FL - Case Officer Mrs J Bastow - Received from Caroline Skelly at The Old Vicarage, Bondgate, Helmsley, York, YO62 5BP

The applicants are seeking to remove the existing conditions which restrict the occupancy to "persons wholly or mainly employed in the associated workspace and their dependents unless otherwise agreed in writing with the Local Planning Authority". It is not clear from the application whether the use of the workspace has ceased or whether any marketing has been carried out for this use. The property is currently being marketed as a residential property only without reference to the existing conditions.

The existing condition was imposed on the original planning permission as under the previous Local Plan policies the conversion of barns located in the open countryside were restricted to employment use. Core Policy J in the CSDP sought to widen the potential use of barns in open countryside to local letting, which was considered as an economic use but also as a means to provide much needed local housing.

The applicants are seeking permission to remove the condition so that the unit becomes an open market residential property. As the property has already been converted it is not considered appropriate to restrict the use of the property to local needs letting only, however it is considered that the principle of the removal of the employment restriction should be treated in the same manner as the removal of an agricultural workers dwelling condition. Development Policy 22 says that where agricultural occupancy conditions are removed they will be replaced with a local occupancy condition.

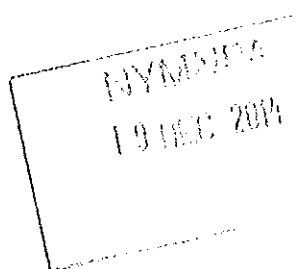
The applicants have stated in their supporting statement that the property already has a restricted market due to its size and price and that any further condition would render the property unsaleable, however this is not supported by any evidence which would suggest that this is not feasible. The removal of the existing condition which is tied to workshop B1 use is considered to be no different in principle to the removal of an agricultural occupancy condition and therefore the existing condition should be replaced with a local occupancy condition and therefore the proposal for an open market dwelling should be refused.

The removal of the local occupancy condition will only be considered where it can be robustly demonstrated that the property has been marketed as a local occupancy dwelling at a realistic price for a period of 12 to 18 months.

Comments made by Caroline Skelly of The Old Vicarage Bondgate Helmsley York
YO62 5BP
Phone: 01439 772700
Fax: 01439 770691
Email: c.skelly@northyorkmoors.org.uk
Preferred Method of Contact is: Post

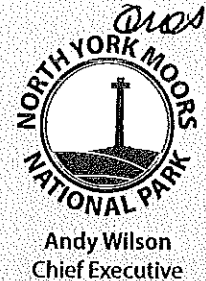
Comment Type is Refuse
Letter ID: 433188

Comments are confidential.



North York Moors National Park Authority

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



Newby and Scalby Parish Council
Clerk to the Parish Council
Newby and Scalby Parish Council Offices
Newby and Scalby Community Hall
Scalby Road
Scarborough, YO13 0RA

Your ref:

Our ref: NYM/2014/0840/FL

Date: 08 June 2015

This matter is being dealt with by: Mrs J Bastow

Dear Sir/Madam

Town and Country Planning Act 1990

Land at: Foxhill Paddocks, Low Road, Throxenby

Proposed development: 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

Appeal reference: APP/W9500/W/15/3039152

Appeal starting date: 01 June 2015

Appellant(s) name: Mr Iain Harrison

I am writing to let you know that an appeal has been made to the Secretary of State in respect of the above site. The appeal follows the refusal of planning permission by this Planning Authority for the reasons given on the attached sheet. A copy of the appeal documentation can be seen at, or obtained from, The Old Vicarage, Bondgate, Helmsley and is available to view on the Planning Explorer section of the Authority's website under the application reference number. The appeal is to be decided on the basis of an exchange of written statements by the parties and a site visit by an Inspector.

Any comments already made following the original application for planning permission (unless they are expressly confidential) will be forwarded to the Department and copied to the appellant and will be taken into account by the Inspector in deciding the appeal. Should you wish to withdraw or modify your earlier comments in any way, or request a copy of the appeal decision letter, you should write direct to the Planning Inspectorate, 3/06, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN within five weeks of the appeal start date, quoting the appeal reference number.

Continued.....



Three copies of any comments need to be forwarded to the Inspectorate. If they receive representations after the deadline, they will not normally be seen by the Inspector and they will be returned.

The Planning Inspectorate will not acknowledge your letter nor send a copy of the appeal decision unless you specifically ask them to do so. They will, however, ensure that your letter is passed on to the Inspector dealing with the appeal. Once decided a copy of the appeal decision will be published on the Planning Explorer section of the Authority's website under the application reference number and Planning Portal website www.planningportal.gov.uk/pcs. Guidance on the appeal process can be found on the Planning Portal website using the link set out above.

Yours faithfully

Mark Hill

M Hill

Head of Development Management

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.

Newby and Scalby Parish Council
Clerk to the Parish Council
Newby and Scalby Parish Council Offices
Newby and Scalby Community Hall
Scalby Road
Scarborough, YO13 0RA

Mr F Drabble
Sharlow
Scalby Road
Scalby
Scarborough
YO13 0NL

Mr C Horsfall
8 Plover Gardens
Crossgates
Scarborough
YO12 4TS

Mr N Finnigan
3 Pearson Garth
West Ayton
Scarborough
YO13 9LH

Question 21c.
2014/0840 JNB

3 Pearson Garth
West Ayton
Scarborough
YO13 9LH

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

15.01.2015

FAO Mr CM France

Ref: Removal of Planning conditions Foxhill Paddocks Application NYM/2014/0840/FL

I recently read the notice in our local paper (8th January 2015) relating to an application to remove conditions applied to Foxhill Paddocks and would like to notify you of my support of this application.

The restriction on the property is for part of the building to be used for business purposes and I can only assume the condition was originally put there with a view to encouraging the use of the building for perhaps a small business.

When the council owned the building it was derelict and the subsequent sale and renovations over the years have transformed the property into an established residence. As the property forms a single unit it clearly cannot be split. To then try to enforce such a restriction seems ludicrous and nearing on impossible.

I do hope in this instance the National Parks Authority look to update what appears to be archaic policies.

Yours sincerely

Nigel Finnigan

NYMNP
20 JAN 2015
D

2014/0840 JB

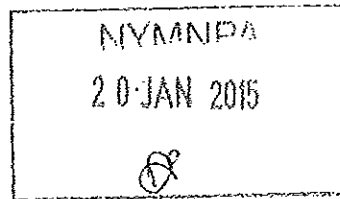
8 Plover Gardens
Crossgates
Scarborough
YO12 4TS

The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP

18th January 2015

Dear Sir / Madam

Ref Application No. NYM/2014/0840/FL



I recently viewed the notice in the Scarborough News regarding the above application for the Removal of Planning conditions at Foxhill Paddocks.

I do think in this instance the National Parks should be looking to update conditions that appear somewhat unenforceable and no longer relevant.

I really don't understand why removing a restriction which applies to only a small part of the building would be an issue. The property is a single dwelling - if the owners were looking to split it and sell as 2 separate residential units then the relevant permissions would need to be sought at which point the National Parks could refuse the application. This I can understand. I'm unsure how the current restriction could be enforced and why the National Parks would be reluctant to remove it, especially when the government has changed their legislation to encourage development of unused properties, including those in the National Parks.

I am aware that if the conditions were lifted the Authority might impose another restriction which would only allow the sale of the property to people working/living in The National Park. This seems far too onerous and not appropriate in this case. I can see the Park Authority's reasons for such restrictions in that it does not want properties within the area becoming second homes for holidays etc and therefore creating ghost villages but this property is very different in that it is a large family dwelling and it is very unlikely to be bought as a second home.

On the open market there are likely to be limited buyers for a property of such a high value anyway (£600k +?) and by suggesting that the National Parks will look to further restrict the potential buyers is questionable. Inevitably the property will become unsaleable and left empty which is obviously an undesirable situation.

Kind regards

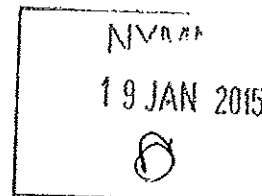
Carl Horsfall

"Sharlow"
Scalby Road
Scalby
SCARBOROUGH
YO13 0NL

16th January 2015

Dear Sir

Application No. NYM/2014/0840/FL
Removal of Planning Conditions
Property: Foxhill Paddocks Throxenby Scarborough



I noticed an article in our local paper on 8th January 2015 with regard to removing planning conditions that require part of the property to be in business use. I am familiar with the situation of the property and understand that only a very small part of it is affected by the restriction and, as it is virtually all residential now, then I would add my support to the application to remove the condition so that the entire property is classed as residential.

I understand that this property is Listed but the removal of the condition will not change the external appearance of it in any way. It will have the added appeal of suiting a larger family free of restrictions. I understand that government policy is in favour of changes to farm buildings (as this was originally) to satisfy the increased demand for residential accommodation and, in the circumstances, wish to give the application my support.

Yours faithfully

Freddie Drabble

The Planning Officer
North York Moors National Park Authority
The Old Vicarage
Bondgate
HELMSLEY
York
YO62 5BP

19 February 2015

List Number 6

North York Moors National Park Authority

Scarborough Borough Council (South) Parish: Newby and Scalby	App Num. NYM/2014/0840/FL
-----------------------------------------------------------------	---------------------------

Proposal: 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

Location: Foxhill Paddocks, Low Road, Throxenby

Applicant: Mr Iain Harrison, Foxhill Paddocks, Low Road, Throxenby, Scarborough, North Yorkshire, YO12 5TD

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

Date for Decision: 09 February 2015

Grid Ref: SE 500430 488999

Director of Planning's Recommendation

Refusal for the following reasons:

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.

Consultations

Parish – Objects to what is essentially an application to create a new dwelling for the following reasons:

- It has not been demonstrated that the premises are capable of beneficial re-use for economic purposes in accordance with Development Policy 11;
- There is no justification for the occupation of the subsequent dwelling to be unrestricted contrary to Core Policy J.

Advertisement Expiry Date – 29 January 2015

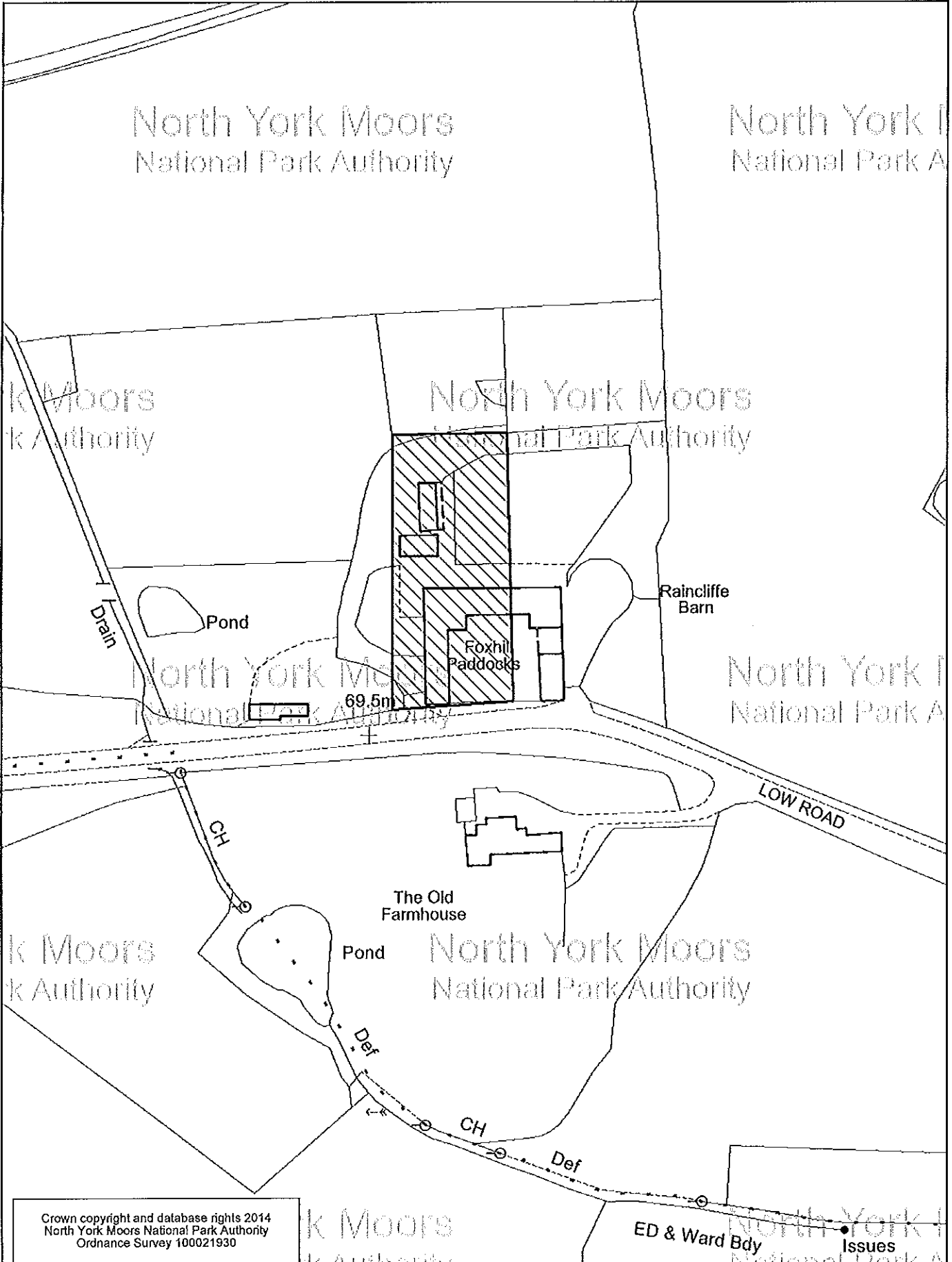
Others – Nigel Finnigan, 3 Pearson Garth, West Ayton – Supports the application for the following reasons:



North York Moors National Park
 Authority
 The Old Vicarage
 Bondgate
 Helmsley YO62 5BP
 01439 772700

Application Number: NYM/2014/0840/FL

Scale: 1:1250



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 Ordnance Survey 100021930

Application No: NYM/2014/0840/FL

Others (continued)

- The condition was originally imposed to encourage the use of the building for a small business. When the council owned the building it was derelict but the subsequent renovations have transformed it into an established residence. It forms a single unit so to enforce such a restriction seems unreasonable.

Carl Horsfall, 8 Plover Gardens, Crossgate, Scarborough – Supports the application for the following reasons:

- The restriction only applies to a small part of the building and is difficult to enforce.
- The applicant is not seeking to split the property into two separate residential units.
- The Government encourages the development of underused properties.
- A local occupancy condition would be too onerous as this is a large family dwelling and unlikely to be bought as a second home.
- There is likely to be limited buyers for a property of such high value and to further restrict the potential buyers will result in the property becoming unsaleable and left empty.

Freddie Drabble, Sharlow, Scalby Road, Scalby - Supports the application for the following reasons:

- The restriction only applies to a small part of the property and will enable it to become a family dwelling.
- Its removal will not affect the external appearance of this Listed Building in any way.
- Government policy is in favour of changes to farm buildings to satisfy the demand for residential accommodation.

Background

Foxhills Paddock is a substantial dwelling with associated workspace situated on the north side of Raincliffe Woods, between Ox Pasture Hall to the west and Throxenby to the east, formerly part of Raincliffe Farm. It is one of a pair of former stone barns, situated in a courtyard arrangement, both of which are Grade II Listed Buildings. The buildings had been in a state of deterioration and disrepair for a number of years before planning permission and Listed Building consent were granted in December 1999 for the change the use of existing farm buildings into two units of residential accommodation with associated workspace (Use Class B1) (NYM4/018/3010B/PA and NYM4/018/3010C/LB).

Subsequently planning permission and Listed Building consent were granted in August 2004 for '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' (NYM/2004/396/FL & NYM/2004/0397/LB). Conditions 10 and 12 of the planning permission govern the use of the property and read as follows:

Condition 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.

Condition 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

Application No: NYM/2014/0840/FL

Background (continued)

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.

Then in November 2009 and March 2010 planning permission was refused for the variation of condition 10 of planning permission NYM/2004/0396/FL to allow the unit to be occupied by persons partly (as opposed to mainly) or wholly employed in the associated workshop space (NYM/2009/0676/FL and NYM/2010/0003/FL) with no subsequent appeal against these decisions.

Therefore conditions 10 and 12 of the planning permission NYM/2004/0396/FL restricting the use of the property are still valid and this application seeks to remove both conditions to create an open market and unrestricted dwelling. From the sales particulars the workspace is now used as two sitting rooms and a home office/study with tanning room in breach of the conditions attached to the planning permission.

In support of the application the agent has commented as follow:

The relevant conditions were originally imposed under a now redundant policy and since that time the property has been improved and changed such that it is now a large family house and the conditions are out-of-date.

The conditions are very restrictive and unreasonable since planning policy has changed. Officer advice at pre-application stage was that should these conditions be lifted they would be replaced by a local occupancy condition. However this would be too restrictive because a large family dwelling of this nature has a very restrictive market in any case due to its size and consequent high value. To impose further restrictions would render the property unsaleable and it could become unoccupied.

In April 2014 changes were made to permitted development rights to allow residential use of agricultural buildings and although these do not apply to Listed Buildings within the National Park, it is an indication of the Government's intention for a more flexible approach to changes of use in agricultural situations and for Authorities to make more dwellings available without major restrictions. The limitations on this permitted development rights are to make sure that alterations to Listed Buildings are carried out without detriment to the buildings concerned. In this case there would be no alterations and the removal of the conditions would not have an adverse impact on the environment. Therefore it is argued that the removal of the restrictive conditions so that the property can be sold on the open market is in the spirit of Government policy.

Main Issues**Policy**

The most relevant policies of the NYM Local Development Framework are considered to be Core Policy J and Development Policies 11 and 22.

Under Core Policy J new housing development in the open countryside is restricted to that which is proven as essential for farming, forestry or other essential land management activities, replacement dwelling and the conversion of traditional rural buildings for residential letting for local needs.

Development Policy 11 states that the re-use of existing employment and training facilities for other purposes will only be permitted where the premises are not capable of re-use for economic purposes,

Application No: NYM/2014/0840/FL

Main Issues (continued)

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.

Development Policy 22 deals with the relaxation of agricultural occupancy conditions and states that such proposals will only be supported 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, and where permission is granted the condition will be substituted with one which restricts occupancy to local needs as defined by Core Policy J. Whilst it is not directly relevant to this application it does re-inforce the Authority's position on unrestricted dwellings in the open countryside.

The National Planning Policy Framework (NPPF) encourages Local Planning Authorities to promote a strong rural economy through, amongst other criteria, the development and diversification of agricultural and other land based rural businesses. It also advises that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as through the re-use of redundant or disused buildings which leads to an enhancement of the immediate setting. to promote sustainable development in rural areas housing

Loss of Employment Use

The application seeks the removal of the existing conditions which presently restrict the use of the workspace to Class B1 and the occupancy of the residential accommodation to "persons wholly or mainly employed in the associated workspace and their dependents unless otherwise agreed in writing with the Local Planning Authority". It is not clear from the application whether the use of the workspace has now ceased although the sales particulars for the property indicate that the workspace is now used as two sitting rooms and a home office/study with tanning room. However the Authority holds on file statements in support of the previous applications in 2009 and 2010 to relax the conditions that confirmed the workspace was still being used in association with the owner's builders business and two other related businesses. In order for this breach of the conditions to be immune from enforcement action, the unauthorised use needs to have been continuous for the past ten years, which is clearly not the case.

The Authority's Planning Advice Note 'Conversion and the Economic Use Test' in support of Development Policy 11, requires applicants seeking the change of use of existing employment sites to residential to demonstrate the limitation of the building for continued employment use and to demonstrate through an appropriate marketing exercise that re-use for economic purposes is not viable. The applicant has not submitted any evidence of marketing the property for its current mixed use and as such the proposal would result in the loss of an economic use contrary to Development Policy 11.

Removal of Occupancy Condition

The use and occupancy conditions were imposed on the original planning permission in 1999 and 2004 because the conversion of barns in open countryside were restricted to employment use only and independent residential use was not supported under the previous Local Plan Policies. The proposal for a live-work unit was considered at the time to be a form of farm diversification and whilst not strictly in accordance with the policy in force at the time, would facilitate the renovation of a range of Grade II Listed Buildings.

The current Local Development Framework under Core Policy J seeks to widen the potential use of barn conversions in open countryside to include residential letting for local needs, which provides an economic benefit but also as a means to provide much needed local housing. As the barns have

Application No: NYM/2014/0840/FL

Main Issues (continued)

already been converted and sold separately to the original farmhouse it is not considered appropriate to restrict the use of the property to residential letting for local needs only, but the imposition of the local occupancy condition is considered a reasonable alternative approach to the current restriction.

Given the Development Plan seeks to prevent open market housing in the countryside, Officers consider that the principle of the removal of the conditions restricting the use and occupancy of this property should be treated in the same manner as the removal of an agricultural occupancy condition, as both situations relate to the creation of dwellings in the open countryside as an exception to the Authority's normal housing policy under Core Policy J. Development Policy 22 states that where agricultural occupancy conditions are removed they will be replaced with a local occupancy condition. The applicants have stated in their supporting statement that the property already has a restricted market due to its size and price and that any further occupancy condition would render the property unsaleable, however this is not supported by any market testing evidence to demonstrate this. The removal of the existing occupancy condition which ties the occupancy of the dwelling to persons wholly or mainly employed in the associated workspace (Class B1) is considered to be no different in principle to the removal of an agricultural occupancy condition and therefore the existing condition should be replaced with a local occupancy condition. However the application is for the removal of those restrictive use and occupancy conditions to create an open market dwelling and therefore in view of the above and clear policy conflict the application is recommended for refusal.

In his supporting letter the agent refers to the recent changes to permitted development rights which allow the conversion of an agricultural building into a dwelling outside of the National Park and that this indicates the Government's intention to allow more flexible uses of rural buildings. Notwithstanding that these changes do not apply within the Park, the conditions imposed on the original planning permission over-rule any subsequent changes in permitted development rights and in any case were imposed to achieve a different purpose, namely farm diversification in the form of a live-work unit.

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 reason(s) for the refusal, approval has not been possible.

North York Moors National Park Authority Planning Committee

Public Minutes of the meeting held at The Old Vicarage, Helmsley on Thursday 19 February 2015.

Present: Malcolm Bowes, Alison Fisher, Janet Frank, Bryn Griffiths, David Hugill, David Jeffels, Christopher Massey, Jane Mitchell, Heather Moorhouse, Sarah Oswald, Caroline Patmore, Ted Sanderson, Andrew Scott, Hawson Simpson, Richard Thompson, Herbert Tindall, Jeremy Walker

Apologies: Jim Bailey, David Chance, Bill Suthers

Copies of all Documents Considered are in the Minute Book

10/15 Minutes

Resolved:

That the minutes of the meeting held on 15 January 2015, having been printed and circulated, be taken as read and be confirmed and signed by the Chair as a correct record.

11/15 Members Interests

Members were reminded of their responsibility to declare any personal, prejudicial and/or discloseable interests relating to any agenda item prior to its consideration.

12/15 Emergency Evacuation Procedure

The Chairman informed Members of the Public of the emergency evacuation Procedure.

13/15 Exclusion of the Public

Resolved:

Members resolved that, pursuant to Section 100(A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of Item No 10 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2 and 5 of Part 1 of Schedule 12A to the Local Government Act 1972.

14/15 Tree Preservation Order 2014/3 – Elmslac Road and east of the John Atkinson Memorial Playing Fields, Helmsley

Considered:

The report of the Natural Environment Team Leader

Resolved:

That Members authorised the confirmation of Tree Preservation Order 2014/3 at Elmslac Road and east of the John Atkinson Memorial Playing Fields, Helmsley with the modification detailed in paragraph 3.1 of the report.

4.	<p>NYM/2014/0801/FL – Alterations and construction of extensions and garage/workshop following demolition of existing garage and single storey rear extension at Kirkside Cottage, Appleton le Moors for Mr & Mrs P Elsome, Kirkside Cottage, Appleton le Moors, YO62 6TE.</p> <p>Decision Alison Fisher declared a personal interest in this item as the architect/agent is a friend and Janet Frank declared a non-prejudicial interest as she had been lobbied Deferred for Officers to negotiate with the applicant/agent a reduction in height of the proposed garage.</p>
5.	<p>NYM/2014/0797/CVC – Verification check of conditions 4, 7, 8 & 9 of planning approval NYM/2014/0462/FL at Boggle Hole Youth Hostel, Mill Beck, Fylingthorpe for YHA (England & Wales) Ltd fao: Mr Paul Dennis, Trevelyan House, Dimple Road, Hatlock, Derbyshire, DE3 3YH.</p> <p>Decision Bryn Griffiths declared a personal and prejudicial interest in this item as he has life membership with the Youth Hostel Association and left the room Condition 7 discharged as recommended</p>
6.	<p>NYM/2014/0840/FL – Removal of conditions 10 and 12 of planning approval NYM/2014/0840/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 for Mr Iain Harrison, Foxhill Paddocks, Low Road, Throxenby, Scarborough, North Yorkshire, YO12 5TD.</p> <p>Decision Richard Thompson declared a personal interest in this item as the site falls within his Parish area Refused as recommended</p>
7.	<p>NYM/2014/0022/FL – Erection of an agricultural livestock building (retrospective) at land west of Calthwaite Farm, Cloughton for Mr Alan Temple, Beck Farm Cottage, Rocks Lane, Burniston, Scarborough, North Yorkshire, YO13 0HX.</p> <p>Decision Deferred to enable Officers to request from the applicant/agent a waste management plan and farm plan and to have further discussions with Environmental Health regarding the proposed use, the Highway Authority regarding the unavailability of a safe access and the Environment Agency concerning the proximity of the site to a river.</p>
8.	<p>NYM/2014/0023/FL – Erection of an agricultural livestock building (retrospective) at land west of Calthwaite Farm, Cloughton for Mr Alan Temple, Beck Farm Cottage, Rocks Lane, Burniston, Scarborough, North Yorkshire, YO13 0HX.</p> <p>Decision Deferred to enable Officers to request from the applicant/agent a waste management plan and farm plan and to have further discussions with Environmental Health regarding the proposed use, the Highway Authority regarding the unavailability of a safe access and the Environment Agency concerning the proximity of the site to a river.</p>
9.	<p>NYM/2014/0024/FL – Erection of an agricultural livestock building (retrospective) at land west of Calthwaite Farm, Cloughton for Mr Alan Temple, Beck Farm Cottage, Rocks Lane, Burniston, Scarborough, North Yorkshire, YO13 0HX.</p> <p>Decision Deferred to enable Officers to request from the applicant/agent a waste management plan and farm plan and to have further discussions with Environmental Health regarding the proposed use, the Highway Authority regarding the unavailability of a safe access and the Environment Agency concerning the proximity of the site to a river.</p>

North York Moors National Park Authority Local Development Framework

Core Strategy and Development Policies

Adopted Copy 13th November 2008



Development Policy 11 - Re - Use of Existing Employment and Training Facilities

Proposals for the re-use of existing employment sites and training facilities for other purposes will only be permitted where:

1. The premises are not capable of beneficial re-use for economic purposes; or
2. The new use would result in a significant improvement to the environment or to access and highway arrangements, which outweighs the loss of employment land.

Applicants should refer to:

- Regional Spatial Strategy – Policy E5

- 8.11 There are a limited number of employment sites within the Park and where premises may no longer be suitable for employment use alternative uses may be sought. In exceptional circumstances the retention of an employment/training facility may no longer be viable as it cannot be re-used for alternative employment purposes or the activity is having an undesirable impact on nearby users. In these circumstances applicants will need to adequately demonstrate the limitations of the current building to the Authority and to demonstrate through an appropriate marketing exercise that re-use for economic purposes is not viable.

Core Policy J - Housing

A mix of housing types and tenures will be sought to maintain the vitality of local communities, consolidate support for services and facilities and support the delivery of more affordable housing. This will be delivered through:-

1. Locating all open market housing, including new build and converted units, in the main built up area of the Local Service Centre of Helmsley and the Service Villages. On larger sites more than 0.1 hectares or where 2 or more residential units are proposed, at least 50% of the resulting units must be affordable including conversion schemes. The 50% target may be varied in the light of the viability of the development, and is an interim figure for a period of 3 years, pending the completion of a general affordable housing viability assessment. Sites of less than 0.1 hectare must meet the definition of a small infill gap.
2. Supporting the development of local needs housing located on infill sites or as a conversion of an existing building within the main built up area of the Local Service Villages and Other Villages.
3. Restricting new housing development in the Open Countryside to that which is proven as essential for farming, forestry or other essential land management activities, replacement dwellings and conversion of traditional rural buildings for residential letting for local needs.
4. Supporting proposals for new development at Botton Village in the eight existing neighbourhoods, (Botton Farm, Lodge, Falcon, Village Centre, High Farm, Stormy Hall, Nook and Honey Bee Nest) where it can be demonstrated that the development is necessary to meet the needs of the existing community and cannot be accommodated through the re-use, extension or alteration of an existing appropriate building.

The occupancy of local needs housing will be restricted to:

- A. People who are currently living in and have permanently resided in the National Park for 5 years or more and are living in accommodation that no longer meets their requirements or
- B. People who do not currently live in the National Park but have a strong and long standing link to the local community including a previous period of residence of 5 years or more or
- C. People who have 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 5 years or more and require support for reasons of age or infirmity or
- D. People who require 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 5 years or more or

- E. People who need to live in the National Park as a result of current sole employment within that parish or adjacent parishes within the National Park.

All applicants will need to demonstrate to the satisfaction of the National Park Authority that the needs of the identified proposed occupants are genuine, that the proposal represents the most practical and sustainable solution to meet the need identified and why the existing housing stock cannot meet their needs.

Applicants should refer to:

- Planning Policy Statement 3 – Housing
- Planning Policy Statement 7 – Sustainable Development in Rural Areas
- Regional Spatial Strategy – Policies H1, H4, H6, RR1, C1
- Helmsley Joint Area Action Plan Development Plan Document (to be prepared)
- Housing Supplementary Planning Document

For further reference:

- Delivering Affordable Housing
- Affordable Rural Housing Commission, Final Report 2006
- Yorkshire and Humber Regional Housing Strategy

Sustainability Appraisal

This policy contributes positively towards sustainability objectives which seek to ensure that local needs are met locally. Potential impacts upon the historic environment can be mitigated at the implementation level.

- 9.6 The Regional Spatial Strategy does not include target figures for the provision of new housing in the region's National Parks. With the exception of the Local Service Centre of Helmsley (where sites may be allocated in a future Development Plan Document), all new housing development is likely to be the result of windfalls. Due to the environmental constraints of the Park there are limited opportunities for new housing development and therefore future completions are likely to be small in number. Over the last 16 years (1st April 1991 to 31st March 2007) a total of 423 new build residential properties have been completed within the Park, it is anticipated that future completions will be of a similar average annual figure of 26 units and will be focused in the Local Service Centre and Service Villages. This anticipated level of completed dwellings excludes provision on exception sites, the scale of which will relate to the need identified in a current Parish Housing Needs Survey. As a result of the requirement to meet local need and the small levels of anticipated development it is not considered appropriate to compile a list of developable sites for the 15 year period set out in Planning Policy Statement 3.

- 9.7 Local Occupancy conditions have been applied to new build properties in the Park since 1992. The concept was extended in the 2003 Local Plan to include most new build dwellings. This approach helps the Authority ensure that the limited opportunities for new housing meet local need rather than external demand. The policy does not produce 'affordable' properties as the value of houses with the condition is lowered by only 15 – 20% of market value. The high average house prices in the Park means that this is still unaffordable to many people but the policy does provide opportunities to meet the housing needs of local people who are already in the housing market.
- 9.8 The policy provides a number of potential ways of demonstrating a need for a dwelling in a particular locality. However there is an overall requirement to demonstrate that there are no suitable properties available within the existing housing stock to meet the need and that the proposal is the most appropriate means of meeting that need. The Authority will be producing further guidance on the information that will need to be submitted to demonstrate that the local needs criteria have been met in the Housing Supplementary Planning Document and this information will be required at the planning application stage.
- 9.9 The definition of affordable housing in Planning Policy Statement 3 has been used as the basis for the Authority's definition which is;
- 'Non-market housing provided to those whose needs are not met by the market. It can include social rented and intermediate housing (such as shared ownership). It should be available at low enough cost to afford based on local incomes and house prices and must include provision for the home to remain at an affordable price for future eligible households'.
- 9.10 Affordable housing is usually provided and managed by Registered Social Landlords, however other models will be considered where it can be robustly demonstrated through either an up to date District Housing Needs Survey or Parish Housing Needs Survey that the houses will be affordable to local people in need and will remain so in perpetuity. Further details on the information which will need to be demonstrated by applicants and the different types of affordable housing models will be set out in the Housing Supplementary Planning Document.
- 9.11 Evidence obtained from the District Housing Needs Surveys show that there is a high level of affordable housing need as follows:

District	Date of Housing Needs Survey	Affordable Housing Need per annum in National Park	Total affordable housing requirement (April 2007 to March 2012)
Scarborough	2006	100	500
Ryedale	2006	44	220
Hambleton	2004	8.6	43
Redcar and Cleveland	2006	Not collated at this level	30 required in the sub area of Guisborough, which includes a small part of the National Park

- 9.12 Planning Policy Statement 3 Housing sets an indicative national minimum threshold of 15 dwellings for where a percentage of affordable housing must be provided. However, Local Planning Authorities may set a different threshold where viable and practicable. In determining the minimum site-size threshold, an assessment of the impact on economic viability must be undertaken together with the impact upon overall levels of housing delivery and creating communities.
- 9.13 The Authority has been unable to undertake a full general viability assessment of the affordable housing target in criterion 1 of Core Policy J, but will carry out such an assessment within 3 years of the adoption of this DPD and then review the 50% figure if necessary in the light of the results of the assessment. In the interim period, the 50% quota will be applied. This figure is based on Policy H4 of The Yorkshire and Humber Plan and on the high price of housing in the National Park, which will support the viability of housing developments providing 50% affordable housing. It also takes into account the shortfalls of affordable housing units identified in the District Housing Needs Surveys and the scale of housing that has been provided in the Park in the past. The type of housing provided must reflect the need identified in the relevant Housing Needs Survey.
- 9.14 Proposals for dwellings in the open countryside for people employed in agriculture, forestry and other essential land management activities will be assessed against the criteria set out in Annex A of Planning Policy Statement 7: Sustainable Development in Rural Areas. The occupancy of dwellings approved under this policy will be subject to appropriate occupancy conditions. Applications for the removal of such conditions will be assessed through Development Policy 22.
- 9.15 Core Policy J allows for housing development within the main built up area of the settlements. The Proposals Maps show the entire settlement and an interpretation of what constitutes the main built up area will be considered on a case by case basis.

- 9.16 The majority of new housing development will take place on infill sites and these are defined as a small gap within a continuously built up frontage within the main built up area of the settlement, which can accommodate no more than one dwelling. However it is important to recognise the amenity value of certain open spaces within the built up area of settlements and therefore not every gap will be considered as an appropriate infill site. Gaps created by the development of affordable housing exception sites are not considered as infill gaps and may not necessarily be part of the main built up area of the settlement. On larger sites in Helmsley and the Service Villages consideration will be given to the use of the whole site and therefore on sites which can accommodate more than one unit proposals to split the site into smaller units for the construction of single dwellings will not be considered as infill gaps.
- 9.17 Botton Village towards the head of Danby Dale is a village owned by the Camphill Village Trust, which is a registered charity that works to provide people with special needs with the opportunity to live and work within a largely self sufficient community. Community facilities and houses in which members of the community live in larger 'family' groups are located in neighbourhood areas, each centred around established dwellings/farmsteads. Residents of the community find their daily work within the community and its well developed social and cultural activities provide support and leisure activities for all. Physically and socially Botton Village is different to all other settlements and communities in the Park and therefore requires specific mention in the policy, to allow development for local needs without damaging the landscape.
- 9.18 A large part of Helmsley is located outside of the National Park Boundary within Ryedale District Council. For this reason the Authority will work in conjunction with Ryedale District Council to develop a joint Development Plan Document for the whole settlement which will address the need for further housing development to meet the housing provision figure for Helmsley in the Ryedale Core Strategy.