

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
(North)
Parish: Fylingdales

Application No. NYM/2016/0436/FL

Proposal: removal of condition 3 (agricultural occupancy restriction) of planning approval NYM4/029/0280B/PA (allowed on appeal)

Location: Bridge Farm
Fylingdales

Decision Date: 11 August 2016

Consultations

Parish – Object because it was built with restrictions and should remain as such.

Site Notice Expiry Date – 20 July 2016

Director of Planning's Recommendation

Approval subject to the following condition(s):

1.	TIME01	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
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A. Allen 5/8/16

Application Number: NYM/2016/0436/FL

2.	RSU013	<p>The occupation of the dwelling hereby permitted shall be limited to:</p> <ul style="list-style-type: none"> i) a qualifying person; and ii) a wife or husband (or person living as such), licensee, dependant or sub-tenant of a qualifying person. <p>For the purpose of the above, a person is a qualifying person in relation to the dwelling if he/she has an interest in the dwelling (see Note A) and, immediately prior to occupying the dwelling, he/she satisfied the Local Planning Authority that he/she was in need of local needs housing in terms of the criteria set out in Core Policy J of the adopted North York Moors Local Development Framework, namely that he/she:</p> <ul style="list-style-type: none"> a) is currently living in and has permanently resided in the National Park for five years or more and is living in accommodation that no longer meets their requirements or b) does not currently live in the National Park but has a strong and long standing link to the local community including a previous period of residence of five years or more or c) has an essential need to move to live close to relatives who are currently living in and have resided in the National Park for at least the previous five years or more and require support for reasons of age or infirmity or d) requires support for reasons of age or infirmity and need to move to live close to relatives who are currently living and have resided in the National Park for at least the previous five years or more or e) needs to live in the National Park as a result of current sole employment within that parish or adjacent parishes within the National Park. <p>Prior to the occupation of the development the qualifying person shall have obtained confirmation in writing from the Authority that they satisfy the local need criteria outlined in points a - e above.</p> <p>Note A: For the purposes of the above, a person has an interest in the dwelling if he/she has a freehold or leasehold interest in the whole or any part of it, or is a secure tenant or statutory tenant within the meaning of the Housing Act 1985 or the Rent Act 1977.</p> <p>Note B: For the purposes of the above, resident within the National Park will include the whole of parishes split by the National Park boundary with the following exceptions; Allerston, Beadlam, Burniston, East Ayton, East Harlsey, Ebberston and Yedingham, Great Ayton, Great and Little Broughton, Great Busby, Guisborough, Ingleby Arncliffe, Irtton, Kirkby in Cleveland, Kirkbymoorside, Lockwood, Nawton, Newby, Pickering, Potto, Scalby, Snainton, Sutton under Whitestonecliffe, West Ayton.</p>
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Reason for Condition(s)

1.	TIME01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2.	RSU013	In order to comply with NYM Core Policy J which seeks to restrict the occupancy of new residential development to those with a local links and an essential need to live in the locality.

A. Allen 5/8/16

Application Number: NYM/2016/0436/FL

Background

Bridge Farm is located in a rural position in open countryside, in the area of Fylingdales, between Whitby and Scarborough.

The farm is situated at the end of a private roadway and comprises a modern farmhouse constructed in 1990 and is subject to an agricultural occupancy clause. There is a small modern livestock building and has 49.69 acres of grassland and woodland with frontage to Howdale Beck.

The accommodation comprises sitting room, conservatory, kitchen and dining room, and utility room. Three double bedrooms, one single bedroom and family bathroom.

A concrete roadway leads to the General Purpose building.

Over the last fifty years the applicants have expanded the livestock farming business to approximately 300 acres of agricultural land but within three separate units, which are Howdale Farm, Woodside Farm and Bridge Farm which is the subject of this application.

In 2015 the farming business purchased a 600 acre farm which has the land and farmstead within one unit and has increased the acreage considerably. In order to finance this business expansion the three separate units are being sold.

Bridge Farm was put on the market in 2013 with around 50 acres of land to try and attract agricultural or forestry workers. However it has been marketed as two lots in order to try and generate interest from as wide a variety of purchasers as possible.

The property was placed on the open market at a guide price of £450,000 for Lot 1, comprising house, building and 15.69 acres and £100,000 for Lot 2 comprising 34 acres. The applicants' agent has advised that their valuation of the property without an agricultural restriction would be in the region of £600,000 for Lot 1 and that an agricultural occupancy clause usually reduces the market value by around 20% to 25% below market values.

It is still on the market and has been marketed nationally, regionally and locally, through a sales brochure, mailing list and wider advertising, both through local and national newspapers and also on the internet and through window displays in ~~off~~ Malton, Helmsley and Pickering office and also in the Cundalls agricultural shop window which fronts on Malton Livestock Market.

The applicant's agent has advised that there have been 25 viewings and no formal offers have been received, with interested parties have included locals, but also people from County Durham, Derbyshire, Scotland and Cumbria. The principle feedback has been that they wouldn't meet the Agricultural Occupancy Restriction or that due to the restriction, finance cannot be raised.

The applicant has also advised that the current dwelling whilst used and occupied for agricultural purposes is no longer required as the applicants have purchased an additional 600 acre farm and require the sale of this property. The agent also states that the property has been marketed for a period of over 3 years at a realistic price level and from the marketing it is clear that there is no demand from local or national agricultural workers and

A. Allen 5/8/16

Application Number: NYM/2016/0436/FL

sales details have been sent to local farmers in the area and marketing has not resulted in interest from such parties. They have concluded that the layout of the land and access prohibits further buildings being erected to develop a more commercially suited agricultural unit and that the property has been marketed at a fair and reasonable price based on the occupancy clause and that the property has been marketed for a sufficient period of time.

Main Issues

The relevant planning policy is Development Policy 22 of the North York Moors Local Development Plan which recognises that due to changing farm practices and the vulnerability of the agricultural sector there may be occasions where dwellings constructed for agricultural workers are no longer required. In such circumstances units should not be kept vacant, nor should the present occupants be unnecessarily obliged to remain in occupation simply by virtue of the agricultural occupancy condition. The Authority may consider allowing the condition to be replaced with a local needs occupancy condition.

Bridge Farm was allowed on appeal, and was originally refused by Officers as it was not considered that there was a proven need for the dwelling in this location.

The supporting information submitted with the application, sets out why the current owners no longer require this dwelling and that it has been on the market for 3 years.

Officers have considered the valuation of the property and land and looked at other similar farm holdings that are on the market in the North Yorkshire area. Similar sized holdings with unrestricted dwellings are on the market between for £575,000 (smaller house in significant need of upgrading), £645,000 and £795,000. The asking price of either £450,000 with 15.69 acres or £550,000 with 50 acres is therefore considered to satisfactorily represent a 20 – 25% reduction in value to take account of the agricultural occupancy restriction.

Given these circumstances, on balance the provision of a 'local occupancy dwelling' to help meet the strategic housing needs of the Park is considered acceptable. Therefore approval for the replacement of the Agricultural occupancy restriction with a local occupancy restriction is recommended.

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

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.

A. Allen 5/8/16