

## North York Moors National Park Authority

<b>Scarborough Borough Council (South)</b> <b>Parish: Staintondale</b>	<b>App No. NYM/2016/0638/FL</b>
<b>Proposal:</b> removal of condition 3 of planning approval NYM/2013/0432/FL to allow the occupancy of the dwelling to be unrestricted	
<b>Location:</b> High Peak House, Pollard Road, Ravenscar	
<b>Applicant:</b> Mr & Mrs Heaton, High Peak House, Pollard Road, Ravenscar, Scarborough, YO13 0NB	
<b>Agent:</b> John Howlett Planning, 45 Windmill Rise, York, YO26 4TU	
<b>Date for Decision:</b> 20 October 2016	<b>Grid Ref:</b> NZ 497874 501258

### Director of Planning's Recommendation

**Approval** subject to the following conditions:

1. TIME01 Standard Three Year Commencement Date
2. PLAN01 Strict Accordance With the Plans/Specifications or Minor Variations
3. GACS01 The ground floor windows in the southeast elevation shall be glazed with obscure glass and shall be maintained in that condition in perpetuity.
4. WPDR00 Withdrawal of PD Part 1 Class A - No Additional Windows (Southeast)(dwelling)
5. WPDR01 Withdrawal of PD Classes A & E - Extensions, Alterations and Domestic Outbuildings

### Consultations

**Parish** – Object on the grounds that the removal of the local occupancy condition would set a dangerous precedent. Local occupancy conditions have been enforced at other properties in the Parish.

**Site Notice Expiry Date** – 5 October 2016

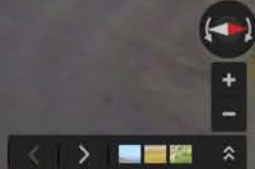
### Background

High Peak House lies on the west side of Raven Hall Road on the approach into Ravenscar. It is a two-storey former outbuilding built of coursed stone under a pantile roof which was granted planning permission in 2001 for conversion into a residential annexe for Church Farm. A condition was imposed requiring it to remain ancillary to Church Farm, as a single planning unit for use by members of the same family.

In 2013 planning permission was granted to vary the annexe occupancy condition to allow High Peak House to be occupied independently to Church Farm so that it could be sold off separately as a result of changing personal circumstances. In accordance with Core Policy J the Authority's local occupancy condition was imposed instead.



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**Background continued**

This application seeks the removal of the local occupancy condition so that High Peak House can be sold as an open market dwelling unencumbered by any occupancy condition. In support of the application the agent has provided a supporting statement detailing the marketing of the property and providing an assessment as to the relevance of the condition. In addition there is a letter from Simon Ward (Chartered Surveyor & Town Planner) dated May 2015 which provides an analysis of the local housing market and a Valuation Report from Emerson Surveyors and Solicitors dated July 2016.

**Main Issues****Policy**

Under the spatial strategy of the Core Strategy and Development Policies Document Ravenscar is identified as an 'Other Village' where Core Policy J (Housing) supports new local needs housing development on infill plots only or as the conversion of existing buildings within the main built-up area of the village.

There is no policy within the Core Strategy and Development Policies Document which deals specifically with applications to remove local occupancy conditions however Development Policy 22 (Removal of Agricultural Occupancy Conditions) provides some useful guidance. It advises that agricultural occupancy conditions will only be removed where it can be demonstrated that there is no longer a need for the accommodation through a reasonable period of marketing. The same approach has been applied by the Authority to the removal of local occupancy conditions.

**Principle**

The acceptability of the removal of a local occupancy condition depends on whether the property has been marketed at a price to reflect that occupancy restriction and for a reasonable period of typically between 12 and 18 months to demonstrate that there is no demand for the accommodation.

High Peak House has been on the market for sale since May 2014, initially with a guide price of £325,000. Unfortunately for the first year of marketing the property was advertised without reference to the local occupancy restriction and as such the Authority cannot take into account this period of marketing when assessing the likely demand for the accommodation.

In April 2015 the guide price was reduced to £275,000 to reflect the local occupancy condition in response to a report by Simon Ward (Chartered Surveyor & Town Planner) which concluded that properties subject to occupancy conditions are known to achieve lower sales values because of the more limited market, typically between 20% and 25% of the market value. In addition the property details were changed to make clear the occupancy restriction on the property. However whilst there was some limited interest in the property following that reduction in the guide price, no offers were forthcoming.

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**Main Issues continued**

The guide price is considered to reflect the value of the property with the incumbency of a local occupancy restriction and this has been supported by the valuations by both Simon Ward (Chartered Surveyor & Town Planner) and Emerson Surveyors and Solicitors. The open market value of the property is estimated at £340,000 so a guide price of £275,000 is a reduction of approx. 20%. Furthermore at the time the application was submitted the property had been actively marketed, with the local occupancy condition, for 16 months.

As such it is considered that High Peak House has been advertised for a reasonable period to establish whether or not there is a demand for the accommodation and that the guide price included a reasonable reduction to reflect the local occupancy restriction. The concerns of the Parish Council are noted but each case has to be taken on its own merits and if there is no demand for this local occupancy dwelling then the Authority would be unreasonable in obliging the present occupants to remain or for the property to lie vacant. The approach, which reflects the process which is applied to proposals for the removal of agricultural occupancy conditions has been used previously and is considered to be a reasonable and objective approach to take. Approval is therefore recommended.

**Conclusion**

The property has been on the market since 2014, and in 2015, the price was reduced to reflect the local occupancy restriction and the estate agents details made it clear that the property was subject to the restriction. No offers have been received. It is therefore considered that the property has been marketed for a sufficient length of time and at the right price, to reasonably demonstrate there is no current demand for a local occupancy dwelling in this location. It has long been Government advice in respect of similar agricultural occupancy dwellings that it would be inappropriate to retain an occupancy condition resulting in an empty house.

Officers acknowledge this recommendation has potential implications for other local occupancy dwellings in this Park, however it was always a small risk that such a local need property would not find a 'local' need compliant purchaser.

The removal of the condition is not considered to undermine the approach to new housing in the National Park as set out in Core Policy J and other applications for the removal of occupancy conditions will be considered on a case by case basis.

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

The Local Planning Authority has acted positively in determining this application by assessing the scheme against the Development Plan and other material considerations and subsequently granting planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.