



# The Planning Inspectorate

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3/25 Hawk Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Direct Line 0117-3728629  
Switchboard 0117-3728000  
Fax No 0117-3728624  
GTN 1371-8629

<http://www.planning-inspectorate.gov.uk>

Miss F A Ward (The National Park Officer)  
N Yorks Moors NP Authority  
The Old Vicarage  
Bondgate  
Helmsley  
York,  
YO6 5BP

Your Ref: NYM3/081/0073C/PA  
Our Ref: APP/W9500/A/01/1067251  
Date: 15 October 2001

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990**  
**APPEAL BY MR & MRS I TODD**  
**SITE AT MOUNT PLEASANT FARM, LOCKTON, PICKERING, NORTH YORKSHIRE**

I enclose a copy of our Inspector's decision on the above appeal.

The attached leaflet explains the right of appeal to the High Court against the decision and how the documents can be inspected.

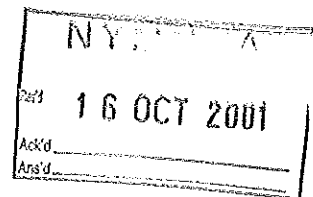
If you have any queries relating to the decision please send them to:

Quality Assurance Unit  
The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

Phone No. 0117 372 8252

Fax No. 0117 372 8139

E-mail: [Complaints@pins.gsi.gov.uk](mailto:Complaints@pins.gsi.gov.uk)



Yours faithfully

Mr Tim Mather

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# Appeal Decision

Hearing held on 03 October 2001

by **Peter F Jamieson**  
CEng MICE MIHT MIMgt MRTPI

an Inspector appointed by the Secretary of State for Transport,  
Local Government and the Regions

The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: enquiries@planning-  
inspectorate.gsi.gov.uk

Date

15 OCT 2001

**Appeal Ref: APP/W9500/A/01/1067251**

**Mount Pleasant Farm, Lockton, Pickering**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr and Mrs I Todd against the decision of the North York Moors National Park Authority.
- The application (Ref. NYM3/081/0073C/PA), dated 17 November 2000, was granted planning permission by the Council on 5 February 2001 subject to conditions.
- The development permitted is an agricultural workers dwelling.
- The condition in dispute is No. 12 which states that:  
*"The occupation of the existing house known as Mount Peasant Farm shall from the date of the commencement of the development hereby permitted be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990 or in forestry or a dependent of such a person residing with him or her, or a widow or widower of such a person."*
- The reasons given for the conditions is:  
*"This consent is granted only because the local planning authority are satisfied that two key workers are required to live on the holding."*

**Summary of Decision: The appeal is dismissed.**

## Procedural Matters

1. Outline planning permission was granted in 1990 for a new agricultural dwelling on the appeal site. Reserved matters were subsequently approved in 1993. The full planning permission was renewed in 1995 and again in 2001. An agricultural occupancy condition was attached to the existing dwelling on each of these permissions.
2. The approved development has not commenced.

## Main Issues

3. I consider the main issue in this case to be whether the disputed condition is necessary in order to protect the character and appearance of the area.

## Planning Policy

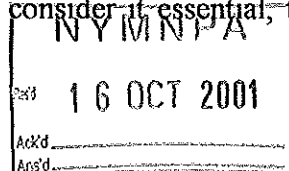
4. Planning Policy Guidance on General Policy and Principles (PPG1) requires me to determine this appeal in accordance with development plan policies, unless material considerations indicate otherwise. The development plan for the area comprises the North Yorkshire County Structure Plan (1995) and the North York Moors Local Plan (1992). The National Park Authority has also made reference to the Deposit Draft North York Moors Local Plan. Objections have been received to key policies pertinent to this appeal

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and these have yet to be considered at a public inquiry. Since the outcome of this is uncertain, I am unable to attach significant weight to these emerging policies.

### Reasons

5. The appeal site lies within the countryside and outside any defined settlement. Structure Plan Policy H5 and Local Plan Policy H5 both contain presumptions against new housing in such areas, unless there is a proven agricultural or forestry need. Structure Plan Policy E1 applies this requirement to the North York Moors National Park. The functional and financial tests are fully satisfied and there is no dispute that a justified need exists for an additional agricultural dwelling on the holding. I agree. The proposed dwelling would thus comply with the above policies.
6. Local Plan Policy F1 deals specifically with farmers' and farm workers' houses. This policy requires an occupancy condition to be applied to the new dwelling and, in appropriate cases, to existing houses associated with the holding. Condition 10 is an agricultural condition on the proposed dwelling and the need for this is not disputed. Although the policy refers to "appropriate cases", the National Park Authority consider the imposition of this condition to be the norm. The application of an occupancy condition to existing farm dwellings is supported in Annex I to Planning Policy Guidance on the Countryside (PPG7).
7. Justification for such a condition is the protection of the National Park from further new housing, in the form of replacement agricultural dwellings, if the original farm dwelling was to be sold on for general residential use. Experience has shown this to be a not infrequent occurrence and one to be guarded against. Since an agricultural need has been proven for 2 dwellings on the holding, it is reasonable for both dwellings to be covered by an occupancy condition. Such a condition is supported by development plan policies and by national policy guidance. I conclude, therefore, that the National Park Authority was correct to impose Condition 12. A similar occupancy condition has been applied consistently to each of the previous planning permissions for the new dwelling. The planning authority has thus demonstrated a clear consistency in its adherence to development plan policy. It was established at the hearing that there have been no policy changes and no fundamental changes in the farming operation during the ten years following the initial outline planning permission. It is recognised, however, that the BSE and Foot and Mouth Disease crises have drastically affected the financial stability of farming and that economic factors underpin the basic thrust of this appeal.
8. The appellants purchased the holding about 15 years ago. At that time the dwelling was not subject to an occupancy condition. The property was thus purchased at the full market value and the assets of the business assume a present day market value. If the new dwelling is erected and the occupancy condition becomes applicable to the existing house, its market value immediately reduces and the assets of the business reduce similarly. This is a serious financial headache for the appellants and I have considerable sympathy with the predicament in which they find themselves. However, if this appeal was to be allowed and the condition deleted, this financial argument could be repeated with legitimacy in all similar cases. The consequences of such would be detrimental to not only the North York Moors National Park, but to the countryside as a whole. I consider it essential, therefore, that the condition should remain in place.



9. The appellant confirmed at the hearing that there was no intention to sell the existing farmhouse and I have no reason to doubt this. The occupancy condition would, it is argued, reduce the future opportunities open to the business at a time of inevitable change. However, the new dwelling has been justified on the basis of the present farming operation, not what might happen in the future. Similarly the proven need relates to the business, not to the personal needs of the occupiers. It was also suggested that the existing farmhouse is too large and too expensive to be of interest to a farm worker. I recognise that this may well be so, but the condition allows a much wider use than is implied by the term "farm worker". Contrary to the appellant's misconception, an occupancy condition is not necessarily in place for all time. If farming changes sufficiently in the future for it to be shown that there is no agricultural or forestry need locally for the dwelling, the condition could be removed. PPG7 makes it clear that such conditions should be removed if they have outlived their usefulness.
10. The remaining conditions attached to this permission were agreed at the hearing to be appropriate. I have no reason to disagree with this.

### Conclusions

11. For the above reasons and having taken account of all other matters raised, I find that the appeal should be dismissed.

### Formal Decision

12. In exercise of the powers transferred to me, I dismiss the appeal.

### Information

13. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.



INSPECTOR



**APPEARANCES**

**FOR THE APPELLANT:**

|            |                  |
|------------|------------------|
| Mrs W Todd | Appellant        |
| Mr J Todd  | Son of appellant |

**FOR THE LOCAL PLANNING AUTHORITY:**

|                         |                                |
|-------------------------|--------------------------------|
| Mr M Hill Dip URP MRTPI | North York Moors National Park |
|-------------------------|--------------------------------|

**DOCUMENTS**

- |          |   |  |
|----------|---|--|
| Document | 1 | List of persons present at the Hearing.  |
| Document | 2 | Planning Authority letter of notification of the hearing and list of persons notified. |
| Document | 3 | Appendices to Local Planning Authority's statement.                                    |
| Document | 4 | Extract from Local Plan.   |
| Document | 5 | Planning Permission.   |
| Document | 6 | Extract from Deposit Local Plan.   |

**PLANS**

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|------|---------|----------------|
| Plan | A       | Approved plan. |
| Plan | B1 – B3 | Land holding.  |