



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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Your Ref:
R 819
Our Ref:
T/APP/W9500/A/96/265872/P8

Date:

- 4 NOV 1996

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR & MRS S BRADLEY
APPLICATION NO: NYM 4/034/1217D/PA

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the North Yorkshire Moors National Park Committee to refuse planning permission in respect of an application for the relaxation of an occupancy condition at Romany Cottage, Eskdaleside, Sleights, Whitby. I have considered the written representations made by you and by the Authority and also those made by Eskdaleside-cum-Ugglebarnby Parish Council. I inspected the site on 5 August 1996.

2. I understand that planning permission was first given for the erection of a dwelling on the appeal site in 1978 subject to a standard agricultural occupancy condition. The outline planning permission was renewed in October 1981 and, following approval of reserved matters in September 1983, the dwelling was erected in 1986. The present occupants purchased the property in 1992 and I understand they occupy the property in conformity with the condition being retired farmers from the Stokesley area some 30km to the west. The occupancy condition was however relaxed in 1993 on an application from them to include persons engaged in the breeding and keeping of horses.

3. The appeal site is located in particularly attractive countryside on the south side of the Esk valley some 2 km south west of Sleights within the North Yorkshire Moors National Park. The house is situated near the Sleights-Grosmont road with 2 detached buildings providing a double garage and 5 stables. A general purpose farm building 18m x 12m is situated about 100m down the hill to the north east. The holding consists of some 13.5ha made up of 9.63ha of old leys and 3.87ha of woodland extending down the hillside and into the valley alongside the river.

4. The purposes of defining National Parks are the conservation of the natural beauty of the countryside and the promotion of their public enjoyment. The approved Structure Plan seeks the conservation of the landscape and to prohibit isolated development except where it can be shown to be essential to the needs of agriculture, forestry or in other exceptional circumstances. Local Plan policies also stress the need for care in scrutinising applications



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for houses to meet special needs, for the imposition of occupancy conditions in such cases and for limiting occupancy to people with a local need when permitting infill development in certain villages.

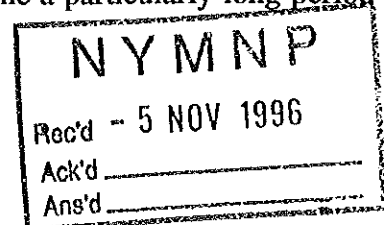
5. On its separation from the adjacent Cragg Farm the holding was without on-site accommodation. Having first refused planning permission for a house the Authority only granted permission for a dwelling in conjunction with the provision of 100 head calf rearing unit and subject to the prior establishment of that unit and an agricultural occupancy condition. These requirements were reimposed when the outline permission was renewed in 1981 though the former was omitted when reserved matters for the dwellinghouse were approved for different applicants in 1983. A caravan was brought onto the site and later approved on a temporary basis, between 1982 & 1984, to assist in the implementation of the calf unit. It was never built. The Authority offer no explanation as to how it came about that the dwelling was erected without compliance with the condition or why enforcement action was not taken.

6. I consider the central issue in this appeal is whether or not there has been an adequate period of advertising, over a wide enough catchment area, and at an appropriate price to reflect the occupancy condition to demonstrate that the condition (in its amended form) is no longer justified.

7. The failure to ensure compliance with the condition to prevent occupation of the dwelling until the calf unit was established does not diminish the need now to avert the risk of increased pressure for houses in the countryside. Whilst it validates your argument, endorsed by the Director of Property Services, that the holding has never and is not able to support a full time agricultural worker, occupation of it is not confined to such persons. It could be occupied by a retired farmer or by persons participating in the breeding and keeping of horses.

8. The dwelling is a modern stone faced property built to a high standard of specification with a sizeable garden, remote from other property and with substantial outbuildings including 5 stables and a general purpose agricultural building. Irrespective of its countryside location, fine views and the attractive woodland and riverside land associated with it, there can be no comparison between its value and an average 3 bed-roomed house in Whitby. Equally the fact that a typical hill farmer or farm worker may not be able to afford to purchase the property cannot substantiate that the asking price is unreasonable. The valuers advising both parties have concluded, taking into account the occupancy restrictions, that the asking price is reasonable and there is no evidence before me to suggest otherwise. It can therefore be assumed that prospective purchasers have not been put off by it.

9. It seems to me however, that little evidence is provided of the extent and nature of the advertising campaign the case being made mainly on the basis that the agricultural unit is no longer viable. The Northallerton based selling agents are well placed within a very broad agricultural region but it is not clear how widely based the advertising has been. It appears that it may well have been targeted on those locally employed in agriculture rather than being focused on retired farmers or those concerned with the breeding and keeping of horses over a much broader area, possibly through the specialist press. The potential market of such purchasers is clearly likely to be smaller than the agricultural community of this very broad rural area. Bearing that in mind and the sluggish nature of the property and general housing market 12 months (now 21 months) does not seem to me a particularly long period



in which to effect a sale. It is clearly not the case that a retired farmer would have to run a viable business from the property. A purchaser such as the one who intended to bring his sheep quota with him would have seemed to me ideal. It may be, given additional time and more objectively directed advertising that further such interest would be attracted.

10. In the circumstances I am not convinced that the property has been advertised to a sufficiently wide market, including horse breeders and owners bearing in mind the stable facilities, to justify a relaxation at present.

11. I have considered all the other matters raised including the separate disposal of the house and land suggested by the Authority. Whilst that may bring the price of the house within the means of many more prospective purchasers it would not serve the Council's purpose by bringing it within the financial means of most of the agricultural community. More importantly however it would be likely to increase the risk that sooner or later a further house might be sought by the purchaser or user of the land. None of the other matters is so cogent as to detract from my conclusions on the main issue.

12. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully



BRIAN K MASTERMAN DipTP(Leeds) MRTPI
Inspector.

