



## PLANNING COMMITTEE

Tuesday 14 March 2017 at 6.00 pm

Council Chamber, Ryedale House, Malton

### Agenda

20 Late Observations

(Pages 2 - 58)



All Members of the Planning Committee  
Council Solicitor  
Head of Planning & Housing  
Managing Development Team Leader

Ref: Agendas/Planning/2016/2017

10 March 2017

Dear Councillor

**Meeting of the Planning Committee - 14 March 2017**

With reference to the above meeting I enclose for your attention the late observations received since despatch of the agenda.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K Hood'.

Mrs Karen Hood  
Managing Development Team Leader

Enc

Ryedale District Council  
Ryedale House  
Old Malton Road  
Malton  
YO17 7HH

The Quarrels  
Back Lane  
Marton  
Sinnington  
YORK  
YO62 6RD

7<sup>th</sup> July 2016

Dear sir/madam

Reference Number 3/85/38A/FA

6. Condition(s) Removal

This document is one of the attached Supporting Documents.

16/01/16 5/7/16

The reasons why I require Condition No.7 to be removed are as follows.

There have been limited opportunities for Full time 'agricultural work within the locality of The Quarrels' property during the last 17 years.

The facts are that I suffer from 3 known medical conditions that I have to manage so as to retain my health, fitness and mobility. I include a document from my GP confirming these conditions at my cost. It is fair to say that the primary reason why I have not been able to obtain full time work over a 17 year period is down to my skeletal conditions which prevent me from physically demanding work such as agricultural work. Unfortunately these skeletal issues will continue to restrict my present and future physical capabilities. These medical conditions will not improve, they just need to be managed effectively.

This combination of health issues alone should be a sufficient reason to justify the removal of the occupancy conditions and for not requiring me to place the property on the housing market for usually expected 12 month period. This 12 month period is not a mandatory requirement as has been proven by your past decisions.

I refer you to a recent decision by RDC relating to Eastfield Lodge, Long Lane, Great Barugh, Malton, YO17 6XE, which is situated only 2 miles from my property and can be seen from my property.

'Variation of Condition 02 (agricultural occupancy condition) of approval 3/94/7B/PA dated 15.05.1978 to allow local needs occupancy 25/7/2013'.

This property was not advertised For Sale at any time.

I have reviewed this aforementioned Approval decision and all of the information provided to RDC (Ryedale District Council) by the applicant and the responses from the planning officers and it is reasonable to recognise that my genuine health reasons sufficiently provide far greater justifiable reasons for not only removing the restrictive agricultural occupancy condition on my property, but for determining such a decision in the same manner by exempting myself from having to advertise the property for sale.

I remind RDC that in approving the Eastfield Lodge application it confirmed that there was in fact no mandatory need for the house to be advertised For Sale by the applicant for a 12 months. I can only assume RDC entered dialogue with the applicants and mutually agreed

the variation of condition 02 before it was accepted and Approved by the planning committee only 3 years ago.

As with the owner of Eastfield Lodge I similarly do not want to sell my house, I have no intention of selling my house now or in the future. I have lived at The Quarrels for over 21 years which is a substantial time period and proves my desire to remain living locally in an area where I have lived the majority of my life along with confirming that I did not build The Quarrels property so as to sell on for large profit and for me to then move on. (records show that RDC have removed similar agricultural occupancy conditions locally to Marton.) I refer you to Greenacres, White Thorn Farm, Rook Barugh, Great Edstone, York, YO62 6PF. 12 years after RDC granted approval for farm workers dwelling, application of Removal of occupancy condition on 25/9/1998. RDC decision-Approved.

Farmers are not enthusiastic about employing some one with serious back ailments such as mine knowing the physical demands farm work requires.

The planning condition has been the only reason stopping me from gaining suitable employment for the last 17 years.

The reduction in livestock farming in the locality especially dairy farming has reduced the need for agricultural dwellings in the locality in general, however it is accepted that where livestock management has always been a concern such dwellings needed to be situated in close proximity to the farm or indeed on the farm. There is no longer this need at The Gables Farm, Marton.

The job centre want me off benefit.

In theory removing this occupancy condition should reduce the burden on the tax payer.

This is an opportunity for the DWP, the UK taxpayer and Ryedale District Council to get me back into work after being prevented from work for 17 years.

The following information is wholly relevant as it provides accurate historic details of actions I have taken regarding my health, my property, my employment and my contact with RDC.

#### History

1. I first applied for unemployment benefit on 11/9/1998.
2. For the entire 17 years and 10 month period of continuous unemployment since applying for unemployment benefit I have complied fully with the Department for Works & Pensions (DWP) requirement that I look for work on a weekly basis so that I retain my entitlement to DWP benefits.
3. I had a meeting with Ryedale District Council (RDC) planning and legal officers in 1998 who stated the official stance of the council at that time regarding their interpretation and application of planning law relating to Condition 7 (Agricultural Occupancy condition).
4. The official stance provided to me by RDC at that time was that this condition had to be complied with by myself and my partner (Susan).
5. RDC stated that for compliance of this condition to occur we had to ensure the following occurred. (i) That the majority share of our total joint Incomes had been earned from Agricultural work within the Locality along with, (ii) That the majority of our combined



total hours worked had been from Agricultural work within the Locality. Or (iii) I was last employed in Agriculture. (as you will realise I have complied with condition (iii) for over 17 years).

6. In 2001 I had multiple correspondence with RDC discussing this occupancy condition in depth with RDC, I also addressed the probability of being granted permission to change the condition sufficiently so as to expand work opportunities available to both me and Sue, but RDC refused emphatically to enter into any discussions on what they deemed an acceptable change to the condition, I was just told to put in a planning application for them to decide. If RDC planning department were unwilling to negotiate an acceptable variation to the condition which they were prepared to accept or support before presenting such proposal to the councillors for deliberation, then knowing how past council committees have acted, I was not prepared to pay RDC any money when it would be a complete gamble with no support from RDC officers which had to be interpreted that they most probably disagreed with varying the condition under any circumstance. Having started a family and being on benefit I had no disposable income available to me to pay for an application without first knowing how RDC would view such a request, I had no alternative but to continue as before.
7. When I previously attempted to enter discussions with RDC I provided RDC with the following information and how they restricted my ability to do specific physical activities, (i) In 2000 x-ray's on my lower back allowed my GP to diagnose that I had 2 medical conditions of my lower lumbar, (1) Spondylolysthesis of L5 and S1 and (2) Lumbar Scoliosis, which is a natural curvature of my lower lumbar spine. (ii) In 1993 I had been crushed by a cow which was later determined as the most probable cause of the trauma that required the following regular osteopathic treatment. (iii) Since 1994 I had required regular treatments from the then local Registered Osteopath Mr Robert De la Warr so as to manage this recurring injury. (iv) Mr De La Warr always described the injury to me as a displaced pelvic where either one or both of my sacroiliac joints had been forcibly moved from their natural positions by an extreme force. As mentioned previously, RDC refused to enter into discussions or provide any advice other than that I put in a planning application.
8. I include a letter dated 31 Mar 99 from Mr De La Warr that confirms the first 37 treatment sessions in a 45 month period.
9. Mr De La Warr introduced me to his colleague Caroline Thompson who covered for him at his practice in Malton, Caroline herself had treatment rooms at Scarborough and York which I also attended for treatment on a regular basis. I continued to use Caroline Thompson after Mr De La Warr retired. Mr De La Warr's clients were taken on by another colleague who Practice was situated in a room within the Derwent Surgery building, he provided me with a few treatment sessions until 2008.
10. Before Mr De La Warr retired in around 2006, I had received in the region of 130 private treatment sessions through the Osteopathic practices of Mr De La Warr and Ms Caroline Thompson. None of these treatment sessions had been funded by the NHS.
11. In 2008 I suffered a serious relapse which occurred while using a ladder at home. I had a conversation with my GP and it was agreed private osteopathic treatment was no longer an option in the managing of my back condition, it was agreed we needed to confirm if there was an underlying cause of the problem we were unaware of and fix it if possible. This resulted in my GP referring me to a Specialist Consultant at Scarborough Hospital.
12. On my meeting with the Scarborough Hospital Specialist Consultant in July 2009 he confirmed that my right leg was approximately 30 mm shorter than my left leg. He confirmed that this was a greater than usual leg length discrepancy and that this had to have been a major contributing factor as to why I sustained many ankle, knee, hip and back injuries for as long as I can remember.

13. The consultants prognosis was that this could be corrected by either major surgery or I manage this problem by using a heel lift inside my shoe to reduce the imbalance of my knees, pelvis and spine. My consultant explained the seriousness of having an Anatomical Short Leg and how it put uneven stresses and tilt on the pelvis and limb joints during every day activities, such stresses could be magnified significantly if I had a physically demanding jobs. To prevent recurring lower back injuries (including sacroiliac joint displacement) in my normal daily activities I was instructed to take precautionary measures to limit lifting, carrying, repeated bending, climbing ladders, running and other strenuous physical activities not mentioned above. The consultant made me fully aware that having a short leg would make me prone to upper back, neck and shoulder injuries.
14. The consultant advised I stop golfing, replace running with walking briskly, swimming and cycling. I informed the consultant that I had stopped swimming and cycling because of the pain already involved. It was agreed that I was the only person who could determine the suitability of any activity and whether it was beneficial to my physical and mental health therefore I can only choose by experience.
15. At present the exercise I use to maintain a reasonable level of fitness and lower back health is limited to running, walking and resistance exercise, the majority of this exercise occurs when I referee local grassroots football.
16. I do have a regular prescription of pain killers (paracetamol & Ibuprofen) that have assisted me in handling my knee and back health well enough to date so that I have not needed any further osteopathic treatments since 2009.
17. As mentioned previously I was diagnosed with the skeletal conditions Spondylolisthesis in 2000, Lumbar Scoliosis in 2000 and Short Right Leg Syndrome in 2009. All 3 conditions have been diagnosed after I became unemployed, but it has been the diagnosis of the Short Right Leg Syndrome in 2009 that has allowed me to understand what has been the primary cause of my suffering regular pain and injury to my lower back and knees. I have identified strenuous, repetitive and physical activities that are to the detriment of successfully managing and preventing further injuries, discomfort and stress associated with these ailments. I try to avoid known or suspected unsuitable activities, otherwise I limit any such activity to a minimum but where necessary I use pain relief.
18. I have alleviated a proportion of the imbalance in my knees and pelvis by using a heel lift in my shoe. Unfortunately the maximum possible heel lift within my shoe and football boot is only 15mm, this has not been enough for regular daily use so I have to wear boots for the majority of the time and in these I have been able to lift my right heel approx. 23mm.
19. These 3 skeletal conditions restrict me from being physical capable of fulfilling normal farm work whether on an arable farm or livestock farm. The 3 conditions more importantly make me prone to sustaining serious injuries on any type of farm at any given time. I have been told by farmers that my back ailments highlight many Health & Safety issues that employers are required to address and applicants with such ailments such as myself are clearly not suitable for the physical and sometimes strenuous work agriculture requires.
20. My body no longer retains the physical strength I had before I was crushed by a cow in 1993 or even when I became unemployed in 1998. Managing my back and leg conditions and preventing further sacroiliac joint displacements has required me to address these serious health issues. I have had to assess the pain involved when doing any manual task since 2000 and whether it is beneficial to my health or not, this pain has become easier to assess since being diagnosed with Short Right Leg Syndrome in 2009. In the past my decision making was based more on trial and error, I now know what works and more importantly what does not work.
21. My health and fitness has relied heavily on my participation in golf from 2006 until a knee injury stopped my regular participation in 2012. The coil like rotation of my back

throughout the golf swing complemented my lower and upper back health. I do not recall suffering from pain when I made a good swing, though when I did feel pain it was usually my own mistake that caused it. Due to the physical stress on my back involved with carrying my golf bag I used a pull golf trolley when I restarted playing golf in 2006, I eventually realised that pulling a golf trolley still caused me pain in my back, so I invested in a push trolley which provided a pain free experience.

22. In 2010 I sustained a repetitive strain injury that resulted in weakness and instability in my left knee which gradually reduced my regular pain free participation in golf, into requiring pain relief just so as to be able to play. By 2012 I was unable to play the game injury and pain free and it had become detrimental to my fitness and health. I had no option but to sacrifice playing the greatest sporting game invented and my most favoured sport, golf.
23. I have only been able to play one round of golf in each of those following 3 years because of the weakness and instability in my left knee (longer leg). I am a right handed golfer. It was only as recently as June this year that I have been able to return to playing golf with the support and guidance of a friend, once a week only. I am now having to build a completely new swing that minimises the significant stresses my left knee endures in the swing so that I can return to play pain free and with a significantly reduced risk to injury.
24. In Sept 2012 in an attempt to provide alternative exercise to help my recovery from my leg injury and improve my fitness I resumed my position as a local grassroots Football Referee having previously retired from refereeing through recurring back and ankle injuries in 2007. Since 2009 to the present day I have managed the health of my back and knee relatively well and this is supported by my present level of fitness. To retain my health and fitness I have to remain injury free, so I strictly control the types of physical and strenuous activities I participate in so as to limit and reduce the risk of injury and subsequent loss of fitness.
25. Fortunately I am the sole judge of what physical activity is acceptable or not. My physical strength is much reduced from when I farmed last. Since 2009 I have reduced additional unnecessary exertion and stress on my body especially my back so that I retain continuous mobility and fitness. I find the stress exerted on my pelvis by lifting only 20kg uncomfortable. I find carrying more than a maximum 9 kilograms in either hand at the same time over a short distance and for a short length of time to be uncomfortable. If I had carry a 20kg weight over a 10 metre distance over unstable and uneven ground, exerting stress on my knees and back by having to twist and turn this activity would put me at high risk of sustaining an injury. To have to carry out this procedure repeatedly would increase the risk further, as would increasing the weight carried, or having to go up or down steps.
26. I have found that using a push lawnmower allows me to put an even amount of controlled resistance on my lower back and pelvis that is neither unpleasant or uncomfortable. I have used this activity to improve my fitness and strengthen my lower back previously and I am again using this now for the same purpose. This activity when used to help strengthen my pelvis and lower back but such an activity has to be limited to a couple of hours maximum at any time and where possible on a weekly basis. I can make this as strenuous an activity that I deem appropriate at the time but there is only the need to exert sufficient strain so that it does not feel uncomfortable. I usually know within 2 or 3 days if I have over done this activity.
27. I could provide you with a long list of farm jobs from manhandling sheep and newly born calves to just climbing onto a combine that all pose a significantly high risk of causing injury and detrimental to my health and fitness, but if you have not been able to accept the validity of my stated health issues and how I am having to manage them for the past 15 years as I have stated within this document then you won't accept anything I present to you and you will have already prejudged this application in spite of the supporting facts.

28. I was told by my previous and now retired GP Dr Moulson (Tinley Garth Practice, Kirkbymoorside) in 2000 that I was solely responsible for my health and fitness and that I had to make the decisions that were best for me.
29. Even though I am clearly unsuited to the physical requirement of agricultural work this does not limit my ability to compete for less physically demanding jobs, unfortunately all of these types of jobs are outside agriculture, therefore I need the condition removed completely so as to allow me to seek this employment without being in breach of planning condition 7.
30. I am 52 years old and even though I say it myself, my fitness and health make me totally unsuited to the physical demands of agricultural work. I am the wrong age, I have been outside of the industry for too long and the usefulness of any skills I possess are now limited. I am competing for available full time agricultural work against younger, fitter, stronger, healthier, more experienced and more qualified individuals than myself.
31. My full compliance with the planning condition has burdened the UK tax payer to pay benefits to well in excess of £140,000 plus loss of all potential taxable earnings from our household for this 17 year period.

#### 1998

32. At meetings I had with RDC officers in 1998 I made them fully aware that the situation I found myself in was due entirely to the fact that the Farm Partnership which I was a partner in had been Determined in mid April 1998 by the Landlord, his wife and their son. I was jobless as of the 17<sup>th</sup> April 1998. There was no full time agricultural work available in the locality in April 1998 so I had no alternative but to seek immediate temporary employment outside of agriculture while I looked for further agricultural work in the locality.
33. I found agricultural work at Fryton within 13 miles on my home. This in my opinion was on the boundary of complying with the planning requirement of being 'in the Locality' but was the closest work available at that time. This work was only seasonal and would only start in mid July 1998 and would continue through to Late November subject to weather conditions. I continued to seek full-time agricultural work but all that was available was seasonal harvest work similar to that which I had acquired at Fryton.
34. I found additional work outside of agriculture labouring for builders, painting, tiling, window cleaner, delivering phone books and some other casual jobs until I was able to start work at Fryton in July. I had financial obligations including a mortgage, a 2 year old son to consider along with my partner expecting our 2<sup>nd</sup> child around Christmas 1998 and I maintain to this day that I was treated harshly by RDC at that time and this in my opinion tis has been confirmed by other decisions by RDC since that day.
35. In 1998 I informed RDC that the dairy industry having been decimated by BSE (some know only as mad cows disease) up to that date was forcing farmers into addressing the future viability of their businesses and how they would continue.
36. I stated that many farmers were going to reduce livestock levels thereby reducing the need for both full-time and part-time employees and more farms would change where possible to arable crops or increase their present arable acreage. This would cause a drastic reduction in agricultural employees in the following years including a reduction in full-time employment. This would in all probability increase both contract work undertaken on farms and part-time labour costs due to work being seasonal.
37. More farmers were going to have to decide whether to (i) Rent out their farm, (ii) Increase use of contractors, (iii) Share workers with neighbours, (iv) Use their farm buildings to

- house other farmers livestock. (v) Share machinery with other farmers, (vi) Go part-time farmers themselves and seek additional or alternative work, (vii) Diversify outside farming, (viii) Sell. (ix) Increase present investment.
38. In all of the meetings I had with RDC officers in 1998 I look back and I honestly believe the information I provided has been an accurate assessment of what has actually occurred within the Agriculture sector.
  39. I was however unable to predict the Foot & Mouth outbreak of 2001 and the need for and usefulness of seasonal and temporary migrant workers in the UK agriculture industry.
  40. To this day I believe it to have been totally unfair for RDC to have expected me to have remained unemployed for the 12 week period from the 17<sup>th</sup> April 1998 to the middle of July 1998 when my new agricultural work began. Remaining unemployed for this period would have forced me into debt and put my home ownership in jeopardy. That was in no ones interest.
  41. The decision RDC took back in 1998 was in my opinion based on figures obtained over a very short time frame, they did not take into account the situation I found myself in and they did not give me any time to rectify the situation amicably, RDC completely misunderstood the changes occurring in Agriculture in the late 1990's and their actions confirmed that they had no interest in the consequences these changes brought to any of those it affected. Due to my history with RDC regarding my property I have concluded that RDC clearly had no intention other than to take action against me as soon as the opportunity arose.
  42. I had only been able to find part-time and seasonal agricultural work in 1998 in a very short time at the end of April 1998 and I provided RDC with this fact. I know such work was at the time limited and I accepted that I may not have had any other agricultural work for a continuous 4 to 6 month period from late November 1998 through to May 1999. In that period I would have been forced to apply for benefit as I would not be allowed to take on any other work outside agriculture as I had done previously otherwise I would have breached the planning condition.
  43. Any application for benefit would not have provided immediate entitlement or full payment of benefit. Because RDC based their decision to take action against me on a short period of time I have had no alternative but to realise that RDC would continue to determine all their future decisions following this same practice.
  44. From the farm partnership being Determined on 17<sup>th</sup> April 1998 and the course of action taken by RDC in the summer of 1998 I had no alternative but to seek employment benefit on the 11/9/1998.
  45. To this day I stand by my initial decision to combine non-agricultural work with seasonal agricultural work throughout the calendar year and that this would have been sufficient so as to provide for my family without the need for claiming benefit had I been provided sufficient time to manage it. This would have allowed me to remain active within agriculture and the opportunity to adapt to all of the changes as they occurred within agriculture.
  46. In April 1998 I had only one intention and that was to continue as an agricultural worker, this could only have occurred by supplementing my income from other types of work until it was no longer necessary. Unfortunately I was not provided with this opportunity.
  47. RDC have allowed farmers to diversify their business interests outside of agriculture so as to provide some financial protection. Such diversification has not been limited solely to development of outbuildings into homes, shops, offices, business premises, equine businesses or development of caravan sites and holiday homes.
  48. I have never been able to see any comparison between the stance taken by RDC regarding diversification by Ryedale farmers and the stance taken by RDC and their application of Planning Law requiring both myself and Sue to work the majority of our combined working

time within agriculture and the majority of our joint household income to be provided from agricultural work.

49. After signing on at the job centre on the 11/9/1998 I continued to work part-time at Fryton through to November 1998 and declared all of this income to the benefit office. Doing only agricultural seasonal or part-time work in this manner was not proving a viable or sustainable option. Seeing as RDC were using short time frames to judge breaches of planning but refused to state exactly how they calculated these time frames, it was clear that had I worked continuously outside of agriculture for a few weeks at any time this would have brought me into direct conflict with RDC at every occurrence.
50. Due entirely to the restrictions imposed by RDC it was not viable to continue working seasonal or part-time within agricultural, the only option available to me so that I remained within agriculture was that I obtained full-time employment in agriculture in the locality.
51. I have been unsuccessful over the past seventeen years to obtain full-time employment within agriculture within the locality of my home.

#### Present

52. I have to make it known that this planning application is at the specific request of the DWP at Ryedale Job centre, I have only agreed to this procedure. This has come about after DWP sanctions were imposed on me by the DWP, this time for my refusal to attend a supposedly government 'Back to Work' scheme in December 2015. I appealed against these sanctions successfully as the placement I was being forced to attend did not actually comply with the scheme. This appeal continued my 100% success rate on my appeals against every sanction the DWP have imposed against me since 11/9/1998.
53. This proposal to contribute towards the 'planning application fee' by the DWP was put to me by a job centre employee after I had made the DWP fully aware in my appeal letter that there was and only ever had been ONE (1) reason/object preventing me from returning into work since 1998 and that was the planning condition on my property that restricts me to Agricultural employment in the Locality and that the DWP should liaise themselves with RDC so as to reach their common objective of reducing the cost to the taxpayer by allowing me back into suitable work, if an agreement was reached by the DWP & RDC, the DWP would then provide me with the information requiring my agreement.
54. Even though I told the DWP to contact RDC and address this issue themselves, the job centre asked me to follow this planning application process and fill all the forms and contact RDC myself. So as to prove to the job centre that I am not being unreasonable and even though I already suspect how any such planning application from myself will be concluded I still bowed to their request.
55. I have been actively seeking Agricultural work in the Locality since 9/11/1998 to the present day.
56. The job centre are concerned that I will remain on benefit until I reach my retirement if I do not address this issue of removing the planning condition.
57. Throughout the entire planning permission process I repeatedly made it clear that my intention was to build a house for myself and my family to live in for the rest of my life and that I had any desire or intention to sell my house for a quick profit or to move away from Marton and that still remains true to this day.
58. Had RDC granted planning permission at my first application, my intention was that I should have been able to have completed and moved into my property around the summer of 1992. The conduct by RDC planners caused me well over 2 years of delays, these delays

contributed towards significantly increased building costs of The Quarrels, these increased costs along with increased business expenses increased the financial liability to the farm business significantly. These delays brought with them unnecessarily financial insecurity due to the extended uncertainty as to the future direction of the business.

59. In June 1995 a fellow partner complained that I had reduced my working hours. I had been involved in an accident which resulted in me being struck violently in the head with a scaffolding pipe on 29/5/95, May Spring Bank Holiday. I reported this incident to a fellow partner and explained to him that this was the cause of me having to reduce my daily work hours. I gradually increased my reduced working hours through the summer of 1995 until I had more or less returned to my usual working hours in September 1995.
60. Prior to the farm partnership being determined in April 1998 by the landowner owner, his wife and son I was first asked to leave the partnership in August 1995 by the present owner of The Gables farm, this was just over a couple of months after I had informed a fellow partner of my accident. I made all of my partners aware that I had no intention of leaving the partnership at this time. In December 1995 I made all of my fellow partners aware that my regularly work hours exceeded 60 hours/week and that it was my intention to reduce these working hours to a reasonable amount after the birth of my 1<sup>st</sup> child which we were expecting in July 1996. I also made my partners aware that we should start a milking rota to manage this change. In the spring of 1996 I was told that I was no longer needed and that the dairy enterprise was being discontinued. I have no need to go into any further details regarding this issue other than to confirm that I had no say whatsoever in this decision, I disagreed with this decision, I took legal advice, a fair settlement was never offered, the partners who determined the partnership initiated court proceedings to finalise this dispute and I was a Defendant in the dispute.
61. This dispute was finalised in court on the 8/5/01.
62. The present owner along with his parents having Determined the then farm partnership in April 1998 immediately disposed the dairy enterprise from the farm.

#### Historical Application details

63. When I initially submitted the drawn plans to RDC for The Quarrels property, these plans had to be changed on numerous occasions at the request of RDC.
64. At the request of the planning officer I was told to reduce the size of my living room on my proposed plan by 1 metre, he told me that I was just a farm worker and this did not justify me having a living room 4.5m x 5m in size otherwise he would recommend my plans for Refusal.
65. It was at the specific request of the RDC planning department that I had to add 2 additional windows on the East facing elevation which included the East facing upstairs window onto my plans. I stated my disapproval at these requests but was told that unless this windows were added to the east elevation he would recommend refusal of the plans as the intention of adding these windows was to make the east elevation appear to be the front of the property looking onto the road (I personally think this objective failed entirely and was an insincere request). The adding of the upstairs East facing window meant that this planned attic storage area turned into a room. I did not ask for these additions and increased floorspace and expenditure.
66. It was around 1993 that the partnership suffered its first case of BSE. BSE significantly

reduced the revenue for our beef sales. The financial losses incurred within the dairy herd in 1993 coincided with the eventual granting of planning permission. Estimated building costs for my property had increased significantly compared to costs provided in 1991.

67. In conclusion, after 5 years of continued major financial investment by the partnership in the dairy herd from 1987 through to the end of 1992 followed by a combination of major financial losses and building expense in 1993 to 1996 as follows (i) significant financial losses in 1993 through fatalities within the dairy herd, (ii) significant losses in income from reduced milk sales, (iii) significant reduction in income from the beef enterprise in both stores and beef sales. (iv) significant increase in estimated building costs for my property.
68. There were some very hard financial decisions needing to be made on behalf of the partnership in 1993/94/95. Even after planning permission had been granted the increase in financial risks that BSE brought to the farm partnership can not be over stated. The partners who held all of financial liability had to assess the present and future viability of the dairy enterprise (along with the viability of the UK Dairy Industry) and the future investment required to make or keep this enterprise financially viable. Any such investment also had to consider investments within the other areas of business within the then farm business partnership. The landlord and his son made these decision alone along with all of the other financial ones as they retained the majority of financial liability within the partnership, that is why they were absolutely responsible for the partnership being determined in 1998.

#### The present Gables Farmhouse

69. The Gables farmhouse along with the building of the significant extension now provides residency for a 2<sup>nd</sup> agricultural worker on the farm as the usual agricultural occupancy restriction also applies to those occupying this extension, This is proven by the fact that Mr R Chambers resides within the main farmhouse and one of his daughters resides in the farmhouse extension. As far as I am aware Mr R Chambers has provided documentation to the councils planning department that the farm will be left to all 4 of his daughters. The daughter who resides in The Gables farmhouse extension works on the farm in some capacity. I understand a 2<sup>nd</sup> daughter also lives in The Gables main farmhouse with the land owner/parents. The 2 other daughters reside at Orchard Farm Riseborough in 2 separate dwellings both of which have Agricultural occupancy conditions attached. I understand that all 4 of these daughters along with the land owner share the workload on the farm along with hiring in specialist contractors to complete work that these 5 are unable to do. I cannot believe that The Gables farm with a present workforce of 5 will ever expand its livestock enterprise whereby it will require a 3<sup>rd</sup> agricultural worker to be resident on site.
70. Taking the above 5 workers on The Gables farm into account, I have to conclude that this farm along with Orchard Farm at Riseborough which I understand are still run as a joint unit have a superabundant supply of farm labour for the combined mixed farm of approximately 200 ha (450 acre).
71. All of these 5 workers have to be classed as being readily available to work within agriculture within the locality to my property as I have to assume The Gables farm cannot fully support 5 full-time workers.
72. At present I am expected to compete with these 5 surplus agricultural workers for available agricultural work within the locality. I have to also compete with every other farm worker and contractor who are seeking additional employment in agriculture in the locality.
73. In my opinion there is a surplus amount of dwellings which have agricultural occupancy restrictions attached within the locality of The Quarrels.



74. The planning permission recently granted for a replacement livestock and storage building at The Gables farm prohibited its use from housing pigs. It is fair to say that should any new farm buildings be granted planning permission at The Gables farm then these also will be restricted from housing pigs. Any future development of additional livestock buildings at The Gables farm in the village of Marton will require planning permission.
75. The present owner of The Gables farm made a business decision 20 years ago whereby it was decided that there was no longer a need for a 2nd agricultural worker to be resident on the farm. In addition to that fact another agricultural worker on the farm at that time was resident within the village of Marton and that was sufficient to meet the needs of the business, this same worker had been resident at the same address within Marton from when he first became employed on the farm in the late 1960's. For the record this worker passed away last year and his property has been put up FOR SALE and is valued in the region of £160,000 and is located opposite The Appletree Inn. Another nearby 2 bedroom cottage is also advertised FOR SALE in the region of £152,900. A third property presently for sale in Marton is No 1, West View Marton and is located close to The Gables farm entrance and is valued FOR SALE in the region of £215,000 to £265,000.
76. If the owners of The Gables farm have plans to invest and expand their livestock enterprise significantly whereby they would expand their present workforce of 5 whereby they would need an additional 3<sup>rd</sup> agricultural worker to be resident on the farm I would expect the council to advise them to purchase additional accommodation within the village to meet such future demands when they become available within the village. I would have thought that the 3 properties mentioned above are reasonably priced. There are other more expensive properties available within and around Marton village.
77. In my opinion all future farm workers needs for The Gables can be easily met by The Gables farmhouse and residential extension along with the occupants of the other 2 dwellings at Orchard Farm, Riseborough which also have Agricultural occupancy restriction. The 2 daughters who occupy the 2 dwellings at Orchard farm, Riseborough and the 2 daughters who reside at The Gables farmhouse as I understand are presently either partners in the farm business or who have been stated by the landowner to be future partners in the business.
78. At this present time I see no reason why the extension to The Gables farmhouse could not be extended even further at a later date if there was a justifiable need to accommodate additional family members or potential part-time or seasonal agricultural workers needed on the farm.
79. I have concluded that it would therefore be unfair for RDC to determine that The Quarrels property be kept available as an Agricultural workers dwelling for the future needs of The Gables Farm.

Some of the Farms within the locality of The Quarrels property with more than 1 dwelling on site.

80. The Gables, Marton, Farmhouse has 2 residences within the property.
81. The Grange, Sinnington, Has 3 separate dwellings on site along with a neighbouring property that has a similar agricultural condition attached . Situated within 1 mile.
82. Gallowshead Farm, Gallowheads Lane, Marton. RDC allowed development of non-

- agricultural residential dwellings in open countryside. And since has passed permission for a farm workers dwelling on adjacent land and numerous farm buildings. 1 mile away.
83. Orchard Farm, Riseborough, +1 mile away, 2 agricultural dwellings already on that site, and a 3<sup>rd</sup> agricultural dwelling adjacent to one of the dwellings.
  84. Rise Farm, Riseborough, 2 miles away, this farm has 2 dwellings on site plus additional accommodation restricted to agricultural worker. Farm also situated closer to Normanby.
  85. Lance Butts Farm, Marton, 1 mile away, opposite side of village between Marton & Normanby, 3 dwellings already on site.

The Quarrels property is situated at the East entrance to The Gables farm off Back Lane outside of the Village development boundary. It is adjacent to Rise Lea property which itself is free from a planning condition.

As for full-time agricultural work in the locality of my property, it is very rare an employment opportunity becomes available. Full-time job opportunities within agriculture within the 'Locality' of The Quarrels that are available to day are indeed very limited and seem to be much scarcer than in previous years.

When a job has become available in the past and I have been able to discuss the job requirements with the employer, I am obligated to inform the employer of my medical conditions, after which I have never been offered the job. The employer usually informs me that I am unsuitable on health grounds due to the physicality of the work.

To expect me to remain unemployed indefinitely until I can find a suitable job within Agriculture becomes available is unrealistic to say the least. Being unemployed for 17 years should be a sufficient length of time to confirm no suitable job within agriculture in the locality is available to me.

If Ryedale District Council require any additional information to that contained above then please contact me so I am given the opportunity to provide it. If RDC dispute any of the information provided above RDC need to contact me so as to clarify any disputed issue.

In retrospect and contrary to many peoples belief I need to state that I recognised many years ago that leaving farming in 1998 and being unemployed since September 1998 has been most beneficial to my well-being for numerous reasons.

Yours sincerely

Colin Coote

16/1165

Ryedale District Council  
Ryedale House  
Old Malton Road  
Malton  
YO17 7HH

RYEDALE DM

27 SEP 2016

DEVELOPMENT  
MANAGEMENT

The Quarrels  
Back Lane  
Marton  
Sinnington  
YORK  
YO62 6RD

27<sup>th</sup> September 2016

Dear Rachel

Reference Number 3/85/38A/FA

Thank you for the information you provided me with when you visited The Quarrels for a site meeting with me on Tuesday 6<sup>th</sup> September 2016. You requested formal confirmation from myself explaining why I would not accept a Local Needs Occupancy condition on my property. The information provided in this document is supplementary to the information already provided with my application.

It is a fact that Agricultural workers dwellings are usually only Approved when a specific animal husbandry need is identified and proven. When such farms are not located near to a village then such dwellings are nearly always situated on the farm in the closest available position to the buildings.

I can confirm that The Gables Farm no longer has an identifiable need for 'a 2<sup>nd</sup> worker to be resident on the farm' as was the reason for the original reason for approval in 1993, this 'identifiable need' was removed completely by the present owner and his father 18 years ago in 1998. (the above is confirmed in the following information)

The Gables farmhouse has been extended and adapted to provide additional accommodation. I understand 3 farm workers presently reside within The Gables Farmhouse and annexe extension. This farmhouse clearly provides ample accommodation to meet the present and future residential needs of The Gables farm. (the above is confirmed in the following information)

I can confirm that Rise Lea, the adjacent residential property some 20 metres from The Quarrels is also outside of Marton village and is viewed as being in the wider open countryside, Rise Lea does not and never has been subjected to any occupancy condition. Lifting of the condition from The Quarrels property only makes it the same as Rise Lea. My property can not be viewed as an isolated residential dwelling in wider open countryside. (the above is confirmed in the following information)

Over the past 18 years I have never been offered Full-time employment by a farmer in the locality even though they know I am unemployed and live in a property subject to an occupancy condition. This confirms that there is no need for a farm worker in area as I have been available for 18 years.

On a point of fact, the present owner and previous owner of The Gables farm have never offered any agricultural work to the residents of The Quarrels property since the old farm partnership was determined in April 1998. This confirms that the past and present owners of The Gables clearly have had and still do not have any need for any additional workers on their farm, thereby accepting that the Agricultural Occupancy condition on The Quarrels property has outlived its usefulness for

the benefit of The Gables farm.

This now brings into question as to why the present owner objected to this application, was it mischief, or just payback for my own objections in 2015 for potential housing of Pigs in the replacement buildings adjacent to The Quarrels property. I have to state that I only objected to 'Pigs' being potentially housed so close to my property because it was obvious that RDC planning officers were ignoring this possibility.

I am left to believe that the objection is a 'tit for tat' consequence from the owner of The Gables farm because I had to do the planning officers job for them in 2015. Providing the council with the information about the potential housing of Pigs has had the reward of being thanked by a number of villagers for highlighting this risk and preventing potential nuisance caused by smell and noise.

It is fact that the present owner of The Gables has never objected to any other application to Lift an Agricultural Occupancy condition from any other property in the local area. Mr Chambers did not object in 2013 when the owner of Eastfield Lodge applied to Lift that condition. That property is located within 0.8 miles of the land he farms at Orchard Farm Riseborough and is only 2 miles by road from The Gables farm Marton. It was the Lifting of that condition that set the precedent that supports my reason for applying. This precedent makes Mr Chambers reason for objecting VOID as the policy he states in support of his objection has been made immaterial.

As far as I am aware Mr Chambers has not made any offer to buy any of the advertised properties within Marton village or the advertised 3 Bedroomed Bungalow at Riverside Cottage, Marton Road which is located within 0.8 miles of The Gables farm, it has a Guide Price of £250,000 and has an Agricultural Occupancy condition attached.

#### The Usefulness of Agricultural Occupancy Condition is No Longer Applicable

The Quarrels dwelling was approved in 1993 solely because of an identifiable need for a 2<sup>nd</sup> worker to be resident on site at The Gables farm (plus 110 cow dairy herd).

The present owner of The Gables was instrumental in deciding to remove the dairy enterprise from the farm business and the subsequently disposal of the dairy herd from The Gables farm in 1998.

Since 1998 there has been no identifiable need on The Gables farm that required a 2<sup>nd</sup> worker to be resident on site.

The Gables farmhouse with the recent annexe extension presently provides sufficient on-site accommodation for the owner and 2 of his daughters who I understand work on the farm and who are to become owners at a later date.

The present farm buildings on The Gables are insufficient to provide the quantity of livestock that would be required to justify the need for a 2<sup>nd</sup> worker to be resident on site as they no longer have a dairy herd.

It is only fair to surmise that there will be no additional need for further accommodation to be provided on-site for the owners and workforce on The Gables farm until there is an exponential increase in the available housing floor area so as to facilitate the required increases in any housed livestock enterprise within the buildings on the farm (with the exception of Pigs). I could only speculate as to specific livestock levels that would be required to justify the need for a 4<sup>th</sup> farm worker to be required to be resident on-site at The Gables farm. In my opinion the owners of The

Gables would need a minimum 300 cow dairy herd to justify needing a 4<sup>th</sup> resident worker on site. To start a 300 cow dairy herd enterprise at The Gables would require planning approval for 2000 sq. metres of new farm buildings (more than the present available building floor area), a new milking parlour, change to the present farming enterprise. Such an enterprise would require a significant sum of money, I would calculate a minimum £450,000 would be needed initially, plus additional workers accommodation costs. This would all be subject to planning Approval for additional farm buildings, so I have to say this expansion would not get the approval of this council.

The Ryedale Plan clearly identifies that

- (i) Proposals for new residential development in the open countryside (outside Development Limits) to support land-based activity, will be required to demonstrate an essential need for the dwelling that cannot be met elsewhere.

Consequently, should The Gables farm need any additional workers to be resident on the farm they will need to demonstrate that they cannot be housed within Marton village.

As I have stated in previous documents, cheaper property than The Quarrels is available in Marton village and is located very close to the farm entrance.

Agricultural work does not provide secure employment within the locality. Farm workers cannot afford to financially invest in a very large mortgage and be tied to that property for the foreseeable future. If you have the option of buying a dwelling on the edge of a village that is subject to an agricultural occupancy condition or buying a house within the village that is free from any condition where both houses having a similar value and are both 3-beds, the sensible financial decision is that you buy the village house free from any condition, the reason is simple, no job is secure, so this allows the occupants to be able to change professions at any time for whatever reason, but it also provides the increased opportunity of being able to move to different areas to find work and being able to sell the house to anyone in a much faster time, against only being able to sell to another agricultural worker within the locality.

I understand that RDC cannot base their decision on this application by speculating in anyway as to whether The Gables farm will expand or be in need for another worker to be resident on site in the future. As far as RDC are concerned, any future requirement for farm expansion or additional accommodation at The Gables can only be judged once an application has been made, so RDC are obliged to judge The Gables farm capabilities as they stand at present, which is, 'with no identifiable need for a 2<sup>nd</sup> worker to be resident on site'.

Can RDC confirm in any way whether it would support such a large development at The Gables which would have a significant detrimental impact on the surrounding area and local community?

It will be totally unreasonable for RDC to base any decision on this application on the presumption that the present owners of The Gables farm are likely to provide major financial investment in any livestock venture at The Gable farm in the foreseeable future. Keeping The Quarrels property vacant or only available for an agricultural worker specifically for The Gables farm is unacceptable and is not supported by The Ryedale Plan.

Planning law does not support the tying of an individuals property to someone else's land which is what would be happening if the planners refuse my application on the grounds that The Gables farm may need such accommodation at a later date.

Because of the many changes in circumstances of myself, The Gables farm enterprise and

agriculture in general the present occupancy condition has without doubt run its course of usefulness and the occupancy restriction is no longer applicable.

Officers and Councillors of RDC need to resign themselves to the fact that The Gables farm will not in the foreseeable future increase housed livestock levels in the buildings on The Gables farm to a level anywhere near that which would require the need for an additional farm worker to those who already have on-site accommodation within The Gables farmhouse and annexe extension to be resident on-site.

I have no intention of selling The Quarrels property or seeking a valuation. I have been provided with approximate re-build costs in the region of £210,000 to £250,000 for my Home Insurance policy. These figures show a slight increase over last years figures, but I have no doubt to challenge the validity of the figures provided.

DEFRA 2011 figures confirm farm workers work an average of 47.5 hours/week. The following are based on 2016-17 Agricultural Wages Board minimum wages for Agricultural workers 2016-17. Gross Incomes of Agricultural workers are based on a 39 hour week plus an average 8.5 hours overtime / week, over time paid at 1.5 times hourly rate. Mortgage is the maximum figure the Gross Income would allow with No dependant and No monthly commitments.

Figures provided on Halifax Mortgage calculator.

1. National Minimum wage-	£ 7.20/hr.	£19,428 p.a.	Mortgage	£92,283.
2. Skilled Agricultural Worker-	£ 8.80/hr.	£23,745 p.a.	Mortgage	£112,789.
3. Farm Management Grade from-	£ 9.53/hr.	£25,715 p.a.	Mortgage	£122,146.
4. Full-time Farm Manager (negotiable)	£12.50/hr.	£33,729 p.a.	Mortgage	£160,213.

The average lower quartile house prices range from £122K to £185K across different sub -areas of the Ryedale District. The Quarrels property is Detached and has rebuild costs between £210,000 to £250,000. Lower quartile House prices for Detached dwellings in the York sub-area 2009-2010 (includes Ryedale) were £199,000. Even if The Quarrels with the Agricultural Occupancy condition was valued as low as £225,000, it would still be outside the financial capabilities (reach/pockets) of agricultural workers on agricultural wages.

For a single Farm Manager with No dependants and No Monthly commitments to be able to afford a £225,000 property he would need to have a Gross income in excess of £42,632, have £22,500 (10%) Deposit and have £4,000 to cover Stamp Duty, Legal costs and a Valuation. (The largest wage earner figures are based on a Full-time Farm Manager, but how many farm managers are actually work within the locality to Marton, of these how many need to provide their own accommodation. These figures prove that even the largest earner does not earn anywhere near the amount needed to be able to obtain a mortgage to buy The Quarrels even at a massively reduced value, which would never happen)

A Skilled Agricultural Worker on £23745 p.a. and his wife (partner) earning £15,000 p.a. with No dependants and No Monthly commitments they could borrow up to a maximum £184,039. Add 2 Dependants and Monthly commitments of £150, the maximum they can borrow is reduced to £172,224, plus the 10% Deposit, plus savings to cover Stamp Duty, Legal costs and a Valuation. Reduce his wife's earnings to only £10,000 and maximum mortgage is reduced again to £137,525.

I remind this council that The Quarrels property was never tied to The Gables Farm even though the council pursued a course of action attempting to do just that.

The Quarrels property is a residential dwelling and is 22 years old, Lifting the condition will not

change the fact that the property is a residential dwelling located near to livestock housed in farm buildings and is the same as Rise Lea and other residential dwellings near to the farm entrance into the village.

RDC made a decision in 1998 that prevented me from continuing in farming on a seasonal/part-time basis and they were fully aware of the reasons why I found myself in that situation at that time. It was deemed unacceptable by RDC that I work seasonally/part-time in agriculture. This decision forced me out of agriculture and into the state benefit system, where I have remained up to this day and where I have to remain at the Taxpayers Expense until this occupancy condition is Lifted.

### Local Needs Occupancy Condition

I can now provide you with my formal decision and the reasons why I cannot accept your proposal on behalf of Ryedale District Council to replace the existing Agricultural Occupancy condition with a Local Needs Occupancy Condition as stated within the adopted 2013 Ryedale Local Plan.

I know RDC and some of if not all of its councillors believe RDC are entitled to request/demand that a Local Needs Occupancy condition replaces an Agricultural Occupancy condition and such a condition is expected to be in perpetuity. I disagree entirely with that opinion as the Ryedale Plan does not support such replacements, and the Ryedale Plan only allows limited use of any conditions which are only applicable to NEW builds during the period of the Ryedale Plan.

Local Needs Occupancy conditions are not in perpetuity.

To subject a property built prior to the Ryedale Plan is not allowed and therefore against the Ryedale Plan policy.

I ask myself, why I am having to explain this obvious policy to RDC planners and councillors?

I am disappointed that I have been asked to provide my reasons for objecting to a replacement condition when RDC know full well this is against policy, this is a waste of my time and effort and I am not impressed with RDC, this has also significantly delayed the decision date for this application.

It is clear to me that there is no apparent change in the way RDC presently treats applicants now compared to how they ignored planning policy in the late 1980's and early 1990's. I am going to have to show RDC that the Ryedale Plan 2012 to 2027 does not support the replacing of an existing Agricultural Occupancy condition with a Local Needs Occupancy Condition. Then RDC will have no option but to finally accept this to be FACT.

I include below wholly relevant extracts from the Ryedale Plan dated 5<sup>th</sup> September 2013.

As you are fully aware this Ryedale Plan is primarily a 15 year plan for NEW developments between 2012 to 2027. I remind you (see many underlined entries) that The Ryedale Plan clearly refers ONLY to NEW development, NEW homes, NEW housing, NEW market housing and NEW build dwellings being subject to Local Needs Occupancy condition.

The Ryedale Plan – Local Plan Strategy

SECTION 3 – ASPIRATIONS AND STRATEGY (page 28)

Other villages

Consolidation of NEW development within current development limits, with the expansion of settlements for housing, justified only in exceptional circumstances.

- Housing to address local housing requirements and affordable housing needs and restricted by a Local Needs Occupancy Condition unless it is:

- A Community Right to Build scheme
- Protecting and enhancing local community facilities
- Support the delivery of projects identified within local Parish Plans

#### Wider open countryside

Protecting the landscape and supporting and rejuvenating the rural and land-based economy

- Support economic diversification that complements the character of the landscape and surrounding activity
- Support development that is necessary to support a sustainable and healthy rural economy
- Protecting the valued landscapes of the North York Moors National Park; the Howardian Hills Area of Outstanding Natural Beauty; the Yorkshire Wolds; the Fringe of the Moors and the wider Vale of Pickering
- Utilising the natural and cultural assets of northern Ryedale as an economic driver, in particular the important archaeological landscapes of the Vale of Pickering and the Wolds
- Support and promote national/regional sport and recreation facilities such as Dalby Forest and tourism
- Foster appropriate renewable energy production
- Support for limited mineral extraction and the provision of locally sourced building stone
- Land management for food production, flood alleviation, recreation, biodiversity and other ecosystem 'services'

#### The Ryedale Plan – Local Plan Strategy SECTION 4 HOUSING (page 47)

4.19 In addition, to further ensure that the scale and distribution of NEW homes supports this Strategy, the Council will apply a Local Needs Occupancy Condition on new homes built in the smaller non-service villages and in the wider open countryside. This will help to ensure that the relatively limited sources of NEW housing in these areas better reflect the housing requirements of local people as opposed to externally driven demand. It is expected that in turn and in order to achieve the annual house building target, this will support the release of larger allocated housing sites which will be provided at Ryedale's more sustainable towns and villages. This is a policy mechanism which is considered to be an important tool to help manage housing supply across such a large rural District. The details of this condition are included within Policy SP21

#### SECTION 4 HOUSING (page 51)

##### SP2 Delivery and Distribution of new housing

The delivery of at least 3000 (net) NEW homes will be managed over the period 2012-2027. The sources of new housing that will contribute to the supply of NEW homes across the District are as follows:

##### OTHER VILLAGES (non-service villages)

- Infill development (small open sites in an otherwise continually built up frontage) restricted to Local Needs Occupancy
- Replacement dwellings
- Sub-division of existing dwellings
- Conversion and Redevelopment of Previously Developed Land and buildings within Development Limits, restricted to Local Needs Occupancy
- 100% Rural Exception Sites outside and on the edge of Development Limits in line with Policy SP3
- Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate and restricted to local needs occupancy.

#### WIDER OPEN COUNTRYSIDE (pages 51 & 52)



NEW build dwellings necessary to support the land-based economy where an essential need for residential development in that location can be justified

- Conversion of redundant or disused traditional rural buildings and where this would lead to an enhancement to the immediate setting for Local Needs Occupancy
- Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate and restricted to Local Needs Occupancy
- Replacement dwellings

I now bring your attention to your proposed use of a Local Needs Occupancy condition as replacement for the present Agricultural Occupancy condition. The relevant extract as contained in SP21 Occupancy Restrictions (page 174) is included below. This condition states

- 'This policy will be applied in the following circumstances: To meet local housing need in the non-service villages the occupancy of NEW market housing will be subject to a local needs occupancy condition where this accords with Policy SP2',

The above policy is specific as to its intended limited use. This use is limited solely to NEW market housing/dwellings/houses throughout the period of 2012 to 2027.

There are no references within the Ryedale Plan to support the mandatory or any other use of a Local Needs Occupancy when removing any occupancy condition from property build pre 2012.

The Quarrels property is not NEW market housing, it was built in 1994 and therefore can not be subject to a Local Needs Occupancy condition.

I now bring your attention to SECTION 4 HOUSING (page 51 & 52) of The Ryedale Plan (extracts also included below).

This section allows Replacement dwellings and Sub-division of existing dwellings in OTHER VILLAGES (non-service villages) to occur FREE from a Local Needs Occupancy condition. (I can only surmise that any such Replacement dwelling will require the dwelling it replaces to be demolished. As for the sub-division of existing dwellings, this includes dwellings pre 2012 & post 2012 as it must include dwellings built during the lifetime of this present Ryedale Plan, a Local Needs Occupancy condition could only be applied to any Replacement dwellings or Existing dwellings being sub-divided if either of the said types of dwellings were already subject to such a specific condition.)

The Ryedale Plan clearly identifies where it is permitted to apply the Local Needs Occupancy condition, the fact that there is no reference to applying such conditions to dwellings build pre 2012 proves without doubt that such practices are not permitted.

The Ryedale Plan clearly refers to other types of dwellings built prior to The Ryedale Plan being developed further by the building of extensions, attached annexes, detached annexes/log cabins and by being sub-divided into multiple dwellings, all of these types of development can occur free from the risk of having to accept a Local Needs Occupancy condition or any other occupancy condition.

The Ryedale Plan – Local Plan Strategy SECTION 4 HOUSING (page 47) 4.19 states,

- In addition, to further ensure that the scale and distribution of NEW homes supports this Strategy, the Council will apply a Local Needs Occupancy Condition on new homes built in the smaller non-service villages and in the wider open countryside.

The Quarrels property is not a NEW home, it was built in 1994 and therefore can not be subject to a

### Local Needs Occupancy condition.

As for using the Local Needs Occupancy condition as a bargaining tool to negotiate Lifting or variation of Agricultural Occupancy conditions, this also is not permitted as the Ryedale Plan does not support such behaviour. Lifting of a Condition follows stated procedure and needs to be on justifiable reasons/grounds. Accepting terms for any planning condition that is not supported by The Ryedale Plan as part of the negotiating process is unacceptable. I have been informed that accepting a planning condition to justify the removal of the present Agricultural occupancy condition automatically makes any such condition void, I have no reason to dispute this information.

### Purpose of Local Needs Occupancy condition.

The Ryedale Plan – Local Plan Strategy SECTION 4 HOUSING (page 47) 4.19 states,

- 'The use of a Local Needs Occupancy condition is a policy mechanism which is considered to be an important tool to help manage housing supply across such a large rural District. The details of this condition are included within Policy SP21.'

The sole intended purpose of the Local Needs Occupancy condition is to remove the financial reward for home owners when building New Market Housing in non-service villages and Wider Open Countryside from 2012 to 2027. This forces home owners to look at alternative developments that are permitted without being subject to the imposing of a Local Needs Occupancy conditions, such developments are extensions, annexes, log cabins etc.

The Local Needs Occupancy condition is not a generic condition, RDC cannot continue to wilfully ignore its limited use as contained within The Ryedale Plan.

For RDC to propose that a Local Needs Occupancy conditions replaces the present Agricultural Occupancy conditions on The Quarrels property extends way beyond being just an absurd proposal. The stated purpose of the condition is to 'help manage housing supply across such a large rural District'. That being the case, RDC need to explain how replacing mine or any other Agricultural condition pre 2012 with a Local Needs Occupancy condition accomplishes the stated purpose of the condition, this is unreasonable and exposes the owner to risk of Loss (significant financial loss).

I require RDC to provide me with formal confirmation that the Ryedale Plan supports the replacing of Agricultural Occupancy conditions with Local Needs Occupancy conditions for every application presented to Lift an Agricultural Occupancy condition. Until I have been provided with such formal confirmation I have no alternative but to challenge all proposals to replace my present condition with a Local Needs Occupancy conditions.

I look forward to seeing how RDC respond to all future planning applications to Lift Agricultural Occupancy conditions. It appears RDC are committed to requiring replacing such conditions with Local Needs conditions. RDC will be taken to Appeal and they will lose and it will be proven RDC were unreasonable in refusing such applications and they will be subject to the applicants appeal costs.

### Household and resident levels in adjoining parishes

RDC officers & councillors are fully aware of the significant differences in numbers of residents, homes and businesses within each parish and adjoining parishes which a Local Needs Occupancy condition relates too.

All other properties within Marton and its 3 adjoining parishes are located within an approximate 2 mile radius of The Quarrels property. The Local Needs Occupancy condition has a specific clause restricting occupancy to residents from within the parishes of Marton, Edstone, Normanby and Sinnington. The information below relates to this part of the condition.

Marton and adjoining parishes have 790 residents and 345 household. Edstone has 4240 residents and 1915 households (over 5 times greater than Marton) . Sinnington has 4985 residents and 2280 households (over 6 times greater than Marton). Normanby has 8663 residents and 3890 households (over 11 times greater than Marton). Figures provided are from the 2011 census and have been taken from the councils own site.

The above figures prove the disparity and unfairness in the large difference in the number of residents and households between parishes where it is thought eligible prospective buyers of property subjected to a Local Needs Occupancy condition in each different parish may presently reside.

There is little or no purpose to go through every parish in the district to confirm figures for each individual parish, this disparity is throughout the district and proves beyond doubt that imposing such a condition in retrospect on a dwelling built prior to the adoption of the Ryedale Plan in 2013 is unreasonable and will cause extreme financial loss on the dwelling owner(s).

The above disparity in the household and resident figures only provides a small picture of how unfair this Local Needs Occupancy condition is if it is applied in retrospect to properties build prior to the adoption of The Ryedale Plan 2012-2027.

To fully understand how restrictive it really is requires you to understand what the restrictive clauses actually mean, then and only then do you realise the full extent that this limits the eligible prospective buyers of dwellings which are subject to such an unreasonable condition.

Below I provide my own literal understanding of the exact wording of the Local Needs Occupancy condition. If RDC dispute my understanding of the wording then I look forward to receiving a formal copy of their official interpretation and application.

I have to assume RDC decision makers know the exact meaning of the specific wording within the condition and what this entails.

SECTION 8, Managing and Controlling Development of the Ryedale Plan clearly refers to the use of Occupancy Restrictions (SP21). SP21 Occupancy Restrictions (page 174)

The following occupancy conditions will be used to ensure that developments are occupied for the purpose for which they are intended and justified. (this means: Occupancy conditions can not be swapped or replaced with any other condition.)

This policy will be applied in the following circumstances: (this means: The following occupancy conditions will only be applied in the limited circumstances as stated below and can not be applied under any other circumstance. or swapped with any other condition.)  
(This fact is not open to challenge by RDC council officials or councillors.)

**a) Local Needs Occupancy**

To meet local housing need in the non-service villages the occupancy of **NEW market housing** will be subject to a local needs occupancy condition where this accords with

Policy SP2, and will be limited to people who: (this means: such conditions are limited solely on NEW market housing build during the lifespan of The 2012-2027 Ryedale Plan. The Quarrels property was built in 1994, to continually ignore this fact confirms the actions of RDC to be unreasonable.)

- Have permanently resided in the parish, or an adjoining parish (including those outside the District), for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock; or (this means: for eligible residents to qualify to be eligible prospective buyers or occupants of The Quarrels, there can be no other existing housing stock of a similar type available in the area, this area is not limited to just Marton and its 3 adjoining parishes, it includes Malton, Pickering, Kirkbymoorside and most probably every other parish in the Ryedale District. The Quarrels is a large 3 bedroom property, its value is far greater than the majority can afford, there are many more affordable 3-Bed properties available within the existing housing stock.)
- Do not live in the parish but have a long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years, or service men and women returning to the parish after leaving military service; or (I know of no one who qualifies on this clause. This clause is limited to Marton parish residents of the previous 3 years only.)
- Are taking up full-time permanent employment in an already established business which has been located within the parish, or adjoining parish, for at least the previous three years; or (this means: it excludes those already in employment, it is ONLY available to those who have a job offer that they are about to start. This allows such people opportunity to RENT the property at short notice and requires residency to occur within the property before starting said new job. This clause has the potential where it has a condition attached to the dwelling and the job requires the worker to reside in the dwelling. It is not impossible but a highly unlikely scenario where this clause requires or provides sufficient time for a dwelling subject to this condition be bought before permanent employment could begin, therefore it has to be agreed that the purpose of this clause is to allow occupancy through the ability to Rent such accommodation.)
- Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years. (this means: it allows for dwellings subject to a Local Needs Occupancy condition to be Rented by whichever party is moving, be it the relative, or the old and infirm. It is totally unreasonable and unrealistic for RDC to imply a relative would be a prospective buyer of The Quarrels property so as to be NEAR an infirm relative. I know of no one who would buy a dwelling knowing that at any time they would have to immediately vacate the dwelling as soon as the 'NEED to be NEAR' the relative is no longer required. This condition forces The Quarrels property to become empty and unused.

RDC are fully aware that The Quarrels property was built for Agricultural reasons, RDC are fully aware that this dwelling was not built in 1994 for a Local Needs Occupancy.

RDC should be embarrassed that it is having to be spoon-fed the correct application and intention of its own adopted policy.

I have to state that the consequences of The Quarrels property being subject to the above Local

Needs Occupancy condition would make said property:

- Worthless
- Impossible to sell as there are virtually no eligible buyers
- Impossible to obtain a mortgage
- The repair and up keep of the property overly expensive and financially unviable
- Empty & uninhabitable
- Derelict over time
- It would prevent myself and my family from legally residing in the property (This fact alone highlights the absurdity of the request by RDC to impose such a condition)

If the above is the purpose of the Ryedale Plan 2012-2027 then it needs to be changed immediately.

I have concluded that replacing my Agricultural Occupancy condition with a Local Needs Occupancy condition would not in anyway help manage housing supply across this District. Such an act would cause significant financial loss to myself and my family. Decision makers within Ryedale District Council are fully aware of the financial consequences Local Needs Occupancy conditions provide.

This proposal can only be interpreted as a retrospective attempt to impose a repressive condition on my 22 year old property which is contrary to the Ryedale Plan. I have always understood that planning occupancy conditions were included within the initial planning permission and this determined who could reside in the dwelling before it was occupied. For RDC to seek a Local Needs Occupancy condition on a dwelling already legally inhabited is shocking and such behaviour can only be judged as malpractice on the part of RDC.

I have to ask why RDC are so desperate to make properties built before the adoption of the Ryedale Plan subject to Local Needs Occupancy conditions, are RDC seeking a financial benefit;

- Is this intended to reduce the number of NEW Affordable housing provided on development sites in market towns and service villages thereby increasing development site's financial viability along with increasing the developers financial obligations to the council.
- Is there a specific TARGET number or percentage of New housing within Ryedale District that need to be Affordable or be limited to Local Needs Occupancy.

RDC have no right to make the Approval of my application subject to me having to accept a Local Needs Occupancy condition. I will not allow myself to be the victim of blackmail by such demands of RDC's legal department, planning department or district councillors.

Below are Reasons for my claim of entitlement to be EXEMPT from being required to advertise The Quarrels property for 12 month period so that RDC can determine the application to Lift the Agricultural occupancy condition.

It is publicly recorded that a previous RDC planning committee decision in 2014 relating to Eastfield Lodge only 2000 metres from The Quarrels property set the precedent by Exempting the applicant from having to meet what was deemed a mandatory requirement to advertise for 12 months before applying to Lift a condition.

I also claim that I do not need to advertise The Quarrels for sale as is suggested in The Ryedale Plan in; SECTION 8 – MANAGING AND CONTROLLING DEVELOPMENT (page 176) The Ryedale Plan – Local Plan Strategy, g) Lifting of Occupancy Restrictions. (ii).

I provide my reasons below;

Below are the specific reasons RDC accepted as sufficiently worthy to justify exempting the owner/applicant of Eastfield Lodge, Long Lane, Great Barugh from having to advertise for 12 months before RDC could determine whether to Lift the Condition in June 2014.

1. The owner/applicant had no intention to dispose of the property.
2. The owner/applicant along with her younger son and his family wished to remain in permanent residence at the property.
3. The owner/applicant had health issues, suffered from arthritis and was faced with knee and hip replacements and claimed it was essential that a relative resides in close proximity.
4. RDC did not want to take action to enforce compliance of the condition.

I have not been able to determine any other reasons that were used to support the owner/applicant of Eastfield Lodge being granted exemption from having to advertise her property for the usually required 12 month period.

Below are the specific reasons I present to RDC for myself to be exempt from having to advertise my property for 12 months (and that these reasons provide a greater justification than was provided by the applicant/owner of Eastfield Lodge) so that RDC can determine whether to Lift the Occupancy condition on The Quarrels property without further undue delay.

1. I suffer from 3 different skeletal medical conditions in my lower back that restrict me from participating in physically demanding work such as agricultural work/employment. All 3 conditions have been medically diagnosed.
2. I have no intention to dispose of the property.
3. I intend to remain in permanent residence at The Quarrels with my family.
4. Financial incentive for the UK taxpayer by reducing the burden on the tax payer by removing me off benefits and my entitlement to claim FREE prescription medicines, dental treatment, eye care along with reduced Council Tax liability after 18 years.
5. This application is paid for with taxpayers money, the DWP through the Ryedale Jobcentre requested that I apply to Lift the Agricultural Occupancy condition and it was agreed they also pay for the application.
6. I have a significant financial need that requires my attention as soon as possible. That being my mortgage endowment policy is projected to return approximately only 60% of its intended returns on maturity in 2018, meaning I will be required to either repay the shortfall most probably by having to re-mortgage my property or, 'be forced to sell my property or face my property being repossessed'. I need to be able to earn monies between now and the maturity date of my endowment policy to repay the shortfall, or be in a position of employment that will allow me to borrow money through a mortgage or other means. (Having an Agricultural occupancy condition attached to property will make it impossible to obtain a mortgage if I am still unemployed.)
7. I expect my application to be treated in the same way as the Eastfield Lodge application, otherwise it will prove that I am and always have been treated differently to other residents within Ryedale District.

I am aware that documents show RDC wanted in return for the Lifting of the Agricultural Occupancy condition Eastfield Lodge to be subject to a Local Needs Occupancy condition. As I have proven above in this document a Local Needs Occupancy condition, The Ryedale Plan does not support attaching such a condition to dwellings that were built before the adoption of the Ryedale Plan 2012 to 2027.

It is abundant clear to me that RDC can not justify refusal of the Lifting of an Agricultural

Occupancy condition solely on the grounds that an applicant refused to accept another condition being attached to their dwelling when the proposed replacement condition has no relevance to the initial intended purpose of that dwelling when its initial planning application had been Approved. I refer you to the Ryedale Plan, page 174, SP21. The following occupancy conditions will be used to ensure that developments are occupied for the purpose for which they are intended and justified.

When the owner of Eastfield Lodge applied for the lifting of the Agricultural occupancy condition in 2013 this application went through without any objections from local farmers and Ryedale District residents. Everyone had the opportunity in the locality to raise their objections to this application and object to the council allowing this application to be exempt from being required to comply fully with the requirement of advertising for 12 months, the fact that there were no objections confirms that this is accepted practice.

The Approval decision Ryedale District Council provided for Eastfield Lodge in June 2014 took them 10 months to determine. This determination set the precedent on how the District Council intended to apply the requirements of SECTION 8 – MANAGING AND CONTROLLING DEVELOPMENT, Lifting of Agricultural Occupancy Restrictions throughout the entire lifespan of the 2012-2027 Ryedale Plan.

I have determined from information contained within the application documents and the planning officers decision notice that the specific reasons accepted by the District Council for providing the owner of Eastfield Lodge with the approval to Lift the Agricultural Occupancy condition are as follows:

1. There was no longer an identifiable need for an Agricultural worker at Eastfield Lodge as Eastfields, Long Lane, Great Barugh was no longer a working farm.
2. There was a change in personal circumstance of the occupant and her family.
3. The applicant intends for herself, her younger son and his family to remain in permanent residence as they had no intention to dispose of the property.
4. The owner stated her son did not work in Agriculture and it was sensible that her son take over the mortgage (it was younger son's income that pays the mortgage), they had a financial need to Lift the occupancy condition as they needed to re-mortgage the property, the applicant stated she was retired and would be unable to re-mortgage the house and they could not get a mortgage renewal unless the restriction was Lifted.
5. The applicant had health issues, suffered from arthritis and was faced with knee and hip replacements so it was essential that a relative resides in close proximity.
6. The applicant states her intention to be able to join friends and live overseas for part of the year (winter months).
7. The applicant had owned the property for 12 years and claimed to be always in full compliance with the restriction.
8. Eastfield Lodge was built in 1981, 35 years ago, some 30 plus years before the adoption of the Ryedale Plan. The applicant of Eastfield Lodge agreed to REPLACE the existing Agricultural Occupancy condition with the 2013 Local Needs Occupancy condition (specifically for NEW MARKET HOUSING / NEW HOMES) in negotiations with the planning officers so that her application for a 6.20 metres by 10.50 metre Log Cabin annexe extension was Approved. (this fact is substantiated in a letter dated 19<sup>th</sup> May 2014 within supporting documents for the Annexe Extension, CASE: 13/00973/FUL)

I have listed below specific reasons supporting my application to Lift the Agricultural Occupancy condition from The Quarrels property.

1. There is no longer an identifiable need for a 2<sup>nd</sup> Agricultural worker to be resident on The Gables Farm Marton and there has not been an identifiable need for 18 years since disposal of the dairy herd in 1998.
2. The usefulness of the Agricultural occupancy condition is no longer applicable.
3. There are no compelling reasons to retain the condition.
4. The present owner of The Gables farm has extended his house that presently allows for 3 farm workers to be resident on The Gables farm. This fact confirms that any identifiable need for future workers to be resident on The Gables farm can be readily met from the existing accommodation on the farm within The Gables farmhouse. Occupancy of The Gables farmhouse along with its adjoining accommodation are all subject to an Agricultural Occupancy condition.
5. There has been a change in personal circumstance of myself and my family.
6. I intend to remain in permanent residence at The Quarrels and I have no intention to dispose of the property.
7. I have a significant financial need that needs immediate action. This can only be addressed with the Lifting of the condition. That being my mortgage endowment policy is projected to return approximately only 60% of its intended returns on maturity in 2 years, meaning I will be required to either repay the shortfall most probably by having to re-mortgage my property or, 'be forced to sell my property or face my property being repossessed'. I need to be able to earn monies between now and the maturity date of my endowment policy to repay the shortfall in part or in full, or be in a position of employment that will allow me to borrow money through a mortgage or other means. (being unemployed will make it impossible for me to obtain a mortgage of any kind, I can only return to gainful employment if the condition is Lifted.)
8. I suffer from 3 different skeletal medical conditions, spondylolisthesis and scoliosis in my lower back and short leg syndrome that restrict me from participating in physically demanding work such as agricultural work/employment.
9. Financial incentive for the UK taxpayer by reducing the burden on the tax payer by allowing me to return to gainful employment after 18 years.
10. Financial incentive to the taxpayer by removing my present entitlement to FREE prescription medicines, FREE dental treatment, FREE eye care along with reduced Council Tax liability.
11. Financial incentive of increasing Tax revenues to the Treasury and increased National Insurance contributions if I am allowed to work,
12. Financial incentive of myself having an increase in disposable income to spend in the local economy.
13. I have owned The Quarrels property for 22 years and have been in full compliance with the restriction for the last 18 years while unemployed and on benefit. I have had to remain unemployed to remain in occupancy at The Quarrels as RDC would not allow me to work part-time in agriculture and part-time outside of agriculture.
14. In the past it has been accepted that 'Dwellings in the countryside with an Agricultural occupancy condition attached, should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness.'
15. Rise Lea is the adjacent residential dwelling to The Quarrels property and is situated approximately 20 metres away. This dwelling does not have any occupancy condition attached. Removal of the occupancy condition would not have any negative impact on character and appearance, highway safety, neighbour amenity, adjacent land, buildings or dwellings.
16. My application is supported by Marton parish council.



17. PRECEDENT was set by RDC planning committee in June 2014 at Eastfield Lodge when they APPROVED the Lifting of an Agricultural Occupancy condition without the need from the owner to market the property For Sale and without the need to provide evidence that there was little or no demand for an agricultural dwelling of this type and size, in the locality. This could only have been allowed if RDC accepted that the occupants were entitled to continue residency in said property and they did not have to sell it and move. I expect to be provided the exact same privilege as my reasons are very similar in nature.
18. The location of The Quarrels property just outside the boundary line of Marton village would bring any potential sale of my property into direct competition with all other village properties. Cheaper dwellings than The Quarrels are available in the village of Marton so it is fair to surmise, if an agricultural worker was in need of a dwelling locally to Marton, he would be best suited to RENT a property in the village or neighbouring village if they worked in the locality of Marton, buying a house within Marton village would be a better financial decision than buying The Quarrels property with occupancy condition. This would minimise the financial risk of buying a property and not having to comply with restrictive occupancy conditions as they have been applied to myself and my wife for 18 years.
19. The Quarrels property is not within the reach of agricultural workers or managers on average agricultural wages. It would be wholly unreasonable in my opinion to expect the value of the property to be reduced to levels below or near present day rebuilding costs, even then the property would not be within the reach of agricultural workers or managers on average agricultural wages.
20. (This reason is being provided despite the fact that RDC did not require this information to be provided when Approving the Eastfield Lodge application.) A combination of the actual location of The Quarrels being in such close proximity to Marton village where alternative cheaper (3-Bed) property that are free from any occupancy conditions have been advertised for sale along with the aforementioned fact that even with the restricted occupancy The Quarrels property value is far out of reach for agricultural workers is sufficient evidence to establish that there is very little likelihood that the restricted occupancy dwelling could be sold to a qualifying occupier to meet a local agricultural need.
21. I have contacted my bank who hold my Mortgage and I have explained the situation I now find myself in along with the restrictive consequences that a Local Needs Occupancy condition would subject my property to. I have been informed that the bank will be satisfied with the Lifting of the Agricultural condition, but they do not agree to and will not accept the replacing of the agricultural condition with a Local Needs Occupancy condition while they hold the deeds. They also informed me that I will find it extremely difficult to obtain any kind of funding to mortgage my property if it is subject to a Local Needs Occupancy condition. Subject to further details my mortgage lender informed me that it would be highly doubtful that they would lend against any property that is subject to any such Local Needs Occupancy condition if it had potential to be as restrictive as I had explained.

#### In conclusion

I have proven above that the Ryedale Plan does not support the replacement of an Agricultural Occupancy condition with a Local Needs Occupancy condition, the reasons provided include;

1. Occupancy conditions can only be applied on NEW developments that are built during the lifetime of the Ryedale Plan 2012 to 2027.
2. The Occupancy condition has to be justified and relevant to the initial identifiable needs and reasons for the development. (this is identified on the planning permission document)
3. The purpose of the Local Needs Occupancy is to limit NEW development in non-service villages.

4. There is a stated policy on how RDC apply conditions and the Lifting of conditions. This policy is clear and it does not support replacing one condition with any other condition.
5. To vary a condition means it has to be a GENUINE Variation of the present condition, this does not mean you can use this as an excuse or opportunity to replace one condition with another condition. VARY means- the original condition has to remain and this condition is modified to show the distinct version after variation. (RDC claim Eastfield Lodge was a 'Variation' on the planning notice, this is actually completely untrue, it is an undeniable fact that this was a 'Replacement Occupancy condition'.)
6. Myself and my family would be unable to continue occupying The Quarrels if it was subject to a Local Needs condition and RDC would have to enforce the condition.
7. RDC should not be subjecting properties to this condition if RDC have no intention of 'Enforcing' the condition.
8. The Local Needs Occupancy condition is not intended to expose owners of dwellings developed or occupied prior to the adoption of The Ryedale Plan 'to loss or to expose property owners to a risk of loss'.

I have provided many more reasons to justify the Lifting of the Agricultural Occupancy condition off The Quarrels property when compared directly with the reasons provided to RDC to Lift the condition off Eastfield Lodge.

I have noted eight reasons provided by the owner in support of Lifting the condition from Eastfield Lodge. Six of these eight reasons are identical to six of the twenty-one reasons I have listed above. I refuse to accept a Local Needs occupancy condition because it will allow RDC to evict me and my family from my property whenever they decide to enforce said condition, I do not know what agreement the owner of Eastfield Lodge have with RDC regarding their condition and I have no intention to live overseas for the winter months.

I suffer from 3 skeletal medical conditions that are genuine health grounds that make me unsuitable for agricultural work, I need to be allowed to return back into gainful employment in a type of work that is not overly restricted by these medical conditions.

The identifiable need responsible for the The Quarrels approval in 1993 was removed in 1998 and there has never been an identifiable need on The Gables farm since, this confirms 'The usefulness of the Agricultural occupancy condition is no longer applicable'.

There is not one compelling reason to retain this condition on The Quarrels property, the only excuse RDC could provide is that the property has not been marketed for sale and therefore the applicant cannot prove there is no demand for this property in the locality.

However, that reason is no longer a compelling argument to refuse my application as it is a fact that the owner of Eastfield Lodge was given an exemption from being required to provide this same specific information in 2013/14 as RDC accepted that the applicant did not intend to dispose of the property and that they intended to remain in residence in the property. The only way that this could occur was for the Agricultural Occupancy condition to be Lifted to allow for a new mortgage deal to be arranged for her son to take over the mortgage (which I assume required a change to the property ownership).

I request this same privilege is also provided to myself as I also have no intention to dispose of The Quarrels, I have to address a mortgage repayment shortfall, myself and my family intend to remain in occupancy at our home The Quarrels and I request that RDC make the sensible decision that

allows me to seek suitable employment in a less physically demanding work environment than agriculture.

In spite of this application having the same reasons as Eastfield Lodge plus many more reasons which provide a greater justification to Approve this application, I do not trust RDC planners or councillors to act fairly or reasonable, so I have provided information that replaces the need for a usually required marketing exercise. I have made reference in reason number 20 which combines reasons 18 & 19 that provides sufficient evidence to establish that there is very little likelihood that The Quarrels dwelling with the occupancy condition could be sold to an agricultural worker as it's value is far out of reach of an agricultural worker and that other alternative accommodation is available within the village of Marton and surrounding villages that provide cheaper accommodation, provide a much lower financial risk which can be best described as providing a more sensible option than buying The Quarrels property and being tied to the restrictive occupancy condition and all that it brings.

My mortgage endowment policy is projected to return around 60% of its expected returns in 2018. This means my endowment policy is projected to return in the region of £17,000 less than the cover of the policy.

RDC are fully aware of the fact that if they refuse this application they will be forcing me to remain on benefit for the foreseeable future at the taxpayers expense and this will prevent me from being able to take immediate action to address the projected shortfall in my mortgage repayment due in 2018 and forcing me into a serious financial situation. RDC have no reason to justify refusing this application, therefore a refusal decision will be viewed as wholly unreasonable and liable to Costs if this has to be taken to an appeal. If this application is refused I will be taking legal advice relating to being prevented from taking appropriate and immediate measures to address my Mortgage Endowment Policy projected shortfall on maturity in 2018.

RDC will be wholly responsible for all of the consequences that occur on determination of this application.

A refusal decision will confirm that RDC's actions are intended to cause me harm.

I expect this application to be Approved using the planning officers delegated powers, failure to Approve this application using their delegated powers will also confirm that there are individuals within the councils planning and legal departments that support the malpractice that appears prevalent in the handling of this type of application to date. That malpractice is requesting to replace an existing occupancy condition. For reasons best known to RDC this type of behaviour appears to be common practice by RDC.

This malpractice is an issue that should have been addressed by RDC's chairman and Chief Executive and it needs to be stopped immediately.

I look forward to your response.

Yours sincerely

Colin Coote

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Ryedale District Council  
Ryedale House  
Old Malton Road  
Malton  
YO17 7HH

The Quarrels  
Back Lane  
Marton  
Sinnington  
YORK  
YO62 6RD

5<sup>th</sup> January 2017

Dear Rachel

Reference Number 3/85/38A/FA

I am now in a position to provide the following formal response to the information yourself and your colleague Gary Housden provided me with at the meeting I requested at Ryedale House back in October 2016. At that meeting it was made clear to me that you stand by the planning policy that requires an adequate marketing exercise to be undertaken. However, you did accept that this application is not and can not be seen as just an attempt to remove an occupancy condition, it is more complicated than that, so you informed me of your intention to pass it to the planning committee for its decision.

I reiterate the following information that can be found within the 29 pages of documentation I have previously provided to RDC regarding this application. I have been obligated to provide such extensive details regarding RDC policy contained within the 2012 – 2027 Ryedale Plan along with this present reply.

1. My application is supported by Marton parish council.
2. This application has only been done at the specific request of the DWP.
3. The primary reason for this application is based on substantiated health and medical grounds.
4. I suffer from 3 skeletal conditions which have been medically diagnosed which prevent me from participating in normal physically strenuous activities associated with day to day agricultural work. I need to be allowed to return back into gainful employment in a type of work that requires less strenuous activities and can allow me to manage my overall health on a day to day basis.
5. I have been unemployed since 11/9/98. I should not be obliged to remain unemployed any longer by virtue of the present occupancy condition.
6. Policy states 'Such dwellings, and others in the countryside with an occupancy condition attached, should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness'.
7. The Usefulness of the present Agricultural occupancy condition is no longer applicable, it has been proven it was removed 18 years ago by the owners of The Gables farm.
8. There are no compelling reasons to retain the condition on The Quarrels.
9. The Gables farmhouse has been extended and altered to provide additional accommodation. Such accommodation will readily provide for any future need for a 2<sup>nd</sup> worker to be resident on The Gables farm should it occur
10. I have no intention of selling or moving from our family home.
11. I have reminded RDC that it was RDC planning committee themselves who in 2014 Proved there is no mandatory requirement to provide any marketing exercise when removing a similar agricultural occupancy condition using the same applicable 2012-2027 Ryedale Plan.

12. This precedent relates to Application No:13/00880/73A, Eastfield Lodge, Long Lane, YO17 6XE and is located within 2000 metres of my property.
13. This precedent confirmed that each application is looked at on a 'case by case' basis. I suggest councillors review the reasons supporting their previous decision and compare those Approved reasons with my reasons.
14. The owner of Eastfield Lodge never claimed at any time that there was no demand for an agricultural workers dwelling in the locality as a reason to remove the occupancy condition. I also have never used this as an excuse to remove the occupancy condition as it is irrelevant to my application.
15. I remind RDC that their precedent allowed ownership of Eastfield Lodge to be changed thereby allowing the remortgaging of the property to occur that will undoubtedly have included the erection of the detached log cabin. The imposition of 'The Local Needs Occupancy condition' is worthless and the councils planning and legal departments and chief executive had to have been fully aware of this fact prior to the granting of Approval.
16. I have proven that RDC planning and legal departments can not replace planning occupancy conditions with other occupancy conditions. The proposed replacing of my present occupancy condition with a Local Needs Occupancy condition as contained within the Ryedale Plan 2012-27 is contrary to planning policy and breaches other legislation. This type of behaviour by RDC should give everyone real cause for concern.
17. All planning committee councillors and council planning and legal officers have known all along about the 6 test rule for applying planning conditions. As a matter of policy, conditions should only be imposed where they satisfy all of the 6 tests. i) necessary; ii) relevant to planning; iii) relevant to the development to be permitted; iv) enforceable; v) precise; and vi) reasonable in all other respects.
18. This local planning authorities has clearly set out their policy approach along with the acceptable reasons required to justify their support for the removal of an agricultural occupancy condition as has been proven by the precedent set when determining the Eastfield Lodge application in 2014.
19. The precedent set by the 2014 APPROVAL of the Eastfield Lodge application confirmed without exception that I do not need to provide any of the following information with this application that a 12 month marketing exercise would be expected to provide as they are unnecessary:
  - If there is a wider demand for a dwelling in the locality
  - If the property been appropriately marketed for a 12 month period
  - If the marketing identified any demand
  - If the price of the advertised property be accessible to an agricultural worker on average agricultural earnings
20. The existence of the 2014 precedent confirms that '*material considerations*' such as providing a marketing exercise have no relevance within this type of application.
21. Having providing 29 pages of information in 2 correspondence to RDC the above facts relating to the 2014 precedent have not prevented RDC planners from stating my application has been complicated by the application for an agricultural workers dwelling at Hillside Farm, along with expressing their preference for me to provide a 12 month marketing exercise.
22. The exact reason for my request of a meeting with RDC top officials and councillors was due entirely to information provided to me by your planning officer Rachel Smith in the 2<sup>nd</sup> week of October 2016. Ms Smith informed me that a farmer local to Marton and my property had made a planning application for an Agricultural Workers dwelling which she claimed complicated my application to remove the occupancy condition. Ms Smith when asked refused to provide me with any details of the local farmer or his application, but she was still prepared to use this as privileged information against my application. I confirm I was disappointed with

her comments and official stance. I took immediate action and contacted the office of RDC CEO and left a message asking for a meeting with herself, RDC legal & planning department, council chairman and for said meeting to be open to all other councillors. I was contacted by the head of planning and offered a meeting with just himself and Ms Smith two weeks later in the last week of October at Ryedale House.

23. At that meeting we never addressed the claimed complications or relevance that this said application by the local farmer brought to my application.
24. I have surmised that the local farmer who applied for an agricultural workers dwelling had to be located at Hillside Farm, Gallowheads Lane, about one & a quarter miles from my property.
25. I have had to surmise that RDC planners object to said Hillside Farm application on the grounds that suitable alternative accommodation for the 2<sup>nd</sup> farm worker can be readily provided from one of the surrounding villages, towns or locally advertised £250k properties for sale.
26. RDC therefore claim that this application by the owners of Hillside Farm is sufficient to constitute a Demand for an agricultural workers dwelling in the locality. This assumption is not supported by planning policy and confirms RDC do make up random policy when it suits them, the consequences of this random policy is that it makes marketing exercises superfluous.

I will keep the following information as brief as possible in response to the claim a Demand has been shown.

27. The owners of Hillside Farm have proven that they require a 2<sup>nd</sup> worker to be resident on the farm for the specific welfare needs of livestock on their farm. Such an application can not be interpreted as a generic need for an agricultural dwelling in the locality nor can it be interpreted as a marketing exercise to determine the demand for The Quarrels property or other similar occupancy tied property.
28. I remind RDC planners and committee members that they have always been fully aware that agricultural dwellings are generally only justified when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of their place of work. The nature and demands of the works concerned make it essential for one or more people engaged in the enterprise to live at, or reside very close to the site of their work.
29. My application would not be complicated in anyway if RDC Approve the Hillside Farm application. RDC will have confirmed without exception that the need for the agricultural dwelling is specific to Hillside Farm only and approval allows that need to be met on site.
30. My application would not be complicated in anyway if RDC were to Refuse the Hillside Farm application. RDC will have determined that there is no need for a dwelling at all.
31. If the 2<sup>nd</sup> farm worker has to live away from Hillside Farm the immediate welfare needs of the livestock at Hillside Farm will not be met by this 2<sup>nd</sup> farm worker.
32. If RDC determine that the present welfare needs of livestock at Hillside Farm can be met from existing accommodation on the farm or a dwelling in nearby villages or other property in excess of 1 mile away from the farm then they confirm that there is no specific need for the additional agricultural workers dwelling at Hillside Farm.
33. Such a decision confirms that it is down to the 2<sup>nd</sup> farm worker at Hillside Farm to choose his own place of residence away from the farm as he is not mandated to live in a local village, he could live in Malton/Norton/Helmsley/Kirkbymoorside/Rosedale/York etc. He is advised to consider, his future plans, social life, family, schools, services, facilities, entertainment, location, travel, planned future development of area, available jobs to name a few.
34. RDC and government planning policy do not dictate where an individual has to take up residence.

35. If RDC refuse the Hillside farm application they will have confirmed that there is no immediate need for the 2<sup>nd</sup> worker to be resident on the farm to respond to any livestock welfare needs immediately. RDC will be stating that it does not matter if it takes 5/10/20/30 minutes additional travel time before the 2<sup>nd</sup> farm worker is able to attend any livestock welfare incidents on the farm.
36. If the 2<sup>nd</sup> farm worker is forced to live away from the farm it will have many negative consequences on the said workers work and family life. Having to deal with a livestock incident living away from the farm, his wife having to work to pay increased mortgage costs, he is at home looking after his young child. How quick is he going to be able to respond to any emergency livestock welfare need at Hillside Farm and what does he do with the young child?
  - What happens if his child is ill, sleeping or feeding?
  - Does he wait for a child minder to arrive before leaving or does he take the child to the farm?
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  - It has to be agreed by all that such scenario's will not allow immediate action for any livestock welfare needs at Hillside Farm by the 2<sup>nd</sup> farm worker.
  - Consequences of failing to respond immediately means a financial loss.
37. It is clear to me that occasions where thousands of birds can be in distress, it would require a minimum of 3 workers to immediately address such serious livestock welfare needs.
38. Having been forced into addressing the planning application for Hillside Farm along with the additional information I have concluded that the appraisal clearly explains that the livestock welfare needs at Hillside Farm can ONLY be met if a 2<sup>nd</sup> worker dwelling is located on the farm so as to be able to take immediate action when needed.
39. If the 2<sup>nd</sup> farm worker is expected by RDC to live at one of aforementioned nearest villages or town it confirms unequivocally that he will be neither living at the farm or be in the immediate vicinity of the farm, nor will he be very close to the site of his work.
40. RDC's refusal to accept this appraisal on its merit will be utterly appalling and will confirm a blatant disregard for the welfare needs of livestock by RDC councillors and shows utter contempt for the appraisal.
41. I will also add that if RDC do refuse the Hillside Farm application they are blatantly disregarding their own Aspirations and Strategy as stated (p25) of the Ryedale Plan. Such action fails our next generation and future generations of farmers in Ryedale.

I now remind RDC of two Approved applications for Agricultural workers dwellings in 2013 & 2015 that were located much closer to the nearest village than that which Hillside Farm is located to Marton.

42. The first at Seven Oaks, Great Edstone in 2013, this farm is situated within 0.6 miles of the nearest village, an appraisal was provided by Ian Pick Associates, the same consultant used by the owners of Hillside Farm.
43. The second application for an agricultural workers dwelling was at Glebe Farm Brawby in January 2015. This proposed dwelling is situated 0.8 miles from Salton village and 1.25 miles from Brawby village. This application was Approved by Delegated decision and the planning officer who supported this application was Rachel Smith. This application was not requested on the needs of any animal welfare requirements for a 2<sup>nd</sup> farm worker to be resident on the site.
44. The above indisputable facts substantiate without doubt that the livestock welfare needs at Hillside Farm can not be satisfied by the 2<sup>nd</sup> farm worker being located in any of the nearby villages or Pickering.



45. It is inconceivable that RDC planners should now find it appropriate in this instance to completely ignore previous Approved decisions that specifically relate to the livestock welfare needs or farm business needs being provided by an additional workers dwelling on site or in an immediately adjacent or close by settlement.
46. At my meeting at Ryedale House in October we discussed the option that I provide a marketing exercise by a reputable agent, it was agreed that if I took the alternative option to temporarily suspend my application so as to provide a 12 month marketing exercise for RDC then I did not have to use Cundalls of Malton, I could use a reputable high street agent such as Reeds Rains.
47. I did state that the above option would however be completely subject to Ryedale Job Centre and or the DWP agreeing to pay for such a marketing exercise as they are not free. I spoke with the Ryedale Job Centre manager who confirmed that in her opinion there was an urgency to finalise this application and that they would not pay for a marketing exercise or contribute further towards this application.
48. I can not afford to provide a marketing exercise so as to facilitate planners preferences, therefore this application will not be suspended or withdrawn, it must be addressed immediately with the supporting medical reasons provided.
49. I have provided sufficient information throughout this application that confirms that a marketing exercise is superfluous to this application due to the Eastfield Lodge 2014 precedent.
50. Even though I am not providing marketing exercise I thought it appropriate that I did still approach Reeds Rains for a professional valuation of my property for my own piece of mind and to provide substantiated figures.
51. Reeds Rains valued my property as if it were free from any occupancy restriction and valued it in the region of £360,000 - £395,000.
52. It was agreed in our meeting that planners expected an agricultural occupancy condition to reduce the property value by one third. With the reduction The Quarrels has a market value in the region of £240,000 to £263,000.
53. The 2<sup>nd</sup> agricultural worker at Hillside Farm Gallowheads Lane is 19 or 20 yr old and is the owners youngest son.
54. Taking the £240,000 figure as a conservative estimate of the professional valuation of The Quarrels by Reeds Rains I can easily conclude that this figure is undoubtedly well beyond the financial mortgaging capabilities of the 2<sup>nd</sup> agricultural worker at Hillside Farm Gallowheads Lane.
55. My property is not available for sale or rent, nor is it a suitably sited residence that allows a farm worker to address any immediate welfare needs of livestock at Hillside Farm.
56. The owners of Hillside Farm have no responsibility whatsoever to provide additional off-site accommodation for their workforce.
57. As at the 2<sup>nd</sup> January 2017 the 2 lowest advertised properties in Marton were,
58. Appletree Cottage advertised with Offers Over £152,950 and 1 West View with Guide Price of £199,950.
59. The professional valuation of my property is £240,000 plus. It would be totally unreasonable for RDC planners and committee members to demand or expect me to reduce the property to a value that could be affordable to the 2<sup>nd</sup> farm worker at Hillside Farm who has been claimed to confirm a demand exists. However, figures based on 2016-17 Agricultural Wages Board minimum wages for Agricultural workers 2016-17. Gross Incomes of Agricultural workers are based on a 39 hour week plus an average 8.5 hours overtime / week, over time paid at 1.5 times hourly rate. DEFRA 2011 figures confirm farm workers work an average of 47.5 hours/week.
60. The average wage the present 2<sup>nd</sup> farm worker is unknown and none of my business. I can only speculate that in all probability it could range between £5 to £8 hr. This would show maximum



potential yearly earnings of approx. £20,000. Such an income would allow the 2<sup>nd</sup> worker to borrow up to £95,000.

61. Above mortgage calculations were provided by Halifax Mortgage Calculator.
62. I am not aware of any mandatory requirement for the owners of the dwellings situated at Gallows Head Farm being forced to sell to the owners or 2<sup>nd</sup> worker at the adjacent Hillside Farm.
63. Nor am I aware that the owners of the presently advertised property Riverside Cottage on Marton Road (that is subject to an agricultural occupancy condition) situated 1.5 miles from Hillside Farm and advertised with a guide price of £250,000 are mandated to sell their property to the owner or 2<sup>nd</sup> worker at Hillside Farm, therefore it is fair to surmise that I as owner of The Quarrels can not be forced to sell my property against my wishes.
64. Selling their home was never an option for the owners of Eastfield Lodge so RDC can not determine that this is suddenly a suitable option available to me.
65. It is also fair to surmise that if RDC continue to pursue the claim that the application at Hillside Farm confirms there is a need for an agricultural workers dwelling in the locality, then this claim has to be used against all future applications to remove other occupancy conditions regardless of the fact that they have provided a 12 month marketing exercise which I presume will be the case for Riverside Cottage. Such action would be contrary to planning policy and show inconsistent and discriminatory behaviour by RDC.
66. SP19 Presumption in Favour of Sustainable Development  
When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.  
Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:
  - Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
  - Specific policies in that Framework indicate that development should be restricted
67. Having understood the above policy SP19 and taking into consideration the previous planning committee decision in 2014 relating to Eastfield Lodge along with all of the information I have provided RDC planners throughout this application I have to confirm that there are no material considerations that demonstrably outweigh the benefits of approving this application.
68. It is a fact that RDC planners have never been proactive at any time within this application or attempted to find acceptable ground so as to Approve this application.
  - After receiving my 1<sup>st</sup> letter and application RDC stated online that the expected decision level would be a delegatable decision,
  - RDC only accepted my approach for a meeting with officers the week before the statutory expiry date, at officers request meeting on site,
  - RDC failed to reach a decision before the statutory expiry date,

- RDC propose I gave them something in return for removing present condition by accepting a Local Needs Occupancy condition to replace my present condition,
  - RDC request I provide them with written confirmation why I objected to accepting their request for this other condition,
  - RDC refuse to deal with my application after receiving my reply as requested,
  - RDC refuse to post my 17 page document on line for public access,
  - RDC claim an application by a farmer 1.25 miles away complicates my application even though I have made reference to my medical conditions and past council decisions,
  - RDC only gave me a meeting at the council offices after I had requested a meeting with the council CEO and others to deal with issues the planners refused to address,
69. It is clear to me that RDC planners have acted contrary to SP19 Presumption in Favour of Sustainable Development by their blatant mishandling by providing unsupported reasons to retain an occupancy condition of some kind on the property that was known to be contrary to planning policy along with erroneous assumptive claims of complications caused by local farmers application.
70. I find it highly unusual that I have had to justify Hillside Farm's planning application to support my application. This can not be explained as being normal practice.

I remind RDC of historic behaviour of RDC towards me through the planning process until I was granted approval in 1993.

- i. Refused twice with the unreasonable claims that there were better alternative sites for the proposed dwelling than that which was provided on the application. Both of these proposed alternative sites by the then planners and councillors were contrary to relevant planning policy at that time.
  - (1) Conversion of existing in use garage and calf rearing shed adjacent to farm buildings and farmhouse.
  - (2) Officers proposed dwelling be sited immediately to the south of the present Gables farmhouse in the field which was in fact unacceptable Tandem development.
- ii. Planners and councillors finally agreed dwelling was best sited on Back Lane where it had been initially proposed by myself.
- iii. Contrary to planning law RDC planners and councillors demanded that proposed dwelling along with present farmhouse and 112 acres of adjacent farm land be attached together in 106 agreement so that no land or property could be sold separately from each other.
- iv. At the last planning meeting in 1993 RDC planning committee demanded I accept the terms offered or else no approval, I refused and had words in meeting. Decision-Refusal.
- v. I was informed 2 days later by my solicitor that RDC legal department had overturned that previous Refusal decision and had removed the unwarranted request for all land and property be tied together.
- vi. Lets not forget planning officers Mark Hill & Paul Dunce removing individual words from E16/E17 of PPG 7 so as to claim stated PPG meant the exact opposite of that which it was intended to be interpreted to mean so as to support the proposed refusal of my application. Councillors accepted this appalling behaviour and agreed to its use. FACT, FACT, FACT.
- vii. The then Chief Planning Officer Mr Fisher had correspondence printed under his official capacity as chief planning officer in the local paper blaming me for the delay and accusing me of being intransigent. I'm still waiting for an apology for this erroneous claim.
- viii. Telling me to reduce the size of my living room by 1m to 4m x 4.5m as I was just a farm worker, insert a window in a gable end and after providing said change on detailed architectural drawings planners demanding it be removed. FACT, FACT, FACT.

The inappropriate conduct of RDC planners and legal department in dealing with my applications in the early 1990's is not limited to just the above aforementioned facts.

The refusal in the 1990's by RDC legal officers to prevent the proposed maladministration by other RDC officers means they were in full support of said behaviour. There is clearly no change in the behaviour and conduct of the present legal officer employed by RDC taxpayers.

I am not aware of who is still employed within RDC who was employed during my initial application in the 1990's, but it appears that there is still plenty of animosity being directed towards me from within RDC offices, there can be no other credible explanation.

I am only presenting this application at the request of the DWP who took 6 weeks to persuade me to do this after I told them they had my permission to apply on my behalf. I did not appreciate being treated so underhand and despicably by RDC representatives during my initial application and I made it clear to the DWP that I would not tolerate any repeat behaviour by RDC with this present application. The DWP who paid towards this application are fully aware that if this application is refused it means that I be obligated to remain on benefit for the following 14 years until I receive my full state pension, so RDC need to understand the responsibility is all yours.

71. This council decision is being made on behalf of all UK residents & taxpayers not just those in Ryedale.
72. The above unreasonable behaviour of RDC planners and councillors from 1989-93 was disgraceful, an abuse of power and bullying, I see that there has been no improvement made by RDC in the 23 years since that night in 1993.
73. It is unacceptable that I am being subjected to similar unreasonable behaviour in 2016/17.

It is stated that with planning decisions a greater weight is generally attached to issues raised which are supported by evidence rather than solely by assertion. I have provided facts throughout this application and a previous decision (precedent) is evidence.

It is obvious that I am still being treated differently and policy is still being ignored. If RDC councillors refuse to accept the factual information I have provided them with including their own precedent and they refuse my application, this will confirm without doubt that they will have treated me differently and their decision can only have been based on RDC history with the applicant.

I understood that an intentional benefit of the 2011 Localism act was that it would contribute towards consistent decision making within the planning process by district councils.

I have proven in documentation presented to RDC within this application that replacing an existing agricultural occupancy condition with a Local Needs occupancy condition is a blatant act of maladministration and renders any such replacement occupancy condition unenforceable.

If you have any issue with the content of this letter please contact me so that we can discuss any disputed issue as is required by SP19 of the Ryedale Plan.

I look forward to your response.

Yours sincerely

Colin Coote



# Reeds Rains

www.reedsrains.co.uk

Mr Coote  
The Quarrels Marton  
Sinnington  
York  
YO62 6RD

10  
Saville Street  
Malton  
North Yorkshire  
YO17 7LL  
01653 692479  
malton@reedsrains.co.uk

03 November 2016

Our Ref: SE097

Dear Mr Coote

**Re: The Quarrels Marton, Sinnington, York, YO62 6RD**

Thank you for giving me the opportunity to inspect your property. I hope that I was able to offer you some useful advice regarding the marketing and sale of your property, and I would be delighted to act upon your behalf.

I would like to confirm my recommendation to market your property in the region of £380,000 - £395,000 with an initial asking price of £395,000.

As soon as you choose Reeds Rains, our team will really get to work in finding you potential buyers, and won't stop until the property is sold.

Firstly, we'll produce high quality property particulars with digital photographs, room details and a floor plan which we will send to our database of buyers who are seeking properties like yours in this area. Our national network of 170 branches is connected via one integrated system enabling buyers to register in any office throughout the UK and be matched to your property.

Fast, online exposure is key to achieving your asking price so your property will be advertised on the two largest property portals in the UK within 24 hours. Rightmove and Zoopla have a combined total of over 150 million visitors per month, with 91% of home movers starting their search on one of these sites.

We'll also erect a smart 'For Sale' board and advertise your property in our branch window providing the best local, regional and national exposure to attract the maximum number of potential buyers.

As you may be aware, as soon as a property is marketed you are responsible for ensuring a valid Energy Performance Certificate (EPC) is made available when a buyer enquiry is received. We would be pleased to arrange this on your behalf.

We can also help to organise a legal representative for your conveyancing, and we'll keep you in constant touch with them to ensure the process goes as smoothly as possible.

To give your property the greatest impact from day one on the market, we will commission stunning professional and digitally enhanced photographs. We will also purchase a premium listing for your property on Rightmove and Zoopla to ensure it stands out in buyers' search results. For this marketing, we will charge an upfront fee of £150 inclusive of VAT. We will also offer you an EPC for the discounted price of £50 inclusive of VAT (otherwise £99).

Reeds Rains Limited Registered in England at Buldemark House, George Cayley Drive, Clifton Moor, York YO30 4XE  
Registered Number 2568254. VAT Reg No: 842 795 983

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**rightmove**.co.uk Part of the **LSL** Property Services plc Group



13/11/16



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[www.reedsrains.co.uk](http://www.reedsrains.co.uk)

If you decide to list your property for sale with us, you'll receive the perfect combination of local knowledge and national reach, coupled with advanced marketing techniques designed to get you the best price for your property in the shortest possible timeframe. As silver winners in the 2015 Sunday Times Estate Agency of the Year Awards and the All Agents Best Large Chain for customer satisfaction awards, we will also aim to make the process as stress-free as possible for you, keeping you informed every step of the way. That's why 95% of home movers would recommend Reeds Rains to family and friends.\*

If you would like to proceed or if you have any questions relating to any aspect of your valuation or sale, please do not hesitate to contact me.

Yours sincerely

Andrew Jacques  
Branch Manager for **Reeds Rains**

\*Source: [allagents.co.uk](http://allagents.co.uk), March 2015.

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**ARLA**  
The Association of Residential Letting Agents

13/11/15



Ryedale District Council  
Ryedale House  
Old Malton Road  
Malton  
YO17 7HH

The Quarrels  
Back Lane  
Marton  
Sinnington  
YORK  
YO62 6RD

5<sup>th</sup> January 2017

Dear Rachel

Reference Number 3/85/38A/FA

I am now in a position to provide the following formal response to the information yourself and your colleague Gary Housden provided me with at the meeting I requested at Ryedale House back in October 2016. At that meeting it was made clear to me that you stand by the planning policy that requires an adequate marketing exercise to be undertaken. However, you did accept that this application is not and can not be seen as just an attempt to remove an occupancy condition, it is more complicated than that, so you informed me of your intention to pass it to the planning committee for its decision.

I reiterate the following information that can be found within the 29 pages of documentation I have previously provided to RDC regarding this application. I have been obligated to provide such extensive details regarding RDC policy contained within the 2012 – 2027 Ryedale Plan along with this present reply.

1. My application is supported by Marton parish council.
2. This application has only been done at the specific request of the DWP.
3. The primary reason for this application is based on substantiated health and medical grounds.
4. I suffer from 3 skeletal conditions which have been medically diagnosed which prevent me from participating in normal physically strenuous activities associated with day to day agricultural work. I need to be allowed to return back into gainful employment in a type of work that requires less strenuous activities and can allow me to manage my overall health on a day to day basis.
5. I have been unemployed since 11/9/98. I should not be obliged to remain unemployed any longer by virtue of the present occupancy condition.
6. Policy states 'Such dwellings, and others in the countryside with an occupancy condition attached, should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness'.
7. The Usefulness of the present Agricultural occupancy condition is no longer applicable, it has been proven it was removed 18 years ago by the owners of The Gables farm.
8. There are no compelling reasons to retain the condition on The Quarrels.
9. The Gables farmhouse has been extended and altered to provide additional accommodation. Such accommodation will readily provide for any future need for a 2<sup>nd</sup> worker to be resident on The Gables farm should it occur
10. I have no intention of selling or moving from our family home.
11. I have reminded RDC that it was RDC planning committee themselves who in 2014 Proved there is no mandatory requirement to provide any marketing exercise when removing a similar agricultural occupancy condition using the same applicable 2012-2027 Ryedale Plan.

12. This precedent relates to Application No:13/00880/73A, Eastfield Lodge, Long Lane, YO17 6XE and is located within 2000 metres of my property.
13. This precedent confirmed that each application is looked at on a 'case by case' basis. I suggest councillors review the reasons supporting their previous decision and compare those Approved reasons with my reasons.
14. The owner of Eastfield Lodge never claimed at any time that there was no demand for an agricultural workers dwelling in the locality as a reason to remove the occupancy condition. I also have never used this as an excuse to remove the occupancy condition as it is irrelevant to my application.
15. I remind RDC that their precedent allowed ownership of Eastfield Lodge to be changed thereby allowing the remortgaging of the property to occur that will undoubtedly have included the erection of the detached log cabin. The imposition of 'The Local Needs Occupancy condition' is worthless and the councils planning and legal departments and chief executive had to have been fully aware of this fact prior to the granting of Approval.
16. I have proven that RDC planning and legal departments can not replace planning occupancy conditions with other occupancy conditions. The proposed replacing of my present occupancy condition with a Local Needs Occupancy condition as contained within the Ryedale Plan 2012-27 is contrary to planning policy and breaches other legislation. This type of behaviour by RDC should give everyone real cause for concern.
17. All planning committee councillors and council planning and legal officers have known all along about the 6 test rule for applying planning conditions. As a matter of policy, conditions should only be imposed where they satisfy all of the 6 tests. i) necessary; ii) relevant to planning; iii) relevant to the development to be permitted; iv) enforceable; v) precise; and vi) reasonable in all other respects.
18. This local planning authorities has clearly set out their policy approach along with the acceptable reasons required to justify their support for the removal of an agricultural occupancy condition as has been proven by the precedent set when determining the Eastfield Lodge application in 2014.
19. The precedent set by the 2014 APPROVAL of the Eastfield Lodge application confirmed without exception that I do not need to provide any of the following information with this application that a 12 month marketing exercise would be expected to provide as they are unnecessary:
  - If there is a wider demand for a dwelling in the locality
  - If the property been appropriately marketed for a 12 month period
  - If the marketing identified any demand
  - If the price of the advertised property be accessible to an agricultural worker on average agricultural earnings
20. The existence of the 2014 precedent confirms that '*material considerations*' such as providing a marketing exercise have no relevance within this type of application.
21. Having providing 29 pages of information in 2 correspondence to RDC the above facts relating to the 2014 precedent have not prevented RDC planners from stating my application has been complicated by the application for an agricultural workers dwelling at Hillside Farm, along with expressing their preference for me to provide a 12 month marketing exercise.
22. The exact reason for my request of a meeting with RDC top officials and councillors was due entirely to information provided to me by your planning officer Rachel Smith in the 2<sup>nd</sup> week of October 2016. Ms Smith informed me that a farmer local to Marton and my property had made a planning application for an Agricultural Workers dwelling which she claimed complicated my application to remove the occupancy condition. Ms Smith when asked refused to provide me with any details of the local farmer or his application, but she was still prepared to use this as privileged information against my application. I confirm I was disappointed with

her comments and official stance. I took immediate action and contacted the office of RDC CEO and left a message asking for a meeting with herself, RDC legal & planning department, council chairman and for said meeting to be open to all other councillors. I was contacted by the head of planning and offered a meeting with just himself and Ms Smith two weeks later in the last week of October at Ryedale House.

23. At that meeting we never addressed the claimed complications or relevance that this said application by the local farmer brought to my application.
24. I have surmised that the local farmer who applied for an agricultural workers dwelling had to be located at Hillside Farm, Gallowheads Lane, about one & a quarter miles from my property.
25. I have had to surmise that RDC planners object to said Hillside Farm application on the grounds that suitable alternative accommodation for the 2<sup>nd</sup> farm worker can be readily provided from one of the surrounding villages, towns or locally advertised £250k properties for sale.
26. RDC therefore claim that this application by the owners of Hillside Farm is sufficient to constitute a Demand for an agricultural workers dwelling in the locality. This assumption is not supported by planning policy and confirms RDC do make up random policy when it suits them, the consequences of this random policy is that it makes marketing exercises superfluous.

I will keep the following information as brief as possible in response to the claim a Demand has been shown.

27. The owners of Hillside Farm have proven that they require a 2<sup>nd</sup> worker to be resident on the farm for the specific welfare needs of livestock on their farm. Such an application can not be interpreted as a generic need for an agricultural dwelling in the locality nor can it be interpreted as a marketing exercise to determine the demand for The Quarrels property or other similar occupancy tied property.
28. I remind RDC planners and committee members that they have always been fully aware that agricultural dwellings are generally only justified when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of their place of work. The nature and demands of the works concerned make it essential for one or more people engaged in the enterprise to live at, or reside very close to the site of their work.
29. My application would not be complicated in anyway if RDC Approve the Hillside Farm application. RDC will have confirmed without exception that the need for the agricultural dwelling is specific to Hillside Farm only and approval allows that need to be met on site.
30. My application would not be complicated in anyway if RDC were to Refuse the Hillside Farm application. RDC will have determined that there is no need for a dwelling at all.
31. If the 2<sup>nd</sup> farm worker has to live away from Hillside Farm the immediate welfare needs of the livestock at Hillside Farm will not be met by this 2<sup>nd</sup> farm worker.
32. If RDC determine that the present welfare needs of livestock at Hillside Farm can be met from existing accommodation on the farm or a dwelling in nearby villages or other property in excess of 1 mile away from the farm then they confirm that there is no specific need for the additional agricultural workers dwelling at Hillside Farm.
33. Such a decision confirms that it is down to the 2<sup>nd</sup> farm worker at Hillside Farm to choose his own place of residence away from the farm as he is not mandated to live in a local village, he could live in Malton/Norton/Helmsley/Kirkbymoorside/Rosedale/York etc. He is advised to consider, his future plans, social life, family, schools, services, facilities, entertainment, location, travel, planned future development of area, available jobs to name a few.
34. RDC and government planning policy do not dictate where an individual has to take up residence.



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I now remind RDC of two Approved applications for Agricultural workers dwellings in 2013 & 2015 that were located much closer to the nearest village than that which Hillside Farm is located to Marton.

42. The first at Seven Oaks, Great Edstone in 2013, this farm is situated within 0.6 miles of the nearest village, an appraisal was provided by Ian Pick Associates, the same consultant used by the owners of Hillside Farm.
43. The second application for an agricultural workers dwelling was at Glebe Farm Brawby in January 2015. This proposed dwelling is situated 0.8 miles from Salton village and 1.25 miles from Brawby village. This application was Approved by Delegated decision and the planning officer who supported this application was Rachel Smith. This application was not requested on the needs of any animal welfare requirements for a 2<sup>nd</sup> farm worker to be resident on the site.
44. The above indisputable facts substantiate without doubt that the livestock welfare needs at Hillside Farm can not be satisfied by the 2<sup>nd</sup> farm worker being located in any of the nearby villages or Pickering.

45. It is inconceivable that RDC planners should now find it appropriate in this instance to completely ignore previous Approved decisions that specifically relate to the livestock welfare needs or farm business needs being provided by an additional workers dwelling on site or in an immediately adjacent or close by settlement.
46. At my meeting at Ryedale House in October we discussed the option that I provide a marketing exercise by a reputable agent, it was agreed that if I took the alternative option to temporarily suspend my application so as to provide a 12 month marketing exercise for RDC then I did not have to use Cundalls of Malton, I could use a reputable high street agent such as Reeds Rains.
47. I did state that the above option would however be completely subject to Ryedale Job Centre and or the DWP agreeing to pay for such a marketing exercise as they are not free. I spoke with the Ryedale Job Centre manager who confirmed that in her opinion there was an urgency to finalise this application and that they would not pay for a marketing exercise or contribute further towards this application.
48. I can not afford to provide a marketing exercise so as to facilitate planners preferences, therefore this application will not be suspended or withdrawn, it must be addressed immediately with the supporting medical reasons provided.
49. I have provided sufficient information throughout this application that confirms that a marketing exercise is superfluous to this application due to the Eastfield Lodge 2014 precedent.
50. Even though I am not providing marketing exercise I thought it appropriate that I did still approach Reeds Rains for a professional valuation of my property for my own piece of mind and to provide substantiated figures.
51. Reeds Rains valued my property as if it were free from any occupancy restriction and valued it in the region of £360,000 - £395,000.
52. It was agreed in our meeting that planners expected an agricultural occupancy condition to reduce the property value by one third. With the reduction The Quarrels has a market value in the region of £240,000 to £263,000.
53. The 2<sup>nd</sup> agricultural worker at Hillside Farm Gallowheads Lane is 19 or 20 yr old and is the owners youngest son.
54. Taking the £240,000 figure as a conservative estimate of the professional valuation of The Quarrels by Reeds Rains I can easily conclude that this figure is undoubtedly well beyond the financial mortgaging capabilities of the 2<sup>nd</sup> agricultural worker at Hillside Farm Gallowheads Lane.
55. My property is not available for sale or rent, nor is it a suitably sited residence that allows a farm worker to address any immediate welfare needs of livestock at Hillside Farm.
56. The owners of Hillside Farm have no responsibility whatsoever to provide additional off-site accommodation for their workforce.
57. As at the 2<sup>nd</sup> January 2017 the 2 lowest advertised properties in Marton were,
58. Appletree Cottage advertised with Offers Over £152,950 and 1 West View with Guide Price of £199,950.
59. The professional valuation of my property is £240,000 plus. It would be totally unreasonable for RDC planners and committee members to demand or expect me to reduce the property to a value that could be affordable to the 2<sup>nd</sup> farm worker at Hillside Farm who has been claimed to confirm a demand exists. However, figures based on 2016-17 Agricultural Wages Board minimum wages for Agricultural workers 2016-17. Gross Incomes of Agricultural workers are based on a 39 hour week plus an average 8.5 hours overtime / week, over time paid at 1.5 times hourly rate. DEFRA 2011 figures confirm farm workers work an average of 47.5 hours/week.
60. The average wage the present 2<sup>nd</sup> farm worker is unknown and none of my business. I can only speculate that in all probability it could range between £5 to £8 hr. This would show maximum

potential yearly earnings of approx. £20,000. Such an income would allow the 2<sup>nd</sup> worker to borrow up to £95,000.

61. Above mortgage calculations were provided by Halifax Mortgage Calculator.
62. I am not aware of any mandatory requirement for the owners of the dwellings situated at Gallows Head Farm being forced to sell to the owners or 2<sup>nd</sup> worker at the adjacent Hillside Farm.
63. Nor am I aware that the owners of the presently advertised property Riverside Cottage on Marton Road (that is subject to an agricultural occupancy condition) situated 1.5 miles from Hillside Farm and advertised with a guide price of £250,000 are mandated to sell their property to the owner or 2<sup>nd</sup> worker at Hillside Farm, therefore it is fair to surmise that I as owner of The Quarrels can not be forced to sell my property against my wishes.
64. Selling their home was never an option for the owners of Eastfield Lodge so RDC can not determine that this is suddenly a suitable option available to me.
65. It is also fair to surmise that if RDC continue to pursue the claim that the application at Hillside Farm confirms there is a need for an agricultural workers dwelling in the locality, then this claim has to be used against all future applications to remove other occupancy conditions regardless of the fact that they have provided a 12 month marketing exercise which I presume will be the case for Riverside Cottage. Such action would be contrary to planning policy and show inconsistent and discriminatory behaviour by RDC.
66. SP19 Presumption in Favour of Sustainable Development  
When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.  
Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:
  - Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
  - Specific policies in that Framework indicate that development should be restricted
67. Having understood the above policy SP19 and taking into consideration the previous planning committee decision in 2014 relating to Eastfield Lodge along with all of the information I have provided RDC planners throughout this application I have to confirm that there are no material considerations that demonstrably outweigh the benefits of approving this application.
68. It is a fact that RDC planners have never been proactive at any time within this application or attempted to find acceptable ground so as to Approve this application.
  - After receiving my 1<sup>st</sup> letter and application RDC stated online that the expected decision level would be a delegatable decision,
  - RDC only accepted my approach for a meeting with officers the week before the statutory expiry date, at officers request meeting on site,
  - RDC failed to reach a decision before the statutory expiry date,

- RDC propose I gave them something in return for removing present condition by accepting a Local Needs Occupancy condition to replace my present condition,
  - RDC request I provide them with written confirmation why I objected to accepting their request for this other condition,
  - RDC refuse to deal with my application after receiving my reply as requested,
  - RDC refuse to post my 17 page document on line for public access,
  - RDC claim an application by a farmer 1.25 miles away complicates my application even though I have made reference to my medical conditions and past council decisions,
  - RDC only gave me a meeting at the council offices after I had requested a meeting with the council CEO and others to deal with issues the planners refused to address,
69. It is clear to me that RDC planners have acted contrary to SP19 Presumption in Favour of Sustainable Development by their blatant mishandling by providing unsupported reasons to retain an occupancy condition of some kind on the property that was known to be contrary to planning policy along with erroneous assumptive claims of complications caused by local farmers application.
70. I find it highly unusual that I have had to justify Hillside Farm's planning application to support my application. This can not be explained as being normal practice.

I remind RDC of historic behaviour of RDC towards me through the planning process until I was granted approval in 1993.

- i. Refused twice with the unreasonable claims that there were better alternative sites for the proposed dwelling than that which was provided on the application. Both of these proposed alternative sites by the then planners and councillors were contrary to relevant planning policy at that time.
  - (1) Conversion of existing in use garage and calf rearing shed adjacent to farm buildings and farmhouse.
  - (2) Officers proposed dwelling be sited immediately to the south of the present Gables farmhouse in the field which was in fact unacceptable Tandem development.
- i. Planners and councillors finally agreed dwelling was best sited on Back Lane where it had been initially proposed by myself.
- ii. Contrary to planning law RDC planners and councillors demanded that proposed dwelling along with present farmhouse and 112 acres of adjacent farm land be attached together in 106 agreement so that no land or property could be sold separately from each other.
- iii. At the last planning meeting in 1993 RDC planning committee demanded I accept the terms offered or else no approval, I refused and had words in meeting. Decision-Refusal.
- iv. I was informed 2 days later by my solicitor that RDC legal department had overturned that previous Refusal decision and had removed the unwarranted request for all land and property be tied together.
- v. Lets not forget planning officers Mark Hill & Paul Dunce removing individual words from E16/E17 of PPG 7 so as to claim stated PPG meant the exact opposite of that which it was intended to be interpreted to mean so as to support the proposed refusal of my application. Councillors accepted this appalling behaviour and agreed to its use. FACT, FACT, FACT.
- vi. The then Chief Planning Officer Mr Fisher had correspondence printed under his official capacity as chief planning officer in the local paper blaming me for the delay and accusing me of being intransigent. I'm still waiting for an apology for this erroneous claim.
- vii. Telling me to reduce the size of my living room by 1m to 4m x 4.5m as I was just a farm worker, insert a window in a gable end and after providing said change on detailed architectural drawings planners demanding it be removed. FACT, FACT, FACT.

The inappropriate conduct of RDC planners and legal department in dealing with my applications in the early 1990's is not limited to just the above aforementioned facts.



The refusal in the 1990's by RDC legal officers to prevent the proposed maladministration by other RDC officers means they were in full support of said behaviour. There is clearly no change in the behaviour and conduct of the present legal officer employed by RDC taxpayers.

I am not aware of who is still employed within RDC who was employed during my initial application in the 1990's, but it appears that there is still plenty of animosity being directed towards me from within RDC offices, there can be no other credible explanation.

I am only presenting this application at the request of the DWP who took 6 weeks to persuade me to do this after I told them they had my permission to apply on my behalf. I did not appreciate being treated so underhand and despicably by RDC representatives during my initial application and I made it clear to the DWP that I would not tolerate any repeat behaviour by RDC with this present application. The DWP who paid towards this application are fully aware that if this application is refused it means that I be obligated to remain on benefit for the following 14 years until I receive my full state pension, so RDC need to understand the responsibility is all yours.

71. This council decision is being made on behalf of all UK residents & taxpayers not just those in Ryedale.
72. The above unreasonable behaviour of RDC planners and councillors from 1989-93 was disgraceful, an abuse of power and bullying, I see that there has been no improvement made by RDC in the 23 years since that night in 1993.
73. It is unacceptable that I am being subjected to similar unreasonable behaviour in 2016/17.

It is stated that with planning decisions a greater weight is generally attached to issues raised which are supported by evidence rather than solely by assertion. I have provided facts throughout this application and a previous decision (precedent) is evidence.

It is obvious that I am still being treated differently and policy is still being ignored. If RDC councillors refuse to accept the factual information I have provided them with including their own precedent and they refuse my application, this will confirm without doubt that they will have treated me differently and their decision can only have been based on RDC history with the applicant.

I understood that an intentional benefit of the 2011 Localism act was that it would contribute towards consistent decision making within the planning process by district councils.

I have proven in documentation presented to RDC within this application that replacing an existing agricultural occupancy condition with a Local Needs occupancy condition is a blatant act of maladministration and renders any such replacement occupancy condition unenforceable.

If you have any issue with the content of this letter please contact me so that we can discuss any disputed issue as is required by SP19 of the Ryedale Plan.

I look forward to your response.

Yours sincerely

Colin Coote

Ryedale District Council  
Ryedale House  
Old Malton Road  
Malton  
YO17 7HH

The Quarrels  
Back Lane  
Marton  
Sinnington  
YORK  
YO62 6RD

9<sup>th</sup> March 2017

I am obligated to respond to [REDACTED] information provided by Mr Housden in his appraisal to the planning committee.

Mr Housden states: *'The applicant was advised of this by the case office and also again in writing on 27<sup>th</sup> October 2016 following a meeting with the case officer and the Head of Planning'*

Mr Housden and Mrs Smith were fully aware at the said meeting that the Ryedale Jobcentre and DWP would determine whether this application was delayed/suspended to provide a 12 month marketing exercise and I had no say in the matter as they paid for the application. Mr Housden did make it known such an exercise could be deemed a completely worthless exercise and money if I was to get any interested party in buying my home which is not for sale. Then the application would still have come to committee in 12 months but without the support of said exercise. Common sense dictates 'why wait', do it now, that was their decision. Mr Housden and Mrs Smith did not address the 3/6/14 committee decision when established policy became relevant to my application. I never agreed to the 12 month exercise at any time. It is clear Mr Housden and Mrs Smith continue to ignore the actual existence of the established planning policy from 3/6/14. This has been recorded and RDC should have an index for all planning decisions. I see no reason for all of the secrecy surrounding planning decisions.

Mr Housden states: *'The policy position in respect of determining applications to lift occupancy conditions is set out earlier in this report. Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 require that all decisions must be made in accordance with the development plan unless material considerations indicate otherwise.'*

I have not found any material considerations that supported the Eastfield Lodge application, if that is correct and there were no material considerations supporting Eastfield Lodge application, why was it recommended by Mr Housden for Approval? (Taking into account the advice given to members in June 2014 regarding the legality of varying the Eastfield Lodge condition, it is becoming clear to me that members are being [REDACTED] by Mr Housden and his colleagues and that this is his common practice and information he provides can not be viewed as being [REDACTED] or else members are complicit in this instance)

I have provided relevant material considerations with my application in numerous correspondence with this council which confirm the above policy position actually supports my application and I include a list below. I find it unacceptable that Mr Housden implies my application is not supported by material considerations.

1. Eastfield Lodge decision of 3/6/14 set established policy that provided a definitive confirmation that a 12 month marketing exercise was not a mandatory requirement. Had it been a mandatory requirement in 2014 Eastfield Lodge would have been REFUSED on 3/6/14. This is a material consideration as it is ESTABLISHED POLICY.
2. The condition has outlived its useful purpose, this usefulness was removed 18 years ago by the owners of The Gables farm which I had no control over. I have provided information in

a previous letter detailing the significant investment required at The Gables Farm before a specific functional need could arise from the farm for the need for a 2<sup>nd</sup> farm worker to be resident close to on site.

3. The Gables farmhouse has been extended and altered to provide additional accommodation.
4. Ryedale Plan dictates that farms located similarly to The Gables in close proximity to a village or town, requires the worker to find accommodation from the available local housing stock.
5. Planning Policy Statement 7: Sustainable Development in Rural Areas states 'Such dwellings, and others in the countryside with an occupancy condition attached, should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness'. Whilst it is recognised that this guidance has now been withdrawn following the publication of the National Planning Policy Framework in 2012, the absence of equivalent guidance within the NPPF, has resulted in practitioners, and decision makers, including Planning Inspectors, placing some continuing reliance upon the principles outlined in the document. I have been unemployed since 11/9/98. I should not be obliged to remain unemployed any longer by virtue of the present agricultural occupancy condition.
6. My property subject to the present occupancy condition is valued at £240,000 plus. This is outside the mortgaging capabilities of farm workers income based on a farm managers income as confirmed in previous letters to RDC which have been kept from members. There are 42 available properties for agricultural workers under £200,000 within about a 5 minute drive from my property. There are also at least another 150 properties available to agricultural workers within the locality of my property that are below the £200,000 value. "such properties are in Marton, one of them is less than 100 yards from The Gables Farm.
7. Local property Riverside Cottage also subject to an agricultural occupancy condition and valued at £250,000 has been advertised for sale for the last 12 months and has not been sold. This determines the lack of demand in the locality.

Accordingly, there are no compelling reasons to retain the condition on The Quarrels.

Mr Housden states: *'The applicant has submitted extensive arguments including details of his medical conditions'*

I initially started out with this application thinking there had been a change in RDC planning officers behaviour since 1993, my application is simple, the job centre and DWP want to get me back into work after 18 years of unemployment as I have been unable to do agricultural work since 2009 due to my spinal and other skeletal medical conditions which I suffer from.

I have provided RDC with an extensive explanation of how my skeletal conditions affect my mobility and how I have to manage these conditions. RDC have been given my permission to consult with my GP to confirm these medical conditions. I would have thought RDC planning officers would have provided members access to these details so that the members can make an informed decision. It appears Mr Housden does not want that to occur!

Having come across the Eastfield Lodge application and decision of 2014 it was clear that an expensive 12 month marketing exercise was no longer needed if the occupant was not intending to sell their home etc.

Being unemployed for 18 years I do not have the money to waste on a 12 month marketing exercise which Mr Housden has confirmed could be proven to be a completely worthless exercise and money if I get any interested party in buying my home. I struggle to exist on the £114 /week benefit

I receive for myself and my wife. I also get CTB & CTC for my youngest son. This is the only benefit available to me to pay my bills, including council tax, yet I am not allowed to work to contribute towards this council tax expense. This occupancy condition is the only issue stopping me from working and paying taxes.

Having to advertise my home which is not for sale raises many conflicting issues,

1. My home is not for sale.
2. I can not be forced to sell my home to any interested buyer against my will.
3. The owners of Eastfield Lodge were not forced into selling or moving.
4. No planning law exists that can force me to sell.
5. Keeping the occupancy condition on my property because there is an interested buyer contradicts directly with note 5 above, Planning Policy Statement 7: Sustainable Development in Rural Areas states 'Such dwellings, and others in the countryside with an occupancy condition attached, should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness'.
6. I hope my 2 sons will inherit our home at a much much later date.

Regarding the claim by council officers that a 'VARIATION' of the occupancy condition occurred is a complete fabrication. However, the actions of the planning committee in determining their decision on the 3/6/14 did establish planning policy wholly relevant to my application as the Eastfield Lodge owner did not need to provide a marketing exercise of any kind.

It is a known fact by the councils planning and legal department that a 'variation' to any condition has to retain the principle element of the condition, this is an incontestable fact.

The facts of the 3/6/14 are, the planning committee 'VARIED' the original planning Approval decision of 1978 by replacing the 1978 occupancy condition with a 2013 condition.

On a point of fact, there was no variation to the Eastfield Lodge occupancy condition, it was removed completely. The consequences of this fact need to be addressed.

Mr Housden states; *but appears to base much of his case in relation to an earlier decision of the Planning Committee on 3rd June 2014 Ref 13/00880/73A which related to the variation of an agricultural occupancy condition relating to a property in the Parish of Normanby.'*

I do not base much of my case on the 3/6/14 Eastfield Lodge decision, even though it has to be accepted as a 'LANDMARK' decision by the planning officers and planning department as it established planning policy but not just limited to the use or relevance of a marketing exercise. It has also established policy in relation to how much emphasis is put on the required '*material considerations*' and other considerations. I have provided extensive unambiguous information relating to the importance of established planning policy and precedent's as well as LAW. As for emphasis, planning decisions are supposedly based entirely on policy and previous decisions, that is how laws are established. I have provided a balanced application addressing all of the issues fairly and equally extensively and with honesty, I have not lied or attempted to deceive council officials or members at any point. [REDACTED]

Mr Housden states: '*That particular case was in fact approved by Committee for the variation of the existing agricultural occupancy condition and its replacement with a local occupancy condition.'*



I know this statement is meant to frighten members to repeat their past mistake and compound this further. Replacing my present occupancy condition with a 'local needs' condition has no support within policy or LAW and it is an unenforceable condition. RDC were given notice in my letter dated 27/9/16 that your 3/6/16 decision was maladministration and that the condition was invalid. I have to ask why RDC are blatantly continuing to abuse their position by claiming this invalid occupancy condition has any merit or legal standing in regard to my application. I find it disturbing that RDC planning officers have not provided members with a copy of my 27/9/16 letter which completely dissects the Ryedale Plan and proves that 'Local Needs' occupancy conditions can only be applied to New Build or New Housing and cannot be applied retrospectively.

Within my letter of 27/9/16 and in direct reference to the use of the 'local needs occupancy condition' by RDC I stated *'If RDC dispute my understanding of the wording then I look forward to receiving a formal copy of their official interpretation and application.'* I have received no formal challenge to this information to date some 160 plus days and 23 weeks later, therefore RDC accept the interpretation as presented. [REDACTED]

I also know that the local needs condition attached to Eastfield Lodge is unenforceable. This is an indisputable fact. Mr Housden, Mrs Waggott and Mr Winship need to explain themselves as to how this could have occurred. The condition failed the 6 test rule but members still supported its use! Questions need to be asked how members failed to pick this up.

Mr Housden states: *"The particular circumstances of the case were differed from those put forward in this current case."*

In my letter dated 27/9/16 I compared the reasons provided by the owner of Eastfield Lodge in her application to the reasons I have provided with my application. RDC have never responded to this letter or its content. In the 27/9/16 letter I noted eight reasons provided by the owner in support of Lifting the condition from Eastfield Lodge. Six of these eight reasons are identical to six of the twenty-one reasons I provided in support of my application.

Below are the specific reasons RDC accepted as sufficiently worthy to justify exempting the owner/applicant of Eastfield Lodge, Long Lane, Great Barugh from having to advertise for 12 months before RDC could determine whether to Lift the Condition in June 2014. Which of the following reasons provide a material consideration.

1. The owner/applicant had no intention to dispose of the property.
2. The owner/applicant along with her younger son and his family wished to remain in permanent residence at the property.
3. The owner/applicant had health issues, suffered from arthritis and was faced with knee and hip replacements and claimed it was essential that a relative resides in close proximity.
4. The owner/applicant has lived in the property for 12 years up to 2013.

The following are extracts from correspondence between the owner of Eastfield Lodge and RDC.

*'I am submitting an application for removal of the occupancy condition'*

*'We are not applying in order to sell the property but to ensure my family can continue to live here in secure knowledge, that we are doing so, legally, as at present.'* Both extracts from letter dated 23/7/13.

*'As I have now retired I will be unable to re-mortgage the house when it becomes due very soon. We do not want to leave our home, but we can not get a mortgage renewal unless the restriction is lifted. I am too old and David does not work in agriculture.'* Extract taken from correspondence dated 21 November 2013.

*'It is becoming more and more important for me to have family near as I have health issues that mean I am reliant on help. Being faced with hip & knee replacements is bad enough, but this morning the doctor confirmed arthritis is now giving me pain and restriction with my right hand. David has lived all his life in Ryedale'. This extract was taken from the letter dated 19<sup>th</sup> May 2014.*

Mr Housden is scraping the bottom out of the barrel by his erroneous claim that the circumstances differed from those put forward in support of my application.

Reason 1 by Mrs Storrie is completely identical to information I gave RDC.

Reason 2 by Mrs Storrie is completely identical to information I gave RDC.

Reason 3 by Mrs Storrie relates to knee, hip and arthritic health issues. I suffer also from medical skeletal issues that are also serious health issues that need to be managed on a daily basis. So this reason is significantly similar to be accepted as an identical reason to Mrs Storrie's.

Reason 4 by Mrs Storrie states she has been resident in her home for 12 years, I have been resident in my home for over 22 years. Both of us have lived in our respective homes for a long time so they are identical again. Maybe Mr Housden is aware of some other information relating to Eastfield Lodge that has been excluded from the council web site, members maybe need to access the web site themselves to confirm for themselves the minute amount of information that was actually provided within that application.

I actually put more merit to my reasons than those provided in the Eastfield Lodge application as I have provided unambiguous explanations, extensive details and I have many many more reasons. As provided earlier in this letter I have provided a list of material considerations also in support of my application, [REDACTED]. In other correspondence to RDC I provide further reasons to support my application. So maybe Mr Housden infers my application differs to Eastfield Lodge as my application is supported by established planning policy and many many more material considerations and therefore has the greater merit. It is a shame Mr Housden has failed to provide the members with all of my correspondence so that they could judge for themselves the merits of the Eastfield Lodge application and my application.

I have provided extracts above from correspondence from Mrs Storrie to RDC regarding the information provided to RDC to assist this application. I have not been able to identify any information relating to the claim or reference to the Eastfield Lodge condition having outlived its useful purpose. RDC clearly took it on good faith from Mrs Storrie and having had a site visit that the usefulness of the agricultural occupancy condition had expired in the locality. I can confirm that the agriculture sector has not improved in the last two and a half years in the locality whereby employment and demand has increased.

Mr Housden states: *'It is also of particular note that the applicant during discussions has refused to contemplate a variation of the occupancy rather than seeking its complete removal. PLANNING COMMITTEE 14 March 2017.'*

[REDACTED], his colleague Mrs Smith claimed at our site meeting that it was possible to remove the present agricultural occupancy condition but RDC usually expected something in return. The following is my first paragraph of my letter dated 27/9/16.

*Thank you for the information you provided me with when you visited The Quarrels for a site meeting with me on Tuesday 6<sup>th</sup> September 2016. You requested formal confirmation from myself explaining why I would not accept a Local Needs Occupancy condition on my property. The information provided in this document is supplementary to the information already provided with my application.'*

The planning officers have not offered any alternative variations to my present occupancy condition.

I deem the conduct of RDC expecting something in return as [REDACTED], such behaviour is not supported in planning policy or LAW. RDC need to explain themselves for this behaviour. It appears the members fully support this type of [REDACTED].

It is not for me to make an offer of variation as I do not know if it would have any legal standing or validity, that area of expertise should be RDC planning officers, but from their previous attempt on the 6/9/16 I can see why they have not made any further approaches to vary the condition. I am astounded that Mr Housden has made this ludicrous claim.

I also have to note that in 2001 I approached RDC and requested assistance on being able to obtain work outside agriculture and how could I vary my occupancy condition so as to allow me to work outside agriculture and what would RDC find acceptable work for me to do. I was shown the door by RDC legal representative Mr Winship who refused point blank to discuss this issue with me personally until I had paid a planning application fee. He refused to talk to me but claimed he would discuss this issue with a planning consultant, he recommended I use a charitable planning firm. I used the firm as requested but he Mr Winship still refused to provide this consultant with any information on what variation may be acceptable or not. This was provided in earlier correspondence.

Mr Housden states: *'In the absence of any exercise to establish whether there remains a local need for the dwelling for an agricultural or forestry worker capable of complying with the condition the current application remains completely at odds with the requirements of the development plan.'*

I again find myself perplexed by Mr Housden's claims, he continues to ignore the 3/6/14 Eastfield Lodge decision that established planning policy that provides incontrovertible proof that a 12 month marketing exercise is not mandatory otherwise Mr Housden would not have recommended for Approval the Eastfield Lodge application on 3/6/14.

I have proven above that my application is significantly similar to the Eastfield Lodge application and that there are many material considerations that are wholly relevant within my application, thus making my application compliant with Section 38(6) of the Town & Country Planning Compulsory Purchase Act 2004, this is incontestable fact.

Mr Housden finishes with his;

*'RECOMMENDATION: Refusal*

*Inadequate justification has been made to warrant the lifting of the agricultural occupancy condition from the dwelling known as The Quarrels Back Lane Marton. In the absence of adequate justification the application is contrary to the requirements of Policy SP 21 of the adopted Ryedale Plan – Local Plan Strategy 2013 and there are no material considerations to warrant a decision other than in accordance with the development plan.'*

The excuses used above by Mr Housden in his appraisal to the committee where he recommends a refusal have been erroneous [REDACTED] to members and a complete misrepresentation of my application. They are also selective as this information was not presented to the committee within the Eastfield Lodge application, this proves I am being targeted and treated differently by RDC.

I have provided adequate justification throughout all of my correspondence presented to RDC. I have proven a marketing exercise is not required for this application, I have proven:

- the 3/6/14 decision was established planning policy,
- my application has significant similarities with the Eastfield Lodge application,

- the present condition has outlived its useful purpose (usefulness)
- that relevant material considerations do exist that support my application and removal of the agricultural occupancy condition from my property.

However, it is claimed that the Eastfield Lodge application did include adequate justification and sufficient material considerations for it to be recommended for Approval by Mr Housden and to be fully supported by the planning committee on the 3/6/14. Mr Housden and the planning department has never at any time provided me with any information present in the Eastfield Lodge application that is not present in my application, or advised me of any lack of information being provided with my application, this proves RDC have not been proactive with this application because they have always wanted it refused under any circumstance, which is contrary to the stated planning policy SP19. All RDC staff and officials tell me is that the Eastfield Lodge was a 'variation of the occupancy condition'. This claim by RDC is factually incorrect [REDACTED]

[REDACTED] representation of the decision in June 2014. For RDC to continue this charade against my application just for the [REDACTED] of not being seen by the general public that Mr Coote beats the council again 24 years after the last time is a complete abuse of position.

[REDACTED]. I repeat that this council have never challenged any information I have presented to them, therefore they have accepted it as being correct.

I challenge every member and council official to prove me wrong on this issue and every other relevant issue in this application.

I suspected on the 6<sup>th</sup> Sept 2016 that RDC had no intention of supporting my application and their conduct since that day has proven my earlier suspicion. Once they knew they could not get a local needs condition they changed their approach, they were difficult to contact, they made the erroneous claim a 3<sup>rd</sup> party application complicated my application, they refused to give me the meeting I requested, they refused to put my application to the committee in February. They have never been proactive at any point throughout this application. [REDACTED]

[REDACTED] I have challenged their use of local needs conditions and I [REDACTED] for standing tall against this council. I remind RDC members, I have no intention of ever taking a backward step to RDC especially when I find or believe inappropriate conduct is occurring, I am just disappointed not one member challenged [REDACTED] officers, [REDACTED]

I have no alternative but to surmise RDC planning officers have based their decision on personal bias against myself and not based it on policy and are attempting to keep me on benefit for the next 14 years until I reach retirement age, I see this as discrimination against myself and my family.

Members need to take a step back and judge for themselves, why is Mr Housden and his colleagues treating this application completely different to how the Eastfield Lodge application was handled. Compared to the Eastfield Lodge application this application has been presented in a more professional manner throughout, the information provided has been more extensive and unambiguous, the demands put on Mr Coote far outweigh any demand put on Mrs Storrie. Is it because the applicant is Mr Colin Coote and he has history with RDC?

[REDACTED]



Members will only do what ever they decide, I can not influence their decision, but it is clear through historic decision making Mr Housden can influence members decisions and for Mr Housden to determine what is the relevant information members to have access to [REDACTED]  
[REDACTED]  
members.

I am taking this issue to my MP and I will be pursuing it through to a final conclusion. I am still unaware of the exact reason how Eastfield Lodge was approved, maybe it was Mrs Storrie's health issues?

I request that this letter is added immediately to the planning committee agenda as it is a direct response to Mr Housden's appraisal.

Regards

Colin Coote

## Terrington with Wiganthorpe and Ganthorpe Parish Council

Chairman  
Mr. W. Winning  
Plump House  
Terrington  
York YO60 6QB  
01653 648409

Clerk  
Mrs. A. Hartas  
The Cherries  
237 Strensall Road  
Earswick  
York YO32 9SW  
01904 760758

Planning Department  
Ryedale District Council  
Ryedale House  
Malton YO17 7HH

22<sup>nd</sup> August 2016

Dear Sir

Application 16/01226/OUT  
Applicant Mr & Mrs P Scaling

The Parish Council believe that the replacement of the workshops by a detached house in keeping with the village would be a visible improvement and support the application fully.

Application 16/01227/OUT  
Applicant Mr & Mrs P Scaling

The above application is also fully supported and a mature outbuilding with character is retained.

Yours sincerely

Ann Hartas

CC Cllr R Wainwright