

**Item Number:** 10  
**Application No:** 13/00880/73A  
**Parish:** Normanby Parish Meeting  
**Appn. Type:** Non Compliance with Conditions  
**Applicant:** Mrs J Storrie  
**Proposal:** Variation of Condition 02 (agricultural occupancy condition) of approval 3/94/7B/PA dated 15.05.1978 to allow local needs occupancy  
**Location:** Eastfield Lodge Long Lane Great Barugh Malton YO17 6XE

**Registration Date:**  
**8/13 Wk Expiry Date:** 19 September 2013  
**Overall Expiry Date:** 13 September 2013  
**Case Officer:** Shaun Robson **Ext:** 319

## CONSULTATIONS:

### Parish Council

### Neighbour responses:

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## SITE:

The application site is located to the south of Long Lane and to the east of Eastfield Farm. The site lies outside of the development limits of Great Barugh within the 'open countryside'.

## PROPOSAL:

Planning permission is sought for variation of conditions 02 of approval 3/94/7B/PA which states:

*The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined in Section 290 (1) of the Town and Country Planning Act, 1971, (including and dependents of such a person residing with him) or a widow or widower of such a person.*

## HISTORY:

13/00973/FUL – Erection of single-storey detached log cabin for use as a residential annex – PENDING

78/00527/OLD (3/94/7B/PA) – Construction of a detached bungalow at Eastfields Great Barugh Malton – APPROVED 15<sup>th</sup> May 1978

78/00526/OLD (3/94/7A/PA) – Outline application for the construction of a three bedroom bungalow for an agricultural worker at Eastfields Farm Great Barugh Malton – APPROVED 6<sup>th</sup> March 1978

## POLICY:

### National Planning Guidance

National Planning Policy Framework (NPPF)

National Planning Procedure Guidance (NPPG)

## Ryedale Plan – Local Plan Strategy

Policy SP1 – General Location of Development and Settlement Hierarchy

Policy SP2 – Delivery and Distribution of New Housing

Policy SP19 – Presumption in Favour of Sustainable Development

Policy SP21 – Occupancy Restrictions

### **APPRAISAL:**

This application is made following a change in the personal circumstances of the occupant and their family.

The main consideration in relation to this application is therefore:-

- whether it is acceptable to remove the condition.

The building, the subject of this permission, was erected in connection with an identified need with regard to agriculture and specifically the requirements of Eastfield Farm.

Some forty years ago the dwelling was erected in connection with the requirements of Eastfield Farm. The requirement subsequently diminished sometime thereafter following the sale of the agricultural land and then disused farmhouse. The disused farmhouse and outbuildings were subsequently purchased and renovated, by the current owners, and the site is now used in connection with their fairground business.

The current occupant of Eastfield Lodge (Mrs Storrie) purchased the property approximately 12 years ago and resided in the dwelling as the widow of an agricultural worker with her two sons. The eldest son was also employed in agriculture therefore Mrs Storrie complied with the agricultural restriction on two counts, namely as a dependent and the widow of a former agricultural worker.

Following a recent change in circumstances the eldest son has left the property but remains a resident within Ryedale. Mrs Storrie's youngest son, who resides in the property with his young family, now wishes to take over the financial mortgage responsibility for the property. Unfortunately, whilst he works within Ryedale he is not employed in agriculture. Mrs Storrie still wishes to reside on the property and a separate application (13/00973/FUL) for the erection of an annex, which is also presented before Members, has been submitted to the Council for consideration.

In determining an application for the removal of an occupancy restriction, Policy SP21 of the Local Plan Strategy is of relevance the Policy states (in part):-

#### ***d) Ancillary Residential Accommodation***

*Where further residential accommodation within the curtilage of an existing dwelling is proposed to complement the existing living arrangements, such as to provide a 'granny annexe', the proposed development shall remain ancillary to the existing house and shall not be separately occupied. Accommodation that has a separate access and the ability to be fully self-contained will be discouraged.*

#### ***g) Lifting of Occupancy Restrictions***

*(i) The lifting of occupancy restrictions will be carefully considered on a case by case basis. The capability and suitability of the unit being occupied as a permanent residential unit together with any changes in circumstances which mean the occupancy restriction is no longer applicable, will be carefully considered.*

*(ii) Changes in the scale and character of farming/ forestry/other enterprise may affect the longer-term requirement for dwellings that are subject to an occupancy condition. For an agricultural occupancy condition to be lifted, up to date documentary evidence provided by an independent consultant will be required showing that there is no demand for the accommodation in its current*

*status. This would be established over a period of at least 12 months through the advertisement of the property by agents specialising in the sale of agricultural land and property in the Ryedale area, with regular advertisement within agricultural journals and local papers. The property advertisement must refer to the existence of the agricultural occupancy condition, and for the property be priced accordingly.”*

The policy identifies the criterion when an agricultural restriction may be lifted. Specifically it is imperative that *“the lifting of occupancy restrictions will be carefully considered on a case by case basis”*.

It would normally be expected that in order to lift the restriction that the property would have been market for a period of at least 12 months to establish a need for the property and at a price that reflects the tied condition. In this particular case this has not occurred. However, this particular application differs from most other similar proposals for the lifting of occupancy restrictions. The applicant is applying to lift the tie, in order to allow her son to reside in the main property whilst she will reside on-site within a proposed annex (the subject of a separate application). The case for the applicant, in this particular case, is that:-

- the dwelling has been the applicants home for 12 years and she has resided there in full compliance with the restriction;
- it is not the intention to lift the tie for the disposal of the property;
- the applicant has suggested that due to a number of health conditions it is essential that a relative resides in close proximity;
- the applicant has agreed to the imposition of local needs occupancy on the dwelling.

In terms of the policy requirements, if it is applied rigidly the applicant and her son could become homeless if they continued to occupy the dwelling in breach of the original agricultural occupancy condition. Policy SP21 states that proposals of this nature will be *“considered on a case by case basis”*. In this particular case it is considered that the lifting of the restriction and imposition of the ‘Local Occupancy’ condition together with the fact that the applicant is not disposing of the property as an unfettered open market dwelling is considered to be appropriate in this instance.

#### Conclusion

To conclude, whilst the proposed changes to the condition would remove a building from the local stock which has the potential to be occupied by an agricultural worker, the specific circumstances of this case together with the imposition of the ‘Local Needs Occupancy’ condition is considered to result in an appropriate form of development.

National Planning Policy Framework

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy

Local Plan Strategy - Policy SP2 Delivery and Distribution of New Housing

Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development

Local Plan Strategy - Policy SP21 Occupancy Restrictions

#### **RECOMMENDATION:                      Approval**

- 1            The dwelling shall only be occupied by a person(s) who:
  - Have permanently resided in the Parish, or adjoining parish, for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock; or
  - 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 or women returning to the parish after leaving military service; or

- 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
- 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.

Reason:- To meet the requirements of Policies SP2 and SP21 of the Ryedale Plan – Local Plan Strategy.

**Background Papers:**

Adopted Ryedale Local Plan 2002  
Local Plan Strategy 2013  
National Planning Policy Framework  
Responses from consultees and interested parties