

Item Number: 11
Application No: 16/01165/73A
Parish: Marton Parish Meeting
Appn. Type: Non Compliance with Conditions
Applicant: Mr Colin Cote
Proposal: Removal of Condition 07 of approval 3/85/38A/FA dated 01.09.1993 (agricultural occupancy condition)
Location: The Quarrels Back Lane Marton Kirkbymoorside YO62 6RD

Registration Date:
8/13 Wk Expiry Date: 13 September 2016
Overall Expiry Date: 22 August 2016
Case Officer: Gary Housden **Ext:** 307

CONSULTATIONS:

Parish Council No objection

Neighbour responses: R Chambers,

SITE:

The application site is located to the western side of Back Lane Marton to the south of another dwelling known as Rise Lea. To the west of the site is The Gables and its associated farmstead.

The Quarrels is located in open countryside outside of the 'saved' village development limits as identified in The Ryedale Local Plan.

PROPOSAL:

This application seeks planning permission for the removal of Condition 07 of approval Ref. 3/85/38A/FA dated 01.09.1993 which states:

The occupation of the dwelling hereby permitted together with the residential occupation of The Gables shall be limited to persons solely or last employed in the locality in agriculture (as defined in Section 336 of the Town and Country Planning Act 1990) or in forestry in the locality, or by a widow or widower of such a person; or by dependents residing with such a person.

HISTORY:

The planning permission in question was granted on 1st September 1993 and was justified on the basis of the need for a second agricultural workers dwelling at the farmstead known locally as The Gables Back Lane Marton

POLICY:

NPPF 2012
NPPG 2014

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

Paragraph g

(1) 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as a permanent residential unit together with any changes in circumstances which mean the occupancy restriction is no longer applicable, will be carefully considered.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 at 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 to be priced accordingly.

APPRAISAL:

This application was submitted in July 2016. Whilst the application was accompanied by some information from the applicant there was no indication or any evidence submitted to demonstrate that steps had been taken to advertise the property at a price that reflects the agricultural occupancy condition as ordinarily required by the adopted development plan.

The applicant was advised of this by the case office and also again in writing on 27th October 2016 following a meeting with the case officer and the Head of Planning. To assist Members a copy of the letter of 27.10.2016 is appended to this report setting out the views of officers and a potential way forward.

No further contact was received from the applicant until early January 2017 at which point it became apparent that whilst the applicant had taken some steps with a local estate agent to value the property that no steps at all had been taken to market the property at a price to establish whether or not there is still a need for a dwelling for a qualifying agricultural worker in the locality.

A further email in response to the applicant was sent suggesting that he reconsider his position (see attached copy email). Notwithstanding this advice the applicant he restated his view that he wishes the application to be determined as submitted for the reasons stated in correspondence. The applicant's case can be seen in full on the working planning file and the key documents are also copied for Members information.

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.

The applicant has submitted extensive arguments including details of his medical conditions 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. 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. The particular circumstances of the case were differed from those put forward in this current case. 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.

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.

Other matters

The application has been the subject of consultation locally and the following responses received.

Occupier of The Gables

"I write to strongly object to Planning Application 16/01165/73A.

The Quarrels, Back Lane, Marton was originally refused as a dwelling on 14.02.1989, but was later approved as an Agricultural Workers Dwelling on 31.01.1992.

I cannot see any justification for the removal of Condition 7 of approval 3/85/38A and I would draw your attention to Policy SP21(g) of The Ryedale Plan - Local Plan Strategy where it is stated that 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 advertisements within agricultural journals and local papers. The property must refer to the existence of the agricultural occupancy condition, and for the property to be priced accordingly. I have seen no evidence of this.

I ask that this Planning Application is either withdrawn until such evidence has been provided to the above or refused."

Marton Parish Council

"With reference to your letter dated 19 July 2016, regarding the application by Mr. Colin Coote of The Quarrels, Back Lane, Marton, I am writing on behalf of the planning committee of Marton Parish Meeting to advise you that we have no objection to the removal of the agricultural occupancy condition. Indeed, given the scarcity of full-time local agricultural employment and the desirability of Mr. Coote being able to find alternative employment, we would actively support this application."

The comments of third parties are raising completely opposite views on the application as submitted. The views of officers however remains strongly of the view that the lifting of the condition on the basis of the current arguments levelled by the applicant is unjustified and clearly contrary to the requirements of the development plan.

In the circumstances the application is recommended for refusal.

RECOMMENDATION: Refusal

- 1 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.

Background Papers:

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