

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

The Quarrels
Back Lane
Marton
Sinnington
YORK
YO62 6RD

22nd February 2017

Dear Mr Housden

Planning Reference 16/01165/73A Removal of Condition 07 of approval 3/85/38A/FA dated 01.09.1993 (agricultural occupancy condition) The Quarrels Back Lane Marton Kirkbymoorside YO62 6RD

I expect RDC provide me with a detailed response to all of the 9 questions found on page 7 of this letter before Friday 3th March 2017. I do expect this letter to be added onto the planning website with all of my other letters.

I have assumed the official RDC reply will be provided by Mr Housden. I provided you with my official complaint against RDC's planning department in relation to the above application dated 2/2/17.

My understanding of the 2012-2027 Ryedale Plan and the planning process has allowed me to deal with my own application. The information presented to RDC within my letter dated the 27th September 2016 has not been challenged therefore it has been accepted by RDC as being factually correct.

Precedent

In English Law there is 'case law' which is a term used as 'the law as established by the outcome of former cases'. As is required within English Law, for an established precedent to be binding on a case there has to be sufficient similarities with the merits and issues of both the case being presided over and the case that established 'said' precedent.

I remind RDC planning department that as a matter of fact all planning decisions constitute a precedent, planning decisions are based on interpretation and application of policy and by precedent already set by previous application of planning policy.

While all planning decisions are precedent some do become 'leading cases' or 'landmark decisions' that are available to be cited regularly.

From when I had my site meeting with the planning officer in September 2016 RDC have refused to acknowledge the existence of the 'Established Planning Policy' relating to SP21 of the Ryedale Plan through their Approval decision on the 3/6/2014, such behaviour is inexcusable. I have concluded that this refusal is most likely due to the planning department fearing that this will become a '*landmark decision*' in Ryedale that is cited especially often in support of planning applications to remove agricultural occupancy restrictions from agricultural workers dwellings. If council officials continue to ignore '*established planning policy*' this will further undermine planning policy and confirm these officials are completely unsuitable to retain their employment within RDC.

In my opinion RDC should be obligated to Publicise and Index planning decisions in a way such as by 'category' that would allow easier access for the general public to find any such precedent that expands on the present 'adopted' planning policy. Such Indexing would be a major supplement to the Ryedale Plan and it would allow for greater consistency with planning decision making throughout the lifespan of the Ryedale Plan. It may also deter erroneous behaviour from council officials. Regardless of the whether these decisions are index or not, policy is still established.

My Application

I have always claimed throughout this application that RDC 'Established' a precedent with their 3/6/2014 interpretation, application and decisions with the 'Eastfield Lodge' application and that it was this important single fact that allowed this present application to be made without the need for a 12 month marketing exercise.

This 'established precedent' could be best described as providing a more explicit interpretation and application of policy SP21 than that provided by the actual wording of policy SP21 within the Ryedale Plan.

My understanding of the 'Eastfield Lodge' decision provided on the 3/6/2014 by the councils planning committee confirms the councils stated official interpretation and application of the Ryedale Plan policy SP21 for the lifetime of the Ryedale Plan, which is correctly understood by the 'layman' as now being an 'established planning policy' subject to future applications showing sufficient similarities with the merit and issues of the '*Eastfield Lodge*' application.

I further expand my stated claim of a precedent being set on 3/6/14 when addressing the Eastfield Lodge application.

The planning department stated the following reason in their Appraisal to the planning committee why a 12 month marketing exercise to establish a '*need*' for the property was not required from the applicant of Eastfield Lodge,

"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 planning department also provide within their Appraisal for Eastfield Lodge to the planning committee the following statement which is a direct reference to SP21 g),

"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."

RDC Approved the 'Eastfield Lodge' application without the applicant having to provide a 12 month marketing exercise, this was found to be acceptable practice by both RDC planning officers and councillors as the Appraisal submitted from the Planning Department to the planning committee recommended '*Approval*' thereby providing 'established planning policy' through the Approval decision, there can be no other explanation.

Any fair minded person would surmise from the aforementioned actions of the council when dealing with the '*Eastfield Lodge*' application that this was how the council would respond to all future applications that were sufficiently similar in merit and issues.

The '*Eastfield Lodge*' application did not only provide the decision that established a precedent that removed any claimed mandatory requirement for a marketing exercise (*subject to sufficient similarities between applications*) to be provided before an approval could be provided, it also confirmed how to the planning department would respond to similar applications. RDC planning department supported the 'Eastfield Lodge' application and they identified the difference of said application to that of similar proposals. This precedent had the full support of Mr Housden.

All of the decisions and actions of the planning department and planning committee have been established and can not be overturned or expunged from record. These decisions are established planning policy and where there are sufficient similarities with their own application it is only fair that all applicants have the right to highlight this fact in support of their own applications and relevant established decisions should be binding on the committee. The planning department are attempting to prevent the '*Eastfield Lodge*' decision being used in support of my application.

The planning department are blatantly refusing to accept established planning policy through precedent at their choosing, this confirms without exception that RDC are guilty of using planning policy selectively against individual applicants, I deem this to be discriminatory behaviour and a blatant 'abuse of position' by all those involved throughout the planning process.

RDC planning department have proven 'without doubt' that they are untrustworthy and all of their decisions should be scrutinised by everyone involved.

RDC should be working toward greater consistency with their planning decisions, this can not occur while they refuse to accept all of their planning decisions as 'established planning policy' and while they allow there planning and legal departments to discriminate against individual applicants.

Much more detailed information has been presented to RDC about my application than the detailed information provided for the 'Eastfield Lodge' application.

I have proven 'Without Doubt' to RDC that there are sufficient similarities with the merits and issues between my present application and the 'Eastfield Lodge' application for the 'established planning policy' determined on the 3/6/14 to be binding on both the district council's planning department and planning committee. This proves that there is no requirement for me to prove by a 12 month marketing exercise *'that there is no demand for the accommodation'* as is inferred by SP21 g)(ii).

I challenge RDC planning and legal departments to provide me with information that disputes my claim of these 2 applications having sufficient similarities in merit and issue!

Reply to Mr Housden's email response dated 3/2/17 to my official complaint dated 2/2/17.

1. Mrs Smith represented RDC planning department and applied council policy to fulfil her duties as a planning officer.
2. The advice provided to me by the planning department deliberately ignored 'established planning policy' that was set by precedent on the 3/6/16 that negated the need for me to demonstrate that there in no demand in the locality.....
3. Mr Housden clearly implies that I will be treated differently to the 'Eastfield Lodge' applicant as his recommendation will be *'unfavourable'*. This confirms my previous stated views that there are individuals within RDC that hold a grudge against me and are deliberately attempting to keep me unemployed until I retire in 14 years time to punish me!
4. The claim that there are interested 3rd parties surprises me as my property is not for sale and has never been advertised and no approach to by my property has been made by any 3rd party. The objection from the adjacent Gables Farm owner Mr R Chambers was in all probability made in retaliation to my previous objections and observations I provided to RDC with his 2 previous planning applications, nothing more. My objections were valid and supported by relevant planning policy. The most recent involved replacing a livestock building with a larger newer version. I did not object to this replacement as reported by planning officers, in fact I stated I supported the planning proposal and proposed it was extended, my only objection was in relation to the potential housing of pigs in this replacement building. The prevention of the housing of pigs in said building should have been automatically addressed by the planning department, yet it was ignored. Fortunately I brought this issue to the immediate attention of the planning department and it was finally addressed within the application. Housing of pigs is prohibited in this new building and in all probability Mr Chambers holds me personally responsible for this financial restriction on his business. Regarding my 1st objection to Mr Chambers converting the adjacent garage and brick building to the farmhouse, my objection was based on the fact that the proposed plans constituted a 'self-contained unit'. RDC planning department refused the application as they had same view. It went to appeal where the Inspectorate determined that the proposed application be subject to a planning condition that to prevent it from becoming a *'self-contained'* dwelling and that it would be

- 'Ancillary' to the farmhouse. I have to assume RDC have accepted that decision and it has been accepted as an established planning policy! Both objections were justified on planning grounds.
5. Regarding the policy SP21 Mr R Chambers claims in support of his objection, unfortunately due to the fact RDC do not publicise or index their planning decisions (precedent) to allow for easy access by the general public, objectors like Mr Chambers are unaware that the interpretation and application of policy SP21 had been expanded with the 2014 'Eastfield Lodge' decision thereby negating his objection completely.
 6. Your claim that my complaints regarding interpretation of planning policy and ignoring my submissions '*are simply not accepted*' confirm your arrogance on this issue. 1). RDC persistently refuse to accept the 2014 'Eastfield Lodge' decision as a precedent and as such is 'established planning policy'. 2). You fail to provide evidence that supports your claim that a 3rd party planning application for a dwelling needing to be sited over one and a quarter miles from my property due to livestock welfare needs that I have no connection to whatsoever '*complicates*' my application. NPPF. 187 states - '*Local planning authorities should look for solutions rather than problems*'. The planning department intentionally fabricated a problem from an issue unconnected to my application, which policy supports this conduct?
 7. You stand by the claim that in return for removing my present agricultural occupancy condition, RDC planning department are entitled to expect something in return for this privilege. That being the imposing of a 'Local Needs' occupancy condition to replace my present condition.
 8. At the time the planning department made this request at the site meeting in September 2016 I was caught unaware that this would be included within councils planning policy or deemed as RDC common practice, so I objected on the spot, knowing that limiting my ability to work only within the parishes of Marton, Normanby, Edstone and Sinnington would hinder my ability to find suitable work and it would reduce the value of my property considerably by limiting future owners to just a few due to the requirement as stated within 'local needs' conditions.
 9. The planning department had to have been fully aware of the serious consequences to their proposal, including the considerable reduction in my property value which would in my opinion have provided a much greater reduction to that which my present agricultural occupancy condition reduces my property value, yet it still attempted to acquire a 'local needs' condition. I can't put an actual figure on prospective purchasers of my property had it been subject to a 'local needs' condition as it is clear to me that the 'local needs' condition is ambiguous in its wording and far more restrictive than it initially appears.
 10. I request that the planning department provide me with an approximate number of eligible individuals within the parishes of Marton, Sinnington, Normanby & Edstone that would be eligible to purchase my property at his present time if it were subject to a 'local needs' condition? Will that number be greater than 25 individuals and if so by how many.
 11. I also require RDC provide me with a figure as to how much RDC would expect my property be reduced from its present minimum unfettered valuation of £360,000 to facilitate a sale?
 12. As for your complaint that you only received my reply two and a half months later, there were reasons. 1) I became ill in early November and was unable to address the issues required in my reply. 2) I had to reply in detail to the claim that a 3rd party application complicated my application, these details involved making myself familiar with the applicants application, appraisal and farm enterprise. 3) For reasons best known to the planning department Mrs Smith gave me a 10 day deadline to confirm I would provide a 12 month marketing exercise which was a decision for the DWP and the Ryedale Jobcentre manager. 4) I knew I could not meet this deadline so I was in no rush to provide the reply, I did not want to potentially ruin Christmas so there was no rush to have my application in before the end of the year. 5) I found it arrogant that the planning department delay determination of my application and then when it suits them request information is provided within a 10 day time limit. This can only be to rush the applicant and receive incomplete or factually incorrect information so that its credibility can be easily challenged at a later date.
 13. I also require an explanation from RDC as to why the planning department changed their approach to my application when they became aware that they would not be receiving anything in return for

the removal of the agricultural occupancy condition as they had previously requested. This change in approach was a direct response to the information I provided within my letter dated 27/9/16. The planning department would not post my letter onto the planning portal as is usual practice, they would not respond to my approaches, it took to the middle of October before I was able to make contact with the planning department who informed me that an application from a 3rd party complicated my application. RDC would not facilitate my request of a meeting with senior council officials and council members. The claim of a 3rd party complicating my application can not be validated as a genuine or viable reason for refusal. The planning department refused to substantiate this claim at the time by refusing to provide supporting planning policy or guidance that allowed them to do this as it contradicts the general principles and requirements of policy SP19. This proves decisions making by council officials has been influenced by a personal bias against myself.

14. As a 'layman' I would expect the policy position of RDC planning department to be limited to policies SP19 & SP21. As for key material planning considerations, I would expect the planning department informs the members that my application does have sufficient similarities with the '*Eastfield Lodge*' application for it to be judged and supported in an identical manner to the '*Eastfield Lodge*' application. Members are reminded that their 3/6/2014 planning committee decision for '*Eastfield Lodge*' established planning policy that negated the need for any marketing exercise be provided where applications can be identified as sharing sufficient similarities with the merits and issues of the '*Eastfield Lodge*' application. On a matter of fact, RDC planning department have only ever highlighted SP21 and the claim of the need of a marketing exercise as the only policy in support of their present stance wanting to refuse my application.
15. Mr Housden is fully aware that Planning Inspectorates have determined that it is not a mandatory requirement to provide a marketing exercise for an Appeal to be successful. In a number of appeal decisions, most notably that relating to Heddon Oak House, Crowcombe, Taunton (Ref: APP/H3320/A/03/1123215), Inspectors have taken the view that, even where policies require marketing or evidence that the property cannot be sold and no marketing or inadequate marketing has been undertaken, there can still be sufficient evidence to establish that there is very little likelihood that the restricted occupancy dwelling could be sold or let to a qualifying occupier to meet a local agricultural need. Such evidence is in my view present in this case." The aforementioned information is extracted from Planning Statement, Removal of agricultural occupancy condition ,Old Quarry House Morkery Lane, Castle Bytham, Grantham dated January 2016.
16. I have submitted sufficient information previously that provides a marketing exercise of a kind even though it is not required. 1). 18 years of continued unemployment proves without doubt that there is no demand for me as an agricultural worker in the locality. 2). RDC planning department have failed to produce any planning case law that demands that I dispose of my property against my wishes. If it existed they would have used it against the applicant of '*Eastfield Lodge*'. 3). My property has been valued by a reputable agent at a minimum £360,000 as an unfettered property, but with the agricultural conditions still attached it is reduced by one third to a minimum value of £240,000. This valuation is still well above the financial capabilities of the highest paid agricultural worker as based on average wages as has been proven in previous correspondence. 4). Planning policy dictates that where an agricultural workers dwelling is required near any settlement/village, policy expects workers accommodation will be facilitated within that settlement/village. So all future needs for agricultural workers dwellings in the lifetime of the Ryedale Plan will be facilitated in local villages such as Marton or on the farm itself if the livestock welfare needs are proven. 5). My property is situated on the edge of Marton village meaning that there are cheaper properties within the village that are available to meet the future needs of other agricultural workers in the locality that will be free from occupancy restrictions. 6). A property with a similar value to my property that is also subject to an agricultural occupancy that is located about ¾ mile from The Quarrels has been advertised for the last 12 months. This property has not been sold and to my knowledge no genuine interest has been shown.

- Other key considerations submitted to members should include,
17. My application is supported by Marton parish committee.
 18. This application has only been done at the specific request of the DWP with the intention to return myself back into gainful employment and reduce the welfare bill to UK taxpayers.
 19. 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.
 20. 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.
 21. 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.
 22. The condition has outlived its useful purpose, this usefulness was removed 18 years ago by the owners of The Gables farm.
 23. Accordingly, there are no compelling reasons to retain the condition on The Quarrels.
 24. The Gables farmhouse has been extended and altered to provide additional accommodation. Such accommodation will readily provide for any future need for a 2nd worker to be resident on The Gables farm, otherwise accommodation should be provided from within the village.
 25. I have no intention of selling or moving from our family home.

The only policy available to RDC planning department as an excuse to claim my application should be refused is SP21, this explains why RDC repeatedly claim I need to provide a 12 month marketing exercise and why the planning department continues to refuse to accept the 3/6/2014 planning decision that provided 'established planning policy' in policy SP21 of the Ryedale Plan. I have proven that the 3/6/2014 'Eastfield Lodge' planning committee decision set precedent that has to be accepted as 'established planning policy' as I have stated throughout this letter and my entire application.

I would also expect the planning department appraisal to members include the following policy.

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.

I can confirm that the above planning policy SP19 has been ignored by RDC planning officers. Your officers have failed to take the required 'positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework'.

The Ryedale Plan states implicitly in SP19 that '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'. RDC's planning department have not worked proactively throughout my application as it's policy claims it will always do.

The only proposal from RDC was the replacing of my present occupancy restriction with a 'Local Needs' occupancy condition which I addressed in previous correspondence as worthless etc.

I remind you that I have been the only proactive participant throughout this application, it has been myself who has contacted the planning department for information.

1. I now require RDC to provide me with the specific planning policy that supported the imposing of 'local needs' conditions on existing inhabited dwellings that have previously had Approved planning permission?
2. I now require RDC explain why they requested I accept the imposing of a 'local needs' occupancy condition in return for removing my agricultural occupancy condition?
3. I request confirmation of the specific common planning policy that exists within Ryedale District Council that supported this aforementioned request?
4. Who instructed or advised council members that 'local needs' occupancy conditions could be used to replace other existing occupancy conditions?
5. Explain why no member addressed this issue prior to my involvement?
6. I require confirmation of the specific policy or guidance that supports the claim from the planning department that the Hillside Farm application complicated my application?
7. I request that RDC provide me with an approximate number of eligible individuals within the parishes of Marton, Sinnington, Normanby & Edstone that they consider as eligible to purchase my property at this present time if it were subject to a 'local needs' condition?
8. I require RDC provide me with a figure as to how much RDC would expect my property be reduced from its present minimum unfettered valuation of £360,000 to facilitate a sale if it was subject to a 'local needs' occupancy condition?
9. Confirm the action taken by RDC to address the issues raised in my letter dated 27/9/16?

I knew after I had read the Ryedale Plan through for the first time that 'local needs' occupancy conditions could only be applied primarily to new build dwellings, it is fair to say that council members should also have been able to come to the same opinion as myself after they had read the Ryedale Plan for the 1st time. I have no alternative but to concur that council members have either been deliberately deceived by council officials and possibly other members into their erroneous belief that the use of 'local needs' conditions as had been applied against the applicant of 'Eastfield Lodge' was acceptable planning practice, or that the members have been complicit in this deception and have deliberately agreed to use said 'local needs' conditions to the direct financial detriment of home owners.

I look forward to the reason the planning department present to members to justify their personal preference for a Refusal. I will be interested to know how RDC planning department will have been able to distinguish the difference between my application and the 'Eastfield Lodge' application.

I can only assume your reason for refusal will be something along the lines of claiming that,

- I have failed to provide a marketing exercise as required by SP21 g)(ii) and therefore failed to prove there is no demand for The Quarrels property in its present status, therefore the impact 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 as required by SP19.

For the council to be of the above opinion would mean they will have been unreasonable, ignored policy and therefore made an arbitrary judgement, misinterpreted policy SP21 g)(ii) as meaning mandatory which is contrary to established council policy from 3/6/14, ignored all of the supporting information provided, refused to judge application on a '*case by case*' basis as required by SP21 g)(i), will still want to impose a '*local needs*' condition in return. I repeat, the 3/6/2014 '*Eastfield Lodge*' decision established that RDC planning committee adopted and applied a specific meaning to policy SP21 g). I do not apologise for repeating the aforementioned established policy from 3/6/14 as it is fact.

I am of the opinion that any council official or member who refuses to accept the 3/6/2014 '*Eastfield Lodge*' decision as '*established policy*' should reconsider their position as a council official or member and then resign if they refuse to accept the validity of this '*established policy*'. There is no place for arbitrary planning decisions or such deceitful behaviour that attempts to provide arbitrary decisions within this LPA. All those involved in such conduct should be removed if they do not leave voluntarily.

You state in his email reply to me dated 15th Feb 2017 @ 10:18AM you state '*I will interpret your response in a manner that indicates you do not intend to advertise the property in accordance with the Council's normal policy requirements.*'

You refer to the '*Council's normal policy requirements*' and not '*Council's policy requirements*', this confirms you do not want my application to be judged using the same planning policy SP21 g)(i) as was used to judge the '*Eastfield Lodge*' application which resulted in an established planning policy SP21 g).

So I have to challenge you on this point to explain which part of council policy is '*not normal*'. This proves without doubt that there is selective application of planning policy under the stewardship of yourself and other RDC officials.

From my understanding of the applicable planning policy SP21 of the Ryedale Plan, policy clearly confirms that each application is to be judged on a '*case by case*' basis and that advertising the property is not a mandatory requirement of SP21 as has been proven by the previous council decision of the 3/6/2014 in relation to the '*Eastfield Lodge*' decision. Therefore your claim that I am not acting 'in accordance with the Council's normal policy requirements' is factually incorrect and deliberately misleading. On a point of fact, the Planning Inspectorate approve appeals that have not provided a marketing exercise as referred to above in Note 15 on Page 5.

RDC's official stance as stated above by yourself, the head of the planning department in dealing with my application gives me serious cause for concern. The planning departments constant refusal to accept '*established planning policy*' based on RDC recent planning decisions is unreasonable and further undermines the integrity of the planning process and decidedly promotes '*arbitrary*' decision making.

You stated at our meeting on the 26th Oct 2016 that my application was not straight forward due to my own personal circumstances surrounding this application and as such applications of this nature need to be assessed on a '*case by case*' basis by the committee. At that meeting I was hoping for RDC officials to be sincere, your response to my letter dated the 5/1/17 and my attempts to be provided with a planning committee judgement date for the 14/2/17 were anything but sincere, so I am still sitting in judgement on whether this council are in fact sincere or not. Proof to the sincerity of RDC officials will be determined by the content of the Appraisal they present to the planning committee and whether they treat me equal to the '*Eastfield Lodge*' applicant.

I have reasonably concluded that the planning and legal departments of RDC can not be trusted to provide the correct interpretation and application of relevant planning policies. They have proven themselves to be selective, unreasonable, arbitrary and readily available to 'abuse their position'.

I kept reminding RDC that this application should have been Approved by delegatable decision, I knew there were serious issues that would have to be addressed publicly if this application had to go to the planning committee. The following information I provide relates to the planning departments deliberate refusal to accept the established planning policy from the 3/6/14 'Eastfield Lodge' decision and constantly claim there is a need for me to provide a marketing exercise to prove if there is a demand for agricultural accommodation in the locality or not. You have left me with no alternative but to provide this information to you.

The Ryedale Plan is clear regarding granting approval for agricultural dwellings. SP21 c) (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. A condition will be applied.....

RDC planning policy expects accommodation for agricultural workers to be met in nearby villages and towns. This now obligates RDC into accepting all such accommodation in towns and villages as available housing stock for agricultural workers identical to those subject to occupancy conditions.

In October 2016 the Planning Officer Mrs Smith informed me a 3rd party application (*from Hillside Farm*) complicated my application. Yet, within 8 weeks she then told the the owners of Hillside Farm that their need for further accommodation for farm workers at Hillside Farm could be readily provided from within Pickering which was less than a 5 minutes drive away. This application at Hillside Farm was intended to serve a specific, functional need arising from the farm. This proves the planning department do interpret policy any way they like when it suits them.

Even though the owners of Hillside Farm have provided an appraisal that confirms there is a specific, functional need arising from the farm, RDC still expect accommodation provided within nearby villages or town some 5 minute away to satisfy the need of the farm.

The following information is taken from an Appeal Decision Hearing held on 28 January 2014 against Craven District Council, by Matthew Birkinshaw BA(Hons) MSc MRTPI an Inspector appointed by the Secretary of State for Communities and Local Government Decision date: 18 February 2014 Appeal Ref: APP/C2708/A/13/2208126 Lingcrest, Kettlebeck Road, Eldroth, Austwick, Lancaster, LA2 8AP

6. 'In establishing whether or not there is a need for agricultural dwellings in the area the Council has referred to a planning application for a new house nearby. However, in a predominantly rural area, I am not persuaded that a single planning application from 2012 robustly demonstrates a significant level of demand. At the Hearing both parties also confirmed that the dwelling in question was intended to serve a specific, functional need arising from the farm where it was based.'

7. Moreover, information provided by the appellant demonstrates that within the same locality is another property for sale with an agricultural tie which has failed to sell since it was brought onto the market in November 2012. Whilst I am not aware of all the relevant details, this nonetheless demonstrates the presence of alternative agricultural accommodation which is available in the area. The evidence before me therefore points to a very limited demand, in the context of an existing, underutilised supply in the area.

In relation to note 6 above, this other application stated by Craven Council as defining a demand was clearly dismissed by the inspector as having no credence as the application was to serve a specific, functional need for the farm.

In relation to note 7 above, this confirms to me that the Planning Inspectorate placed a great deal of weight behind the presence of alternative accommodation being available in the area for

agricultural workers. Therefore it is only reasonable to expect LPA's to take into account the presence of all other available accommodation for agricultural workers in the locality and as such these are not limited to just those subject to occupancy conditions. See below.

One of the reasons why dwellings were subject to agricultural occupancy restrictions, was to provide affordable accommodation for agricultural workers within the locality of their work as agricultural workers could not be expected to pay local property values, this reason is still valid today but due to the fact there is now an established national minimum wage system low income is not limited to just agricultural workers.

When a dwelling similar to mine is situated in close proximity to a village, said property come into direct competition with 'For Sale' village properties, when there are much cheaper properties available 'For Sale' in the village free from planning conditions then it is only reasonable to assume these much cheaper properties are more readily affordable and available to agricultural workers than significantly higher value properties. So demand for accommodation by agricultural workers is provided by these cheaper properties.

Locality defined by RDC

I now remind you Mr Housden that at our meeting on the 26/10/16 you told me that I could find agricultural work within a 30 minute drive from my property and that you yourself can drive a long way in 30 minutes, you claimed you could drive to Thirsk in 30 minutes. For the record Thirsk is 24 miles from my property and I have done this journey in less than 30 minutes. You defined this a RDC stance on what is within the locality to my property. I told you that I had a different application of defining locality but I agreed to disagree with the official RDC application.

Taking the previously mentioned statement from council official Mrs Smith into consideration that suitable accommodation for Hillside Farm that has a specific, functional need, can be provided within the nearby town of Pickering, which is only a 5 minute drive away. This I understand is the official stance of RDC planning department for a farm that has a specific, functional need otherwise Mrs Smith would not have made this statement. You can volunteer a reply if this was a lie by Mrs Smith!

Using the official application provided by Mrs Smith that accommodation for an agricultural worker can be a 5 minutes drive from his work place I have concluded that my property is within about a 5 minute drive from Pickering, Kirkbymoorside, Normanby, Sinnington, Wrelton, Keldholme, Great Edstone, Great Barugh, Brawby and Salton. I know RDC officials and its members will agree with me that, agricultural workers are not restricted to only finding accommodation in dwellings that are subject to agricultural occupancy conditions, they are entitled to choose their own accommodation and location.

Taking this aforementioned information into consideration, homeowners of dwellings that are subject to an occupancy conditions have to compete with lower valued properties in the locality that are not subject to any occupancy condition.

There is cheaper accommodation advertised 'For Sale' in the towns, villages and surrounding areas of Marton than my property, the majority of these are available to agricultural workers. I have done a quick 20 minute search on Rightmove.co.uk and found the following properties which are advertised at less than £200,000 which is £40,000 below the lowest valuation of my property.

In Pickering there are 18 properties from £160,000 to 198,000, 8 properties from £130,000 to £159,000 and 6 properties from £60,000 to £120,000.

In Kirkbymoorside there are 2 properties from £160,000 to 198,000, 3 properties from £130,000 to £159,000 and 1 properties from £100,000 to £120,000.

In Marton there are 2 properties under £200k, 1 at £199,950 and the other at £153,000.

In Salton 1 property just under £190,000. In Brawby 1 property at £145,000.

In total I have demonstrated that there are a minimum 42 properties local to Marton within a 5 minute drive that are readily available to be bought by agricultural workers which will serve the local farming community as the aforementioned RDC planning officer stated to the owners of Hillside Farm and as is policy of the Ryedale Plan.

Accommodation for agricultural workers is no different to any other accommodation found in towns or villages. I know RDC officials and its members will agree with me on and that is, agricultural workers are not restricted to only find accommodation in dwellings that are subject to agricultural occupancy conditions. They are entitled to choose their own accommodation.

There are many many more properties that are located within a 15 minute drive of my property that are below £200,000 value that can readily provide accommodation for agricultural workers. I can travel to Malton, Thornton le Dale, Helmsley, Appleton le Street and many more in 15 minutes.

Mr Housden confirmed on the 26/10/16 '*locality*' to my property is defined by RDC by the distance I can drive in 30 minutes. Based on Mr Housdens claim this means approximately 24 mile drive, this means RDC define locality to my property just about encompasses all of Ryedale and extends past to Thirsk, Whitby, Scarborough and the Easingwold areas. Locality has the same meaning as area. I am obligated to accept RDC's definition of '*locality*' with this application though it differs from my own application.

On a point of fact, nearly all accommodation found within these boundaries and beyond that are below the £200,000 threshold are readily available to meet the needs of agricultural workers in the locality of Marton from either the north, south, east or west direction. I found well in excess of 150 properties For Sale under £200,000 within the locality (Ryedale area) of my property that would accommodate the needs of agricultural workers on Rightmove.co.uk all within a 30 minute, 24 mile drive of my property.

On a point of fact, my property does not need to be kept available to meet the needs of agricultural workers within the the locality (Ryedale district plus a bit more) just for the sake of complying with the condition, I would say that the present total of 150 properties available to the agricultural worker that are significantly cheaper properties than mine confirms there is presently sufficient housing stock for agricultural workers to choose from and all these are free from occupancy conditions.

As for keeping my property available for the needs of agricultural workers within the Marton parish or adjoining parishes, the accommodation needs for these workers can be met from the 42 properties available for sale within a 5 minute drive which follows the policy of the Ryedale Plan. My occupancy condition does not restrict me to such a small area and Mr Housden has stated on behalf of RDC that locality for me is within a 30 minute drive, which is a 24 mile drive. RDC are obligated to accept that this defining of locality to my property has a vice versa effect whereby it increases the number of available properties for agricultural workers significantly within the same area defined as being the locality for my work, that being all of Ryedale plus a bit.

Demand for agricultural accommodation is primarily dependant on the replacing of retiring farm workers at any given time and whether they are replaced with non family members. Many agricultural workers have short term plans and accommodation subject to occupancy conditions are deliberately overlooked for obvious reasons.

Because there is such a large number of cheaper accommodation available to agricultural workers in the locality of my property this significantly reduces any demand for my property.

Take into account note 7 from the aforementioned Craven Council appeal relating to 'another property for sale with an agricultural tie which has failed to sell since it was brought onto to market in November 2012. Whilst I am not aware of all the relevant details, this nonetheless demonstrates the presence of alternative agricultural accommodation which is available in the area. The evidence before me therefore points to a very limited demand, in the context of an existing, underutilised supply in the area.'

Note 7 confirms that Riverside Cottage located about three quarters of mile from my property has been advertised for sale for about the last 12 months and as far as I am aware, no interest has been shown is wholly relevant to my application as it defines an obvious lack of 'demand' in the locality of Marton.

I advised you it was in RDC best interest that this issue be passed by '*delegatable decision*' but you resisted this option. So you and RDC now find yourselves here, RDC's official definition of 'locality' as good as removes completely the validity and need for a marketing exercise as stated in the Ryedale Plan. I have proven that there are many properties available to agricultural workers in the locality to their place of work. All based entirely on the boundaries as specifically defined by yourself, a senior RDC official. I hope you feel proud of yourself as you are solely responsible for this fact being highlighted.

I know RDC officials and its members will agree with me on and that is, agricultural workers are not restricted to only find accommodation in dwellings that are subject to agricultural occupancy conditions. They are entitled to choose their own accommodation.

I know you and your colleagues will try to concoct a reason to invalidate the above information or just ignore it completely, but you can not hide from its relevance in my application. I have totalled 42 properties available to agricultural workers all within about a 5 minute drive. There are more than 150 properties within the locality (applicable area) of my property for agricultural workers to choose from. As the planning inspector on the aforementioned Craven District Council appeal on the 28/1/14, '*this nonetheless demonstrates the presence of alternative agricultural accommodation which is available in the area. The evidence before me therefore points to a very limited demand, in the context of an existing, underutilised supply in the area.*' This fact alone as good as nullifies any 'Demand' for agricultural workers accommodation in the locality of my property. Take into account RDC determine that nearly all of the Ryedale area is within the locality of my property and this makes a complete mockery of the need to prove there is a '*demand*'. RDC's planning policy definition that '*locality*' extends to a place 24 miles from Marton, also defines the term '*local*' to a place that extends 24 miles from Marton.

Regarding the extensive amount of information I have provided within this application. I have been totally honest at all times, I have tried to provide unambiguous information at all times so there is no misunderstanding of the information provided. RDC appear to dislike the approach I have taken for some reason. I do not think the substantial amount of correspondence presented to RDC complicates the issues at hand. Those issues remain the same, I have proven through the established planning policy of 3/6/14 that there is no need for a 12 month marketing exercise. I have proven the usefulness of the condition has expired (18 years ago and I have been complying with that condition as I had no other option). I have proven with a 2nd reason that with there being over 150 properties available to agricultural workers in the locality of Marton this negates any need to prove any '*demand*' does or does not exist. I have proven if I did need to provide a marketing exercise then the information provided to RDC would be sufficient to prove that the lack of '*demand*' and this application should be approved. I could go on but there is no point repeating the facts already provided. You are either going to accept the facts provided or you are going to continue to be arbitrary and continue to keep me unemployed.

I will be pursuing all the issues I have become aware of through my MP and I reserve the right to make public any other details I see fit.

Even though this letter is 12 pages I only expect RDC provide me with a detailed response to all of the 9 questions found on page 7 of this letter before Friday 3th March 2017. I am giving you this opportunity and hope your response is more than just a straight denial of any wrongdoing as you did previously.

Regards

Colin Coote