



Appeal Decision

Site visit made on 4 November 2019

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th December 2019

Appeal Ref: APP/Y2736/W/19/3233801

Land adjacent Southfield, High Street, Thornton-le-Clay, York YO60 7TE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs N & L Beaumont against the decision of Ryedale District Council.
 - The application Ref 18/01247/FUL, dated 5 November 2018, was refused by notice dated 24 January 2019.
 - The development proposed is construction of detached two storey house and detached garage including new vehicular access, associated gardens and landscaping.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the appellants meet the criteria for local needs occupancy as set by Policy SP21 of the Ryedale Local Plan Strategy Document (adopted September 2013).

Reasons

3. Policy SP1 of the Ryedale Local Plan Strategy Document 2013 (RLPSD) sets out a strategic approach to the location of development in accordance with an identified settlement hierarchy with Principal Towns, Market Towns and Service villages being focal points for sustainable growth. Thornton-le-Clay is not one of these types of settlement and is categorised as being one of the 'other villages'. Housing within the settlements identified as being 'other villages' is permitted under specific circumstances as set out by Policy SP2, which includes (amongst other criteria) infill development that would be subject to a Local Needs Occupancy Condition (LNOC). Policy SP21 of the RLPSD sets out the criteria for meeting the LNOC required by Policy SP2. The proposed development comprises infill residential development which would be subject to a LNOC if permitted.
4. The appellants have set out their case that they comply with the LNOC as one appellant has: a long-standing family connection with the local community including a period of past permanent residence within the Parish; and an essential need arising from the age of her parents who have resided within the District for a significant period of time. In addition to this the appellants have also cited personal circumstances in support of their compliance with the criteria including that: the proposed dwelling would be near to a sibling and her

dependent children (who require supervision and care); and it would also allow them to be closer to their places of work.

5. With regard to the first criterion of Policy SP21, my reading of this is that it relates to current residents of the parish (or adjoining parishes) who must have lived there for at least three years and demonstrated that their housing needs cannot be met from existing housing stock. The appellants do not currently reside within the parish (or an adjoining one) and have not provided any substantive evidence that their needs cannot be met by existing housing stock. As a result, this criterion has not been met.
6. With regard to the second criterion, this relates to people who do not currently reside within the parish but have a long-standing connection to the local community, including a period of residence (of over three years and within the parish) but have moved away in the last three years. I note that one of the appellants does have a long-standing connection to the local community and has lived in the parish for a period of over three years in the past. However, the criterion specifies that this period of residence would have to have ended within the past three years. Consequently, as the residency of the appellant ended more than three years ago, I consider that this criterion has not been met.
7. The third criterion relates to people who would be taking-up full-time employment at an already established business located within the parish (or an adjoining one). From what I have read, neither of the appellants would be employed at a business located within the parish. Indeed, with one being employed in Beningbrough and the other being self-employed and not location-specific, at least one and potentially neither of them would be employed within the District. Consequently, I do consider that this criterion has not been met.
8. Finally, the fourth criterion relates to people with an essential need to move closer to relatives (who have permanently resided within the District for at least three years) arising from either old-age or infirmity. I note the point made by one appellant that their parents have resided within the District for at least the last three years and are elderly and in need of care. However, the appellants have not provided any substantive evidence to support this other than to state that the parents are of retirement age. Furthermore, the elderly parents in question reside in the Pickering area which is located approximately 20 miles away from the appeal property. Given this fact, it would make it difficult for the appellants to undertake any potential care-giving duties in addition to their full-time employment which for one appellant is located further away from their parents' residence than the appeal site. As a result, I also do not consider that this criterion has been met. I therefore consider that the appellants do not meet any of the criteria set by Policy SP21.
9. I note that the appellants have suggested revised wording for a bespoke LNOC for the appeal scheme and that this should be considered acceptable in this case given the fact that the appellants own the land, have a long-standing connection to the local community and their personal circumstances. They have in essence argued that their personal circumstances should outweigh the requirements of Policy SP21. However, given the above reasons, I do not consider that the specific circumstances of this case are of such an exceptional nature as to outweigh the conflict with Policy SP21 that I have identified above.

10. The appellants have also cited a number of potential 'fallback' positions that they could pursue should the appeal be dismissed which are: that the appellant's parents or sister who reside in the district would build a house on the land; or that the appellants would take-up temporary residence within the parish for a three-year period before re-applying for planning permission. However, whilst these options could be pursued, I do not consider that they would be more harmful than if the appeal scheme itself were permitted with a revised LNOG in conflict with Policy SP21. Accordingly, these 'fallback' positions would therefore also not be of sufficient weight to outweigh the identified conflict with Policy SP21.
11. I therefore conclude that the proposed development would conflict with Policies SP1, SP2 and SP21 of the Ryedale Local Plan Strategy Document (adopted September 2013) which seek to ensure that development is located in sustainable locations and that housing is provided in suitable locations and where it is needed, amongst other considerations.

Other Matters

12. In support of their case the appellants have cited compliance with paragraphs 77 and 78 of the National Planning Policy Framework (the Framework) in that the proposal would reflect local housing needs and help support existing village services by providing an economic benefit. However, in this case, the purpose of the LNOG is to meet local housing needs in a rural area in compliance with the Framework, and for the above reasons this is something which the proposed development would not achieve. Furthermore, while the appeal scheme would provide one dwelling and deliver a modest economic benefit, in the round, this benefit would not outweigh the policy conflict I have found.
13. In addition, the appellants have also cited compliance with RLPSD Policy SP20 and referred to the submitted Statement of Common Ground (SOCG) in support of the appeal scheme. However, as the issues covered by Policy SP20 are not in dispute between the parties (as set out in the agreed SOCG) I have therefore not pursued this matter further.

Conclusion

14. For the reasons set out above, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR