



PLANNING COMMITTEE

Tuesday 17 December 2019 following the Licensing Committee that commences at 6.00 pm

Council Chamber - Ryedale House, Malton, North Yorkshire YO17 7HH

Agenda

- 1 **Apologies for absence**
- 2 **Declarations of interest**

Members to indicate whether they will be declaring any interest under the Code of Conduct.

Members making a declaration of interest at a meeting of a Committee or Council are required to disclose the existence and nature of that interest. The requirement is not discharged by merely declaring a personal interest without further explanation.
- 3 **Minutes** (Pages 3 - 6)
- 4 **Urgent Business**

To receive notice of any urgent business which the Chairman considers should be dealt with at the meeting as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.
- 5 **Schedule of items to be determined by the Committee** (Page 7)
- 6 **19/00688/FUL - The Great Barn Cottage Village Street Howsham** (Pages 8 - 36)
- 7 **19/00603/FUL - Land at Cornborough Road Sheriff Hutton** (Pages 37 - 54)
- 8 **19/01151/73 - Land and Buildings West of Terrington C of E School North Back Lane Terrington** (Pages 55 - 126)
- 9 **Any other business**

- 10 **List of Applications determined under delegated Powers.** (Pages 127 - 129)
- 11 **Appeals** (Pages 130 - 132)

Planning Committee

Held at Council Chamber - Ryedale House, Malton, North Yorkshire YO17 7HH
Tuesday 26 November 2019

Present

Councillors Paul Andrews, Cleary, Goodrick (Chairman), Graham, Hope, MacKenzie, Mason, Potter and Windress (Vice-Chairman)

Substitutes:

In Attendance

Neil Cookson, Alan Goforth, Gary Housden, Ellis Mortimer and Lizzie Phippard

Minutes

119 **Apologies for absence**

There were no apologies.

120 **Declarations of interest**

Councillor	Item
Cleary	7
Hope	7
P Andrews	8

121 **Minutes**

Decision

That the minutes of the Planning Committee held on 06 November 2019 be approved and signed as a correct record.

Voting Record
7 For
0 Against
1 Abstention

122 **Urgent Business**

There was no urgent business.

123 **Schedule of items to be determined by the Committee**

The Head of Planning submitted a list (previously circulated) of the applications for planning permission with recommendations thereon.

124 **19/01002/MFUL - Land South of Firthland Road Pickering**

19/01002/MFUL – Land South of Firthland Road Pickering

Decision

REFUSED – As recommended.

Voting Record
9 For
0 Against
0 Abstentions

125 **19/00688/FUL - The Great Barn Cottage Village Street Howsham**

19/00688/FUL – The Great Barn Cottage Village Street Howsham

Decision

DEFERRED – for site inspection

Voting Record
9 For
0 Against
0 Abstention

In accordance with the Members Code of Conduct Councillors Cleary and Hope declared a personal, non-pecuniary but not prejudicial interest.

126 **19/00757/FUL - Land off Edenhouse Road Old Malton**

19/00757/FUL – Land off Edenhouse Road Old Malton

Decision

PERMISSION GRANTED – subject to conditions as recommended and further comments of Lead Local Flood Authority.

Voting Record
9 For
0 Against
0 Abstentions

In accordance with the Members Code of Conduct Councillor P Andrews declared a personal, non-pecuniary but not prejudicial interest.

127 **Exempt Information**

Decision

To make item 10 exempt by virtue of paragraph(s) 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

Voting Record
8 For
0 Against
1 Abstention

128 **Enforcement Report**

Decision

That the Council Solicitor, in consultation with the Head of Planning, be authorised to prosecute the landowner for non-compliance with the enforcement notice and failure to remedy the breach of planning control.

Voting Record
9 For
0 Against
0 Abstentions

129 **Any other business**

There was no other business.

130 **List of applications determined under delegated powers**

The Head of Planning submitted for information (previously circulated) a list which gave details of the applications determined by the Head of Planning in accordance with the scheme of delegated decision.

131 **Appeals**

Members were advised of the following appeal decisions:

Appeal ref: APP/Y2736/W/19/3221639 – 5 Welham Road Norton

Meeting closed 19:25

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 17/12/19

6

Application No: 19/00688/FUL

Application Site: The Great Barn Cottage Village Street Howsham Malton North Yorkshire YO60 7PH

Proposal: Extension of existing garden cottage pavilion to form private self contained retirement accommodation with live in care

7

Application No: 19/00603/FUL

Application Site: Land At Cornborough Road Sheriff Hutton North Yorkshire

Proposal: Change of use of agricultural land and building for commercial dog breeding and kennels with alterations to include formation of up to 10no. kennels within existing building

8

Application No: 19/01151/73

Application Site: Land And Buildings West Of Terrington C Of E School North Back Lane Terrington North Yorkshire

Proposal: Removal of condition 13 of planning approval 16/01226/OUT dated 07.03.2017 - local occupancy condition

Agenda Item 6

RYEDALE DISTRICT COUNCIL PLANNING COMMITTEE

SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE

Item Number: 6
Application No: 19/00688/FUL
Parish: Howsham Parish Meeting
Appn. Type: Full Application
Applicant: Mr James Stephenson
Proposal: Extension of existing garden cottage pavilion to form private self contained retirement accommodation with live in care
Location: The Great Barn Cottage Village Street Howsham Malton North Yorkshire YO60 7PH

Registration Date: 21 June 2019
8/13 Wk Expiry Date: 16 August 2019
Overall Expiry Date: 18 November 2019
Case Officer: Alan Goforth **Ext:** Ext 43332

CONSULTATIONS:

Howsham Parish Meeting	No response received
Highways North Yorkshire	No objection
Building Conservation Officer	Objection
Historic England	No comments
Yorkshire Gardens Trust	Comments
Paul Jackson AONB Manager	Recommend condition to prevent separate sale

Neighbour responses: Mr Bill Selman (support) & signed petition in support (43 signatures)

BACKGROUND:

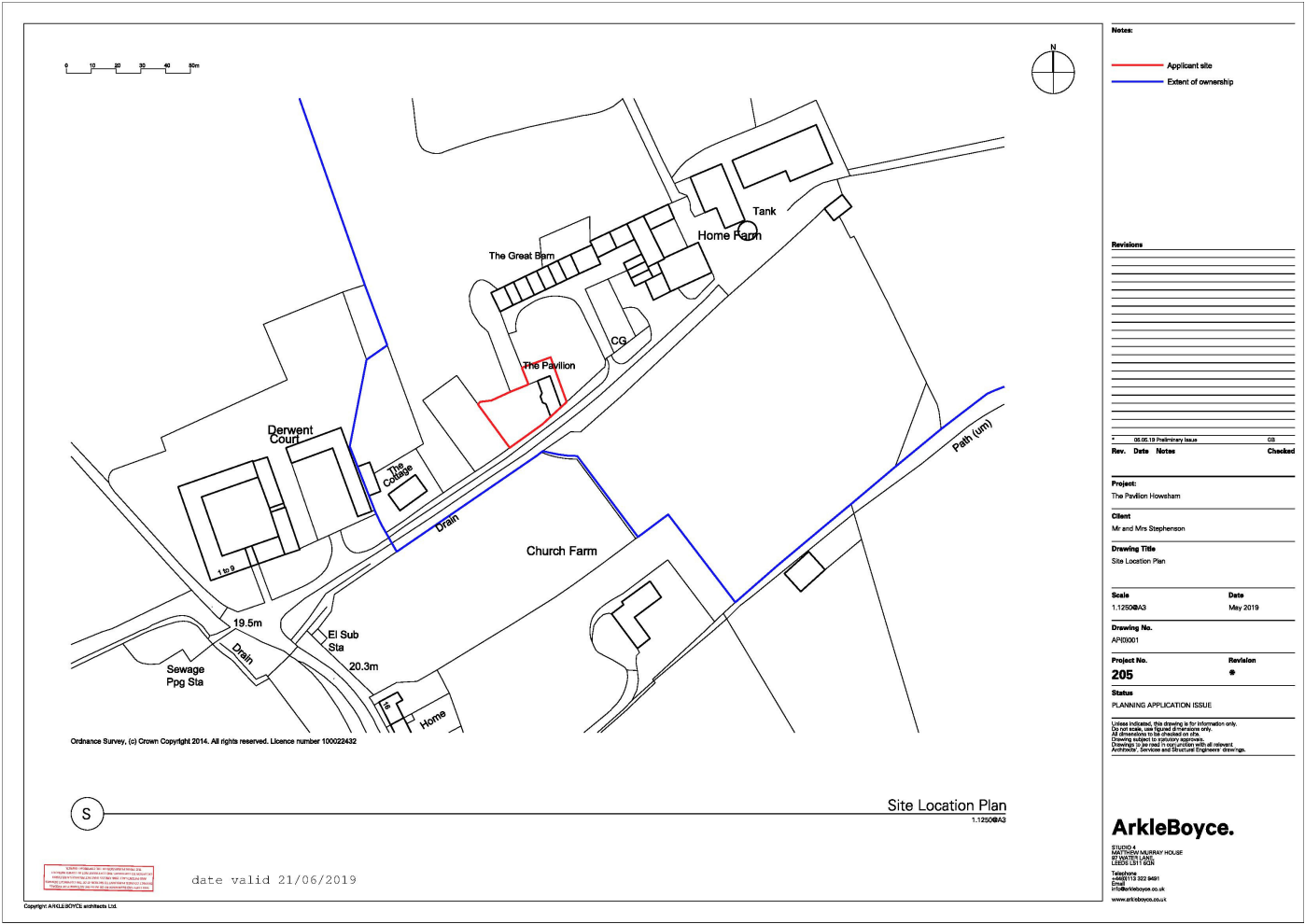
On 26 November 2019 Members resolved to conduct a site inspection in advance of the determination of the planning application. The site inspection subsequently took place on 9 December 2019. The site inspection gave Members the opportunity to gain an understanding of the proposed development in the context of the existing building, surrounding land and buildings including the adjacent Great Barn and cottage and the adjacent historic features.

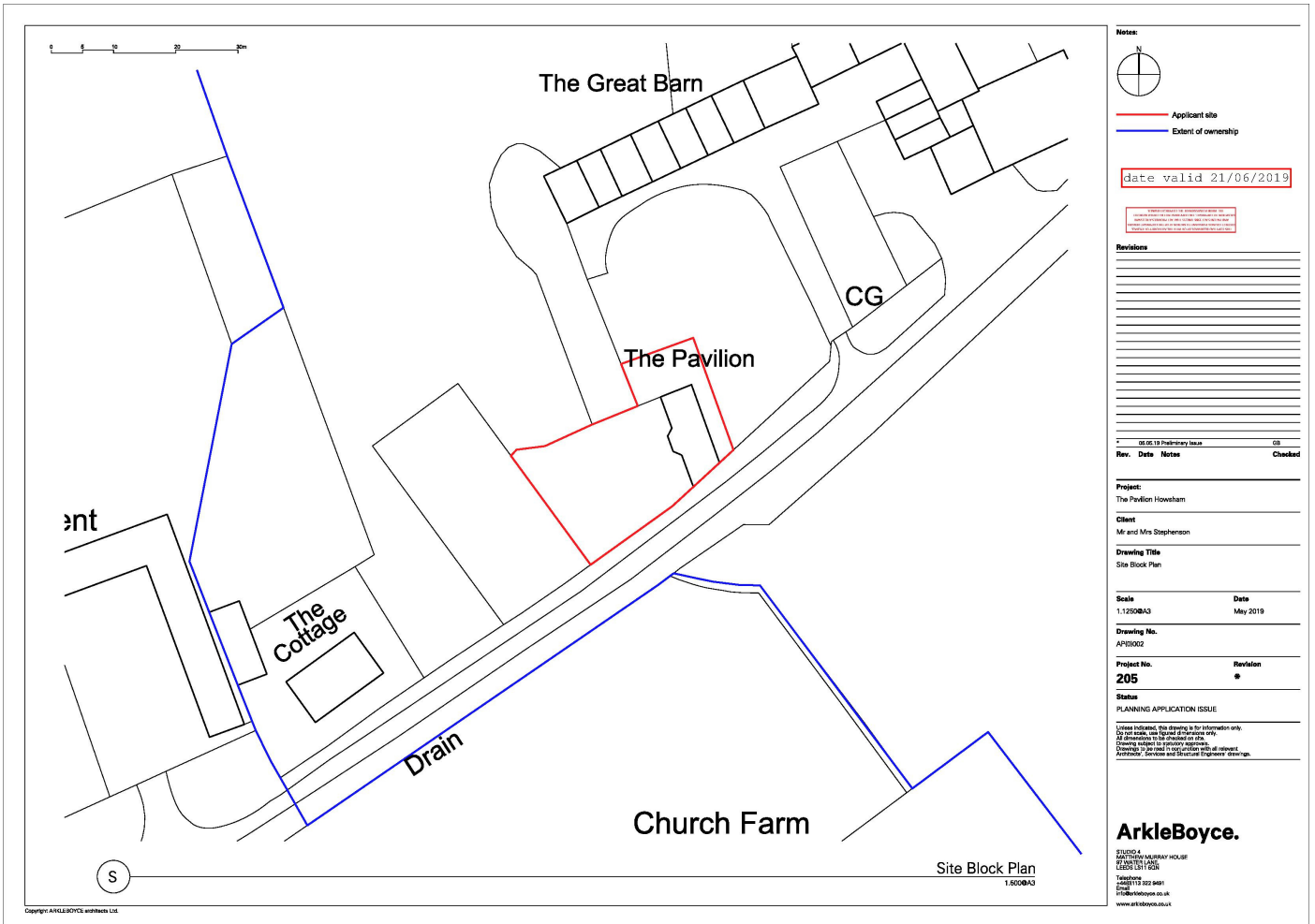
There are no updates since the previous Planning Committee meeting and Members are asked to refer to their earlier agenda papers for a detailed Officer appraisal of the scheme and associated documents.

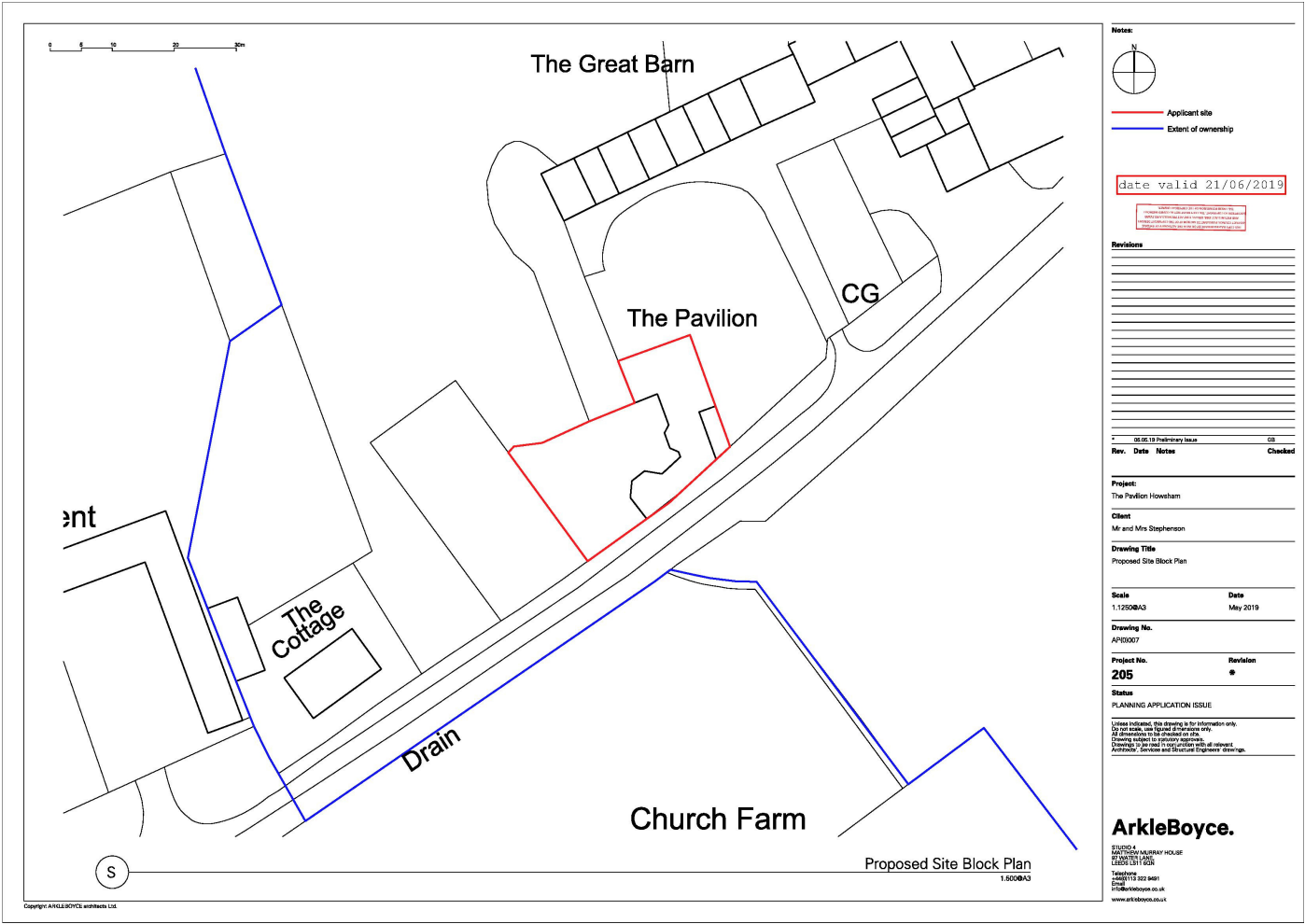
RECOMMENDATION: **Refusal**

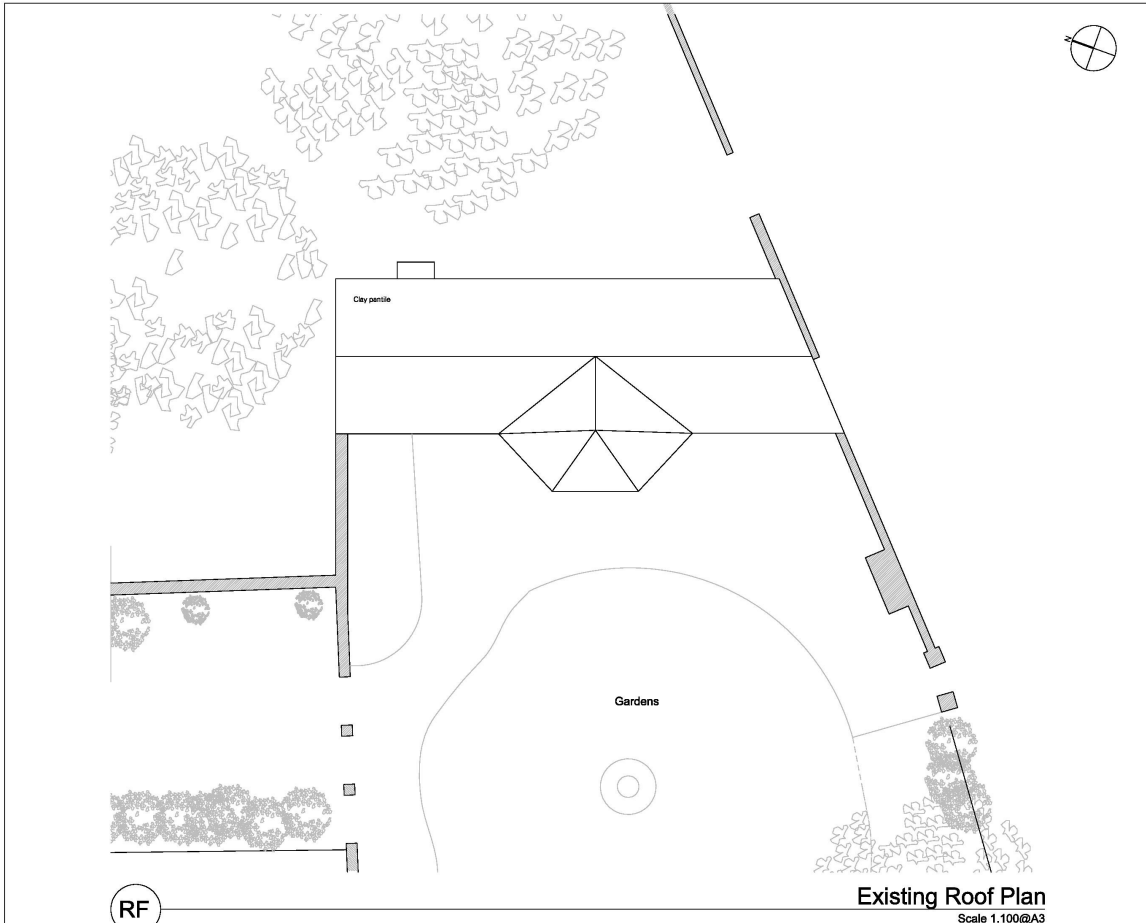
- 1 The proposed extensions by virtue of their scale, mass and form and the various roof types and number of additional windows openings do not relate sympathetically to the character and appearance of this modest building. The proposal is therefore considered to be contrary to the requirements of Section 12 of the NPPF with particular regard to paragraph 130 and contrary to Policies SP16 and SP20 of the adopted Ryedale Local Plan- Local Plan Strategy.
- 2 It is considered that the proposed mass of the extensions, roof forms and alterations to and partial demolition of the historic garden wall will not preserve or enhance the character or appearance of the Conservation Area. The harm to the designated heritage asset is not

outweighed by the public benefits. The proposal therefore is considered to be contrary to Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990; contrary to the requirements of Section 16 of the NPPF with particular regard to paragraphs 193 & 196 and contrary to Policy SP12 of the adopted Ryedale Local Plan- Local Plan Strategy.









Existing Roof Plan
Scale 1.100@A3

Notes:

Legend:
 Existing Wall
 New Wall

0 1 2 3 4 5m

date valid 21/06/2019

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Revisions

Rev.	Date	Notes	Checked
01	05/05/19	Preparatory Issue	CS

Project:
The Pavilion, Howsham

Client:
Mr and Mrs Stephenson

Drawing Title:
Existing Roof Plan

Scale: 1.100@A3
Date: May 2019

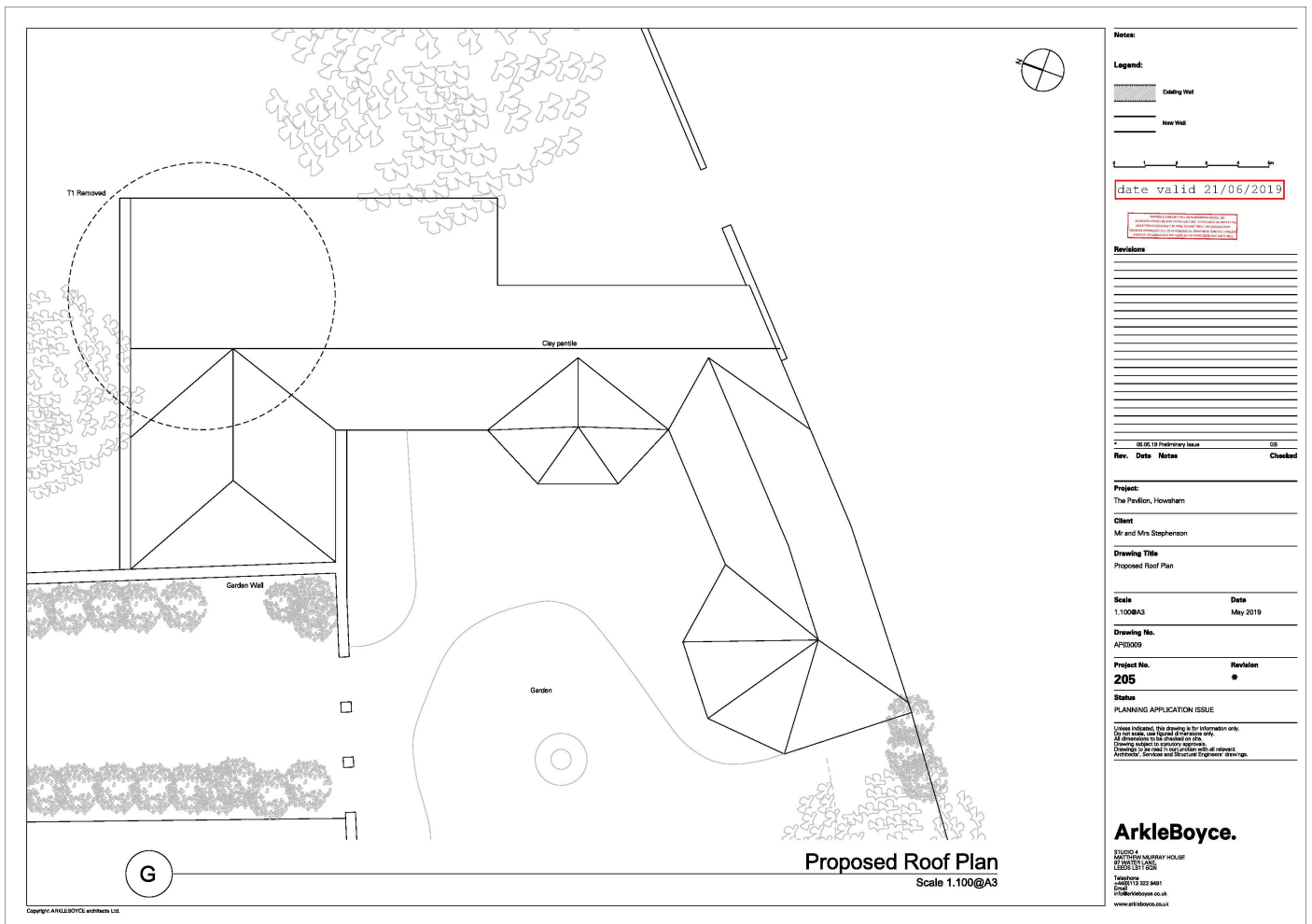
Drawing No.: AP120004
Project No.: 205
Revision: 01

Status: PLANNING APPLICATION ISSUE

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Notes:

Legend:

- Existing Wall
- New Wall

0 1 2 3 4 m

date valid 21/06/2019

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Revisions

Rev.	Date	Notes	Checked
01	05.05.19	Preparatory Issue	GS

Rev. Date Notes Checked

Project: The Pavilion, Howtham

Client: Mr and Mrs Stephenson

Drawing Title: Proposed Roof Plan

Scale: 1:100@A3 Date: May 2019

Drawing No.: AP12009

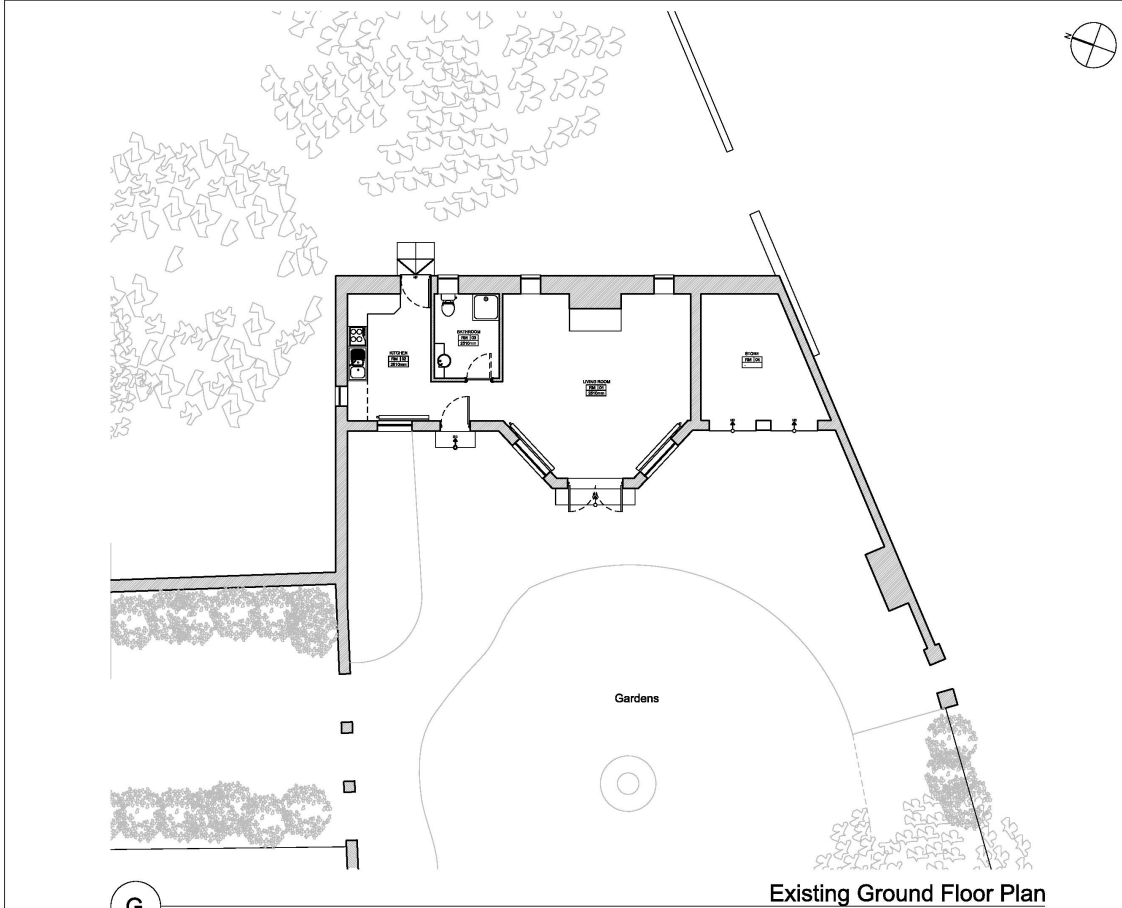
Project No.: 205 Revision: 01

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Existing Ground Floor Plan
Scale 1.100@A3

Notes:
Legend:
Existing Wall
New Wall
0 1 2 3 4 5 6

date valid 21/06/2019

Revisions

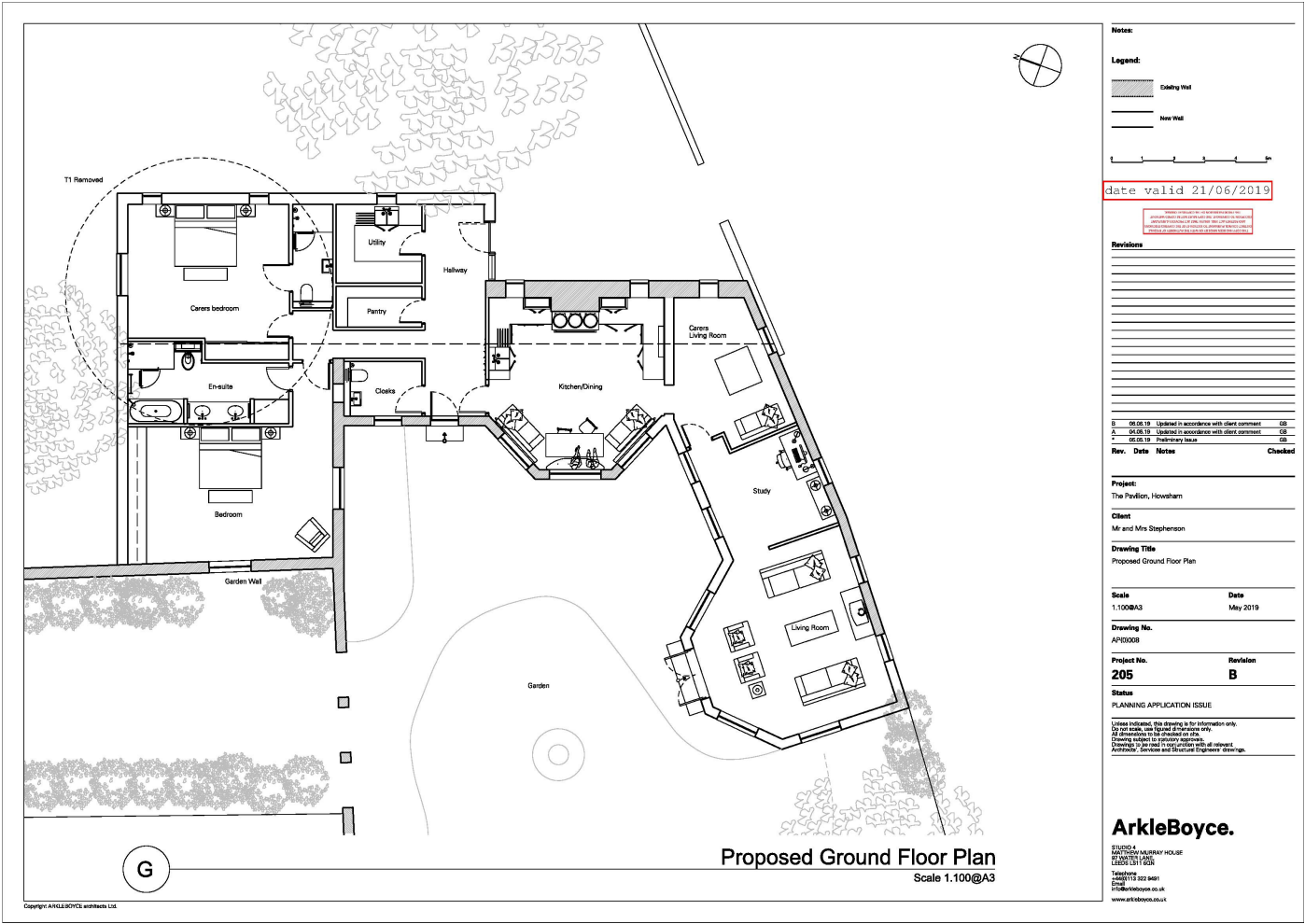
Rev.	Date	Notes	Checked
02/25/19	02/25/19	Preparatory Issue	CS

Project:
The Pavilion, Howsham
Client:
Mr and Mrs Stephenson
Drawing Title:
Existing Ground Floor Plan
Scale: 1.100@A3 Date: May 2019
Drawing No.: AP120023
Project No.: 205 Revision: 01

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Notes:
 Legend:
 Existing Wall
 New Wall
 0 1 2 3 4 5m

date valid 21/06/2019

Revisions

Rev.	Date	Notes	Checked
1	05.05.19	Updated in accordance with client comments	GB
2	05.05.19	Updated in accordance with client comments	GB
3	05.05.19	Preliminary Issue	GB

Project:
 The Pavilion, Howsham

Client:
 Mr and Mrs Stephenson

Drawing Title:
 Proposed Ground Floor Plan

Scale: 1:100@A3
 Date: May 2019

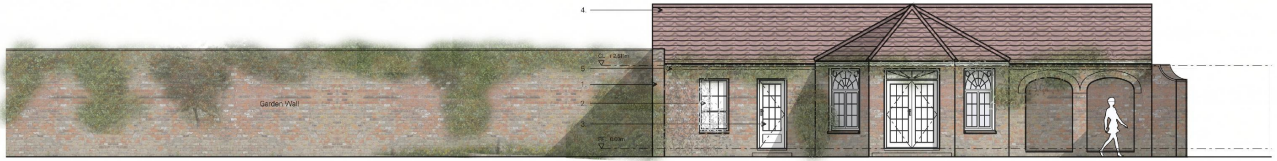
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Existing West Elevation
Scale 1.100@A3

W



Existing South Elevation
Scale 1.100@A3

S

- MATERIALS KEY
1. Brick
 2. Timber framed window
 3. Timber roof
 4. Clay gables
 5. Black UPVC Rainwater goods



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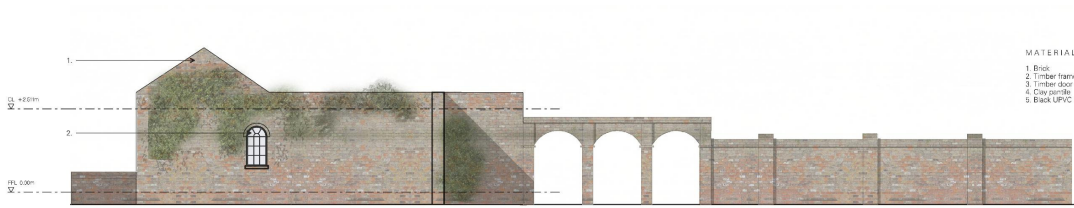
Rev.	Date	Notes	Drawn	Checked
1	26/05/19	Planning Application Issue	MB	MB

Project:	The Pavilion, Howsham	Project No.:	205
Client:	Mt and Mrs Stephenson	Revision:	*
Date:	May 2019	Drawn:	JA
Drawing Title:	Existing Elevations 1 of 2	Status:	PLANNING APPLICATION ISSUE
Scale:	1:100@A3	Drawing No.:	AP03005



Existing East Elevation
Scale 1:100@A3

E



MATERIALS KEY
 1. Brick
 2. Timber framed window
 3. Timber door
 4. Clay roof tiles
 5. Black UPVC Rainwater goods

Existing North Elevation
Scale 1:100@A3

N

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Rev.	Date	Notes	Drawn	Checked
1	06/05/19	Planning Application Issue	AM	GP

Project:	The Pavilion, Howsam	Project No.	205
Client:	Mr and Mrs Sophenson	Revision	*
Date:	May 2019	Drawn:	JA
Drawing Title:	Existing Elevations 2 of 2	Status:	PLANNING APPLICATION ISSUE
Scale:	1:100@A3	Drawing No.:	AP10008



Proposed West Elevation
Scale 1:100@A3

W



Proposed South Elevation
Scale 1:100@A3

S

- MATERIALS KEY**
1. Brick
 2. Timber framed window
 3. Timber framed door
 4. Clay eavest
 5. Black UPVC Rainwater goods
- A. Brick to match existing
 B. Timber framed window to match existing
 C. Timber door glazed door to match existing
 D. Clay eavest
 E. Black aluminium rainwater goods



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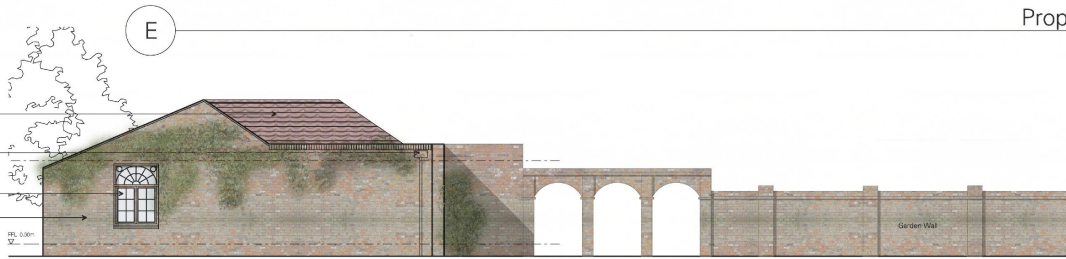
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Rev.	Date	Notes	Drawn	Checked
1	05/05/19	Planning Application issue	JB	GB

Project:	The Pavilion, Howsham	Project No.	205
Client:	Mr and Mrs Stephenson	Revision	#
Date:	May 2019	Drawn:	JA
Drawing Title:	Proposed Elevations 1 of 2	Revision	#
Status:	PLANNING APPLICATION ISSUE	Drawing No.	AP/2019
Scale:	1:100@A3		



Proposed East Elevation
Scale 1.100@A3



Proposed North Elevation
Scale 1.100@A3



Proposed North Courtyard Elevation
Scale 1.100@A3

- MATERIALS KEY**
- 1. Brick
 - 2. Timber framed window
 - 3. Timber framed door
 - 4. Clay pantile
 - 5. Black UPVC Rainwater goods
- A. Brick to match existing
 B. Timber framed window to match existing
 C. Timber door glazed door to match existing
 D. Clay pantile to match existing
 E. Black aluminium rainwater goods

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Rev.	Date	Notes	Drawn	Checked
1	05.05.19	Planning Application issue	JA	CB

Project:	The Pavilion, Howsham	Project No.	205
Client:	Mr and Mrs Stephenson	Revision	#
Date:	May 2019	Drawn:	JA
Drawing Title:	Proposed Elevations 2 of 2	Checked:	CB
Status:	PLANNING APPLICATION ISSUE	Drawing No.:	AP/2011
Scale:	1:100@A3		



The Pavilion, Howsham.
Design and Access and Heritage Statement
June 2019

ArkleBoyce.

Contents.

- 1.0 Approach
- 2.0 Introduction
- 3.0 Context
- 4.0 Site Analysis
- 5.0 Existing Ground Floor Plans
- 6.0 Existing Elevations
- 7.0 Proposals



Contact Details

Client: Mr J. Stephenson & Mrs. J. Stephenson
The Great Barn
Howsham
York
YO60 7PH



Status Preliminary
Date 06.06.19
Drawn JA
Checked GB
Revision A



1.0 Approach

ArkleBoyce was established in 2014. Since our inception we have been very privileged to work with wonderful clients on some fantastic schemes. As the practice's commissions and client base have grown we have not lost focus on delivering the quality work that has made our reputation.

We are a passionately design-led, client-centred studio. We bring together our client's personal vision, the immediate and wider context, and our skill, imagination and experience to create individual buildings of beauty, quality and effortless function.

Getting the most from buildings is in the DNA of the company. From the outset we have aimed to creatively resolve issues where occupiers, developers, investors and statutory regulator's respective views meet.

We believe that good design is fundamental to each project, and that it is not just in the architecture of the building and the selection and detailing the materials, but is in the efficiency of the space, the ease of construction and in the added value that it can bring.



2.0 Introduction

This report has been produced as a supporting document to the full application for the proposed extension and internal alteration for the existing garden cottage pavilion at The Great Barn, Village Street, Howsham, Malton. The proposals are designed to self-contained retirement accommodation with live-in care for Mr and Mrs Stephenson.

Mr and Mrs Stephenson, the owners of The Great Barn, now wish to down size from their existing property to their garden cottage pavilion and include for the provision of live-in care. It should be noted that the couple are heavily invested in the village and wider surroundings, both through the church and community events. The modification to the existing garden cottage will allow them to remain in their family residence and village, whilst allowing their son to move into the existing house (The Great Barn) and continue to farm the surrounding land.

The proposed scheme sits within the grounds of the The Great Barn, Howsham. The Pavilion, is an attractive single storey brick building under a pantile roof. The property lies within the Howsham Conservation Area and the Howardian Hills AONB.

Further to an initial Pre-app (18/00726/PREAPP) these proposals extend the existing garden pavilion building, with two flanking wings of accommodation to the north and south. The proposals visibility from the public highway is limited and does not significantly change the scale or aesthetic of the existing building; therefore it will remain sympathetic to the surrounding context. The proposals also consider the context of the historic garden walls and whilst they abut them we do not believe that they damage the character and integrity of the wall that Mr and Mrs Stephenson have been instrumental in its retention.

Visually the proposals take precedent from the existing form and materiality, of both the barn and house, and will be a positive addition to the external fabric of the building.



Existing West Elevation



Existing South Elevation

3.0 Context

Howsham is a small settlement with an established parish population. It lies in the Derwent Valley in the south western part of Ryedale District Council in North Yorkshire. It is located approximately 10 miles north of York and 7 miles south west of Malton, the closest market town. It is a small but particularly attractive rural settlement located in rolling countryside with a well wooded character, at the southern end of Kirkham Gorge. This is reflected by the surrounding landscape designation with the village lying at the point where the south-eastern boundary of the Hawardian Hills Area of Outstanding Natural Beauty meet the Wolds Area of High Landscape Value. Access is via minor roads only, making the village quiet and undisturbed by passing traffic. It is the Estate village of Howsham Hall, a Jacobean residence still standing at the north end of the village.

Historical Background

The story of Howsham village is inextricably linked with the history of Howsham Hall; the Jacobean House built in c.1610 that sits at the northern end of the village. The landscaped parkland that surrounds the hall abuts the village and has resulted in the clearance of significant parts of settlement. The history therefore will include many references to the landscaped parks and gardens as they play an important part in the history and development of the whole village.

The manor of Howsham was held by the de Roos family in the 13th century. The earliest reference to a park is in 1285 when the pasture of the park was said to be worth 40 shillings. A manorial survey dated 1352 refers to deer in the park.

Until the dissolution of the Monasteries, the lands of Howsham belonged to nearby Kirkham Priory, Kirkham and therefore Howsham was granted by Edward VI to Thomas, Earl of Rutland. In 1573 the manor of Howsham was sold by the Earl's great grandson to Thomas Bamburgh. From the time of Thomas Bamburgh's purchase in 1572 the estate never changed hands until 1948. Instead it passed through daughters to the successive families of Wentworth, Cholmley, Fane, Grimes, and Strickland.

The hall was built for William Bamburgh c. 1610-1619 probably using stone from nearby Kirkham Priory. Successive changes to the building have been made since and what we see today is the result of many phases of development. The main architectural style of the building however, is Jacobean. It has a u-shaped plan, is constructed from limestone ashlar and has eye-catching south facade that features 7 bays, full height bay windows and a projecting full height central porch, showing influences of renaissance architecture.

The parkland that we see surrounding the hall today is also a combination of many changes although two distinct phases can be identified. The first took place during the early C18, the second in the mid to late C18. The current landscape park has its origins from the mid to late 18th Century when Lancelot 'Capability' Brown was commissioned to create a new parkland for the Cholmley family c.1770. During the C19 and C20 the parkland remained largely unaltered, although evidence exists of some 19th and 20th century planting.

This later phase of development involved removing the formal gardens and extending the grounds to the south of the house. This extension involved the demolition of a small group of houses at the north end of the village. Approximately 20 years later all the houses on the west side of the village street were demolished. Their sites and the village green were taken into the park. These improvements also included a number of improvements attributed to John Carr of York including the remodelling of the existing watermill, the building of a stable block with adjacent kitchen garden and barns, a new drive with a bridge over the river Derwent, the building of a pair of lodges and gate piers, an ornamental boat house and an ice house.

Topography

The village has a well defined linear form which runs in a north-south direction for approximately half a kilometre. The road is a no-through road and leads only to the drive which approaches the Hall. It exists to connect the Hall to the main roads to Barton-le-Willows, Malton and York. Development is found along the eastern side only as earlier cottages on the west side were cleared in the re-landscaping of the parkland surrounding Howsham Hall. The west side of the street is now lined with a narrow belt of mixed trees which would have been planted to screen the village off from the house.

Access into the surrounding countryside is provided by small tracks that lead from the main road to the outlying farm buildings and fields.

The nearby river Derwent plays an important part in the siting of the Hall and the topography of the land. It meanders along the north and west boundaries of the conservation area and was navigable until the 19th century. It has been suggested that at one stage the Derwent provided access to the Hall for much of the year.

To the south, the conservation area is bound by Low Lane, another minor road that connects Howsham with the nearby villages of Leaving and Harton.

Architectural Continuity

There are key features of the Buildings in Howsham that give the village it's special identity. The majority of the buildings in Howsham are constructed from sandstone and date from around the 17th to mid C18th. The most predominant building type is the cottage although some larger farmhouses and their associated farm buildings are present.

An important element of the conservation area is the village church built by G.E. Street, the architect who was commissioned by the Sledmere Estate for the extensive programme of church building and restoration on the Yorkshire Wolds in the 1860s. St John's was built between 1859-60 for Hannah Cholmley. The church is built in the High Victorian Gothic style using grit stone ashlar blocks with decorative bands of sandstone.

Much of what forms the historic character of Howsham is the architectural consistency in terms of the building type, size and materials. There are however many smaller details that greatly contribute to the character of the village. Retention or reinstatement of these original features is to be encouraged wherever possible as they form much of the character of the individual property and their presence would positively contribute to the overall character of the village.

An example of the smaller architectural details in Howsham is the narrow wooden lintels above the doors and windows that can be found on some of the buildings. There are many variations in window styles in Howsham due to the high number of alterations. A traditional form of window opening for this village would have been the Yorkshire sliding sash which can still be seen throughout the village. This is a vernacular method of window opening where one portion is fixed in place and the other slides behind it to allow air into the building. In Howsham these windows are painted in a light colour.

In general the window shape in Howsham is one of long, narrow rectangles. This follows the overall style of the cottages as many of the buildings are long and low themselves with a horizontal emphasis. Many cottages are one and a half storeys high with first floor windows partly in the roof space. This has resulted in an architectural feature that is common to Howsham, namely the presence of a small window in the roof space at the gable end. Windows that are divided into smaller panes are also common to the village.

More than any other single component the choice of walling material establishes the character of vernacular architecture but this should not be viewed in isolation. The majority of buildings in the village are constructed from locally quarried sandstone. The blocks are generally a rectangle shape and are laid to straight courses giving a neat appearance. The mortar joints tend to be narrow and would have originally been lime mortar.

Due to the varied and inconsistent nature of sandstone, the size of blocks used for construction is highly varied. To aid with stability the walls are laid in diminishing courses where larger stones are used towards the bottom of walls with smaller blocks towards the top. As with other types of construction the corners of buildings are often tied together using larger, more prominent stones.

Ref: Howsham Conservation Area Appraisal Draft May 2001

3.0 Context



Aerial Photograph of the Site

Chimneys are a common feature of the buildings in Howsham. They are generally situated on the gable ends of properties and are constructed of brick. The chimney pots are usually buff in colour, but red clay can also be found. The roof ridge is generally finished in sandstone capping tiles.

The prevalent roofing material in the village is red clay pantile but originally many of these buildings would have been thatched.

Many of the cottages in the village have door styles that would have been common in the last century. These are plank wood doors and are in keeping with the cottage style buildings in the village.

The prevalent roof construction in Howsham is that of close eaves where the roof comes flush to the wall at the gable end. There is a slight overhang of the eaves at the facade front.

Ref: Howsham Conservation Area Appraisal Draft May 2001

Our proposals are sited to the northern end of the village, beyond the development limits and, therefore, within open countryside. The site is within the Conservation Area and the Howardian Hills Area of Outstanding Natural Beauty (AONB). It also stands within a Registered Park and Garden (Howsham Park). Howsham Hall stands approximately 300m to the north-west. The River Derwent is 250m to the north of the site.

4.0 Site Analysis



Existing site sketch

4.1 Orientation
The site has a East-West orientation.

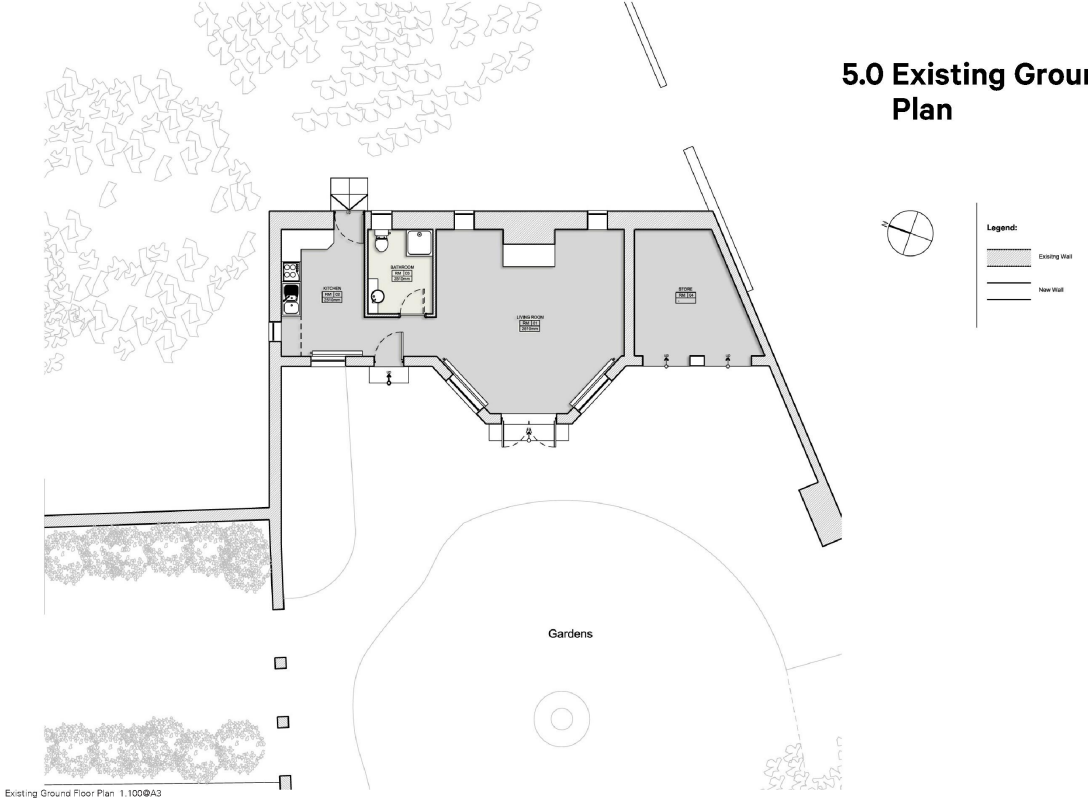
4.2 Topography
The site is predominantly flat.

4.3 Views
The proposal is for a new home that looks out onto the existing tennis court to the west and is bound by the existing boundary wall to the south. Due to existing planting and the location of the property the proposed scheme will not visually impact upon the adjacent properties.

4.4 The Existing Building
The existing single storey 'garden cottage' stands within the residential grounds of 'The Great Barn'. It is a brick building under a clay pantile roof. The building currently comprises a kitchen, bathroom, store, and living area with double doors that provide access to the walled garden and tennis court to the west of the building.

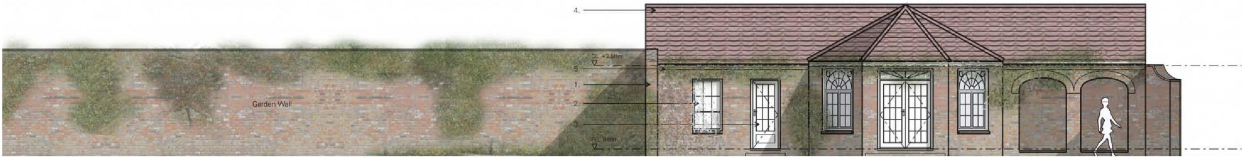
4.5 Access
Access is gained from the private driveway to the south or the gardens of The Great Barn to the north east.

5.0 Existing Ground Floor Plan



Existing Ground Floor Plan 1:100@A3

6.0 Existing Elevations



Existing West Elevation 1.100@A3



Existing South Elevation 1.100@A3

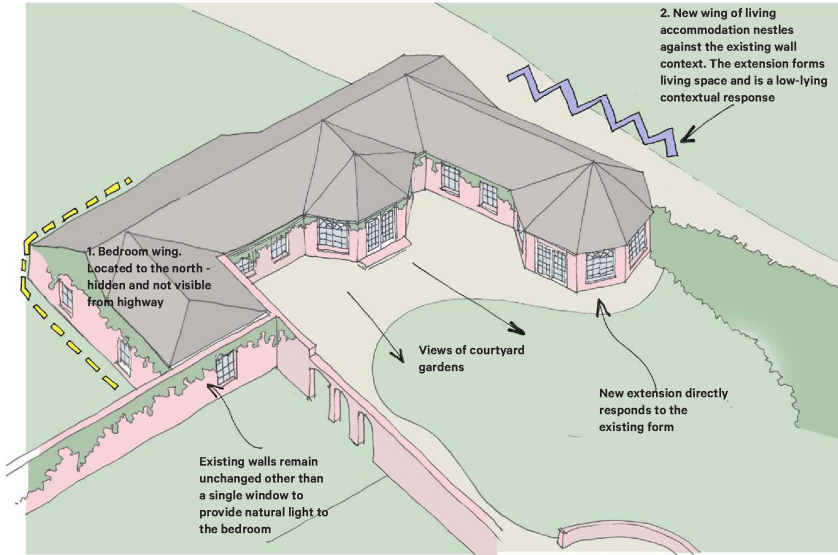


Existing North Elevation 1.100@A3



Existing East Elevation 1.100@A3

7.0 Proposals.



Proposed Massing Sketch

The existing garden pavillion is a handsome and characterful property with large well proportioned window openings under a pitched roof.

The proposed scheme looks to reconfigure the existing building and add 2 new wings of accommodation, one forming bedroom space and the other a living room and study.

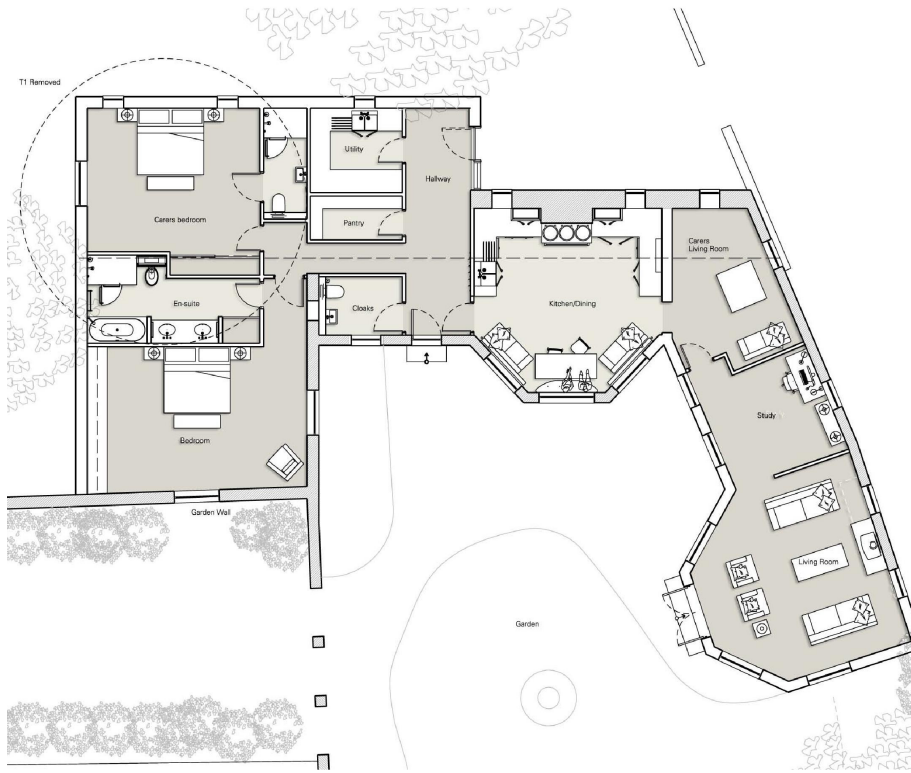
1. The new bedroom wing.

A bedroom wing is located in a secluded position to the north of the property. The intention is that this element of the property will be low-lying and recessive in its nature. The existing garden wall shall remain the dominant form. The architectural language shall respond to the existing Georgian aesthetic of The Great Barn and the garden pavillion drawing analogies of the Georgian Garden House nestled against the historic wall. The bedroom wing shall accommodate one bedroom for Mr and Mrs Stephenson and one bedroom for a live-in carer.

2. The new living wing.

A new living wing shall be created to the southern boundary. The intention is for this wing of accommodation to respond directly to the existing pavillion language with its part hexagonal form creating a 'node' for living. The existing garden wall with it's character shall be retained and expressed as the outer leaf of the new facade. This new wings also provides a living space for the carers.

The proposals is a direct response to the immediate context in its form, proportions and materiality. It is considered that the proposal responds positively to its context and is considered a positive addition to both the internal programme and external fabric of the existing dwelling and the established character and appearance of the wider area. Moreover the scheme will provide a sustainable future for a couple who wish to stay in the village in which they are heavily invested, have brought up their children and where they, and their family, live and work the farm which they own.



Proposed Ground Floor Plan 1:100@A3

7.0 Proposals.

EXTERNAL WALL MATERIALS

Materials have been chosen to minimise the impact of the building, respond to the existing and compliment those of the existing surroundings.

The design concept is essentially that of a simple Georgian garden pavillion, with the emphasis being on the ability to create open and characterful supported living space.

The proposed ground floor shall retain large glazed windows onto the western garden, but shall remain unobtrusive and inward looking from the remaining elevations which are formed from brick; which is typical of the local vernacular.

Windows shall be timber framed, double glazed with thin site lines to the Grilles (to match existing).

The new roof shall be clay pantile to match the existing to maintain the current visual amenity and hierarchy/relationship of space between the new accommodation and historic garden wall.

Where practical, natural materials have been specified. The volume of material in the new construction will be minimised.

- Timber and timber products will be sourced from sustainable managed forests,
- Insulation material will be CFC and HCFC free,
- Water based paints will be used and preservative treatments applied under factory conditions,
- Materials will be obtained from local sources where possible.

7.0 Proposals.



Proposed Massing Study - NTS0A3

ENERGY USE, HEATING, & WATER ECONOMY

Due consideration has been given to minimising energy consumption as part of our design proposal. The new extension will have a very highly insulated building fabric. Windows will use double-glazed units with low E coatings and argon filled cavities, achieving excellent U-values.

The requirement for space heating is minimised by high levels of insulation and robust detailing to minimise air leakage.

It is proposed that secondary space heating is to be provided through the use of a wood burning stove. This biomass system is a carbon neutral process, as the CO2 emitted through burning is the same as that absorbed while growing.

It is proposed to use local (Howsham) fuel sources from managed woodlands which will contribute to local investment and employment whilst minimising transport miles.

Water use will be kept to a minimum through the use of dual flush 6/4 litre WCs and spray taps to sinks & wash hand basins in accordance with the guidelines set out in 'Water Efficiency Calculator for New Dwellings'.

Waste Management

Refuse waste is by way of the existing road side collection. On collection days the appropriate waste bag and bins will be put on the street for collection.

LANDSCAPE & ARBORICULTURAL

The landscape proposals have the following design purposes:

- To create a conceptual 'heart', of the building via the existing courtyard garden.
- To enhance the wildlife, landscape and visual value of the site with native planting.

MEMORANDUM
RYEDALE DISTRICT COUNCIL
FORWARD PLANNING & CONSERVATION

TO: ALAN GOFORTH
FROM: EMMA WOODLAND- SENOIR HERITAGE AND BUILDING CONSERVATION OFFICER
SUBJECT: 19/00688/FUL- THE GREAT BARN COTTAGE, VILLAGE ST, HOWSHAM
DATE: 29TH AUGUST 2019

Objection

The Great Barn Cottage lies within the Howsham conservation area and as such, Ryedale District Council has a statutory duty to have special regard for the preservation or enhancement of the character or appearance of the conservation area. Due to the distance of the development site from listed buildings, it is considered that the application will not have an impact on the setting of listed buildings however it will have an impact on the conservation area. Due to the age and historic interest of the property and its associations with Howsham Hall, the barn and wider site including the vestigial remains of the walls, can be regarded to be a non- designated heritage asset. According to the NPPF, the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The village and surroundings have an extremely high environmental quality being a conservation area, Registered Park, Area of Outstanding Natural Beauty and the vast majority of the village being listed buildings. The village is inextricably linked with Howsham Hall, the Grade I listed country house set within a Grade II registered park.

Howsham sits on a no through road with properties on the eastern side of the road only, the western side being the parkland to the front of Howsham Hall. The village road has a visual end stop in the gate piers and gates of Howsham Hall and the former stable block to Howsham Hall, now residential. The Great Barn is located to the east of the Grade II listed stable block c. 130m distant and once formed part of the Howsham estate as Home Farm. The gate piers form a transitional point in the village between the village street to the south and the rural landscape setting of the wider parkland and agricultural estate of the hall. It is clear that the character of the conservation area is different at this point being more closely related to the landscape park and hall than the village.

According to the entry in the Historic England Register of Parks and Gardens of Special Historic Interest, the landscape park is of mid-late 18th century in date for an earlier house built in 1610. The late 18th century landscape improvements completed by 1776 included the creation of a landscape park to the south of the hall the remodelling of the watermill and The Holms to the west. They also included the building of a stable block with adjacent kitchen garden and barns which is in the vicinity of the proposed development. The kitchen garden walls to the north of the stable block were demolished however, according to the Register entry, part of

the west wall and the east wall attached to Home Farm (the Great Barn) still stand. The estate was subdivided in the mid 20th century resulting in fragmented ownership of the land within the Registered park.

The development site is atypical of the residential linear village and has more of a character relating to the farm and kitchen garden use which is green, loose and informal. The submitted Design and Access makes reference to 'historic garden walls' and it is clear from my site visit that there is vestigial remains of the historic walled garden in the vicinity. With possibly the eastern and northern walls of the garden room being built off one of the historic garden walls. Due to fragmented ownership and demolition, the integrity of the wider kitchen gardens has been lost to some extent in terms of upstanding remains and clear form in the landscape. Historic mapping however clearly shows the former layout of the area.

The existing garden room is accessed down a private drive leading to the Great Barn and a farmyard beyond. The garden rooms stand within the residential curtilage of The Great Barn and overlook a garden courtyard and tennis court to the west. A modest late 20th century bungalow is located to the west of the tennis court. Due to the secluded position of the development site down a private drive there are no clear and close public views of the garden room. Distant views are however possible looking east from the village street, looking north from an elevated Public Right of Way and looking north from the elevated position within the churchyard.

The garden rooms are located on the southern boundary of the property and are constructed tight up against the eastern wall which features as its back wall. The rooms serve as an ancillary structure now related to the domestic garden use of the land. They are generally linear in plan following the line of the wall with a pitched roof. A central bay projects with a part hexagonal roof which is a distinctive and dominant feature and slightly anomalous in this semi agricultural semi kitchen garden setting. The rooms are enclosed by garden walls to the south and north with an open aspect to the west.

The application seeks to extend the garden rooms to form residential accommodation related to the Great Barn and associated carer's accommodation. The proposal seeks to extend the building to the north, east and south-west extending beyond the historic garden wall boundary to the east and north. The south-west extension utilises the existing boundary wall as its rear wall and creates an additional wing which wraps around the existing walled enclosure. The south western wing proposes an additional and larger semi hexagonal roof as an end stop to the building. It also proposes 4 sliding sash windows punctured through the currently blank southern garden wall and a new window created through the historic garden wall to the west serving the northern bedroom. The northern and eastern extensions result in the demolition of the corner of the historic garden walls and the pushing out of the building in 2 directions.

My principle concern with this application is the impact of the additional mass of building and additional domestication of the site. This is of particular concern with regard to the new hexagonal roof and new windows puncturing through previously blank gardens walls. These will be visible from public areas within the conservation area as due to the topography, elevated views of the site are possible from the Public Right of Way to the south. At present, the rooms present as a modest ancillary structure albeit with a semi-hexagonal roof. In my opinion the application is harmful to the character of the conservation area by virtue of the impact it will have on the semi-rural, relatively undeveloped part of the property as a garden at this point. The substantial increase in mass of building, the complicated and anomalous roof forms and the creation of 4 window openings in a garden boundary wall will alter the character of this part of the conservation area. It will create undue emphasis on a previously subservient and quiet part of the conservation area. In my opinion it is over development and the roof forms and new windows are anomalous to a walled garden which historically are inward looking structures with simple roof forms. Due to the lack of close and clear views however, in my opinion, the degree of harm to the conservation area is less than substantial. According to the NPPF however, great weight should be given to an assets conservation. Paragraph 193 states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective

of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

I also have concern with the impact that the proposal has on the form of the historic garden walls as a non designated heritage asset. The proposal seeks to demolish the corner of the existing wall which is a strong built feature within the site. By demolishing the corner and extending out in 2 directions the proposal loses the boundaries of the historic form of the site and pushes development into previously undeveloped areas. Due to the relatively small section of wall proposed for alteration, in my opinion this has a less than substantial harmful impact on the non designated heritage assets of Home farm.

The NPPF at paragraph 196 requires that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.' In my opinion there are no heritage benefits that form part of this proposal.

I have no objection in principle to a modest inward looking lean-to type extension to the building in the re-entrant area to the north of the current building. This could retain the current corner of the building and overcome my concerns regarding new window openings in garden walls, excessive mass of new extension and complicated roof forms. On site discussions indicate that there was previously a building in this location.

Item Number: 7
Application No: 19/00603/FUL
Parish: Sheriff Hutton Parish Council
Appn. Type: Full Application
Applicant: Jayne Roberts
Proposal: Change of use of agricultural land and building for commercial dog breeding and kennels with alterations to include formation of up to 10no. kennels within existing building
Location: Land At Cornborough Road Sheriff Hutton North Yorkshire

Registration Date: 22 May 2019
8/13 Wk Expiry Date: 17 July 2019
Overall Expiry Date: 5 November 2019
Case Officer: Alan Goforth **Ext:** Ext 43332

CONSULTATIONS:

Initial consultation

Sheriff Hutton Parish Council	Objection
Environmental Health Officer (EHO)	Cannot support
Highways North Yorkshire	No objection
Yorkshire Water Land Use Planning	No response received

Re-consultation on updated noise assessment & detail of outdoor exercise areas

Sheriff Hutton Parish Council	Objection
Environmental Health Officer	No objection subject to proposed mitigation being completed prior to first use

Neighbour responses: Mr Marcus Oxendale (objection), Mr Guy Newbury (objection)

SITE:

The site is situated within the open countryside 700 metres west of Sheriff Hutton on the southern side of Cornborough Road. The application site comprises the building and surrounding field immediately to the west and south of the building and amounts to approximately 1 hectare. The wider site including the field to the south amounts to approximately 3.3 hectares.

The single storey building the subject of this application is situated in the eastern side of the field. The building has a rectangular footprint measuring 18.3 metres by 6.1 metres (approx. 112m²) and is orientated north-south parallel to the eastern boundary of the site. There is an existing access off Cornborough Road and an internal access road within the field that runs eastward parallel to the northern boundary to meet the building. The building has a steel portal frame and is set on a concrete base with blockwork masonry for the lower internal dwarf walls. Externally the walls of the building comprise vertical timber Yorkshire Boarding spaced with 25mm ventilation gaps with low level brick and concrete block walls. The building has a green profile metal sheet pitched roof. There is a 4.4 metre wide by 3 metre high opening in the front, west facing elevation. The land on which the building is situated gently falls away in a north to south direction resulting in a change of level over the length of the building of approximately 1 metre north to south. At the northern, gable end of the building the eaves height is 4 metres above ground level and the ridge height is 5.5 metres above ground level. There

is a small store adjoining the southern, gable end of the building.

The boundary treatment comprises a 2 metre high vertical close boarded fence along the northern boundary beyond which is a mature, road side hedge which stands to a height of approximately 2.5 metres. A mature tree stands in the north-eastern corner of the site and the eastern boundary of the site comprises a substantial field hedge approximately 2.5 metres in height. The nearest residential receptor is the farm house at Mount Pleasant Farm 60 metres to the north-east of the building and Mill Hill Farm and Millers Barn are 350 metres to the west of the building (230 metres from the field). Public footpath number 25.85/21/1 crosses the southern field in an east-west alignment.

The site has previously been used for the grazing of sheep and equestrian purposes and the existing building was constructed under permission ref. 13/00863/FUL with the intention of housing livestock and storing hay, straw and silage. It is understood that the building is currently redundant.

HISTORY:

13/00863/FUL- Erection of an agricultural building for the storage of produce and housing of livestock. APPROVED 30.10.2013.

13/01461/FUL- Siting of two bedroom timber cabin for use as a temporary rural workers dwelling to include formation of access track and hardstanding, and provision of a domestic curtilage (retrospective application). REFUSED 30.04.2014. Appeal dismissed 05.03.2015.

15/00601/FUL- Retention of timber cabin for use as an office, staff facilities, storage area and incubator area. APPLICATION DECLINED 25.06.2015.

PROPOSAL:

Planning permission is sought for the change of use of agricultural land and building for commercial dog breeding and kennels with alterations to include formation of up to 10no. kennels within existing building.

The overall dimensions of the building would be unchanged. Internally the ground floor of the building would comprise a series of kennels separated by 100mm block walls. A false ceiling would be installed 2.2 metres above the existing ground floor level. A staircase would be installed to allow access to a mezzanine storage level at the southern end of the building. The storage area would measure 3.5 metres by 5.6 metres and would be separated from the roof void by an insulated stud wall. The building would be internally insulated. There would be 300mm of rockwool insulation below the roof and rockwool insulation batts to the walls for acoustic protection.

Externally the walls would be over clad with matching 150 x 22mm hit and miss vertical timber boarding. There would be three UPVC double glazed windows inserted in the front, west facing elevation at ground floor level. Each window would measure 1.2 metre by 1.2 metre in size. The existing opening in the front elevation would be narrowed to 1.8 metres and a set of 2.1 metre high UPVC double glazed French doors inserted. The remainder of the opening would be infilled with blockwork and timber cladding to match. A single UPVC double glazed window would be inserted at first floor level in the southern, gable end of the building. There would be no openings in the northern or eastern elevations of the building.

The existing access off Cornborough Road and internal track that leads to the building would be unchanged and there would be equivalent space for the parking of three vehicles on site. The applicant has planted a row of trees on the inside of the fence parallel to the northern boundary of the site. The field to the west of the building is enclosed by a timber post and rail fence and would be used for outdoor exercise for the boxer dogs between the hours of 07:00-21:00.

The application form states that the proposed business would generate full time employment for one person (the applicant).

POLICIES:

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

- The Ryedale Plan- Local Plan Strategy (2013)

The Ryedale Plan - Local Plan Strategy (2013)

Local Plan Strategy - Policy SP1 General Location of Development and Settlement Hierarchy
Local Plan Strategy - Policy SP6 Delivery and Distribution of Employment/Industrial Land and Premises
Local Plan Strategy - Policy SP9 The Land-Based and Rural Economy
Local Plan Strategy - SP14 Biodiversity
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development
Local Plan Strategy - Policy SP20 Generic Development Management Issues

Material Considerations

National Planning Policy Framework 2019 (NPPF)
National Planning Practice Guidance 2014 (PPG)

REPRESENTATIONS:

The Authority has received two objections from the occupant of Mount Pleasant Farm and the occupant of Millers Barn.

In summary the objections relate to the following:-

- That the building received planning permission for agricultural purposes and this proposal is not a land based rural enterprise
- The alterations to the building would change its appearance to that of a domestic residence so it no longer appears as an agricultural shed and is in a prominent position
- The likelihood of severe noise nuisance at neighbouring houses
- Unattended barking dogs and no one being on site to attend to the dogs on a night and minimise any noise
- That the noise survey is not robust and only related to a two hour period during the day
- Disturbance to local wildlife

The two objectors were made aware of the revised noise impact assessment and confirmation has been received that the two objections still stand. The occupant of Mount Pleasant Farm states that the noise assessment is still not robust and only covered a two hour period and there is a history of noise complaints from barking dogs from the previous owner.

APPRAISAL:

The main considerations in the determination of this application are:

- Principle of the development;
- The need for on-site presence;
- Design and impact upon the open countryside;
- Impact on local amenity;
- Impact on highway safety; and
- Ecological impact.

Principle of the Development

The site is in the open countryside and Policy SP1 seeks to restrict development to that which is necessary to support a sustainable, vibrant and healthy rural economy and communities. It is acknowledged that the building the subject of this application was granted planning permission for agricultural purposes (storage of produce and housing of livestock). However, the planning application seeks to change the use of the building to a non-agricultural use.

Policy SP6 supports the use of land and buildings for employment in the form of small scale conversion of existing buildings to support appropriate rural economic activity in line with the provisions of Policy SP9. Policy SP9 states that the land-based economy will be sustained and diversified with support for the conversion of existing buildings and provision of new buildings to support appropriate small-scale rural economic activity in line with Policy SP6.

It is accepted that dog breeding does not necessarily need to be a rural activity and is not a traditional component of rural economic activity. However, in this case the building that would be used for kennels has an associated outdoor exercise area in the field to the west. It is considered that the proposal represents a land-based rural business and agricultural diversification the principle of which aligns with the general aims of Policies SP6 and SP9. The change of use would take land out of agricultural use although it is acknowledged that the use of the land for exercising dogs is reversible so it is not considered to be a permanent loss.

The need for on-site presence

It is noted that the applicant currently lives in Strensall, five miles from the application site and for the last 7 years her business has involved the breeding of boxer dogs.

The application explains how the site is appropriate for the use with ample space for the dogs to exercise and be walked in a safe and managed way. The submitted details explain that the applicant wishes to improve the quality of care she provides for the dogs and the site and building provide this opportunity and is relatively close to the applicant's home.

The EHO has highlighted that the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 require that all dogs must be observed regularly throughout the day and that visits should be no more than 4 hours apart. The higher standards require a visit at least once during the night in addition.

A request was made for further clarification on the day to day operation of the site and further information was received. This explains that the applicant would arrive at the site at 08:30 hours to feed the dogs and then walk them and this is repeated at approximately 17:00 hours after which the kennels are cleaned. The balance of the time is then given over to site management and maintenance where needed. The applicant intends to visit the site during the night time period as a short term measure. The applicant's longer term aspiration, should planning permission be forthcoming, is to move to a property in Sheriff Hutton to be closer to the site.

It is important to highlight that the application details confirm that there is no intention to live on the site and that there would be no functional requirement to be on site permanently. A condition shall be included on any permission granted that limits the use of the building to kennels for the breeding of boxer dogs with a maximum of 10 adult dogs at any one time and that no part of the building shall be converted into domestic accommodation.

Design and impact upon the open countryside

Local policy requires that the proposed development is of an appropriate scale and accommodated without giving rise to unacceptable visual intrusion or adverse impacts on the character of the locality. Policy SP16 requires that the scale and design respects the local context provided by its surroundings

and incorporates appropriate soft landscaping features.

The existing building is a modern agricultural shed of steel frame construction that was designed for housing livestock and storage of agricultural produce. The scale and form of the building would be unchanged. There would be additional openings in the front, west facing elevation and the end, south facing gable end of the building. There would be no change to the existing roof and the walls would be over clad with matching timber boarding.

There are no direct or uninterrupted views towards the building from any residential properties. There would be views towards the site from the public footpath that runs west-east through the southern field approximately 130 metres south of the building. The parts of the building partially visible from the road and Mount Pleasant Farm above the existing boundary screening would retain an agricultural appearance. It is considered that whilst the external alterations to the building would alter the character and appearance of the building the alterations are not excessive or unsympathetic and there would be no adverse landscape or visual impact in compliance with Policies SP16 and SP20.

Impact upon local amenity

As required by Policy SP20 (Generic Development Management Issues) the development should respect the character of the area without having a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings. The use of the building and associated land has previously been associated with agriculture. The change of use has the potential to alter the character and impact of the use of the building and adjacent field on the nearest residential receptors. The main concern, given the rural setting, is the noise impact on nearby receptors and this is referred to in the objections from the two local residents and the Parish Council. The nearest residential receptor is the farm house at Mount Pleasant Farm the boundary of which is approximately 40 metres from the building and the farm house is a further 20 metres from the building. The farm house is currently screened and separated from the application site by the boundary fence, a substantial hedgerow and the road and there would be no openings in the building on the two elevations nearest to the farmhouse.

The application is accompanied by two noise survey reports. The EHO raised concerns in relation to the first noise survey report dated 26 April 2019 on the basis that the assessment was only based on 2 hours daytime monitoring (06:05-08:05 hours) and that night time ambient levels, which will be significantly lower than daytime, had not been considered. The EHO also made comments on the area of outdoor exercise, the means of ventilation and the number of dogs to be housed at the kennels. In the absence of this information the EHO could not support the application.

In the second noise report dated 10 October 2019 the ambient noise survey was undertaken over a two hour period during the night (00:00- 02:00 hours) on 30 August 2019. Ambient noise consisted of distant road noise and occasional passing traffic on Cornborough Road. The survey indicated that the typical night time background noise level is 37dB.

The existing building was not constructed for use as dog kennels and the existing structure has been designed to allow natural ventilation and not provide sound proofing. The building would house up to 10 adult dogs. The noise survey results show that if the building was not improved the noise levels would be significantly above background levels at Mount Pleasant Farm (21dB) to the north and 7dB above background levels at Mill Hill Farm and Millers Barn to the west. The noise survey states that no increase in noise level is to be expected if any puppies were to bark at the same time as the adult dogs.

The proposal includes acoustic improvements to the existing building in the form of overladding the existing vertical boarding to cover ventilation gaps in the walls; the use of rockwool insulation in the walls and ceiling and a reduced door opening size and the use of double glazed window and door units. The noise survey confirms that ventilation would be by the openable window in the south elevation of the building furthest from the nearest residential receptor and through the incorporation of a mechanical ventilation system details of which shall be secured by condition should permission be granted.

The noise impact assessment concludes that with the incorporation of the aforementioned improvements

to the building the use would not result in increased ambient noise and that exercising dogs are very unlikely to be a source of noise. The EHO has confirmed that in light of the proposed improvements to the building meaning that noise levels at the nearest noise sensitive receptor will not be above the existing ambient level the proposed development is considered to be acceptable.

The EHO has been made aware of the concerns raised by the Parish Council and objector in relation to the robustness of the updated noise impact assessment. The noise reports summarise that there is an element of uncertainty with regard to the acoustic calculations. This is a standard caveat on noise surveys and the noise report acknowledges that in this case dogs barking is difficult to predict and no specific guidance exists. The noise levels used in the calculations assume that all 10 dogs will bark at the same time at the same level and for the same duration. In response the EHO has reiterated that the methodology adopted for the second noise assessment was satisfactory to establish ambient noise levels and the formal comments made by the EHO on 5 November 2019 remain.

The applicant has also been made aware of the EHO's observation that The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulation 2018, stipulate the required size of kennels for breeding dogs and this may impact on the number of kennels it will be physically possible to provide within the building. The applicant is seeking planning permission for the change of use prior to obtaining the necessary licence. If planning permission is granted it would be for up to 10 adult dogs but it would not remove the requirement for the applicant to comply with any other statutory provisions or licensing requirement.

If permission is granted it would be limited to a maximum of 10 adult dogs and that the breed housed at the site is restricted to only boxer dogs. Any permission would also require that the proposed over cladding, reduction in size of the existing opening and the internal insulation works are completed prior to the building being first brought into use. The proposed hours of outdoor exercise in the field to the west of the building will be limited to between 0700-2100 hours daily.

Notwithstanding the conditions required to minimise noise disturbance if permission is granted it is recommended that conditions are included to require the submission of details of the procedures for washing out/cleaning, drainage and waste disposal and also for the approval of any external lighting before the building is brought into use.

It is acknowledged that there is a degree of uncertainty in terms of the impact of noise from dogs at the site, however, the noise report concludes that the proposed mitigation would be effective in reducing the noise levels associated with the use of the building and outdoor exercise area. There are no objections from the EHO and subject to the recommended conditions it is considered that the change of use would not give rise to a material harm to existing levels of amenity enjoyed by the occupants of neighbouring land and buildings in compliance with Policy SP20.

Highways impact

There would be no changes to the existing access off Cornborough Road which has been formed to highways specifications and has appropriate visibility in both directions.

The proposal is a relatively small scale operation and the vehicle movements associated with the proposed use would be those of the applicant between home and the site and those of customers. There are no objections from the LHA and it is not anticipated that the proposed development would create traffic movements that would give rise to a materially significant adverse impact on highway safety in compliance with Policy SP20.

Ecological impact

The land is grassland previously used for grazing. It is considered to be of low ecological value. There are no proposals to remove or cut back any existing planting within or surrounding the site.

A concern has been raised in one of the objections that barking dogs would have an adverse effect on sensitive local wildlife such as deer, owls and hare. The dogs would be exercised in an enclosed area

and, contrary to a concern raised by a local resident, would not be left unattended when outside. It is not anticipated that the use of the field for the exercising of up to 10 adult boxer dogs would result in any significant disturbance to any wildlife or the loss of habitat and would not conflict with the aims of Policy SP14.

Conclusion

The objection of the Parish Council and the concerns raised by the two neighbours are appreciated. However, the noise impact has been the subject of two acoustic reports which recommend that the improvements to the building would be sufficient to ensure that the use of the building would not increase ambient noise levels in the locality. In the absence of any objections from the Environmental Health Officer it is not considered reasonable to refuse the application on matters of residential amenity.

The proposal represents agricultural diversification and small scale economic activity the principle of which is supported by local policy. The alterations to the building are appropriate and would not significantly alter the character of the building. Taking account of the above considerations, the site specific circumstances and the consultation response from the EHO it is considered, on balance, that subject to the recommended conditions, the proposal is acceptable and that it complies with Policies SP1, SP6, SP9, SP14, SP16, SP19 and SP20 of the adopted Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.

RECOMMENDATION: Approval

- 1 The development hereby permitted shall be begun on or before (date to be inserted).

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan
Block Plan
Proposed Plans ref. 478-03, dated April 2019.
Proposed Elevations ref. 478-04, dated April 2019.
Proposed Typical Sections ref. 478-05, dated April 2019.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Prior to the commencement of the development hereby permitted, details of the proposed ventilation system for the building shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development is first brought into use and thereafter shall be maintained throughout the lifetime of the development.

Reason: To ensure that noise from the building does not cause a nuisance to nearby residents.

- 4 Prior to the commencement of the development hereby permitted, details of the colour finish for the windows and doors for the building shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that noise from the building does not cause a nuisance to nearby residents.

- 5 Prior to the development hereby permitted being brought into use, the external and internal acoustic insulation improvements as shown on drawing ref's. 478-03, 478-04 & 478-05, dated April 2019 shall be completed to the satisfaction of the Local Planning Authority and thereafter shall be maintained throughout the lifetime of the development.

Reason: To ensure that noise from the building does not cause a nuisance to nearby residents.

- 6 Prior to the development hereby permitted being brought into use, a waste management plan shall be submitted to and approved in writing by the Local Planning Authority. This shall detail the measures to be taken to minimise environmental issues through the correct collection and storage of animal waste. It shall detail the methods of animal bedding and area cleaning. Thereafter the site shall be operated in accordance with the approved details.

Reason:- In order to protect the amenity of nearby residents, and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 7 Full details of all external lighting at the site, including lighting for site security purposes, shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The details shall include the position, height, angle of lighting, illuminance level and hours of operation. All lighting shall be installed and maintained in accordance with the approved details.

Reason: In the interests of the reduction of light pollution.

- 8 There shall be no external alteration to the building or addition of any openings, windows or doors except in accordance with the details shown on drawing ref's. 478-03, 478-04 & 478-05 dated April 2019.

Reason:- To ensure an appropriate appearance and to ensure that noise from the building does not cause a nuisance to nearby residents.

- 9 The hours of use of the dog exercise area to the west of the building as shown on the Block Plan shall be limited to only between 07:00 and 21:00 hours.

Reason: To ensure that the amenities of nearby residents are not unreasonably affected.

- 10 The building shall be used solely for kennels for the breeding of boxer dogs with a maximum of 10 adult dogs at any one time. No part of the building shall be converted into domestic accommodation.

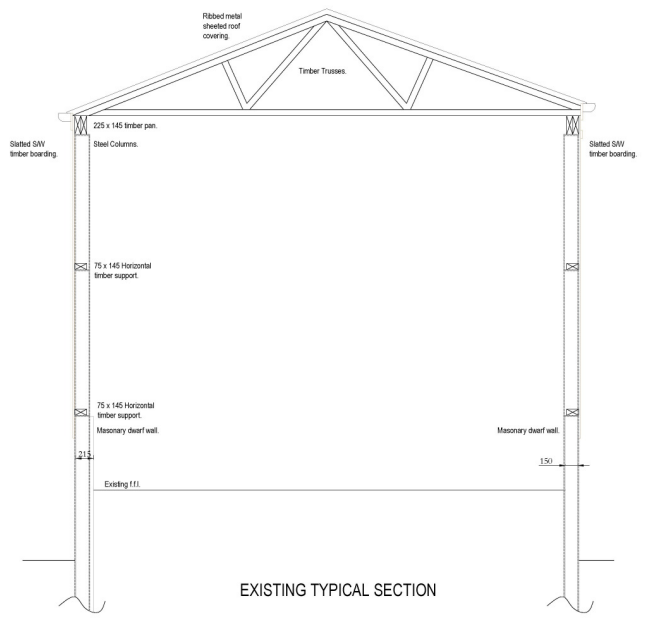
Reason:- In the interest of amenity and it is not considered that the application site is suitable for residential use.

- 11 No trees or hedges within or adjacent to the site shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed.

Reason: To ensure the desirable retention of all landscape elements that are considered to be of amenity value.







EXISTING TYPICAL SECTION



EXISTING GROUND FLOOR PLAN

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date: va11/02/15/2019

PLEASE READ THESE NOTES:
 The project owner will be responsible for any further building and other work that may be required to complete the project.
 All work must be done in accordance with the Building Regulations and any other relevant legislation.
 The contractor must ensure that the work is done in accordance with the Building Regulations and any other relevant legislation.
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 The contractor must ensure that the work is done in accordance with the Building Regulations and any other relevant legislation.



Planning Issue

Scale: 1:50 & 1:20
 Drawing No 478-01
 Date: April 2019
 Drawn: O.A.

OAKTREE ARCHITECTURAL LTD

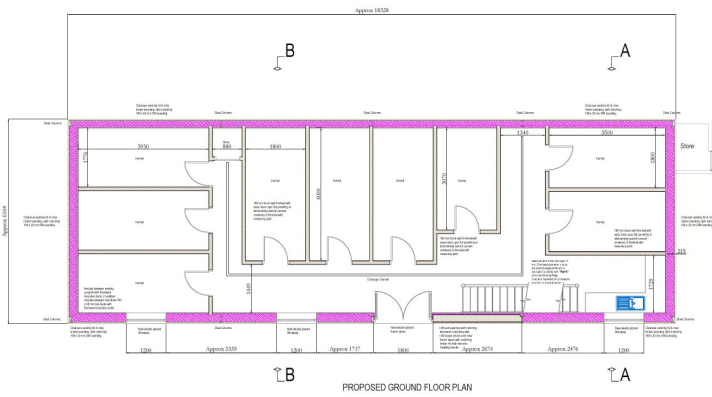
60 OAKTREE LANE
 HAXBY
 YORK
 YO23 2YL
 TEL: 01904 763250

Client:
 Mrs J Roberts,
 63 Northfields, Sirensall,
 York, YO32 5XP.

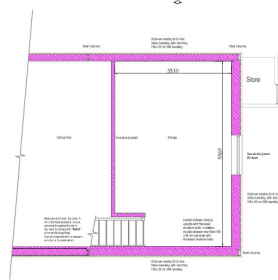
Drawing:
 Site Address,
 Land & Barn at Comborough Road,
 Sheriff Hutton, York.

Existing Plans & Section.

Do not make amendments to this drawing, work to signed drawings only. Contractor is to check all dimensions on site prior to work starting.



PROPOSED GROUND FLOOR PLAN



PROPOSED MEZZANINE FLOOR PLAN

THE CONTRACTOR'S OBLIGATION
 The contractor shall be responsible for the accuracy of their work and shall be liable for any errors or omissions. The contractor shall be responsible for the accuracy of their work and shall be liable for any errors or omissions. The contractor shall be responsible for the accuracy of their work and shall be liable for any errors or omissions.



- 1. Read and understand the drawings and specifications.
- 2. Check all dimensions and levels before starting work.
- 3. Report any errors or omissions to the architect immediately.
- 4. Maintain accurate records of all work done.
- 5. Keep the site clean and tidy at all times.
- 6. Protect all existing structures and services.
- 7. Use only the materials and workmanship specified.
- 8. Complete the work in accordance with the programme of work.
- 9. Provide a safe and sound working environment.
- 10. Comply with all relevant laws and regulations.

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Date valid 22/05/2019

Planning Issue

Scale: 1:50 Date: April 2019
 Drawing No. 478-03 Drawn: O A

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OAKTREE ARCHITECTURAL LTD

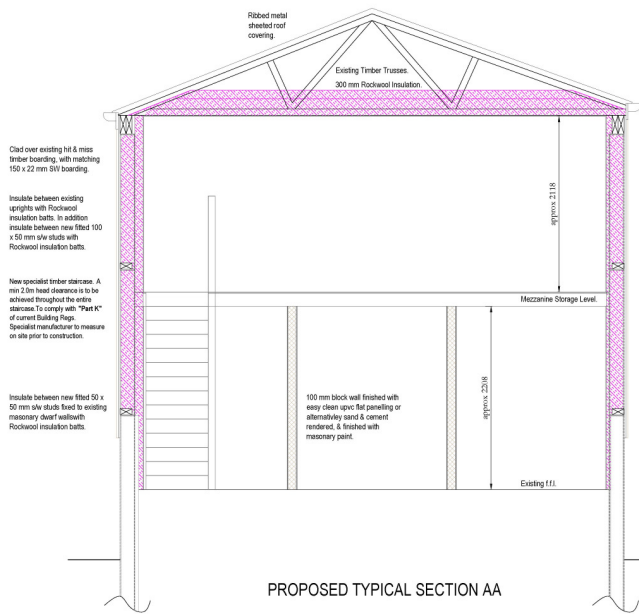
60 OAKTREE LANE
 HAZLEY
 YORK
 YO32 2TL
 TEL: 01904 763250

Client:
 Mrs J Roberts,
 63 Northfields, Strensall,
 York, YO32 5XP.

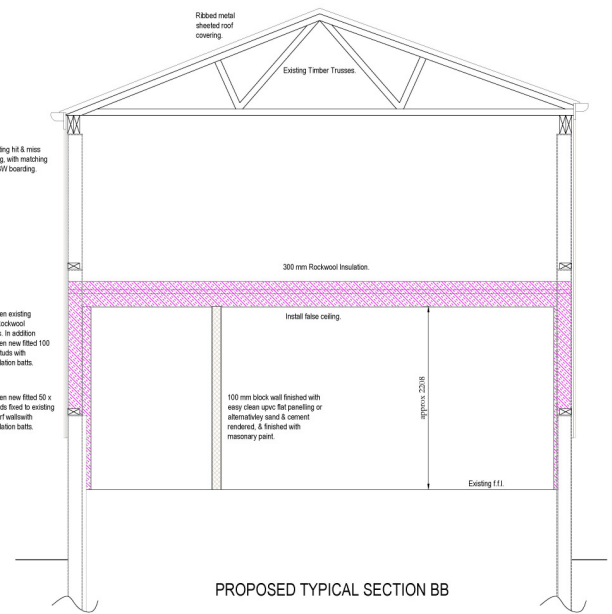
Drawing:
 Site Address:
 Land & Barn at Combrough Road,
 Sheriff Hutton, York.

Proposed Plans.

On all drawings dimensions are given in millimetres unless otherwise stated. Contractor to check all dimensions on site prior to work starting.



PROPOSED TYPICAL SECTION AA



PROPOSED TYPICAL SECTION BB

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4476-1414-23/03/2019

THE CONTRACT DOCUMENTS

The design and construction of the building shall be in accordance with the Building Regulations and the Building Act 2003. The design and construction shall be in accordance with the Building Regulations and the Building Act 2003. The design and construction shall be in accordance with the Building Regulations and the Building Act 2003.

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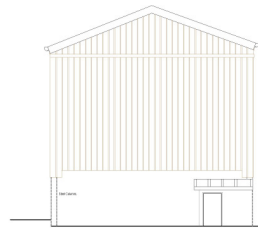
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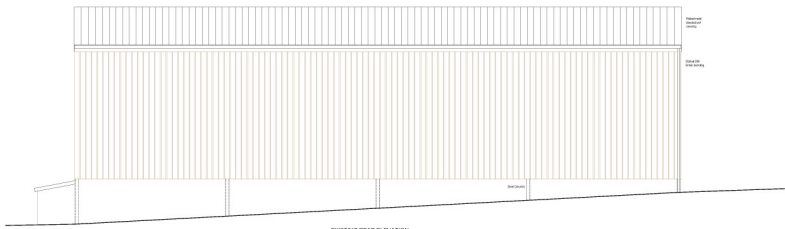
Planning Issue		OAKTREE ARCHITECTURAL LTD	
		60 OAKTREE LANE HAXBY YORK YO32 2YL TEL: 01904 762850	
Scale: 1:20 Drawing No: 478-05	Date: April 2019 Drawn: O A	Client: Mrs J Roberts, 63 Northfields, Strinsall, York, YO32 6XP.	
Revisions:		Drawing: Site Address: Land & Barn at Combrough Road, Sheriff Hutton, York, Proposed Typical Sections.	
Do not scale dimensions off this drawing, with it signed dimensions only. Contractor to check all dimensions on site prior to work starting.			



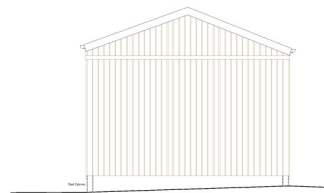
EXISTING FRONT ELEVATION



EXISTING SIDE ELEVATION



EXISTING REAR ELEVATION



EXISTING SIDE ELEVATION

REC CONSTRUCTION INFORMATION
The principal contractor shall be responsible for the accuracy of their work and shall have the principal contractor's name and address on all drawings, specifications, bills of materials, and all other documents to be used in the construction of the works. The principal contractor shall be responsible for the accuracy of their work and shall have the principal contractor's name and address on all drawings, specifications, bills of materials, and all other documents to be used in the construction of the works. The principal contractor shall be responsible for the accuracy of their work and shall have the principal contractor's name and address on all drawings, specifications, bills of materials, and all other documents to be used in the construction of the works.



- 1. Read and understand the drawings and specifications.
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- 8. Read and understand the drawings and specifications.

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Site: 11110 22/05/2019

Planning Issue

Scale: 1:50
Drawing No. 478-02
Date: April 2019
Drawn: O A

OAKTREE ARCHITECTURAL LTD

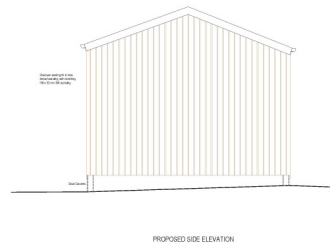
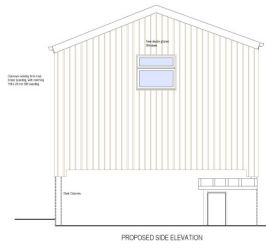
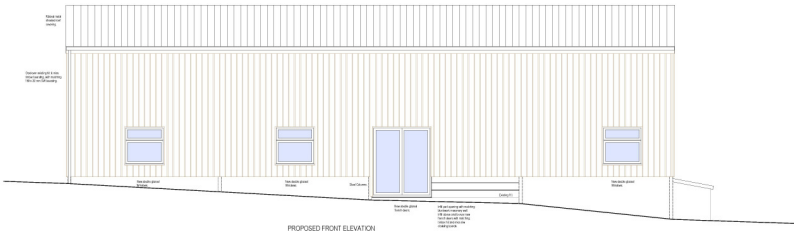
60 OAKTREE LANE
HASELEY
YO32 2TL
TEL: 01904 763250

Client:
Mrs J Roberts,
63 Northfields, Strensall,
York, YO32 5XP.

Drawing:
Site Address:
Land & Barn at Cornbrough Road,
Sheriff Hutton, York.

Existing Elevations.

Do not scale dimensions off this drawing, work to figured dimensions only.
Contractor to check all dimensions on site prior to work starting.



REC CONSTRUCTION INFORMATION
 The drawings are prepared to the best of our knowledge and belief, but we do not warrant their accuracy or completeness. We are not responsible for any errors or omissions. The drawings are prepared for the client's use only. The client is responsible for obtaining all necessary permissions and approvals. The drawings are prepared for the client's use only. The client is responsible for obtaining all necessary permissions and approvals. The drawings are prepared for the client's use only. The client is responsible for obtaining all necessary permissions and approvals.



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Date: 04/14/2019 22:05/2019

Planning Issue

Scale: 1:50
 Drawing No. 478-04
 Date: April 2019
 Drawn: O A

Client:
 Mrs J Roberts,
 63 Northfields, Strensall,
 York, YO32 5XP.

Drawing:
 Site Address:
 Land & Barn at Combrough Road,
 Sheriff Hutton, York.

Proposed Elevations.

Do not scale dimensions off this drawing, work to figure dimensions only. Contractor to check all dimensions on site prior to works starting.

Subject: Re: Planning Notification 19/00603/FUL Please see attached Letter

Dear Planning/Alan,

Sheriff Hutton Parish Council OBJECT strongly to planning application 19/00603/FUL - Land at Cornborough Road, on the following grounds:-

The objection still stands from the previous objection under the previous owner.

The new report states they heard no barking from the exercising dogs however it does not say how long they witnessed them for or the fact that as it will be a puppy farm new dogs will constantly be produced which can bark

The site has a history of noise complaints regarding dogs barking from a previous owner showing that noise can be heard at nearby properties

A government planning inspector has previously ruled that this is a unsuitable use for the site. The site is agricultural land.

The noise report states that ventilation for the dogs will be by opening the windows therefore making all soundproofing pointless, no figures are shown for sound produced with the windows open.

The noise report is based on what can be heard inside the shed, no readings were taken at the affected houses for noise that will be made by the proposal. The report admits that the measurements may not be representative of the location of the nearby houses and just a 2 hour period of testing may not be representative of the background noise level.

They also note in the report that dogs barking is difficult to predict so the level of noise cannot be accurately predicted.

The external appearance of the shed will be severely changed to a much more residential appearance, again this is against a previous ruling by a government planning inspector.

The loss of amenity to the nearby homes, some less than 60 m away could be severe particularly in the summer months when windows are open for ventilation.

The Parish Council are very much against this planning application and would like to see it rejected.

Best Regards,

Louise
Clerk - Sheriff Hutton Parish Council

Subject: Planning Application 19/00603/FUL - Land at Cornborough Road

Dear Alan/Planning,

Sheriff Hutton Parish Council wish to OBJECT strongly to the above planning application.

A defra study in 2005 noted barking may be audible over extended distances giving rise to nuisance upto 500m. On occasion a number of dogs may contribute to an extended barking frenzy giving rise to a potentially severe noise nuisance at neighbouring dwellings. Noise complaints have also been registered at separate distances as far as 800m which would reach the village of Sheriff Hutton.

The noise survey is incorrect and wholly inadequate. It states that the nearest farm is over 60m away when the actual distance is just 38m to the nearest garden and just 51m to the nearest house. In accordance with policy SP20 (generic development management issues) the new development will have a material adverse impact on the amenity of present and future occupants, the users or occupants of neighbouring land and buildings, or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenities can include for example noise, dust, odour, light, loss of privacy or be an overbearing presence. This development would cause severe loss of amenity to the nearest residence and highly likely to impact on the other nearby properties and even the village of Sheriff Hutton. Barking dogs can be heard from the village at the site so it works both ways with the prevailing wind from the west carrying sound.

The application states that the barn will be externally clad to try insulate the building. Whilst this will further alter the external appearance of the building there is no proof of the effectiveness of the proposal in reducing excessive barking from the site. The noise study ran for only 2 hours on one day - what about night time when background noise will be at a minimum and the dogs at their loudest or the effect of wind carrying the noise further? Sound proofing a building that was never intended to be used in that way will be virtually impossible, other than making it virtually airtight which wouldn't be healthy for the dogs. What happens in a warm, hot summer - is the shed kept closed or are the windows and doors opened for ventilation making the insulation pointless in regards to sound proofing?

The changes to the design inside and outside the building make it look more like the beginnings of a barn conversion to a residential dwelling with the addition of double glazing windows and doors and a new upstairs area completely altering its appearance from the rural building that it is.

The building was only given planning permission on the condition that it was used as an agricultural building for the storage of feed and the shelter of agricultural animals namely sheep. This was upheld on appeal by an independent planning inspector under the previous ownership. Change of use would set a precedent throughout Ryedale allowing relatively new build agricultural buildings to be converted to non-agricultural use.

Policy SP9 of the Ryedale plan only supports the construction of new buildings if necessary for land-based activity and a working countryside. This includes equine and agricultural purposes. As stated by the planning inspector the building sits in an attractive landscape and there are extensive views from the building. Therefore the building is visible as an element of landscape from a considerable distance. It is a modern agricultural building rather than one

that displays the craft and traditions that have contributed to the attractiveness of this whole area. Therefore its visual impact should be kept to a minimum and the proposed external changes would undermine this. Policy SP16 of the Ryedale plan states amongst other things that it aims to reinforce local distinctiveness by ensuring that new development respects the context provided by its surroundings. The introduction of windows and doors would go against this policy.

In a previous ruling on the site a planning inspector ruled he did not regard the sale of puppies as a legitimate component of a land-based rural enterprise. Nothing has changed in this respect and therefore this application goes against the Ryedale Local plan.

Ryedale plan strategy policy SP1 restricts development in the open countryside to that which is necessary to support sustainable, vibrant and healthy rural economy and communities. Policy SP9 offers support for new buildings that are necessary to support a land based economy. Dogs are domestic animals and the breeding of and conversion of agricultural buildings are not therefore a eligible land use.

The Parish Council hope that you take all of these points into account and refuse the application.

Best Regards,

Louise
Clerk - Sheriff Hutton Parish Council

Item Number: 8
Application No: 19/01151/73
Parish: Terrington Parish Council
Appn. Type: Material Amendment
Applicant: Mr & Mrs P Scaling
Proposal: Removal of condition 13 of planning approval 16/01226/OUT dated 07.03.2017 - local occupancy condition
Location: Land And Buildings West Of Terrington C Of E School North Back Lane
Terrington North Yorkshire

Registration Date: 7 October 2019
8/13 Wk Expiry Date: 2 December 2019
Overall Expiry Date: 6 November 2019
Case Officer: Rachael Balmer **Ext:** 43357

CONSULTATIONS:

Paul Jackson AONB Manager Objection
Terrington Parish Council Comments

Neighbour responses: Mr Ian Tindale

1.0 SITE:

1.1 The site is an engineering workshop with hardstanding. It is located within the Conservation Area of Terrington and is positioned to the immediate west of the Terrington C of E School. It is within the Howardian Hills AONB. Planning permission was granted in outline (16/01226/OUT) for a single dwelling with attached garage. There is a mixture of residences and services in proximity (including parking for the school).

2.0 PROPOSAL:

2.1 The site has been on the market since June 2018 without sale, which is over 17 months. It has been marketed with a sale price of £150,000. This was 15 months after outline planning permission was granted for a dwelling. The applicant seeks the removal of the Local Needs Occupancy Condition (Condition 13) (herein referred to as LNOC) which they see as a barrier to the sale, and ultimately development on the site. The condition requires that:

The dwelling hereby approved shall only be occupied by a person(s) together with his/her spouse and dependents, or a widow/widower of such a person, who:

- 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
- 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
- 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 satisfy the requirements of Policies SP2 and SP21 of the Ryedale Plan - Local Plan Strategy.

- 2.2 The applicants have not submitted any independent valuation appraisal, just the sales particulars of the agents with whom the property is being marketed for sale. They have also not provided any specific details for the reasons why the interest shown has not then led to a sale. Nor was the price rationale discussed with the Local Planning Authority prior to the land being placed on the market. Accordingly, the Council has sought to obtain two independent valuations of the site. These are discussed within the body of the report.
- 2.3 The site has not been reduced in value in the 17 months it has been for sale. The applicants have not sought to establish whether a mortgagee in possession clause could overcome specific lenders concerns and bring about a sale (as it did at their other site in Terrington see application 17/00980/73 which followed the earlier outline planning permission Ref. 16/0127/OUT).

3.0 HISTORY:

- 3.1 Erection of dwelling with attached garage to include demolition of existing engineering workshop (site area 0.051ha)- approved with the Local Needs Occupancy Condition.
- 3.2 No further relevant planning history.

4.0 POLICY:

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 confirms that the determination of any planning application must be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises:

The Ryedale Local Plan Strategy (2013)

The Policies Map (2019)

The Local Plan Sites Document (2019)

The Yorkshire and Humber Plan (Regional Spatial Strategy)- York Green Belt Policies (YH9 and Y1)

(The latter two components are not considered as part of the determination of this proposal)

The Ryedale Plan - Local Plan Strategy (5 September 2013)

Policy SP1 General Location of Development and Settlement Hierarchy

Policy SP2 Delivery and Distribution of New Housing

Policy SP12 Heritage

Policy SP21 Occupancy Restrictions

Material Considerations:

National Planning Policy Framework (NPPF) (2019)

National Planning Practice Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

1990 c. 9 Part I Chapter VI Special considerations affecting planning functions

s.72 General duty as respects conservation areas in exercise of planning functions.

5.0 CONSULTATIONS:

- 5.1 A brief summary of the position of statutory and non-statutory consultees is included on the front sheet of the report and issues raised are addressed in the relevant appraisal sections of the report. All consultation responses are available for Members to view on the public access webpage, and referred to in the report accordingly.

- 5.2 The Parish Council provided an extensive response which is attached in full and is summarised as follows: They are of the view that the site has been marketed for long enough. That there has been interest but the Local Needs Occupancy has been the issue which prevented a sale. They suggest that a mortgagee in possession clause is used, at the very least to give the lender/receiver in the event of a default on the mortgage, the ability to sell without being fettered by the condition. They consider it should be applied without exception, such as through the policy- and they are aware this could be part of any review of the Plan. They conclude that the condition should be lifted.
- 5.3 The AONB Manager objects to the proposed removal of the condition for the following reasons:
- 1) The same policies remain in force now, as which were applied to the original scheme. It therefore stands to reason that if the original applications were to be submitted now then they would be approved in the same way, with an LNOC in place.
 - 2) Re. Mortgagee in possession clause, (Approval 16/01227/OUT) faced exactly the same issues, with a prospective purchaser from Terrington village unable to raise the funds via a mortgage because of the wording of the LNOC. Planning Application 17/00980/73 sought to add an additional sentence to the LNOC, to read: "The obligations contained in this condition shall not be binding or enforceable against any mortgagee or any receiver appointed by such a mortgagee or any person deriving title through such as mortgagee or receiver provided always that a successor in title of such a person shall be bound by the obligations contained in this condition". This application was Approved and one assumes that a mortgage was raised, because that site is now at foundations stage.
 - 3) Without an LNOC in place, the dwelling becomes market housing and the LPA has no control over who occupies it, thereby negating the Local Plan policy objective of restricting housing in non-Service Villages to local needs only.
 - 4) It should also be borne in mind that the LNOC applies not to the developer but to the occupant. The applicant has presented evidence indicating that the site has not sold as yet to an owner/occupier, but hasn't presented any evidence of alternative options. One would be an amendment to the wording of the LNOC, as described above; a second might be to submit a revised Outline application for say two semi-detached houses, or even three terraced cottages. This might make the site more attractive to a local property developer for a build-to-rent scheme, which would also be of significant benefit in diversifying the housing stock of Terrington village. Given that windfall sites in the AONB are very few and far between, it is far too soon to write this site off as 'undevelopable' with an LNOC in place - all that the marketing to date demonstrates is that it doesn't appear possible to sell a site that has taken the predictable approach of obtaining consent for the largest house possible, rather than being more imaginative.
 - 5) I therefore wish to Object to this application, on the basis that it would be contrary to Local Plan policies and inconsistent with other decisions made for applications in both Terrington and other villages within the AONB. Given that the second site Approved in 2016 faced the same issues, but appears to have navigated these successfully by changing the wording of the LNOC (but not removing it), I don't believe that the full removal is justified. I would also wish other development options for the site to be explored before full removal could be considered.

6.0 APPRAISAL:

- 6.1 The main considerations to be taken into account are:
- i) Principle of the loss of the LNOC at this site on the proposed dwelling; and
 - ii) Any further site-specific considerations

i) Principle of the loss of the LNOC at this site on the proposed dwelling

- 6.2 Policy SP1- General Location of Development and Settlement Hierarchy- identifies other villages as being areas of housing restraint, and development is restricted to that which is necessary to support a sustainable, vibrant and healthy rural economy and communities. Accordingly, Policy SP2 sets out the limited scenarios where new residential development will be permitted. This includes the redevelopment of previously developed land and buildings, subject to the Local Needs Occupancy Condition which is set out in Policy SP21, and is applied in perpetuity as set out above, and is applied on the following basis:

"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.."

- 6.3 On that basis, it is important to understand why the condition is imposed. This is not a condition imposed as an after-thought, but an integral part of the operation the Development Plan in the provision of housing; as referred to by the AONB Manager. The role of the policy-led condition, in-conjunction with the other components of Policies SP1 and SP2, is to restrict development out with the larger settlements, to ensure that developed is focused on the larger towns and, to a lesser extent, the Service Villages. The LNOC is applied to ensure that in such a large, relatively sparsely populated District, as Ryedale is, residential development in the smaller settlements is restricted to that which meets locally-derived need.

- 6.4 The application of the LNOC is still concerned with Market Housing, and is not, in planning terms, capable of being considered or treated as an 'affordable dwelling'. That being said, there is anecdotal evidence that the application of such a condition, does give those who meet the LNOC a much greater chance to genuinely compete in the housing market compared to those further afield. This is, however normally in relation to the smaller scale, lower priced dwellings. It can also with the c.15%-20% depression in value, making it more affordable than had the dwelling been without restriction market. This is the Council's experience of the other site in Terrington.

- 6.5 Aligned to this, there have been a number of purely speculative applications for the development of dwellings subject to the LNOC. Application 16/01226/OUT is one such application. Whilst the Local Plan Strategy does not preclude this, because landowners/applicants may have occupants in mind. It is a risk for those who make such applications without an identified occupier, or buyer, to meet with any of the conditions. As the Howardian Hills AONB Manager has identified, properties built with the LNOC do not have to be owned by their occupier. In this instance, the site has not been built out, and has only outline permission, as such the scheme is on a fully speculative basis.

- 6.6 The Lifting of Occupancy Conditions is also considered in part g of Policy SP21:

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.

- 6.7 As outlined above, the Local Plan Strategy does already provide the policy means for the Local Planning Authority to lift such occupancy conditions. It is however, as set out in the Plan, to be considered "on a case by case basis, and the capability and suitability of the unit being occupied as a permanent residential unit together with any changes in circumstance which mean the occupancy restriction is no longer applicable, will be carefully considered." Members will be aware that a series of appeals have been made for the lifting of the LNOC on sites which have no dwelling on them. To date, all those appeals have been dismissed by

Inspectors on such sites, and the condition has remained in place. They have concluded that in the absence of a local need then the dwellings should not come forward. So it is clear that in the operation of the Development Plan the application of such conditions has been tested, and is deemed to be reasonable, as part of the implementation of the Ryedale Plan-Local Plan Strategy. The Inspectors have concluded that such appeals demonstrate that there was no local need for the dwelling in the first place. Therefore, to lift the condition in such an instance would be resulting in development which is counter to the general approach to development set out in the adopted Development Plan.

- 6.8 Occupancy conditions can be lifted/modified (through the s.73 application route), and this has, in specific instances, been undertaken. Only when the documentary evidence is provided that the property has been marketed at a price which reflects the LNO (usually a 15% reduction in value), for a reasonable period of time (12 months), without success, or there is some exceptional circumstances which warrant a departure from the Development Plan. It should also be noted that this is in respect of properties that already exist - not 'on-plan' dwellings.
- 6.9 The Mortgagee in possession clause, mentioned by both the Parish Council and the AONB Manger has not been considered by the applicant. This is not unsurprising, as it a feature which is very much driven by the Lender. The Local Planning Authority has taken the view on previous applications that when it comes to the mortgagee in possession clause, the onus is on the buyer's lender to confirm what wording they feel comfortable with, as a starting point. It should be noted that the example of the current wording applied, to date, only allow the lender/receiver to sell the property to a person who does not comply. However, on the subsequent sale, the condition is worded such that it is 'revived' or kicks back in.
- 6.10 Officers share the view of the AONB manager that, if the condition is lifted, that the property can be occupied by anyone. Whilst this may satisfy the seller and the builders, for the most part, in a high value, attractive area such as Terrington that owner/occupier will be a person(s) who is not even likely to be currently within the Ryedale housing market- particularly for a larger property such as this.
- 6.11 The supporting statement at paragraph 10.6, states that "the applicants have lived and operated a business in Terrington for many years and wish to continue to reside in the village. Selling the site would allow them to properly retire and allow them to reside in the village". These are personal circumstances which in the view of Officers would not outweigh the provisions of the Development Plan. Officers have, based on that statement, questioned why the applicants have not sold their existing property and commissioned the building of a dwelling for themselves. If that is the case, given that they are in compliance with the LNOC, and they may be in need of housing which better meets their needs. It is also of note that the applicants have also already sold a site at Terrington.
- 6.12 The report has until now focuses on the policy context considerations, and Officer's experience of the LNOC to date. In a recent application where the LONC was lifted on a property that was built and on the market. The external valuation was a critical piece of evidence to establish that the property has been priced to reflect the depression in the value that the LNOC brings. The key aspect in the consideration of this application is therefore the results of the two valuations findings. This was done because the property is only subject to outline permission, and so there is capacity for some variance in the value of the land, depending on the built-cost of the scheme approved at Reserved Matters stage.
- 6.13 This site does have extra site costs involved in its redevelopment and those costs would need to be properly factored into the guide price. It was key to understand whether the market price reflected those costs in conjunction with the presence of the LNOC on the basis of the expected resultant value of the dwelling. Valuations were sought from Cundalls and Boulton and Cooper, both companies are very familiar to the Ryedale Property market and have experience of the impact of the LNOC. Members are able to view the full documents on the public access pages. A summary of their findings is provided below:

- 6.14 Cundalls undertook a residual land valuation calculation. This is where the Gross Development Value (GDV) of the end property is first derived, and then all costs associated with the building of that indicative property are subtracted in order to arrive at a residual valuation that a purchaser would hypothetically pay for the property. The outline did have some indicative details: Cundalls estimated that the property would be a 4 bedroom, detached two storey dwelling of approximately 160 square meters or 1,722 square feet.
- 6.15 The survey assumed that no contamination investigation (potential or actual) has been undertaken. The site was use for agricultural trailers in terms of repairs. As such, on the planning permission the following condition was imposed:

"Development shall not begin until an investigation and risk assessment of land contamination has been completed by competent persons and a report of the findings submitted to and approved in writing by the Local Planning Authority. This shall include an appropriate survey of the nature and extent of any contamination affecting the site, and an assessment of the potential risks to human health, controlled waters, property and ecological systems.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors. "

As such, the presence of contamination would further detract from the value of the land based on any remediation costs. This is, in the absence of such a survey, an unknown. Without the survey and report it is not possible to precisely quantify the costs of remediation (if any) but to assume that if there were costs, a buyer would want to factor them into the costs of the site. This was undertaken by Cundalls.

- 6.16 The Valuation by Cundalls is thus;

Gross Development Value of between £500,000 to £520,000

Minus the depression by the Local Occupancy Clause of 20% to between £400,000 to £415,000.

BCIS development/construction costs, and site clearance (£195,000 which includes £20,000 for site clearance and removal of asbestos)

Contingency 5% (£9,750)

Professional Fees 5% (9,750)

1% disposal fees £ (4,150)

Finance 5% (£7500)

= £31,200

Profit on GDV (10%) which is £40,000 to £41,000

This results in a residual value of between £125,000 and £135,000

Whilst a range of values is provided, they represent a realistic appreciation of the potential values associated with an outline scheme.

This is between £15,000-25,000 less than the current asking price. Whilst, as Cundalls have pointed out it might be expected that the asking price would be a little higher (simply to test the demand) this is quite a big difference.

6.17 Boulton and Cooper valued the property using the following rationale:

They too have applied the information submitted at the outline application: with a gross internal floor area of the proposed residential unit 160sq.m excluding the adjoining garage. Boulton Cooper also used the residual method of valuation with the comparable method of valuation (although the report notes the lack of direct comparable evidence of such properties in the locality).

6.18 The site's market value lies in the region of £135,000. They consider the guide price of £150,000 to be reasonable.

Their valuation is thus:

£520,000 Gross Development Value

£420,000 (Less 20% discount to reflect the LNOC)

-£190,000 less build costs including demolition etc

-£50,000 less development profits of 10%

-£10,000 less sales fees of 2%

-£10,500 less interest on the build at 5.5%

-£25,000 less 15% contingency

= £134,500

Estimation Market Value of the subject property based upon the above RMV

£135,000

6.19 The two independently produced valuations have both come out with a figure of £135,000 as the top end value of the plot with the LNOC. This is based on the standard methodology and they have used the same starting point using the scheme details which were part of the outline planning permission.

6.20 Whilst remediation costs have been factored in to an extent, it is important to remember the potential for unknown contamination. The fact that a purchaser will be mindful of the potential impact of the planning conditions such as those to deal with surveys for contamination and their potential for remediation. Aside from the known asbestos there is potential for contamination from fuel, oil, and battery fluids given the use as a vehicle workshop. The uncertainty around this aspect cannot be underestimated for either a developer or for the intended owner/occupier of the site.

6.21 Officers therefore consider that it is not justified to depart from the provisions of the Development Plan in respect of lifting the LNOC on this site based on the valuation. There are no material considerations which would outweigh departing from the Development Plan. This is based on the relative consistency of the valuations provided, which show that the land has been marketed at an elevated price of between £15,000 to 25,000 pounds. It is also supplemented by the lack of detail around the interest the scheme generated. It is considered that the site has not been valued at a price which reflects the outline consent, in combination with the site's re-development costs, which remain not fully known, and a developer profit, and this has stymied interest. It is also considered that an indication of the lack of a local need identified for such housing in the village. If there been such interest, in the 17 months the scheme was on the market (and indeed since the permission was actually granted) even with the price issues, Officers are of the view that this would be likely to have generated a sale.

This is evidenced by the other site which was granted permission, and is now under construction.

ii) Any further site-specific considerations

- 6.22 The site is within the Conservation Area of Terrington, and so Policy SP12 - Heritage- is of relevance given the statutory obligations placed on Local Planning Authorities as a result of the 1990 Act (as referenced in the earlier Policy Section). It was not considered that the creation of the dwelling would result in any harm to the character and appearance of the Conservation Area, subject to the addition of conditions. However, whilst criticisms have been levelled at the building, it has a functional utilitarian modern rural vernacular and whilst it is not attractive in the sense of being a stone barn, nor is it unduly discordant, and represent a once common feature on the edge of villages (although one which is becoming increasingly rare). As such it not considered that there are any heritage grounds, due to the lack of harm to the Conservation Area as a result of this building being retained in its current state. Maintenance (or lack of) is not a reason to depart from established planning policy.
- 6.23 The AONB manager has suggested that the scheme is more radically revised to meet perhaps a different range of end occupiers. Whilst Officers would not dispute the fact that that the property could be let, and that alternative schemes could be considered, these matters are beyond the scope of what the Local Planning Authority is being asked to consider in the current application. The Local Planning Authority must consider the implications of the development as presented by the applicant, based on the planning history and description of the development by virtue of the outline planning permission and this s.73 application.
- 6.24 The principle of the site's redevelopment for residential development (subject to Plan compliance) has been established by the outline planning permission. During the outline application's consideration support was made by the Head Teacher of the sites re-development. This was reiterated in the supporting statement to this application. No noise complaints have been made, and the site is inactive. If noise complaints did arise then other enforcement regimes would address the matter of noise nuisance. Therefore, any arguments made around enhanced amenity do not outweigh the need to consider compliance with the Development Plan.
- 6.25 The fact that the application will lapse on the 6 March 2020 is also not a material consideration which would warrant a departure from the Development Plan. The applicants can re-apply or submit a Reserved Matters application to keep the outline planning permission 'live'.

Conclusion

- 6.28 The independent valuations have confirmed that the property has not been marketed at a price which reasonably and robustly reflects the presence of the LNOC nor the costs associated with the development of this site (which could increase if remediation is necessary for contamination above and beyond currently identified). The applicant has not provided any specific details of the interest and reasons why the interest in the site did not progress to a sale.
- 6.29 A mortgagee in possession clause can be used to provide comfort to the lender in a default and has been applied in two instances, one of which is in Terrington. This is not relevant as a lender is unlikely to lend on the site given its asking price.
- 6.30 Accordingly, Officers are unable to recommend that the LNOC is lifted, as the property has not been marketed a price which reflects fully the LNOC and the site context.
- 6.31 The lack of interest in the site is considered to be reflective of both the sale price of the site, and the lack of local need. If the LNOC is lifted, it will be sold on the open market and not meet an identified local need. Planning Inspectors have dismissed appeals on that basis, as it results in a development which is not in accordance with the Development Plan.

- 6.32 The application is therefore recommended for refusal, as there are no material considerations raised by the site which would be of sufficient weight to justify a departure from the adopted Development Plan.

RECOMMENDATION: Refusal

- 1 The property subject of this s.73 application has not been marketed a price which robustly reflects the implications of the Local Needs Occupancy Condition (LNOC) and the site context. This is in terms of the nature of the former use of the site, and the unknown costs associated with the development of this site (which could increase if additional remediation is necessary for contamination above and beyond that currently identified). The applicant has not provided any specific details of the interest and reasons why the interest in the site did not progress to a sale. The lack of interest in the site is considered to be reflective of both the sale price of the site and the lack of local need. Lifting the LNOC would result in a dwelling being sold on the open market, and not meeting an identified local need.

As such the proposal results in a development which is a departure from Policies SP1, SP2 and SP21 of the adopted Ryedale Plan Local Plan Strategy, which is focused on the restraint of market housing in the Other Villages to that which meets an identified local need. There are no material considerations identified which are of sufficient weight to justify a departure from the adopted Development Plan.

Land and Buildings West of Terrington School, Back Lane, Terrington



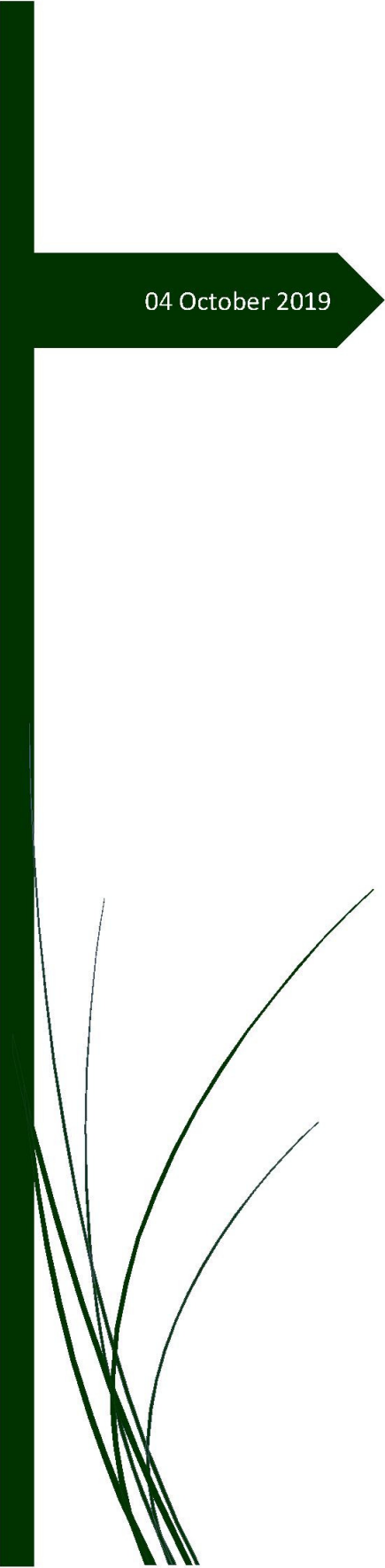
Site Plan shows area bounded by: 466837.89, 470623.05 467037.89, 470823.05 (at a scale of 1:1250), OSGridRef: SE66937072. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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04 October 2019

Planning Supporting Statement

For: Mr and Mrs P Scaling

www.cherylwardplanning.co.uk
CHERYL WARD PLANNING – MSC MRTPI

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Table of revisions

Rev/version no.	Date	Amendment details	Revision prepared by

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1. Introduction

- 1.1 Cheryl Ward Planning has been instructed by the applicant(s) to submit a planning application in relation to the area outlined in red on the attached location plan at Land and Buildings West of Terrington C of E School, North Back Lane, Terrington.
- 1.2 The application seeks to remove Condition 13 of planning permission 16/01226/OUT in its entirety following the unsuccessful marketing attempts to sever the land and buildings having generated little (if any) interest.
- 1.3 The original application for erection of dwelling with attached garage to include demolition of existing engineering workshop (site area 0.051 ha) was granted consent on 07 March 2017.
- 1.4 This Statement is prepared by Cheryl Ward Planning who holds an MSc in Town Planning and is a Chartered Member of the Royal Town Planning Institute (RTPI) and associated ICN and PERN networks.

2. Purpose of Statement

- 2.1 The statement is to be read and fully considered as a supporting document in conjunction with the accompanying planning application. Its aim is to assist those assessing the application to understand the rationale behind the request to have the condition removed. In summary, it provides a structured way of describing the proposal.

3. Planning History

- 3.1 **16/01226/OUT** – Erection of dwelling with attached garage to include demolition of existing engineering workshop at Land and Buildings West of Terrington C of E School, North Back Lane, Terrington – Approve.

- 3.2 Condition 13 states:

“The dwelling hereby approved shall only be occupied by a person(s) together with his/her spouse and dependents, or a widow/widower of such a person, who:

- *Have permanently resided in the parish, or an adjoining parish (including those outside the District), for at least three years and are not 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 and 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 satisfy the requirements of Policies SP2 and SP21 of the Ryedale Plan – Local Plan Strategy”.

- 3.3 The aim of the proposal is to seek to remove Condition 13 in whole to allow the site (land and buildings) to be free from the Local Occupancy restriction and for it to be taken forward and built out. In this case it is not considered that it will leave the site vulnerable to non-locally derived need more so than other sites.
- 3.4 The consent has been granted on a speculative basis and is a large site which requires significant site clearance before a future development can commence (comprises 0.051 hectares).
- 3.5 Although marketed for a significant period of time at a fair, realistic and an attractive price it is the local occupancy criteria that is hampering the sale and is virtually making the site unsellable and therefore unsustainable.
- 3.6 Nevertheless a marketing exercise was commenced some 14 months ago, and the land and buildings have and continue to be actively marketed continuously since June 2018.

4. Pre-Application Advice

- 4.1 The applicant(s) have engaged in pre-application discussions with the Council as have potential perspective purchasers and have been advised an application would be required to remove the condition.
- 4.2 It is further advised:

“it is important should you submit an application that you provide evidence of having marketed the site including who with, how long for, at what prices, any interest or offers received and any other information that would support your case for removing the condition”.

5. The Site

Site context and surroundings

- 5.1 The site lies in the village of Terrington and is within the designated Conservation Area and the Howardian Hills AONB. In a wider context the application site is located 4 miles west of Malton, 2.7 miles west of Castle Howard and 14 miles north east of York City Centre.
- 5.2 The site is a generous plot with a site frontage of approximately 21 metres onto North Back Lane and a depth of approximately 24 metres towards The Garth, the host building which fronts onto Terrington's main village street.

Local Landscape and Topography

- 5.2 The site (0.051 hectares) comprises a range of workshop buildings situated within a continuously built up frontage between West End House (west) and Terrington Primary School (east).
- 5.3 The site topography rises gradually up over the whole site from south to north and means the application site lies on slightly higher ground than the properties to the south which front the main village and streetscene.
- 5.5 The development (established by way of **Application No. 16/01226/OUT**) will be commensurate with the site, sites setting and surroundings together with the Terrington Conservation Area.
- 5.6 The Council's Building Conservation Officers initial concerns with regard to the application were alleviated by the detailed parameters of the site plans and schematic street elevations showing the proposed building in context with surrounding properties.
- 5.7 In essence the proposal is considered to represent an enhancement to this part of the Conservation Area and the retention of the frontage building is seen to be as important to preserving this aspect of the existing streetscene.
- 5.8 The immediate locality is characterised by residential properties and the use of the land for residential purposes is deemed to be compatible to the existing ambience of the immediate locality and village setting.

6. The Proposal

- 6.1 This proposal seeks to remove the local occupancy restriction in its entirety following a 14-month failed marketing period by the applicant and Estate Agent. The applicant can no longer continue to keep the land and building on the market and the Estate Agent confirms that the premises has been on the market for a lengthy period of time, albeit with some interest but of the wrong type.
- 6.1 The original proposal was granted outline planning permission for 1 no. local needs dwelling. No future occupants were put forward at the time of submission (and accepted). The application is to be followed up with a reserved matters application before 06 March 2020 otherwise the consent will lapse.
- 6.2 The proposal was put forward with information from three local estate agents indicating their opinions on the demand for dwellings in the village from potential occupiers who were capable of satisfying the local needs occupancy condition now applied to the land and buildings.
- 6.3 In June 2018 the applicant contacted their chosen Estate Agent and a process of marketing the property began and continues to be active.

Marketing

- 6.5 Despite the lack of interest the property continues to be marketed with Rounthwaite and Woodhead who have a wide experience of marketing all types of property in Ryedale. They offer many years of experience and now cover three actively manned offices across the District.
- 6.6 The land and buildings have subsequently been marketed across all three offices and through the residential sales menu of their website at a genuine and realistic guide price of £150,000 for approximately 550 square metres of floor area:
<http://www.rounthwaite-woodhead.com/residential-sales/1343-north-back-lane-terrington-york-yo60-6ns.html> - as at 04/10/2019
- 6.7 A sample of four local press adverts are set out in **Appendix A below** and form part of the material planning justification for the removal of the local occupancy condition.
- 6.8 In addition, the land and buildings continue to be marketed on a range of popular websites:
One the Market.com - <https://www.onthemarket.com/for-sale/property/terrington/?view=grid> – as at 04/10/2019.

Rightmove - <https://www.rightmove.co.uk/property-for-sale/find.html?searchType=SALE&locationIdentifier=REGION%5E24133&insId=1&radius=0.0&minPrice=&maxPrice=&minBedrooms=&maxBedrooms=&displayPropertyType=&maxDaysSinceAdded=&includeSSTC=on&sortByPriceDescending=&primaryDisplayPropertyType=&secondaryDisplayPropertyType=&oldDisplayPropertyType=&oldPrimaryDisplayPropertyType=&newHome=&auction=false> – as at 04/10/2019.

- 6.9 It is confirmed that all of the above sites have genuinely marketed the property and emphasise the point that the site is subject to a local occupancy clause.
- 6.10 The Estate Agents (Rounthwaite and Woodhead) have themselves confirmed that the site has been continuously marketed for 14 months and in this time has received:
- Over 50 genuine enquiries however none of those would either comply with the local occupancy clause or
 - those who would be prepared to take such a risk
 - or begin the process to seek to discharge the condition.

Mortgagee

- 6.11 In addition to the above the applicant has looked into the problem which perspective purchasers are often faced with obtaining a mortgage where a Local Occupancy is in place. Banks/building societies simply won't take on such client. Unless a cash buyer is available which one hasn't been forthcoming in 14 months then there is very little chance of someone obtaining a mortgage to take on the site.
- 6.12 It is therefore important to realise that some lenders do not offer against such criteria and where they do there are issues with the wording of clauses and that these (through a series of cascading systems) may still not deliver genuinely protected and/or affordable models for proposed occupants.

7. Place/Role

- 7.1 Terrington is designated as an 'Other Village' in the District's settlement hierarchy. The Local Plan strategy permits infill development within a continually built up frontage. The plot is confirmed to be a bonafide infill plot in the Conservation Area and this remain a material consideration whether with or without the local occupancy clause.
- 7.2 Therefore whilst the policy is met in respect of its site location and hierarchy and is further protected/restricted in the future by its Conservation Area/Howardian Hills status the loss of the local occupancy clause makes the site less onerous from a planning point of view as an element of protection remains in force.

- 7.3 The site is a large site to develop and prior to the building of any dwelling the site needs to be cleared of buildings (excluding one to the roadside) and a reserved matters application is required to be submitted.
- 7.4 In summary it is not a small infill site which is ready for development or one that is suited to a Local Occupancy restriction. Despite this, it is a site in our opinion that would maintain the Council's approach/ambition to new housing in the rural area where the aim is still to address the Districts housing requirements but is one where some flexibility could be applied to normal planning policy.

8. Wider housing remit

- 8.1 There is a danger that the local occupancy restriction is not fulfilling its current role and is currently restricting and holding up the sale of the site at North Back Lane and therefore the potential wider housing market and this is confirmed by the local Estate Agent.
- 8.2 This application seeks to remove this occupancy condition to allow the land and buildings to be sold on the open market with no occupancy restriction on the future dwelling due to evidence and protracted difficulties in selling the site.
- 8.3 The application site at Terrington has the future potential to bring new development to a small village which is likely to benefit existing and future residents and one that will make a contribution to the village, and wider Districts society and economies. The District will not lose out in this sense and therefore the local connection requirement should be allowed to fall away in this instance based on the evidence submitted.

9. Planning Policy Context

- a. The Planning and Compulsory Purchase Act 2004 came into force in September 2004. It carries forward the provisions of the Town and Country Planning Act 1990, giving statutory force to a led system of development control.
- b. Under section 70(0) of the 1990 Act and section 38 (6) of the 2004 Act, the determination of planning applications must be in accordance with the approved Development Plan unless material considerations indicate otherwise. The determination of planning proposals must be in accordance with the approved Development Plan unless material considerations indicate otherwise.

National Planning Policy (NPPF) (2018)

- 9.3 National planning policy is set out in the National Planning Policy Framework (NPPF) which was published in January 2019 and is a contributing material consideration. It provides a framework within which regional and local policy is set. The publication of the National Planning Practice Guidance (NPPG) in March 2014 gives further guidance.
- 9.4 Paragraph 9 of the NPPF states that ‘planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 9.5 Paragraph 77 provides advice on rural housing. It states that ‘in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs’.
- 9.6 Paragraph 78 is keen to promote sustainable development in rural areas, ‘housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby’.

The Ryedale Plan — Local Plan Strategy (2013)

- 9.7 The Ryedale District Council Local Plan Strategy covers the whole of the administrative area of Ryedale District (excl. the NYM National Park). Ryedale District Council adopted its Core Strategy with modifications in September 2013 and together with the saved policies of the Ryedale Local Plan (2002) and the 2002 proposals maps form the Development Plan in force for the application.

SP1 – General Location of Development and Settlement Hierarchy

SP2 – Delivery and Distribution of New Housing

SP19 – Presumption in Favour of Sustainable Development

SP21 – Occupancy Restrictions.

10. Conclusion

- 10.1 The land and buildings have been extensively marketed and are continued to be marketed and have been have advertised with a local Estate Agent for a period in excess of 14 months.
- 10.2 The site has been marketed in a number of ways to capture a wider range and audience to simply being displayed in a shop window.
- 10.3 The site continues to be marketed at a realistic price of £150,000.
- 10.4 One single offer has been tentatively made at a significantly lower price than the asking price and was therefore turned down.
- 10.5 Local builders have considered the site and would be prepared to implement the development but confirm that with the Local Occupancy restriction in place it renders the scheme unviable, particularly as the site is not ready for development. As such the chances are they would find themselves in the same severely restricted position as the applicant when the site is built out to an approved development.
- 10.6 The applicants themselves are long term residents of Ryedale and have lived and operated a business in Terrington for many years and wish to continue to reside in the village. Selling the site would allow them to properly retire and allow then to reside in the village.
- 10.7 It is also important to keep existing local residents in situ and the net impact of allowing the site on North Back Lane to be sold without the restriction on the open market means the balance is technically the same i.e. existing local residents will remain in the village therefore meeting a long-term need and their future requirements without detrimentally harming the aspirations for the Districts housing needs.
- 10.8 Taking account of the above, the development is considered to uphold the Development Plan in force but allows a degree of flexibility for this particular site and it is requested that planning permission should be granted without further delay.

Appendix A



Fig 1. – Local press advert – Gazette & Herald –
 13 June 2018



Fig 2. – Local press advert – Gazette & Herald -
 04 July 2018



Fig 1. – Local press advert – Gazette & Herald –
 13 June 2018



Fig 2. – Local press advert – Gazette & Herald -
 04 July 2018

Cheryl Ward Planning

Offering a high quality, technical and locally focused Planning and Development Consultancy service. With a pragmatic and conscientious approach to all projects our core aim is to achieve the best possible outcome for our clients.

Accompanied by an in-depth knowledge of the local area and a deep-rooted understanding of local authority planning requirements the business is well equipped to deal with all-encompassing planning matters specialising in planning applications (all types) – town and rural i.e. residential, rural and equine planning projects whether it be traditional or contemporary in design.

Our planning services are continually developing to keep up with the changing dynamics of the UK planning system. This helps to widen our knowledge so that our clients are furnished with the most up to date planning criteria.

Operating to a multidisciplinary approach means we are accomplished at working with a range of stakeholders including private individuals, Estate Directors, farmers, land owners, private and public organisations/groups, Parish Councils, other professionals, clients and applicants.

Our services include:

- Pre and post planning advice
- Appraising sites for development potential
- Agricultural and Forestry Notifications
- Planning Supporting Statements
- Discharge planning conditions
- Check and send service – Cheryl Ward Planning can check forms, plans and other documents etc to make sure your application will be validated by the Council. Finally, we will submit your application via the Planning Portal on your behalf.
- Planning Enquiries
- Planning Applications (all types)
- Design and Access Statements
- Variations/amendments to planning approvals
- Prepare and submit planning appeals

NYM Moors, Yorkshire Dales, Whitby, Scarborough, Ryedale, Hambleton, Redcar and Cleveland, Selby, Wolds, North Lincolnshire, North East

5 Valley View, Ampleforth, York, YO62 4DQ

M: 07917 194204

E: info@cherylwardplanning.co.uk

W: www.cherylwardplanning.co.uk

**Valuation for Internal Guidance Purposes
Of Land and Buildings
west of Terrington Church of England School
North Back Lane, Terrington**

**Subject to Local Needs Occupancy Condition
Application reference 16/01226/OUT**

DATE OF APPRAISAL: Monday 11th November 2019

Valuation prepared by H J Scott BA (Hons) MSc MRICS
RICS Registered Valuer (No. 5020570)
BoultonCooper
St Michael's House
1 Market Place
Malton
YO17 7LR



INTRODUCTION

Thank you for your request to provide an appraisal of the Land and Buildings west of Terrington Church of England School North Back Lane, Terrington and we wish to confirm our advice as follows.

PROPERTY OVERVIEW

1. BRIEF:

We have received formal instructions from Rachael Balmer, Senior Planning Officer at Ryedale District Council, to provide a valuation for internal guidance purposes of the subject property briefly described as land and buildings west of Terrington C of E School, North Back Lane, Terrington.

The subject property was granted outline planning permission under application number 16/01226/OUT dated 7th March 2017 for the erection of a dwelling with attached garage and to include demolition of the existing engineering workshop on a site area of approximately 0.51 hectares. The decision notice stipulates that the development must commence on or before 6th March 2020.

The decision notice dated 7th March 2017 includes 14 no. conditions and associated reasons and we have been asked to comment on the valuation of the subject property, subject to the Local Needs Occupancy Condition (LNOC) 13 and whether this has been reasonably reflected within the marketed guide price. The LNOC 13 states:

The dwelling hereby approved shall only be occupied by a person(s) together with his/her spouse and dependants or a widow/widower of such a person, who:

- *Have permanently resided in the parish or an adjoining parish (including those outside the district), for at least 3 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 longstanding connection to the local community, including a previous period of residence of over 3 years but have moved away in the past 3 years, or service men and 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 3 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 3 years:-*

To satisfy the requirements of policies SP2 and SP21 of the Ryedale Local Plan – Local Plan Strategy.

We understand the subject property has been on the open market at a guide price of £ 150,000 with little genuine interest and as such the applicant has applied to the local planning authority for the removal of Condition 13 under Application Reference 19/01151/73. (Application Ref. 19/01151/73 Removal of condition 13 of planning approval 16/01226/OUT dated 07.03.2017 - local occupancy condition: Land and Buildings West of Terrington C of E School North Back Lane Terrington North Yorkshire).



We have been instructed to consider whether the marketed guide price is a reasonable reflection of the property's market value, subject to the LNOC.

2. SITE DESCRIPTION

2.1 SITE AREA:

The proposed development on North Back Lane, Terrington lies to the west of Terrington C of E Primary School. The application will involve the demolition of a 230m² steel framed industrial workshop, which we understand is now redundant and its replacement with a 2 storey dwelling and adjoining garage, and associated parking and landscaped gardens. The overall site area is 0.51 hectares.

2.2 SITUATION:

The property is situated within the popular North Yorkshire village of Terrington, where the demand for residential property is strong. Terrington is situated within the Howardian Hills, an Area of Outstanding Natural Beauty (AONB) and together with its natural assets, includes a number of local services including the local village shop, village hall, church, two junior schools and is also on a local bus service route. The village is a prosperous non serviced village with limited development in recent years. Terrington Conservation Area which encompasses virtually the entire settlement contains 10 buildings listed that have been of architectural or historic importance. The most notable of these are All Saints Church and Terrington Hall. The grass verges along the village street, the triangular grassed area with trees at the western end of the village and the grounds of Terrington Hall and Old Wells are all important features of the street scene. None of these aspects are noted to have affected the proposed new dwelling. Under Ryedale District Council's Local Plan, there is little opportunity for significant development within Terrington without adversely affecting the character of the village. It was noted in the Design and Access Statement provided within the submitted application documents that the proposed development is of a scale, design and layout that would be in keeping with its surroundings. In addition, the proposed dwelling and planning permission allows for the demolition of the engineering workshop, which holds limited architectural merit.

2.3 CURRENT USE:

The proposed site is currently occupied by an engineering workshop of 230 sq.m., this is in the form of a linked building of steel portal frame construction with part PCI and concrete block cladding under a fibre cement roof. The building has been used by the applicant, Mr and Mrs P Scaling, as a light industrial premises.

2.4 PROPOSED SCHEME:

The proposed scheme under the application reference 16/01226/OUT is for a 2 storey dwelling set back 7m from the adopted highway, North Back Lane. We note that this is to the north of the existing building and the new dwelling is shown 2m from the west boundary adjoining the dwelling. The outline plans allow for a single storey garage adjoining the east gable of the new dwelling creating a buffer to the school. There is a south facing garden noted 10m behind the house, the land beyond then drops away. The proposed dwelling would be designed to have secondary windows only to the side elevations. It is intended that the new house be constructed in natural stone with a pantiled roof and timber painted windows. It is considered that, as such, there will be no material harm to the immediate setting since the proposed scheme involves demolition of the two workshop buildings of approximately 230m². The proposed footprint of the new dwelling, including the adjoining garage is 116m² which is approximately 50% of the current built footprint.



Applying the information submitted in the outline planning application (Application Reference: 16/01226/OUT) we have considered the gross internal area of the proposed residential unit to be 160 sq.m. (1772 sq.ft.), excluding the adjoining garage (36 sq.m.)

2.5 **SCALE:**

According to the documents submitted within the planning notice, application reference 16/01226/OUT, the layout notes a 2 storey house with a footprint of 10m x 8m and an attached garage with a footprint of 6m x 6m. We understand, the site will utilise the existing vehicular access from North Back Lane. However, it must be noted that this is an outline application, and so the design, scale, access, landscaping and layout of the proposed unit will be formalised once these matters have received prior approval from the Local Planning Authority.

2.6 **MARKETING:**

We understand the subject property has been on the open market with a local firm of estate agents, Messrs Rounthwaite and Woodhead, at a guide price of £150,000 (check how long OTM). We have not been provided with any information regarding the levels of interest nor whether any tangible offers have been submitted. We assume given the property is currently on the market that no genuine interest has been forthcoming. This is not unexpected since given the nature of LNOC, the market demand is significantly reduced to those limited prospective purchasers who are able to comply with the local need conditions and requirements. The availability of mortgage funding is also problematic for properties subject to these planning conditions.

3. **VALUATION METHODOLOGY:**

We have considered the market value of the subject site, using both the residual method of valuation together with the comparable method of valuation to support the figures that we have provided. Unfortunately, it must be noted that there is a significant lack of direct comparable evidence, particularly of properties subject to local need occupancy conditions in the locality.

We have attached as Appendix 1 our residual method calculation, which sets out the figures based on a value of the completed unit (gross development value) deducting the build costs and associated costs, developer's profit, sale fees, interest on build costs to provide an estimated plot value. We have also applied a discount for the LNOC, to reflect the limited market audience and difficulties with mortgage availability for properties with such occupancy restrictions. We have then applied a contingency allowance to these figures. However, we must still highlight a degree of caution to the figures applied, as they can create significant variances, both positively and negatively. Therefore, we cannot value the subject property on a residual basis in isolation, but rather have supported our valuation with the comparable method to support our values. The residual approach is, however, the recognised method of valuation for this type of development property.

We have also relied upon limited comparable evidence in the locality. As a firm we were directly involved with the sale of a similar property at West Moor Farm, Dalby, near Terrington, which sold in December 2017 for £243,500 following a guide price for marketing purposes at offers in excess of £225,000. The property was significantly larger than the subject property, extending to an area of 0.3 of an acre and did stand with delightful views and offering greater scope for any prospective purchaser, although the build costs would be higher. The property was subject to a local needs occupancy condition, under the decision notice 16/01975/FUL.



Whilst there has been the availability of similar properties in the locality subject to similar local occupancy conditions, comparable transactional evidence in the locality is limited. We have, therefore, also relied on our local knowledge of the area and detailed understanding of the residential property market in the Ryedale area.

4. VALUATION:

We consider the market value of the subject property, subject to the local needs occupancy condition under decision notice 16/01226/OUT as at the date of our inspection of the premises on Monday 11th November 2019 to lie in the region of **£135,000 (one hundred and thirty five thousand pounds)**. We therefore consider that the guide price of £150,000 is reasonable.

Signed:

H J Scott BA (Hons) MSc MRICS
RICS Registered Valuer (No. 5020570)
Partner



Appendix I
Residual Valuation

Proposed unit 4 no. bedroom detached property with adjoining garage and gardens to all sides.

Land and Buildings west of Terrington Church of England School North Back Lane, Terrington (Application Ref: 16/01226/OUT)	
Proposed development: 4 bedroom detached house with adjoining garage and gardens	
House: four bedroom detached residence: proposed GIA: 1722sq.ft @ £280 per sq.ft.	£ 480,000.00
Plus garage and gardens	£40,000.00
	£520,000.00
Estimated Gross Development Value:	£520,000.00
Less 20% discount to reflect LNOG	£ 420,000.00
Less build costs, including garage	£190,000.00
Development profits @ 10%	£50,000.00
Sales fees @ 2%	£10,000.00
Interest on build – 5.5%	£10,500.00
Less 15% contingency	£25,000.00
Total	£ 134,500
Estimation Market Value of the subject property based upon the above Residual method of valuation	
	say £ 135,000.00



Appendix II
Sales Particulars

North Back Lane, Terrington, York, YO60 6NS - Rounthwaite & Woodhead

Page 1 of 2



Search

Home Residential Sales Residential Lettings Commercial Sale Properties by Category

Malton Office
01653 600747

Pickering Office
01751 472800

Kirkbymoorside Office
01751 430034

INFORMATION

Terms and conditions

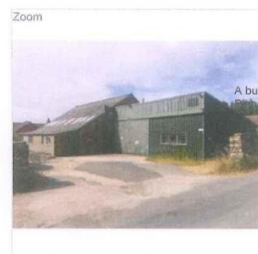
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Home > Residential Sales > North Back Lane, Terrington, York, YO60 6NS



North Back Lane, Terrington, York,
YO60 6NS

A building plot (currently with workshop) with Outline
Planning Consent for a Detached House.

Reference: 3717_PLOTNBLANE

£150,000

North Back Lane, Terrington, York, YO60 6NS

Move your mouse over image or click to enlarge

Share on Facebook!

Print

Property Details EPCs/Floor Plans

Frontage: some 22 metres Depth: some 25 metres

Area: some 0.14 Acre

Subject to a Local Occupancy Clause

Description

Outline Planning Consent (Decision No. 16/01226/OUT) was granted on the 7 March 2017 for the 'erection of a Dwelling with attached Garage to include the demolition of existing engineering workshop' on a good site in the picturesque and popular village of Terrington. The plot (which currently has a substantial but redundant engineering workshop) is on North Back Lane and has a road frontage of some 22 metres, a depth of some 25 metres and a total area of about 550 square metres.

The village of Terrington lies in the beautiful countryside of the Howardian Hills, but within easy reach of the Market Town of Malton (8 miles) and the City of York (15 miles). The village has excellent facilities including a modern and popular Village Hall, an excellent Village shop and a Public House (hopefully about to re-open). There are also two schools in the village, a Church of England School and Terrington Hall Independent Preparatory School.

General Information

Services: Mains water, drainage, and electricity are available close-by, but interested parties should make their own enquiries of the relevant local providers to ensure that satisfactory new connections are available. The vendors water supply crosses the site.

Tenure: The Plot is freehold and vacant possession will be given on completion.

Planning: The Planning Consent is available from the Agents either by post or by email. Local Occupancy Clause: Condition and Reasons: See Clause 13 of the Planning Consent.

Demolition: The purchaser will demolish the whole of the existing workshop and create the new southern boundary to the satisfaction of the vendors.

Viewing: Strictly by appointment with the Agents:
Rounthwaite & Woodhead 53 Market Place, Malton.
t: 01653 600747
e: plot@rounthwaite-woodhead.co.uk

IMPORTANT NOTICE

Messrs Rounthwaite & Woodhead for themselves and their vendors and lessors whose agents they are give notice that these particulars are produced in good faith, set out as a general guide only and do not constitute any part of a contract. No person employed by Messrs Rounthwaite & Woodhead has any authority to make or give any representation or warranty whatsoever in relation to this

<http://www.rounthwaite-woodhead.com/residential-sales/1343-north-back-lane-terrington-york-y...> 04/12/2019



Appendix III
Decision Notice

3/21/2017

RYEDALE DISTRICT COUNCIL

TOWN & COUNTRY PLANNING ACT 1950

OUTLINE APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT

RYEDALE DISTRICT COUNCIL, THE LOCAL PLANNING AUTHORITY, HAS CONSIDERED THIS APPLICATION AND HAS DECIDED THAT IT SHOULD BE APPROVED SUBJECT TO THE CONDITIONS STATED BELOW:

Application No: 16/01226/OUT
Proposed: Erection of dwelling with attached garage to include demolition of existing engineering workshop (site area 0.051ha)
at: Land And Buildings West Of Terrington C Of E School North Back Lane Terrington
for: Mr & Mrs P Sealing
Decision Date: 7 March 2017

REASON FOR APPROVAL

The proposed development is in accord with the following development plan policies and there are no other material considerations that outweigh those listed development plan policies:

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 SP12 Heritage
Local Plan Strategy - Policy SP13 Landscapes
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development
Local Plan Strategy - Policy SP20 Generic Development Management Issues
Local Plan Strategy - Policy SP21 Occupancy Restrictions
National Planning Policy Framework
National Planning Practice Guidance

CONDITIONS AND ASSOCIATED REASONS

- 01) The development hereby permitted shall be begun on or before 6 March 2020.
Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

Mr & Mrs P Sealing
C/O Bramhall Bleckham (Mr Ric Bleckham)
Unit 13
The Maltings
Malton
North Yorkshire
YO17 7DP

1/1



APPN NO: 18/01226/OUT

02 No development shall take place without the prior written approval of the Local Planning Authority of all details of the following matters:-

- (i) the layout, scale and appearance of every building, including a schedule of external materials to be used
- (ii) the access to the site
- (iii) the landscaping of the site

Reason:- To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

03 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

04 Prior to the commencement of the development hereby permitted, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external walling to be used in the construction of building. The panel so constructed shall be retained only until the development has been completed

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP16 and SP20 of the Ryedale Local Plan - Local Plan Strategy.

05 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing. Once created, these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interests of safety and the general amenity of the development.

06 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site, and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Mr & Mrs P Sealing
 C/O Bramhall Bleakham (Mr Ric Bleakham)
 Unit 13
 The Maltings
 Malton
 North Yorkshire
 YO17 7DP

APPN NO: 18/01228/COUT

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

- 07 Unless approved otherwise in writing by the Local Planning Authority, there shall be no establishment on a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction of the site, until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

(i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

(ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for appropriate on-site vehicle parking and the storage facilities, in the interests of highway safety and the general amenity of the area.

- 08 The details submitted for approval of reserved matters shall follow the principles and parameters set out in the Design and Access Statement and Site Plan and Schematic Street Elevations shown on Drawing AR10 - Sheet No. 1 dated 20 January 2017, which also provides for the retention of the existing building on site which abuts the boundary with North Back Lane.

- 09 Development shall not begin until an investigation and risk assessment of land contamination has been completed by competent persons and a report of the findings submitted to and approved in writing by the Local Planning Authority. This shall include: an appropriate survey of the nature and extent of any contamination affecting the site, and an assessment of the potential risks to human health, controlled waters, property and ecological systems.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with risks to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors.

- 10 Where land affected by contamination is found which poses risks identified as unacceptable, no development or remediation shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the local planning authority. The scheme must include proposed remediation objectives and remediation criteria, an appraisal of remedial options and proposal of the preferred option(s), all works to be undertaken, and a description and programme of the works to be undertaken including the verification plan.

Mr & Mrs P Seeling
C/O Bannhill Blenheim (Mr Ric Blenheim)
Unit 13
The Maltings
Malton
North Yorkshire
YO17 7DP

APPN NO. 18/01228/OUT

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors.

- 11 Unless otherwise agreed in writing by the local planning authority, none of the dwellings shall be occupied (or the site shall not be brought into use) until the approved scheme of remediation has been completed, and a verification report demonstrating the effectiveness of the remediation carried out has been submitted to and approved in writing by the local planning authority. The verification report shall include a description of the works undertaken and a photographic record where appropriate, the results of any additional monitoring or sampling, evidence that any imported soil is from a suitable source, and copies of relevant waste documentation for any contaminated material removed from the site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors.

- 12 In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the local planning authority. An appropriate investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be prepared by competent persons and submitted to the local planning authority for approval. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors.

- 13 The dwelling hereby approved shall only be occupied by a person(s) together with his/her spouse and dependents, or a widow/widower of such a person, who:
- 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
 - 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
 - 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

Mr & Mrs F Scolding
 C/O Bramhall Blenkharn (Mr Ric Blenkharn)
 Unit 13
 The Mallings
 Malton
 North Yorkshire
 YO17 7DF

APPN NO: 1801228/OUT

- 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 satisfy the requirements of Policies SP2 and SP21 of the Ryedale Plan - Local Plan Strategy.

- 14 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Drawing No. AR10 01 - Location and Site Plan

Reason: For the avoidance of doubt and to the interests of proper planning.

Footnote :

In dealing with and determining this application, the Local Planning Authority have sought to take a positive approach to foster the delivery of sustainable development in accordance with the requirements of the National Planning Policy Framework. As such, the Local Authority has taken steps to work proactively with the applicant to seek solutions to problems that may have arisen in dealing with this application with a view to improving local economic, social and environmental conditions.

NO CONSENT OR APPROVAL HEREBY GIVEN REMOVES ANY REQUIREMENT TO SERVE NOTICES OR SEEK APPROVAL FROM THE DISTRICT COUNCIL WHERE SUCH ACTION IS REQUIRED BY THE BUILDING ACT 1984 OR OF ANY OTHER STATUTORY PROVISION. NO PART OF THE PROPOSED DEVELOPMENT SHOULD BE STARTED WITHOUT COMPLYING WITH SUCH REQUIREMENT.



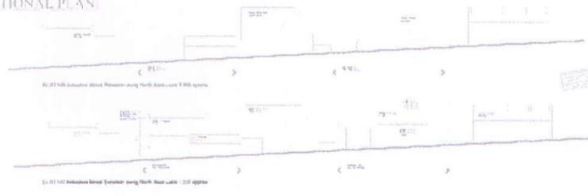
HEAD OF PLANNING & HOUSING

Mr & Mrs P Scolding
C/O Bramhall Blenheim (Mr Ric Blenheim)
Unit 13
The Millings
Malton
North Yorkshire
YO17 7DP

3/21/2017



ADDITIONAL PLAN



PLANNING SERVICES



bramhall blenkharn
Architectural Firm
1000 West Broadway, Suite 1000
Vancouver, BC V6H 4G1
Tel: 604.681.1111
Fax: 604.681.1112
www.bramhallblenkharn.com



Appendix IV

Site plan and schematic street elevations drawing no. AR10



Received 27.11.2019.

ESTABLISHED 1860

Our Ref: TKW/VJS/VR/3679
Date: 26th November 2019

Mrs Rachael Balmer
Senior Planning Officer
Ryedale District Council
Ryedale House
Malton
North Yorkshire
YO17 7HH

Dear Rachael,

**RE: VALUATION OF RESIDENTIAL DEVELOPMENT PLOT OFF NORTH BACK LANE, TERRINGTON, YORK, NORTH YORKSHIRE, YO60 6NS
PLANNING APPLICATION: 19/01151/73**


Further to our recent correspondence, thank you for instructing Cundalls to prepare an independent RICS Redbook Valuation Report with regards to preparing a valuation of the site.

Please note, I inspected the site on Thursday 21st November 2019 and please now find enclosed two hard copies of the valuation report for your safe keeping.

Please also find enclosed Cundalls fee account for preparing the report.

Thank you for your instructions in this matter and if you do have any further queries or questions with regards to my report then please do not hesitate to contact me.

Kind regards,
Yours sincerely,

 **Tom Watson BSc (Hons) MRICS FAAV**
Director

t. 01653 697820



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Cundalls
Est. 1860

15 Market Place, Malton, North Yorkshire YO17 7LP

APPRAISAL & VALUATION REPORT



On

RESIDENTIAL DEVELOPMENT PLOT/APPLICATION 16/01227/OUT
NORTH BACK LANE
TERRINGTON
YORK
NORTH YORKSHIRE
YO60 6NS

Prepared by:

Tom Watson MRICS MNAEA FAAV

Cundalls
15 Market Place
Malton
North Yorkshire
YO17 7LP

CONTENTS

Report and Valuation

Appendices: -

1. Location Plan
2. Property Plan
3. Photographs of Property
4. Planning Decision 16/01226/OUT
5. Cundalls Terms of Business

I. INTRODUCTION

We are instructed by Ryedale District Council of Ryedale House, Malton, North Yorkshire, YO17 7HH to provide an independent Report and Valuation on residential development site situated off North Back Lane, Terrington, York, North Yorkshire, YO60 6NS for independent purposes with regards to assessing marketing of property as per planning application number 19/01151/73. The valuation is based in accordance with our Standard Conditions of Engagement, and the RICS Valuation – Global Standards (The Red Book)

The property was inspected by Tom Watson BSc (Hons) MRICS MNAEA FAAV, being a qualified chartered surveyors and director of Cundalls who are a company dedicated to and experienced in the valuation and sale of residential and commercial property in the area of the subject property.

The valuation is provided in accordance with the 'RICS Valuation – Global Standards 2017 (The Red Book)'

We confirm that the valuation has been prepared for loan security purposes to determine the Market Value (MV).

The valuation, unless otherwise stated, is provided subject to the Client's Standard Terms of Business for Valuations, which are appended to this report.

Your attention is drawn to the fact that this report is not a building survey but a valuation prepared in accordance with the requirements of the Client and appropriate RICS guidelines.

All advice given is for and on behalf of Cundalls and is not provided in an individual capacity. No personal duty is owed to you by any individual member of The Practice, their Directors, Associates or Staff. The valuation report is written in the first person by the Valuer and counter signed by Stephen Edwards FRICS RICS Registered Valuer.

The property was inspected on the 21st November 2019 and the valuation date is the 21st November 2019. The property was inspected on a fine and dry day.

We were able to inspect the whole of the property internally and externally. The external inspection of the building was taken from ground level only.

As per the RICS valuation standards we can confirm that we are acting as external valuers and have no conflict of interest.

2. INFORMATION

It is assumed that the information supplied by Ryedale District Council and Mr Scaling (owner of property) is correct at the date of valuation and that there are no matters undisclosed which could materially affect our comments and opinions of value.

3. LOCATION AND SITUATION

The subject property comprises a residential development site located off North Back Lane to the north of Terrington village which lies to the west of Terrington Primary School.

The subject property comprises a mature/brownfield site currently comprising an industrial workshop building and yard area which has planning consent application number 16/01227/OUT for the erection of the dwelling and domestic garage store.

The subject property is located to the north edge of Terrington village with direct access off North Back Lane with access to the site from the public maintained highway onto a private tarmac driveway with stone wall surrounds.

Based on our OS mapping system the plot amounts to around 0.15 acres and is a roughly rectangular plot bordered by residential houses to the north, east and south and Terrington Primary School to the west.

Terrington is situated in Ryedale, North Yorkshire within the Howardian Hills Area of Outstanding Natural Beauty. It is a popular traditional village which has an attractive main street and a reasonably good range of services including village store/Post Office, Primary School and Terrington Hall Preparatory School, day ticket fishing lakes and a Lavender Farm tourist attraction.

From Terrington there is quick and easy access onto the A64 to the south which provides access to the Malton, Scarborough and York and major national road networks beyond.

The historic city of York is situated approximately 15 miles distant providing a further range of services and amenities including mainline train station offering services to London Kings Cross and Edinburgh Waverley in under two hours.

We attach at appendix 1 a location plan of the property, appendix 2 a site plan of the property and photographs of the property are attached in appendix 3.

4. GENERAL DESCRIPTION

The subject property comprises a vacant industrial premises comprising workshop/stores situated in a tarmac yard area which now has planning consent for the erection of dwelling with retention of outbuildings for domestic garage/store providing a total site area of around 0.15 acres.

The property is situated in a pleasant and quiet position off North Back Lane to the north of Terrington village.

I understand the subject property received outline planning consent application number 16/01227/OUT for "erection of dwelling with retention of outbuilding as domestic garage/store (site area 0.064 hectares)".

I understand the above planning consent was granted on 15th March 2017 and therefore work must commence by the 15th March 2020.

I understand that since gaining planning permission the property has been marketed by local estate agents Rounthwaite and Woodhead of Malton who have been marketing the residential plot for sale at a guide price of £150,000. I understand that planning consent is now being sought under application reference 19/01151/73 for "removal of condition 13 of planning approval 16/01226/OUT dated 07.03.2019 – Local Occupancy Condition".

On the date of inspection the subject property comprised a vacant industrial/workshop premises which I understand was historically utilised by the vendors Mr & Mrs P Scaling as a commercial/industrial workshop for the construction of agricultural and vehicular trailers.

The development plot currently has a road frontage of 22m and a depth of around 25m providing a total area of around 550m².

The property is accessed off North Back Lane onto a tarmac/concrete private driveway and yard area with roadway leading down to an adjoining residential property to the south which I understand is currently owned by the vendor.

At the date of inspection the property comprised the following industrial building:

MAIN WORKSHOP BUILDING

13.3m x 12.2m

A steel frame building with concrete floor, block walls and pitched asbestos roof.

LEAN-TO NORTH

10.2m x 9.53m

A steel frame mono-pitch lean too with concrete floor, sliding doors east and personnel door, asbestos roof, profile sheet cladding surrounds.

LEAN TOO STORE EAST

2.16m x 4.5m

OFFICE

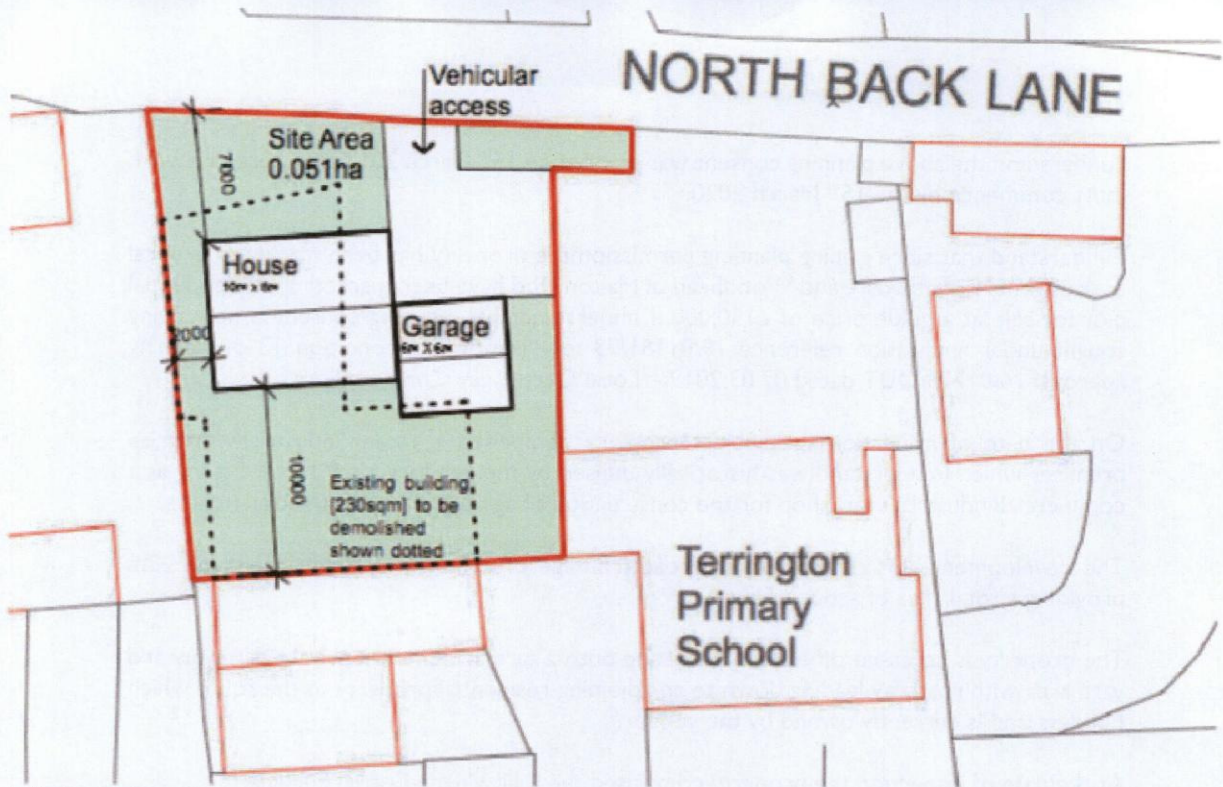
5.47m x 2.1m

STORE

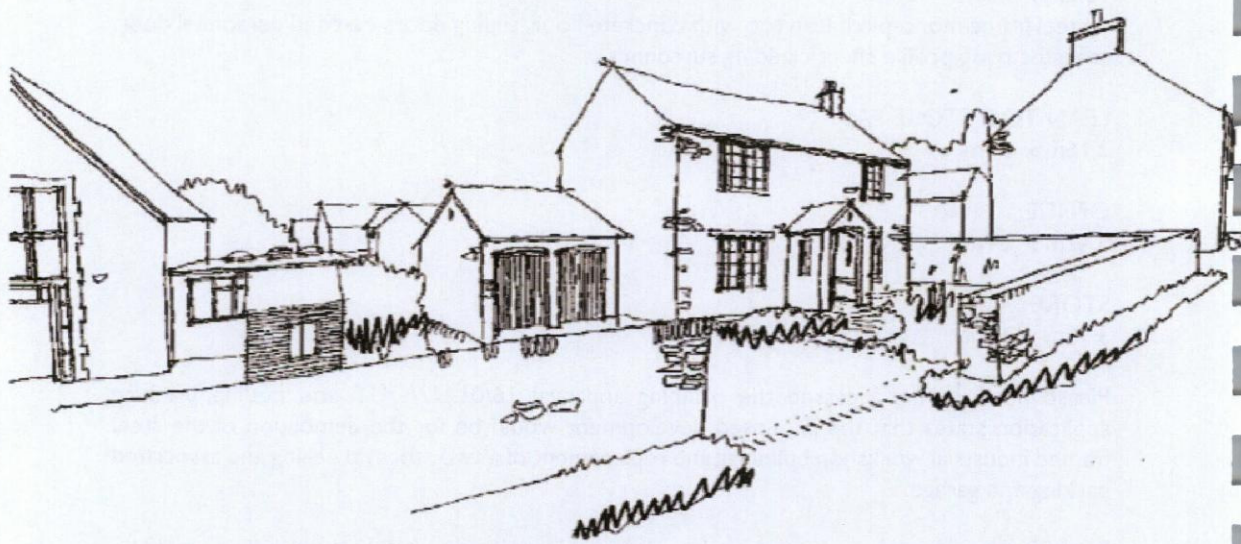
3.98m x 2.1m

Please note, having accessed the planning approval 16/01227/OUT, the outline planning application states that the proposed development would be for the demolition of the steel framed industrial workshop buildings and replacement of a two storey dwelling and associated parking and garage.

Based on the site plan shown below the proposed planning shows that the dwelling would be a two storey house constructed of natural stone under a pitched pantile roof with timber painted windows and would have an external footprint of 10m x 8m with an attached garage footprint of 6m x 6m.



Indicative Site Layout



Indicative Sketch View

I understand the site would continue to utilise the existing vehicular access from North Back Lane and that a retaining/stone wall would be built on the southern boundary between the vendors current house and the development site.

Please note, based on the outline planning application drawing above, the footprint of the property I have estimated the subject property would provide a four bedroom, detached two storey dwelling of approximately 160m² / 1,722ft².

Please note, as part of the approved planning consent 16/01227/OUT the proposed dwelling has a Local Occupancy Clause which states as follows:

“the dwelling hereby approved shall only be occupied by a person(s) together with his/her spouse and dependents or a widow/widower of such a person, who:

- 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 can not 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 and 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”.*

5. CONDITION / STATE OF REPAIR

Overall, the existing industrial commercial building on site appeared to be presented to a reasonably good standard with no essential repairs noted.

Generally the property has been maintained to a reasonably good standard, please note however that asbestos roof sheets were noted on the industrial building.

In accordance with the Client instructions, I have not carried out a building survey, nor have I inspected those parts of the property which are covered, unexposed or inaccessible.

This report does not purport to express an opinion about nor to advise upon the condition of un-inspected parts and it should not be taken as making implied representation or statement about such parts.

I recommend that the property is subjected to regular and appropriate maintenance. If the property is subject to such maintenance I believe that the property will have a useful life in excess of 100 years.

The valuation is provided on the assumption that at the date of valuation there are no inherent or latent defects affecting the property that would affect the valuations herein reported. If this assumption proves to be invalid at a later date I reserve the right to reissue the valuation report.

6. TOWN AND COUNTRY PLANNING

Local policy for the Planning Authority is now documented within the Ryedale District Council Local Plan.

I understand that the locality is zoned by the Planning Authority as being situated within the development area for residential and commercial activities.

I am not aware of any development proposals for the immediate area that may have an adverse effect upon the property.

I have consulted the Local Authority's website and understand the following points:

- The property is not subject to outstanding planning enforcement action and there is none pending.
- The property is not situated within a Conservation Area;
- The property is not a listed building; and,

Please note, I understand that the following planning consent has been recently been approved:

Please note, as part of the approved planning consent 16/01227/OUT the proposed dwelling has a Local Occupancy Clause which states as follows:

"the dwelling hereby approved shall only be occupied by a person(s) together with his/her spouse and dependents or a widow/widower of such a person, who:

- *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 can not 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 and 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".*

Please note the following planning application is pending under reference 19/01151/73 for "removal of condition 13 of planning approval 16/01226/OUT dated 07.03.2019 – Local Occupancy Condition".

7. COUNCIL TAX & BUSINESS RATES

Please note the property is yet to be assessed for council tax. Please note the property is currently liable to the following business rates:

Business Rates	
Address:	Scaling F & Son, North Back Lane, Terrington, York, YO60 6NS
Description:	Workshop & premises
Rateable Value:	£7,600

8. SERVICES

I understand the property is not currently connected to services, however I understand that main water, drainage and electric are all available within immediate proximity to the property.

Should the Client require specific commentary on the condition/ life expectancy of the services then I would recommend that the Client appoint a suitably qualified (Mechanical & Electrical) engineer to comment as appropriate.

9. ENVIRONMENTAL ISSUES/CONTAMINATED LAND

Energy Performance Certificates (EPCs)

I have accessed the EPC register online and can confirm the property is not registered for an EPC rating.

Contaminated Land

I have not carried out any investigation into past uses of the property or past or present uses of neighbouring land to establish whether there is any potential for contamination from these uses or sites to the property and have assumed that none exists.

I am not aware of the content of any environmental audit or other environmental investigation or soil survey which may have been carried out on the property and which may draw attention to any contamination. In undertaking this valuation I have assumed that no contaminative or potentially contaminative uses have been carried out on the property.

Invasive Plant Species

On the basis of my site inspection I did not note the presence of any Japanese Knotweed or any other invasive plant species at the property.

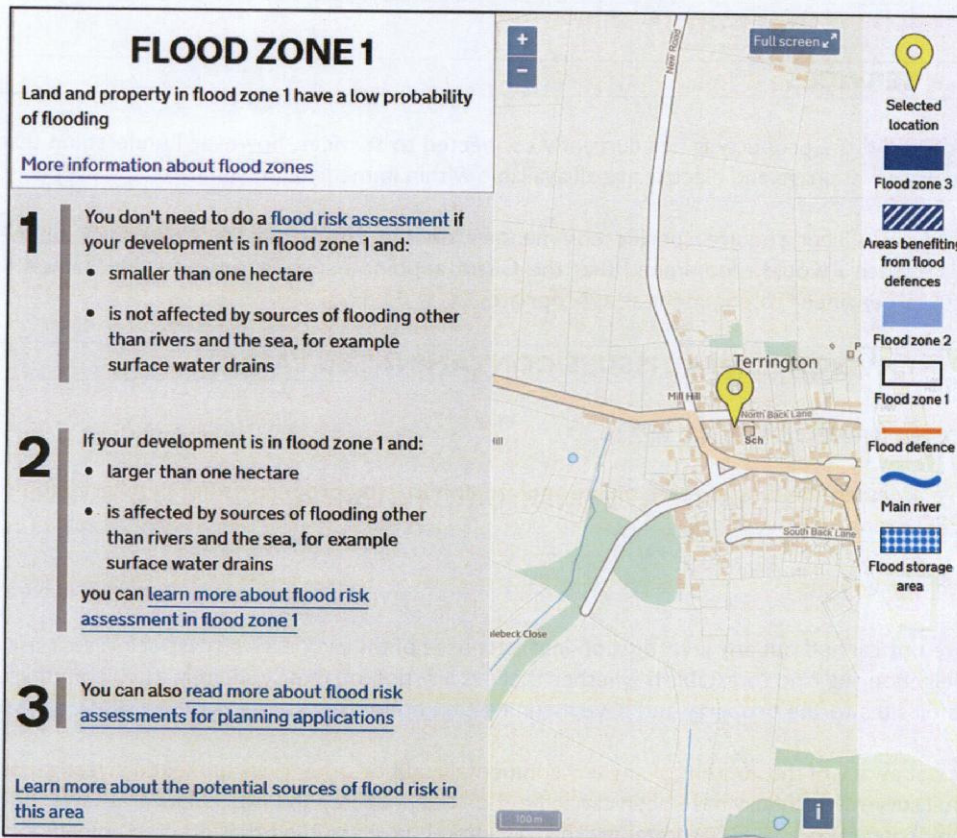
This aside, please note that I am not qualified to advise on the presence or otherwise of any invasive plant species on the subject property.

If the Client requires confirmation of the presence or otherwise of any individual plant species on the property a suitably qualified expert should be employed to survey and report

accordingly. If this reveals the presence of any such plants on the property I should be notified immediately so that I can review my valuation report.

Flooding and Flood Risk Management

I have checked the Environment Agency flood risks map for the locality and note the property is not in a defined risk area. It should be noted that this only identifies flood risks from rivers or the sea and not risks from dams, rainwater run-off, etc.



My investigations have led me to conclude that the property does not have an above average risk of flooding from river or sea flooding, and for the purpose of this valuation I have assumed it does not have an above average risk from any other identifiable potential flood sources.

A site specific Flood Risk Assessment or Flood Screening Report should identify flood risks from all identifiable sources and factor in the specific local topography which may make a property likely to flood. Should the Client require any further information on Flood Risk from other potential sources then I would recommend that it obtains a desktop Flood Screening report.

I have not been provided with a Flood Risk Assessment or Flood Screening Report for the property. Should a significant flood risk be identified, I should be notified so that I may consider whether there is an impact on the values herein under reported.

High-Voltage Electrical Supply Apparatus & Overhead Transmission Lines

The property is not located close to any high-voltage electrical supply apparatus or high-voltage overhead transmission lines.

Telecommunications Base Stations and Telephone Masts

I did not note the presence of any telecommunications base stations and telephone masts close to the property.

I have assumed that this is not an issue that affects the property.

Mineral Workings (Coal Mining & Brine Extraction)

The property is not located in an area identified in the Department of Energy & Climate Change Gazetteer of England and Wales as requiring a Mining Search (Coal and Brine).

As the property is not located within a known coal mining area I have not made any further enquiries.

Should it be established subsequently that mining activity does exist in the locality I should be notified so that I may assess whether it is likely to have a material impact on the values herein under reported.

Should it be established subsequently that mining activity does exist in the locality I should be notified so that I may assess whether it is likely to have a material impact on the values herein under reported.

Other Mineral Workings & Quarrying Activities

I have not carried out any investigations in respect of the presence or otherwise of non-coal mineral workings or quarries and recommend that should the Client require confirmation of the presence of any such workings or activities they should obtain a copy of a Shallow Mining Hazards Report from the BGS.

Ground Movement Risk

There are no trees within a notifiable distance and none appear to have been recently removed. The property is not built on a significant slope. I have assumed that there is minimal risk of natural subsidence which I believe to be reasonable.

Should the Client require further commentary on the potential risk of ground movement it should obtain a ground condition survey that includes details of subsidence risks.

Radon Gas

Should the Client require further investigation a site-specific search facility is available.

Archaeological Remains

I have not consulted the Historic Environmental Records (HER) relating to the subject property and in preparing this valuation I have assumed there are no archaeological remains on, under or near the land which could adversely affect the values reported. If the Client requires more information it should appoint a suitably qualified to investigate and report.

Other Adverse Ground Conditions or Environmental Risks

I am not aware of the contents of any site investigation reports identifying any other adverse ground conditions that exist.

General

In undertaking this valuation, I have assumed that no adverse environmental issues, including but not limited to those described above, exist or may affect the property, whether within its boundaries or on adjacent land.

Should it subsequently be established that this assumption is incorrect I should be notified in order that I may consider whether this affects the values reported, and I reserve the right to reissue the valuation if necessary.

10. TENURE AND OCCUPATIONAL LEASES

Interest

I have not been provided with any title documentation or a Report on Title in respect of the property.

I have assumed that there is a good and marketable title that is free from any onerous restrictions or covenants.

VAT

We understand the property is not elected to VAT

Other Legal Issues

I am unaware of any other legal matters which may have a negative impact on the values herein under reported

11. WAYLEAVES, EASEMENTS AND RIGHTS OF WAY

We have not been made aware of any footpaths, wayleaves or easements that affect the property and our valuation assumes no others exist.

12. THE PROPERTY MARKET – TRENDS AND GENERAL COMMENTS

At the date of valuation the UK economy is in a state of flux and whilst in recent years following the recession of 2008 there has been continued growth in jobs, manufacturing output and business performance. There is a large amount of concern and caution due to the ongoing Brexit negotiations and the forthcoming UK general election on 12th December 2019.

The residential market has remained strong over the past three years following the EU referendum result in the local area, however there is some caution that for development properties there is a great deal of concern regarding potential issues with leaving the EU and fall in economic output and thus potential entering into a recession which could impact on house prices and most likely hit builders most resulting in no or little profit on developments.

When analysing the value of the property we have prepared a valuation on a residual valuation basis by considering the completed Gross Development Value of the property subject to the planning consent and then duly taken off the development costs of the house in order to arrive at a residual valuation that a purchaser would hypothetically pay for the property.

On that basis we have firstly considered a number of comparable sales of subject properties in the Terrington area and on analysing values of relatively modern detached houses within Terrington prices per ft² tend to achieve between £280 and £300/ft² depending on overall size, quality, position etc.

Having arrived at a Gross Development Value we have then duly knocked off site clearance and build costs which we have based on BCIS costings less a contingency fee, loan interest, agents fee and duly arrived at our residual.

Please note the residual valuation method is the chosen and understood method of valuation for development properties of this nature.

Comparable Sales Evidence

19 South Back Lane, Terrington, York, YO60 6PX

A detached four bedroom modern style house sold for £495,000 on 12th December 2018 (£295/ft²)

23 South Back Lane, Terrington, York, YO60 6PX

A modern four bedroom detached house sold for £506,000 on 29th November 2017 (£288/ft²)

Chestnut House, South Back Lane, Terrington, York, YO60 6PX

A modern four bedroom detached house sold for £490,000 on 21st September 2017 (£285/ft²)

Gardeners Cottage, Church Lane, Terrington, York, YO60 6PS

A three bedroom detached modern house sold for £280,000 on 14th March 2019 (£283/ft²)

VALUATION ANALYSIS

Based on the above comparable sales, I have firstly considered a Gross Development Value of the proposed property with planning and considered that the house which would equate to around 1,722ft² would have a value in the region of £500,000 to £520,000.

As the property has a Local Occupancy Clause, I have then duly reduced the value by a figure of 20% which is an accepted industry standard reduction for properties with occupancy clauses due to the restrictions on, due to the limited number of buyers and problems that occur with being able to gain mortgages on such properties and the reduced figures provide an end Gross Development Value of between £400,000 to £415,000.

I have then duly taken off construction costs of £195,000 which are based on BCIS development costings together with a site clearance costing, a contingency at 5%, professional fees at 5%, disposal fees at 1%, finance at 5% for a one year period and for a small scale site of this nature a profit on GDV of 10% which results in a residual value of between £125,000 and £135,000.

Please note, whilst I do not like to use range values, in this instance, as the property is a development site and the planning permission is for outline and not full there are a number of variables which may change the overall end value be it positively or negatively and therefore in this instance in my opinion a range value is the fair and reasonable consideration.

In my opinion it is fair to state that whilst I believe the Market Value of the property is currently in the region of £125,000 to £135,000 with the Local Occupancy Condition that it would be fair and reasonable to market the property with a guide price slightly in excess of this figure on the likely basis that a potential purchaser/developer would look at making an offer below the guide price in order to negotiate as this is common practise within any private treaty property sale.

GDV at £415,000

GDV				£415,000.00
Loan Amount				£150,000.00
	Years	%	£	
Construction Cost			£195,000	
Contingency @		5.00%	£9,750	
Professional Fees @		5.00%	£9,750	
Disposal Fees @		1.00%	£4,150	
Finance @	1.00	5.00%	£7,500	
Profit of GDV @		10.00%	£41,500	
Total Costs				£267,650
Residual				£147,350
Deferred	1.00	5%		£140,334
Land Value after deduction of purchases's costs		2.50%		£136,825.98
				Say £135,000

GDV at £400,000

GDV				£400,000.00
Loan Amount				£150,000.00
	Years	%	£	
Construction Cost			£195,000	
Contingency @		5.00%	£9,750	
Professional Fees @		5.00%	£9,750	
Disposal Fees @		1.00%	£4,000	
Finance @	1.00	5.00%	£7,500	
Profit of GDV @		10.00%	£40,000	
Total Costs				£266,000
Residual				£134,000
Deferred	1.00	5%		£127,620
Land Value after deduction of purchases's costs		2.50%		£124,429.55
				Say £125,000

13. BASIS OF VALUATION

The bases of valuation applicable for secured lending valuations are set out in VPS4 – (Basis of Value, assumptions and special assumptions) of The Red Book as follows:

Market Value (MV)

The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.

14. SUMMARY AND VALUATION

Overall, the subject property comprises an existing industrial workshop building situated in a site of around 0.15 acres which has planning consent for the development of the residential property and garage.

I understand the property has been marketed at a guide price of £150,000 for in excess 12 months and failed to find a buyer. In my opinion this is not particularly surprising as the market for development sites subject to local occupancy clauses is incredibly small when it is limited to the parish or adjoining parishes.

I have duly undertaken my valuation by considering the Gross Development Value of the completed site which based on unrestricted comparables reduced by 20%, has provided me with a figure of an end value in the region of £400,000 to £415,000, when I duly reduced the value by BCIS development costings and site clearance together with professional fees, legal interest, sales fees and developers profit it produces an overall site value of £125,000 to £135,000.

Therefore, having carefully considered the property as described in this report, I am of the opinion that the current Market Value of the Development site off North Back Lane, Terrington, York, YO60 6NS as at 21st November 2019 is in the region of:

£125,000 to £135,000
(ONE HUNDRED AND TWENTY FIVE THOUSAND POUNDS to
ONE HUNDRED AND THIRTY FIVE THOUSAND POUNDS)

Sign:

Tom Watson MRICS
RICS Registered Valuer
RICS No 1148162
Cundalls
25th November 2019

Signed:

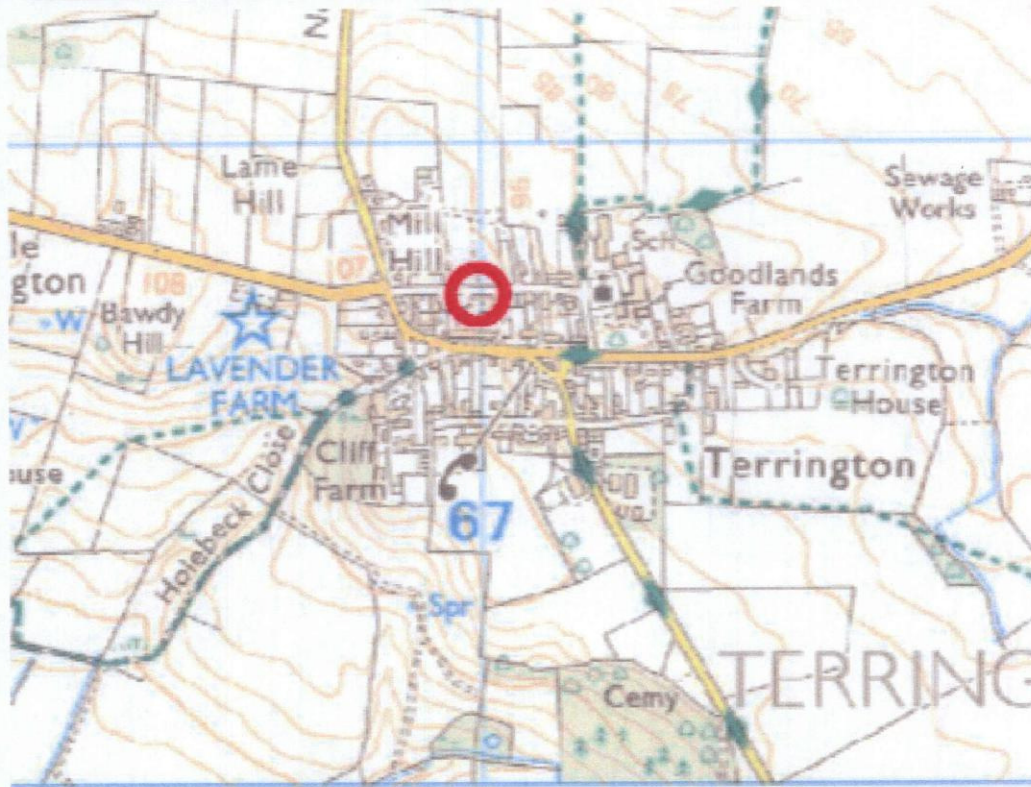
Stephen Edwards FRICS
RICS Registered Valuer
RICS No 0057911
Cundalls
25th November 2019

15. STATEMENT OF CONFIDENTIALITY

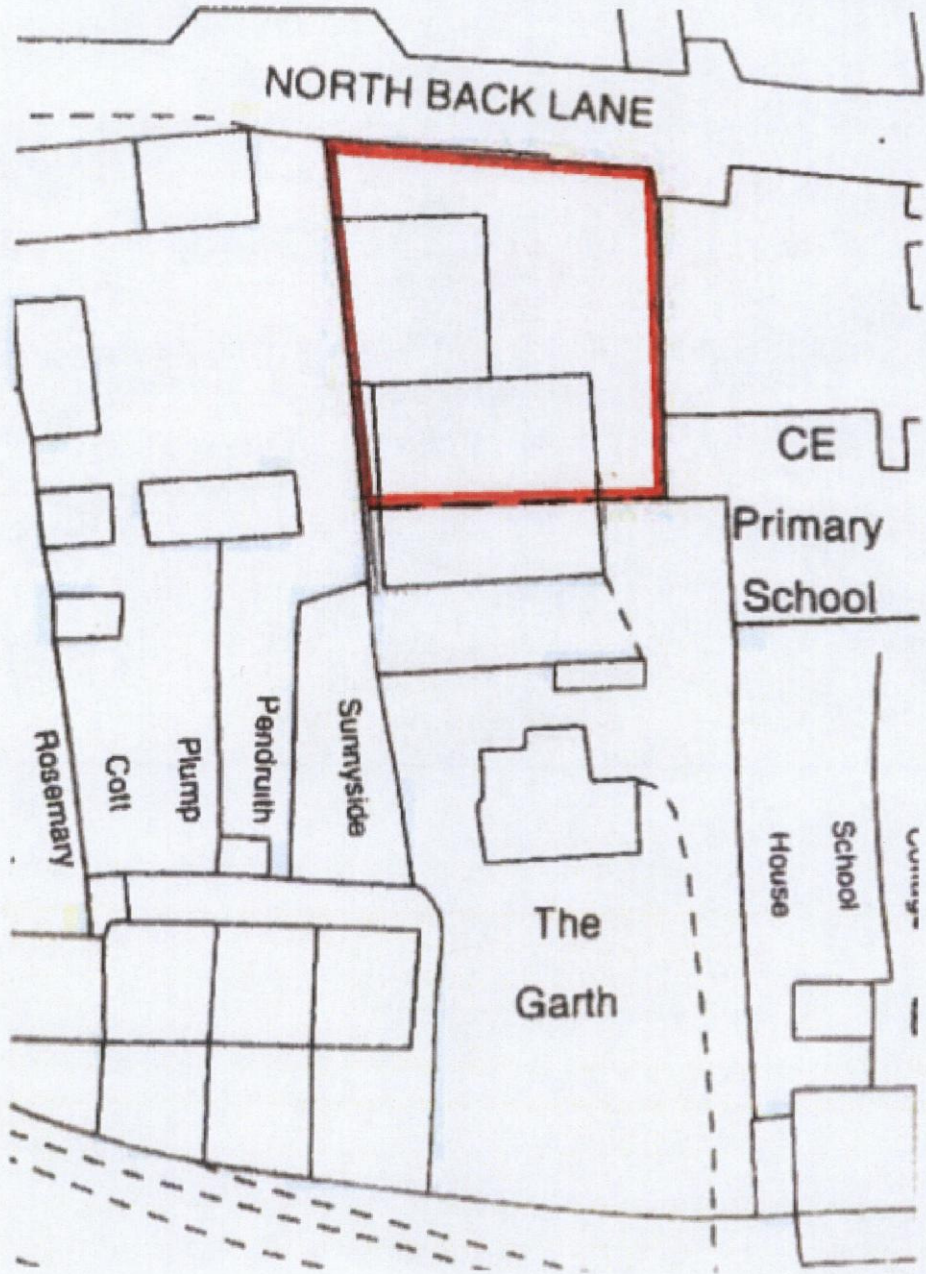
Neither the whole nor any part of this report, nor any reference thereto, may be included in any document, circular or statement without our prior approval of the form and context in which it will appear.

In accordance with our standard practice we must state that this report is confidential to you and restricted for the purpose to which it refers. It may be disclosed to professional advisors assisting in respect of those purposes but it should not be disclosed to any other parties without the express consent of this firm. No responsibility is accepted to any third party for the whole or any part of its content.

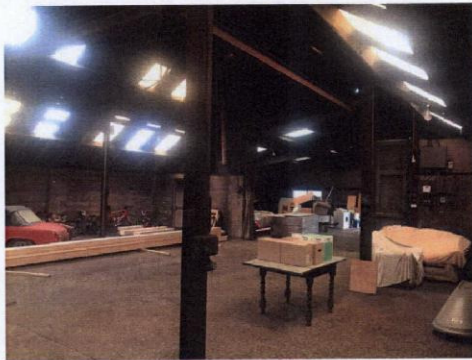
APPENDIX I - LOCATION PLAN



APPENDIX 2 - SITE PLANS



APPENDIX 3: PHOTOGRAPHS





APPENDIX 4: PLANNING DOCUMENTS

RYEDALE DISTRICT COUNCIL

TOWN & COUNTRY PLANNING ACT 1990

OUTLINE APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT

RYEDALE DISTRICT COUNCIL, THE LOCAL PLANNING AUTHORITY, HAS CONSIDERED THIS APPLICATION AND HAS DECIDED THAT IT SHOULD BE APPROVED SUBJECT TO THE CONDITIONS STATED BELOW:

Application No: 16/01226/OUT
Proposal: Erection of dwelling with attached garage to include demolition of existing engineering workshop (site area 0.051ha)
at: Land And Buildings West Of Terrington C Of E School North Back Lane Terrington
for: Mr & Mrs P Scaling
Decision Date: 7 March 2017

REASON FOR APPROVAL

The proposed development is in accord with the following development plan policies and there are no other material considerations that outweigh those listed development plan policies:

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 SP12 Heritage
Local Plan Strategy - Policy SP13 Landscapes
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development
Local Plan Strategy - Policy SP20 Generic Development Management Issues
Local Plan Strategy - Policy SP21 Occupancy Restrictions
National Planning Policy Framework
National Planning Practice Guidance

CONDITIONS AND ASSOCIATED REASONS

01 The development hereby permitted shall be begun on or before 6 March 2020.

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

Mr & Mrs P Scaling
C/O Bramhall Blenkarn (Mr Ric Blenkarn)
Unit 13
The Maltings
Malton
North Yorkshire
YO17 7DP

02 No development shall take place without the prior written approval of the Local Planning Authority of all details of the following matters:-

- (i) the layout, scale and appearance of every building, including a schedule of external materials to be used
- (ii) the access to the site
- (iii) the landscaping of the site

Reason:- To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

03 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

04 Prior to the commencement of the development hereby permitted, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external walling to be used in the construction of building. The panel so constructed shall be retained only until the development has been completed

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP16 and SP20 of the Ryedale Local Plan - Local Plan Strategy.

05 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing. Once created, these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interests of safety and the general amenity of the development.

06 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site, and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

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Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

- 07 Unless approved otherwise in writing by the Local Planning Authority, there shall be no establishment on a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction of the site, until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

(i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

(ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for appropriate on-site vehicle parking and the storage facilities, in the interests of highway safety and the general amenity of the area.

- 08 The details submitted for approval of reserved matters shall follow the principles and parameters set out in the Design and Access Statement and Site Plan and Schematic Street Elevations shown on Drawing AR10 - Sheet No. 1 dated 20 January 2017, which also provides for the retention of the existing building on site which abuts the boundary with North Back Lane.

- 09 Development shall not begin until an investigation and risk assessment of land contamination has been completed by competent persons and a report of the findings submitted to and approved in writing by the Local Planning Authority. This shall include an appropriate survey of the nature and extent of any contamination affecting the site, and an assessment of the potential risks to human health, controlled waters, property and ecological systems.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors.

- 10 Where land affected by contamination is found which poses risks identified as unacceptable, no development or remediation shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the local planning authority. The scheme must include proposed remediation objectives and remediation criteria, an appraisal of remedial options and proposal of the preferred option(s), all works to be undertaken, and a description and programme of the works to be undertaken including the verification plan.

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Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors.

- 11 Unless otherwise agreed in writing by the local planning authority, none of the dwellings shall be occupied (or the site shall not be brought into use) until the approved scheme of remediation has been completed, and a verification report demonstrating the effectiveness of the remediation carried out has been submitted to and approved in writing by the local planning authority. The verification report shall include a description of the works undertaken and a photographic record where appropriate, the results of any additional monitoring or sampling, evidence that any imported soil is from a suitable source, and copies of relevant waste documentation for any contaminated material removed from the site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors.

- 12 In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the local planning authority. An appropriate investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be prepared by competent persons and submitted to the local planning authority for approval. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors.

- 13 The dwelling hereby approved shall only be occupied by a person(s) together with his/her spouse and dependents, or a widow/widower of such a person, who:
- 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
 - 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
 - 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

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- 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 satisfy the requirements of Policies SP2 and SP21 of the Ryedale Plan - Local Plan Strategy.

- 14 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

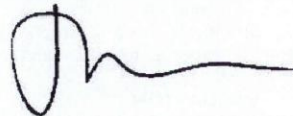
Drawing No. AR10 01 - Location and Site Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

Footnote :

In dealing with and determining this application, the Local Planning Authority have sought to take a positive approach to foster the delivery of sustainable development in accordance with the requirements of the National Planning Policy Framework. As such, the Local Authority has taken steps to work proactively with the applicant to seek solutions to problems that may have arisen in dealing with this application with a view to improving local economic, social and environmental conditions.

NO CONSENT OR APPROVAL HEREBY GIVEN REMOVES ANY REQUIREMENT TO SERVE NOTICES OR SEEK APPROVAL FROM THE DISTRICT COUNCIL WHERE SUCH ACTION IS REQUIRED BY THE BUILDING ACT 1984 OR OF ANY OTHER STATUTORY PROVISION. NO PART OF THE PROPOSED DEVELOPMENT SHOULD BE STARTED WITHOUT COMPLYING WITH SUCH REQUIREMENT.



HEAD OF PLANNING & HOUSING

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APPENDIX 5: STANDARD CONDITIONS, ASSUMPTIONS AND DEFINITIONS

DEFINITIONS

1. ASSUMPTION

A supposition taken to be true. It involves facts, conditions or situations affecting the subject of, or approach to, a Valuation that, by agreement, need not be verified by the Valuer as part of the Valuation process.

2. EXTERNAL VALUER

A Valuer who, together with any associate, has no material links with the Client, Company or the Subject of the assignment.

3. INDEPENDENT VALUER

3.1 A Valuer who meets the specific requirements of independence, prescribed by law or regulation, for particular valuation tasks in certain states.

3.2 An example of an Independent Valuer would be one providing a Valuation or an Expert Witness under CPR Part 35.

4. LIKELY REALISATION PRICE SUBJECT TO MARKETING CONSTRAINTS & FORCED SALES (was Estimated Restricted Realisation Price)

4.1 If a property cannot be freely or adequately presented to the Market, the price is likely to be adversely affected.

4.2 If such a constraint can be identified it is normally possible to assess its impact on Value. But the Value reported would not, by definition, be Market Value (see Basis of Valuation)

4.3 In these instances, the price will reflect the Vendor's particular circumstances and the figure reported will be an assessment of Worth (see 7 below)

4.4 Examples of Marketing Constraints would be where the Property is to some extent controlled by a Third Party and that Party's co-operation in a sale cannot be guaranteed or a sale which has to be completed without proper marketing.

5. RESTRICTED INFORMATION

5.1 Where a Valuer is requested to undertake a Valuation on the basis of Restricted Information, the nature of the restriction must be agreed and the possible Valuation implications of the restriction confirmed in writing to the Client, before the Valuation is reported.

5.2 Examples of Restricted Information would include a "drive by" or "desktop" Valuation.

6. SPECIAL ASSUMPTION

An assumption that either:

a) Requires the Valuation to be based on the facts that differ materially from those that exist at the date of Valuation

b) Is one that a prospective purchaser (excluding a purchaser with special interest) could not reasonably be expected to make at the date of Valuation, having regard to prevailing market circumstances.

7. VALUATION

A qualified Valuer's opinion of the value of a specified interest or interests in a property, at the date of Valuation, given in writing. **Definitions of bases of valuation - These definitions are reproduced from the RICS Red Book**

Market value

'The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion'.

Market rent

'The estimated amount for which a property would be leased on the valuation date between a willing lessor and a willing lessee on appropriate lease terms in an arm's length transaction, after proper marketing and where the parties had acted knowledgeably, prudently and without compulsion'.

Investment value (Worth)

'The value of an asset to the owner or a prospective owner for individual investment or operational objectives'

Fair value (IVS)

'The estimated price for the transfer of an asset or liability between identified knowledgeable and willing parties that reflects the respective interests of those parties'.

OR

Fair value (IFRS)

'The price that would be received to sell an asset, or paid to transfer a liability, in an orderly transaction between market participants at the measurement date'.

STANDARD CONDITIONS, ASSUMPTIONS AND CONFIDENTIALITY CLAUSES

STANDARD CONDITIONS AND ASSUMPTIONS

1.1 Standard Conditions

Our valuation has been carried out on the basis of the following standard conditions:

- 1.1.1 We have made no allowance for any Capital Gains Tax or other taxation liability that might arise upon a sale of the property(ies)
- 1.1.2 Our Valuation is exclusive of VAT (if applicable)
- 1.1.3 No allowance has been made for any expenses of realisation
- 1.1.4 That inspection of those parts which have not been inspected, or a survey inspection would not reveal material defects or cause the Valuer to alter the Valuation materially.
- 1.1.5 Excluded from our Valuation is any additional value attributable to goodwill, or to fixtures and fittings which are only of value in situ to the present occupier.
- 1.1.6 No allowance has been made for rights, obligations or liabilities arising under the Defective Premises Act 1972, and it has been assumed that all fixed plant and machinery and the installation thereof complies with the relevant UK and EEC legislation.
- 1.1.7 In instances where our Valuers provide an indication of current reinstatement costs or insurance purposes this is given solely as a guide without warranty as final estimates for insurance purposes can only be given by a quantity surveyor or other person with sufficient current experience of replacement costs.

ASSUMPTIONS

Our Valuation has been carried out on the basis of the following Assumptions. Unless it is made apparent by our express statement to the contrary, in the report, we will have been under no duty to have verified these assumptions. If any of them are subsequently found not to be valid, we may wish to review our Valuation, as there may be an impact on it/them.

- 1.2 That the Freehold/Leasehold interest is not subject to any unusual or especially onerous restrictions, encumbrances or outgoing and good title to be shown. Should there be any mortgages or charges, we have assumed that the property would be sold free of them. We have not inspected the Title Deeds or Land Registry Certificate.
- 1.3 That we have supplied with all information likely to have an effect on the value of the property(ies) and that all the information supplied to us and summarised in this report is both complete and correct.
- 1.4 That the building, including extensions or alterations has/have been constructed and is used in accordance with valid planning permissions all statutory and bye-law requirements and that there are no breaches of planning control. Likewise, that any future construction or use will be lawful (other than those points referred to above)
- 1.5 That the property is not adversely affected, nor is likely to become adversely affected, by any highway, town planning or other schemes or proposals and that there are no matters adversely affecting value that might be revealed by a local search (or the national equivalent) replies to usual enquiries or by any statutory notice (other than those points referred to above) and that its condition, its use or intended use, is not or will not be unlawful.
- 1.6 That the building is structurally sound and that the services operate efficiently. That there are no structural, latent or other material defects, including rot and inherently dangerous or unsuitable materials or techniques, whether in parts of the building(s) we have inspected or not, that would cause us to make allowances by way of capital repair (other than those points referred to above) or materially alter our Valuation. Our inspection of the property and this report do not constitute a building survey.
- 1.7 That the property is connected, or capable of being connected without undue expense to the public services of gas, electricity, water, telephones and sewerage.
- 1.8 That in the construction or alteration of the building no use was made of any deleterious or hazardous materials or techniques such as high alumina cement, calcium chloride additives, woodwool slabs used as permanent shuttering and the like (other than those points referred to above) and that it is not on landfilled ground. We have not carried out any investigations into these matters.
- 1.9 That in the case of a new property, the construction of which has not been completed, the construction will be satisfactorily completed.
- 1.10 That sewers, main services and roads giving access to the property have been adopted and that any lease provides right of access and egress over all communal estate roadways, pathways, corridors, stairways and use of communal grounds, parking areas and other facilities.

- 1.11 That in the case of a newly constructed property, it have been built under the NHBC Buildmark Scheme, Zurich Municipal Newbuild and Rebuild Schemes, Housing Association Property Mutual Scheme, Premier Guarantee for Private and Completed Housing or equivalent or by a professional consultants acceptable to lender.
- 1.12 In cases where properties lie within or close to a flood plain or have a history of flooding, our Valuation assumes that building insurance is available without payment of an excessive premium or excess.
- 1.13 That vacant possession is provided (or where a property is tenanted, that the tenant is capable of meeting its/their obligations and that there are no arrears of rent or undisclosed breaches of covenant).
- 1.14 We are not aware of the content of any environment audit or other environmental investigation or soil survey which may have been carried out on the property and which may draw attention to any contamination or the possibility of any such contamination. In undertaking our work, we have been instructed to assume that no contaminative or potentially contaminative uses have ever been carried out in the property. We have not carried out any investigation into past or present uses, either of the property or of any neighbouring land to establish whether there is any potential for contamination to the subject property from these uses or sites and have therefore assumed none exists. However, should it be established subsequently that contamination exists at the property or on any neighbouring land or that the premises have been or are being put to a contaminative use, this might reduce the Valuation report.
- OR
- Our enquiries have not revealed any contamination affecting the property or neighbouring property which would affect our Valuation. However, should it be established subsequently that contamination exists at the property or any neighbouring land, or that the premises have been or are being put to any contaminative use, this might reduce the values now reported.
- 1.15 In the case of a site or development property or where redevelopment is a possibility within say 10 years – that there are no adverse site or soil conditions that the property(ies) is/are not adversely affected by the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988, that the ground does not contain any archaeological remains, nor that there is any other matter that would cause us to make any allowance for exceptional delay or site or construction costs in our Valuation.
- 1.16 If the property is within an area identified as an area of Radon Gas – The National Radiological Protection Board has identified the area in which the property is situated as one in which in more than 1% of dwellings, the levels of Radon gas entering the property are such that remedial action is recommended.
- 1.17 Where there is high voltage electrical supply equipment close to the property – There is high voltage electrical supply equipment close to the property. The possible effects of electromagnetic fields have been the subject of media coverage, but the National Radiological Protection Board (NRPB) an independent body with responsibility for advising on electromagnetic fields, has concluded that “ there is no clear evidence of adverse health effects at the levels of electromagnetic fields to which people are normally exposed”. Public perception may, however, affect marketability and future value of the property. If required, technical information can be obtained from the NRPB or the local electricity company. No allowance has been made for any possible effect that this might have.

FOR RESIDENTIAL PROPERTIES WHEN VALUING A FLAT OR MAISONETTE

- 1.18 That where the proposed security is part of a building comprising flats or maisonettes, unless instructed or otherwise aware to the contrary, the costs of repairs and maintenance or the building and grounds are shared equitably between the flats or maisonettes for the block, that there are suitable mutually enforceable covenants between all leaseholders (who are assumed to be jointly responsible) and the freeholder, that there are no onerous liabilities outstanding and that there are no substantial defects or other matters requiring expenditure (in excess of the current amount of assumed amount of service charge payable on an annual basis) expected to result in charges to the leaseholder or feuholder of the subject property, during the next 5 years equivalent to 10% or more of the reported Market Value .
- 1.19 Where the dwelling is leasehold and because further and better information is not available to us:
- (a) The unexpired term of the lease is 70 years, and no action has been taken by any eligible party with a view to acquiring the freehold or to extending the lease term.
 - (b) That there are no exceptionally onerous covenants upon the leaseholder.
 - (c) The lease cannot be determined except on the grounds of a serious breach of covenants in the existing lease agreement.
 - (d) If there are separate freeholders, head and/or other sub-head leaseholders, the Terms and Conditions of all leases are in the same form and contain the same Terms and Conditions.
 - (e) The lease terms are mutually enforceable against all parties concerned.

- (f) That there are no breaches of covenants or disputes between the various interests concerned.
- (g) The leases of all the properties in the building/development are materially the same.
- (h) The ground rent stated or assumed is not subject to review and is payable throughout the expired lease term.
- (i) In the case of blocks of flats or maisonettes of over 6 dwellings, the freeholder manages the property directly or it is managed by a professional probably bonded, managing agent.
- (j) Where the subject property forms part of a mixed residential or commercially used block or development, there will be no significant changes in the existing use pattern therein.
- (k) Where the property forms part of a development containing separate blocks of dwellings, the lease terms of the subject property apply only to the subject block and there will be no requirement to contribute towards costs relating to the other parts of the development other than in respect of common roads, paths, communal grounds and services.
- (l) Where the property forms part of a larger development the ownership of which has since been divided, all necessary rights and reservations have been reserved.
- (m) There are no unusual restrictions on assignment or sub-letting of the subject property for residential purposes.
- (n) There are no outstanding claims or litigation concerning the lease of the subject property or any others within the same development.
- (o) Where the subject property benefits from additional facilities within a development, the lease makes adequate provision for the lessee to continue to enjoy them with the exception or restriction and for the facilities to be maintained adequately and that there are no charges over and above the service charge for such use and maintenance.
- (p) In respect of insurance:
 - (i) The property will be insured under all risks cover which include subsidence, landslip and heave, for the current reinstatement cost
 - (ii) The cover assumed is available on normal terms
 - (iii) There are no outstanding claims and disputes
 - (iv) Where individuals in a block make separate insurance arrangements, the leases make provision for mutual enforceability of insurance and repairing obligations.
 - (v) Any landlord obliged to insure is required to rebuild the property with such alterations as may be necessary to comply with the then building regulations and planning requirements.

CONFIDENTIALITY

In accordance with the recommendations of the RICS, we would state that this report is provided solely for the purposes as stated above. It is confidential to and for the use only of the party to whom it is addressed and no responsibility whatsoever is accepted to any third party for the whole or any part of its contents. Any such parties rely upon this report at their own risk. Neither the whole nor any part of this report or any reference to it, may be included now, or at any time in the future, in any published document, circular or statement, nor published referred to or used in any way, without our written approval of the form and context in which it may appear.

TERMS OF BUSINESS – VALUATIONS

Cundalls Terms of Business are set out below. The accompanying Letter may vary these terms and will explain how our fee for Valuations is calculated and detail other costs and charges. To instruct us to act, you must sign and return a copy of the accompanying Letter to signify agreement to our fees, costs, charges and Terms of Business and confirm authority to proceed with the Valuation. Please let us know if you have any queries relating to these Terms and Conditions. If we do not hear from you within 7 days we will assume that you are happy for the Terms and Conditions to apply.

In this agreement any reference to "we" or "us" is to Cundalls and reference to client will be to "you".

1. **Responsibility for payment of fees, costs and charges:** The person to whom the letter is addressed (i.e. you, the Client) is personally responsible for and guarantees payment of our fees, costs and charges, even if the relevant property is held by a different person. If more than one party is to be responsible, the Letter should be signed by all relevant parties and their liability will be joint and several. The full names and addresses of any additional guarantors should be given in writing to us and failure to do so will mean that you will be fully liable. In the case of Valuations for loan security purposes, where it is agreed that the Borrower is responsible for payment of our invoice, you nevertheless, guarantee payment thereof. Payment of our invoice is not conditional upon draw down or any aspect of the proposed loan.

2. **Fees and Disbursements:** The basis of the fee will be agreed with you when the instruction is confirmed i.e. on a time basis or a fixed fee as set out in the Letter. These fees are payable irrespective of taxation by a Judicial Body or not being fully recovered from another party to a dispute.
3. **Additional fees:** In the event that further work by us, in addition to the confirmed instructions, is required or becomes necessary, we will be entitled to charge an additional fee based on our usual rates for such work but shall endeavour to notify you as soon as possible of the amount or basis of calculation of such additional fees.
4. **Withdrawal fee:** In the event of instructions being withdrawn prior to completion of an instruction such proportion (or the whole) of the agreed fees shall be payable as shall be fair and reasonable in the circumstances.
5. **Timing of Payment, interest and VAT:** Invoices for fees and expenses will be submitted monthly or at such other times as we consider appropriate. Invoices are payable immediately in full, in sterling, on the date of the invoice. Interest will be charged at a rate of 4% above our banker's base rate from the date of the invoice on any account that remains unpaid 14 days after that date. All our fees and disbursements are subject to VAT at the appropriate rate regardless of your domicile.
6. **Expenses and disbursements:** Travelling expenses and other disbursements such as the cost of photography, photocopying, research, plans, dispatch, duplication, stationary costs and facsimiles will also be payable by you. We reserve the right to require substantial disbursements to be paid in advance. If we find it necessary to use Solicitors or other parties to recover agreed fees, costs or charges, you agree to pay reasonable costs incurred by us.
7. **Professional indemnity limitation:** We have PII in place at a figure of £2million GBP. We provide indemnity for our professional Valuation advice. This limitation to indemnity forms part of our contract with you in undertaking the Valuation.
8. **Data Protection:** You agree that Cundalls may pass information about you to assist us and/or others in (i) fulfilling the contract set out in the Letter (ii) supplying information about services we think may be of interest to you and (iii) for related marketing purposes. This information will include contact details and information about the work undertaken for you. This does not affect your statutory rights under the Data Protection Acts 1984 and 1998.
9. **Complaints Procedure:** In accordance with the Royal Institution of Chartered Surveyors Rules of Conduct, we operate a formal procedure for dealing with complaints from clients and others.

If the complaint cannot be resolved between the parties, the procedure allows for reference to the Property Ombudsman.

As a regulated RICS firm, we have in place a CHP, which meets the regulatory requirements. Our CHP has two stages. Stage one of the CHP gives our firm the opportunity to review and consider your complaint in full. Our firm will try to resolve your complaint to your satisfaction. If you are not happy with our response, you will have the opportunity to take your complaint to stage two. Stage two gives you the client, the opportunity to have your complaint reviewed and considered by an independent redress provider, approved by RICS.

Stage One

If you have spoken to us about your complaint, please put the details of your complaint in writing. We ask that you put your complaint in writing to make sure that we have a full understanding of the reasons for your complaint. Please send your written complaint to:

Mr Stephen Edwards FRICS
Cundalls
15 Market Place
Malton
North Yorkshire
YO17 7LP
t 01653 697820
f 01653 698305
e Stephen.edwards@cundalls.co.uk
w www.cundalls.co.uk

We will consider your complaint as quickly as possible, and will acknowledge receipt of your complaint within 7 days. If we are not able to give you a full response, we will update you within 28 days.

Stage Two

If we are unable to agree on how to resolve your complaint then you have the opportunity to take your complaint to an independent redress provider, as approved by RICS Regulatory Board. We have chosen to use the following redress providers:

For Consumer Clients:

Ombudsman Services: Property (OS: P)
PO Box 1021
Warrington
WA4 9FE
t 0330 440 1634 or 01925 530270
f 0330 440 1635
e enquiries@os-property.org
w www.os-property.org

For Business-to-Business clients:

RICS Dispute Resolution Service (DRS)
Surveyor Court
Westwood Way
Coventry
CV4 8JE
t 020 7334 3806
f 020 7334 3802
e drs@rics.org
w www.rics.org/drs

10. **Applicable Law and Jurisdiction:** Whether or not the property is situated outside the UK, the Laws of England (or if the client is domiciled in Scotland, the Laws of Scotland) shall apply to these Terms of Business and the English courts shall have jurisdiction.

**Terrington with Wiganthorpe and Ganthorpe
Parish Council**

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

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

31st October 2019

Dear Planning Department,

Re Planning Application No: 19/01151/73

Applicant: Mr & Mrs P. Scaling

Description: Removal of condition 13 of planning approval 10/01226/OUT 7/3/2017

- Local Occupancy Condition.

Mr & Mrs Scaling now have a good deal of experience in the attempted sale of their two building plots on North Back Lane, Terrington. Both were on the market for some time and whilst one had a buyer, from the village, they were unable to purchase within the terms of the Local Needs Occupancy condition. We'll come back to that as there are perhaps two issues that could be addressed.

The subject plot has been for sale for a long time, has received a reasonable amount of interest from what we have seen and been told but remains unsold. There have been interested parties that were unable to proceed and it seems that this is largely due to the condition regarding local needs occupancy. So what are the issues? The first is that there is a condition at all as that puts buyers off but specifically, it is very narrow meaning people from further away are not eligible. Given that they are, they would still have to accept that there is such a condition. None has thus far, so given the time the market has been tested does this in itself not suggest that this forms a valid argument for removing the condition in this case?

Whilst the second issue may not have been raised with this plot of land so far, it did form a major barrier for the second plot and has been a significant issue with other cases within Ryedale. Whilst the idea of a local needs occupancy clause may be sound in theory, the condition depressing the market value and making the property more affordable to local people it does not mean all local people, only those with substantial sums of money at their disposal. This is because most of the main stream mortgage lenders do not accept such a property as being suitable security for a mortgage advance. This is mainly due to the fact that the lender, should they be forced to enter into possession, would be bound by this clause which means they too would find it very difficult or impossible to sell the property as Mr & Mrs Scaling are currently experiencing. So, as you have already found, by making a modification by way of exemption only for a mortgagee in possession, the banks now find this more acceptable and will lend allowing local people to buy. It does not upset the planning policy appletart as the condition, whilst it would not be binding should the bank repossess and then sell on to another party the occupancy clause would then again apply to

that other party. It was a sensible step in our view and one that should be applied to the subject property and to others, preferably at the Planning Policy stage so that the clause, when imposed, always contains that condition exemption. This will hopefully be discussed in the forthcoming policy review and be adopted within any such retained Local Needs Occupancy restrictions.

The subject case should now have this occupancy clause removed to enable them to be given a chance to find a purchaser and to improve the site from what it has become, a derelict decaying industrial building. This will improve the visual amenity of the village. At very least the local needs occupancy clause should be modified to include an exemption for a mortgagee in possession.

Yours faithfully,

W. McA. Winning, BSc, MRICS, MCABE.
On behalf of Terrington Parish Council

RYEDALE DISTRICT COUNCIL

APPLICATIONS DETERMINED BY THE DEVELOPMENT CONTROL MANAGER IN ACCORDANCE WITH THE SCHEME OF DELEGATED DECISIONS

1.
Application No: 19/00485/LBC **Decision: Approval**
Parish: Harome Parish Council
Applicant: Mrs Tessa Coleman
Location: Holly Cottage Mill Street Harome Helmsley YO62 5JG
Proposal: Internal and external alterations to include the alteration of a window to a door in the eastern elevation, the removal of a modern chimney breast, the removal of a modern fireplace and installation of additional staircase
-
2.
Application No: 19/00839/FUL **Decision: Approval**
Parish: Malton Town Council
Applicant: Mr David Torbit (CommScope - Design And Integration Ltd)
Location: Unit 5 And Unit 6 Eden Business Park Edenhouse Drive Old Malton Malton North Yorkshire YO17 6AE
Proposal: Erection of two storey flat-roofed building to include offices and meeting rooms and staff canteen and toilet facilities
-
3.
Application No: 19/00923/HOUSE **Decision: Approval**
Parish: Pickering Town Council
Applicant: Mr Richard Hall (Barratt Homes)
Location: Highfield 1 Derwent Road Pickering North Yorkshire YO18 7UA
Proposal: Erection of detached triple garage following demolition of existing garage, and erection of boundary fence and brick wall
-
4.
Application No: 19/00959/HOUSE **Decision: Approval**
Parish: Habton Parish Council
Applicant: Mr & Mrs D Ward
Location: Crathie House Ryton Rigg Road Ryton Malton YO17 6RY
Proposal: Erection of detached storage building
-
5.
Application No: 19/00974/GPAGB **Decision: Approval**
Parish: Thornton-le-Clay Parish Council
Applicant: Mr Paul Mook
Location: Thornton Grange Farm Moor Lane Thornton Le Clay YO60 6RL
Proposal: Change of use of agricultural buildings to form 1no. four bedroom dwelling (Use Class C3) with associated parking and landscaping
-
6.
Application No: 19/00975/GPAGB **Decision: Approval**
Parish: Thornton-le-Clay Parish Council
Applicant: Mr Paul Mook
Location: Thornton Grange Farm Moor Lane Thornton Le Clay YO60 6RL
Proposal: Change of use of agricultural building to form 1no. three bedroom dwelling (Use Class C3) with associated parking and landscaping

7.

Application No: 19/01106/ADV **Decision: Approval**
Parish: Welburn (Malton) Parish Council
Applicant: Castle Howard Estate Ltd
Location: Sign At Welburn York A64 Junction Welburn Malton North Yorkshire
Proposal: Erection of replacement V-board advance notice sign

8.

Application No: 19/01107/ADV **Decision: Approval**
Parish: Barton-le-Willows Parish
Applicant: Castle Howard Estate Ltd
Location: Land Off York Road Harton Malton
Proposal: Erection of V-board advance notice sign

9.

Application No: 19/01118/HOUSE **Decision: Approval**
Parish: Welburn (Malton) Parish Council
Applicant: Mr Andrew Craig Smith
Location: 53 Crambeck Village Welburn Malton North Yorkshire YO60 7EZ
Proposal: Erection of single storey extension to dwelling and garage

10.

Application No: 19/01123/FUL **Decision: Approval**
Parish: Malton Town Council
Applicant: Rainbow Farm Veterinary Surgery
Location: Rainbow Farm Veterinary Surgery Rainbow Lane Malton YO17 6SG
Proposal: Erection of extension to north elevation to form reception facilities and additional office space (revised scheme to 18/00375/FUL dated 22.08.2018)

11.

Application No: 19/01125/HOUSE **Decision: Approval**
Parish: Sheriff Hutton Parish Council
Applicant: Mr & Mrs Bell
Location: Abigails Cottage Coble Lane Sheriff Hutton YO60 6SU
Proposal: Erection of two storey rear extension and installation of 1no. rooflight on rear elevation

12.

Application No: 19/01131/HOUSE **Decision: Approval**
Parish: Helmsley Town Council
Applicant: Mr & Mrs Proud
Location: 14 Acres Close Helmsley YO62 5DS
Proposal: Alterations to existing garage to allow use as domestic games room including the erection of an extension

13.

Application No: 19/01171/FUL **Decision: Approval**
Parish: Gilling East Parish Council
Applicant: Ian Mosey Ltd
Location: Blackdale Farm Coulton Lane Coulton Helmsley YO62 4NQ
Proposal: Erection of lean to extension to mill building for the housing of ingredient tanks

14.

Application No: 19/01176/HOUSE **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Mr & Mrs Simon Thomas
Location: Priory View Village Street Keldholme Kirkbymoorside YO62 6NB
Proposal: Erection of two storey extension to form double garage and additional living accommodation

15.

Application No: 19/01178/FUL **Decision: Approval**
Parish: Kirkbymoorside Town Council
Applicant: Mr & Mrs A Sleightholme
Location: 7 West End Kirkbymoorside North Yorkshire YO62 6AD
Proposal: Change of use of shop (Use Class A1) to form an extension of the existing residential dwelling (Use Class C3) including alterations to shop front

16.

Application No: 19/01194/HOUSE **Decision: Approval**
Parish: Terrington Parish Council
Applicant: Mr & Mrs Hollis
Location: The Gables Mowthorpe Lane Terrington YO60 6PZ
Proposal: Erection of a single storey rear extension and single storey side extension

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 LNOC 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 LNOC 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