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Blacksmiths Cottage Home Farm, Swinton Grange

Supporting Planning Statement for S73 Application for the
Removal of a Condition

Application Reference: 19/00550/MFUL



September 2022

Boyce Planning
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1. Introduction

- 1.1. This Supporting Statement has been prepared to support the submission for a S73 Application for the removal of Condition 23 of planning permission 19/00550/MFUL which relates to the Local Needs Occupancy clause for Blacksmiths Cottage (Unit 4C) at Home Farm, Swinton Grange in Ryedale District.
- 1.2. This Statement has been prepared to specifically outline the planning justification for the application and address the proposals in the context of the relevant Legislation, Development Plan and other material considerations outlined within Sections 4 and 5 of this document.

Application Documents and Plans

- 1.3. This submission comprises the following documents and plans for approval.

Documents

- Planning Application Forms and Certificates
- Supporting Planning Statement
- Marketing Report

Structure of Statement

- 1.4. Following this introductory chapter, this statement is structured as follows:
 - Section 2: Application Context and Proposal;
 - Section 4: Planning Policy Context and Material Considerations;
 - Section 5: Assessment; and
 - Section 6: Conclusion.

2. Context

Site and Location

- 2.1. The site falls within the administrative area of Ryedale District Council, 1.5 miles south-west of Swinton and 2 miles west of Malton. Access is from the south off Braygate Street.
- 2.2. The site comprises a converted model farm and is situated within the open countryside and within the Howardian Hill Area of Outstanding Natural Beauty.

Planning Background

- 2.3. The site comprises a converted model farm that was subject of the previous planning permission 19/00550/MFUL:

Works to existing farmhouse to include alterations and extensions to form a five bedroom dwelling to include change of use and alteration of adjacent outbuildings to form a triple garage, stabling, tack room, workshop, summer house and an open sided covered area, amalgamation and alteration of 2no. semi-detached cottages (Anna Cottages) to form 1no. four bedroom dwelling to include erection of part two storey/part single storey rear extension, detached double garage and amenity area, change of use, alteration and extension of detached stable block to form 1no. three bedroom dwelling with attached double garage and amenity area, change of use, alteration and extension of barns grouping to form 2no. four bedroom dwellings, 2no. three bedroom dwellings and 1no. two bedroom dwelling with covered amenity areas, garaging and shared parking, repositioning of agricultural barn partially housing communal heating system controls and ground source heat pumps with photovoltaic array on roof and for storage of land management and grounds maintenance equipment and removal of existing portal frame barns and 8no. metal silos together with use of both the existing eastern site access and the western access adjacent to the reservoir with a new track along the western edge of the site.

- 2.4. As the site was located within the open countryside, under Policy SP2, Local Occupancy Restrictions are typically be applied to the residential conversions.
- 2.5. The original application (19/00550/MFUL), however, was made on the basis that the model farm buildings were valuable non-designated heritage assets and their retention and preservation to ensure their viable re-use was a key planning consideration.
- 2.6. The application was subject to extensive scrutiny and supported by a Viability Appraisal that outlined the heritage deficit associated with the conversion of the buildings. The imposition of local occupancy conditions to the buildings was demonstrated to be cost prohibitive and would render the scheme unviable. This case was accepted by the planning officer, and in their report to committee they stated:

“should planning permission be granted, the Officer recommendation is that the development is exempt from local occupancy conditions.”¹

¹ 19/00550/MFUL – Officer Committee Report 10 September 2019

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2.7. Despite officer recommendation and the evidence provided, the decision taken by the committee, however, was that the Local Occupancy Condition should be applied to one property. Rather than inhibit the entire development, this was accepted by the applicant and the dwelling agreed to be Unit 4C 'Blacksmiths Cottage'.

2.8. Condition 23 was applied to the decision, which stated:

The dwelling referred to as unit 4C on the approved Block Plan Layout Proposed ref. M45 05 EX20 01 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 relative who have been permanently resident within the District for at least the previous three years.*

Overview of Development

2.9. This S73 application relates to the removal in Condition 23 and removal of the Local Needs Occupancy Condition from the permission.

Pre-Application Discussions

2.10. Contact was made with Ryedale District Council on 18th October 2021 to agree the marketing price for the Local Needs Occupancy property based on two local agent's advice (including one formal valuation).

2.11. On 4th November 2021, RDC confirmed they were happy with the approach taken to marketing the property (see **Appendix 1**).

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3. Planning Context

Development Plan

- 3.1. Section 38(6) of the 2004 Planning and Compulsory Purchase Act requires that all applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 3.2. For the purposes of this application, the following are relevant:
- Ryedale Local Plan Strategy (September 2013)
 - Ryedale Local Plan Sites Document (June 2019)
 - Adopted Policies Map (June 2019)

Ryedale Local Plan (2013)

- 3.3. The adopted Development Plan sets out the Council's policies and proposals for the use and development of land and buildings. It includes broad policies for guiding development, taking into account national and regional planning policy.
- 3.4. The main planning policy which is relevant to this application is Policy SP21, which states:

SP21 Occupancy Restrictions

The following occupancy conditions will be used to ensure that developments are occupied for the purpose for which they are intended and justified. This policy will be applied in the following circumstances:

a) Local Needs Occupancy 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:

- *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*

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.

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3.5. Para 8.7 of the Local Plan Strategy (2013) states that:

“The condition is used to ensure that the limited sources of housing in these locations are available to meet the needs of local people as opposed to externally driven demand and that new homes in these locations come forward at a rate which reflects local housing requirements. It is anticipated that this will support the release of planned housing sites in more sustainable locations/ settlements.”

Material Considerations

Emerging Local Plan Review

3.6. The Distribution of Development Consultation Document² sets out thoughts on how the authority will review the approach to distribution of development in the Ryedale Plan. In the document a series of questions have been posed in order to obtain views on the approach that should be taken and the capacity of settlements to accommodate development.

3.7. Within ‘The Distribution of Development’ document the future of Local Needs Occupancy Conditions (LNOC) as part of the plan is discussed and the following is stated:

“the application of a local needs occupancy condition is not explicitly identified in national planning policy. It is an approach that is very commonly used within the National Parks, where housing delivery is strictly controlled. Its restrictive tests would also not necessarily be in alignment with an approach which seeks to deliver more housing to a greater range of villages, to support village-based services and facilities.”³

The document further states *“The Local Needs Occupancy Condition is also not concerned with the delivery of affordable housing, and so has not helped to deliver more affordable homes in the villages. The experience of implementing the condition has raised costs and complexities for the Council when the properties are built or are re-sold- these have been in relation to the valuation of the property, re-sale delays and difficulties in obtaining mortgages.”⁴*

The document concludes that *“Moving forward, we could simply choose not to use the condition. Alternatively, we could relax the condition’s operation - so the time limits spent out of a place can increase, or that the connection is not just to a parish or adjacent parishes. This means we could use a broader geographical area.”⁵*

3.8. In concluding, neither option refers to the benefits of keeping the LNOC in place as it is at present and it is clear that the restrictive nature of the policy has prevented an otherwise policy compliant scheme being brought forward.

3.9. If the condition ceased to operate or was applied more flexibly, as described within the consultation document, this would greatly enhance the viability of schemes such as this and others that are able to meet national planning policy objectives.

² Distribution of Development Consultation (ryedale.gov.uk)

³ Distribution of Development Consultation Document, Section 3, Page 11

⁴ Distribution of Development Consultation Document, Section 3, Page 11

⁵ Distribution of Development Consultation Document, Section 3, Page 12

4. Planning Assessment

- 4.1. This section considers the key matters relating to the proposed development in the context of relevant planning policy, as well as material considerations.
- 4.2. Section 38(6) of the Planning and Compulsory Act 2004 states that applications must be determined in accordance with the relevant Development Plan unless material considerations indicate otherwise.
- 4.3. This S73 relates to the removal of Condition 23 attached to the 19/00550/MFUL permission. Policy SP21 states in the lifting of restrictions:

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.

Capability and Suitability of Occupation

- 4.4. The unit was completed in August 2021 and was placed on the market on 26th November 2021. It is therefore capable of permanent residential accommodation.

Marketing

- 4.5. The application is accompanied by a Marketing Report prepared by Estate Agent Rounthwaite & Woodhead. Established in 1990, Rounthwaite & Woodhead have extensive experience in marketing all types of property and specifically cover the Ryedale area from their town centre offices in Malton, Pickering and Kirkbymoorside.
- 4.6. Two local agents (Blenkin & Co and Rounthwaite and Woodhead) undertook an open market valuation of the property. The open market valuation provided was between £675,000-£695,000.
- 4.7. The property was placed on the market in November 2021. The marketing has been carried out by Rounthwaite and Woodhead within their local offices, their website and online property websites - the sales particulars clearly refer to the presence of a Local Occupancy Clause.
- 4.8. The property was marketed at a discounted price of £580,000, representing a 15% discount on the mean open market valuation – this approach was agreed with Ryedale District Council.
- 4.9. After a period of 4 months, the property was further discounted on 23rd March 2022 to £550,000, representing a 20% discount on the mean open market valuation.
- 4.10. At the time of submission, the property has been on the market for a period of 10+ months and the property remains on the market at present. Various viewings and enquiries have been undertaken for the property and are detailed within the marketing schedule.
- 4.11. There have been two offers on the property. The first from [REDACTED] who withdrew upon realising they did not comply with the LNOC and additionally had been advised they could not obtain a mortgage.
- 4.12. The second offer was from [REDACTED]. They withdrew their offer after agreement could not be reached on a clause relating to the future removal of the LNOC within the contract.

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- 4.13. The marketing report provides clear evidence that the property has been offered for sale for a period of in excess of 10 months at a discounted rate, with the presence of the LNOC clearly stated on the sales particulars, no potential purchaser has come forward who either complies with the LNOC or that was willing to proceed with the purchase.
- 4.14. Furthermore, the original permission was accompanied by a robust evidence base that whereby Officers concluded that the inclusion of Local Occupancy Clauses were not appropriate given the heritage deficit associated with bringing the buildings back into use.

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5. Conclusion

5.1. This report sets out the case for removal of Condition 23 attached to the 19/00550/MFUL permission. In line with Policy SP21, evidence has been provided that demonstrates:

- The property is built and is capable of permanent residential occupation.
- The presence of the LNOC is preventing the ability of the building to be sold and thus occupied in the future.
- There is no locally derived need for the property.
- The condition is no longer relevant and reasonable to apply in accordance with Policy SP21.

5.2. For the reasons outlined within this statement and marketing evidence provided, it is therefore considered that Condition 23 should be removed from the permission.

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Appendix A – Email Correspondence with RDC

From: Gary Housden <gary.housden@ryedale.gov.uk>

Sent: 04 November 2021 11:00

To: Maria Boyce <maria.b@arkleboyce.co.uk>

Cc: Alan Goforth <alan.goforth@ryedale.gov.uk>; Rachael Balmer <rachael.balmer@ryedale.gov.uk>

Subject: RE: Planning Permission Ref: 19/00550/MFUL - Blacksmiths Cottage, Unit 4C, Home Farm, Braygate Street, Swinton, Malton, YO17 6QT

Hi Maria

Thank you for your email and I apologise for the slight delay in response .

Prior to responding I had sought the views of Alan Goforth who had dealt with the original application and also from Rachael Balmer who has dealt with similar proposals over the last few months.

In short we are happy with the approach you have proposed to take in relation to the marketing of the Local Occupancy Unit.

I trust that this email response is sufficient for your purposes.

Regards

Gary Housden

From: Maria Boyce [<mailto:maria.b@arkleboyce.co.uk>]

Sent: 04 November 2021 10:51

To: Gary Housden <gary.housden@ryedale.gov.uk>; Alan Goforth <alan.goforth@ryedale.gov.uk>

Subject: RE: Planning Permission Ref: 19/00550/MFUL - Blacksmiths Cottage, Unit 4C, Home Farm, Braygate Street, Swinton, Malton, YO17 6QT

Hi Gary/Alan,

I wondered if you had a chance to review the attached letter?

Alan – apologies, I did not send this onto you first time, but the client has asked if one of you can review and let us know your thoughts.

Kind regards, Maria

From: Maria Boyce

Sent: 18 October 2021 13:00

To: gary.housden@ryedale.gov.uk

Cc: RICHARD DALES <rdales8655@aol.com>; James Marshall <jmarshall@MarshallCDP.com>

Subject: Planning Permission Ref: 19/00550/MFUL - Blacksmiths Cottage, Unit 4C, Home Farm, Braygate Street, Swinton, Malton, YO17 6QT

Dear Gary,

We intend to start marketing the Local Occupancy Unit for the above permission shortly. Please see attached letter and valuations confirming our proposed approach to the intended marketing price. Can you confirm you are happy with this and that it meets RDCs expectations?

I appreciate you are busy, but a prompt reply would be very much welcomed.

Kind regards, Maria

Maria Boyce BA (Hons) Dip TP MRTPI

For and on behalf of



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