
Appeal Decision

Site visit made on 11 October 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2021

Appeal Ref: APP/Y2736/W/21/3274990

Methodist Church (now called Sunday School Cottage), Main Road, Weaverthorpe, Malton, North Yorkshire YO17 8EY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Trevor Morris (Scoradale Ltd) against the decision of Ryedale District Council.
- The application Ref 20/00910/73A, dated 21 September 2020, was refused by notice dated 25 November 2020.
- The application sought planning permission for change of use, alteration and extension of Methodist chapel to form a two bedroom dwelling to include erection of a single storey extension to front elevation and formation of a vehicular access with parking and amenity area without complying with a condition attached to planning permission Ref 17/00059/FUL, dated 14 March 2017.
- The condition in dispute is No 3 which states 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 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.
- The reason given for the condition is to satisfy the requirements of Policies SP2 and SP21 of the Ryedale Plan – Local Plan Strategy.

Decision

1. The appeal is dismissed.

Procedural Matters

2. On 20 July 2021, the Government published a revised National Planning Policy Framework (the Framework). Both main parties have had the opportunity to submit comments on the relevance of the Framework to this case. I have taken

any comments received into consideration and I have assessed this appeal in light of the Framework.

Background and Main Issue

3. Planning permission was granted for change of use, alteration, and extension of a former Methodist chapel to form a dwelling house. Planning condition No 3 imposed a Local Needs Occupancy restriction on the occupation of the property in the terms set out in the banner heading above. The planning permission was implemented, and the property is now known as Sunday School Cottage. The appeal proposal seeks to remove condition 3 to allow the property to be occupied on an unrestricted basis.
4. The main issue is whether the Local Needs Occupancy Condition (LNOC) is necessary and reasonable having regard to Development Plan policy for the location of housing.

Reasons

5. Policy SP1 of the Ryedale Plan – Local Plan Strategy 2013 (LPS) sets out the strategy for the distribution of development and identifies the settlement hierarchy. The hierarchy identifies the Principal Town, Market Towns and Service Villages as being the focus of growth. Weaverthorpe is not one of these settlements and is classed as being one of the 'Other Villages'. The policy approach is designed to direct development to settlements which are accessible to facilities and services. 'Other Villages' are considered to have a limited range of services to meet daily needs without exacerbating dependency on the car.
6. Nevertheless, in 'Other Villages' new housing is permitted under specific circumstances as set out in Policy SP2. This includes (amongst other criteria) conversion and redevelopment of previously developed land and buildings within development limits restricted to local needs occupancy (LNO). Policy SP21 sets out the criteria for meeting the LNO required by Policy SP2.
7. The policy approach is consistent with the Framework where, in rural areas, planning policies and decisions should be responsive to local circumstances, support housing developments that reflect local needs and promote sustainable development.
8. Condition 3 complies with the LPS in directing development based on an established hierarchy except in specified circumstances. Even so, Policy SP21 g) provides the basis to consider lifting an LNO requirement if the restriction is no longer applicable.
9. The appellant states that after completing the conversion, the appeal property was put up for sale. The price was reduced over time but with no viewings the property was advertised for rent or sale. Subsequently, the property was tenanted to a locally employed occupant said to meet the requirement of the LNOC. Although the tenancy expired in January 2021, I have no evidence that the property has been vacated and therefore it appears that the occupancy condition is presently fulfilling its purpose.
10. The appellant proposes to sell the property but considers that the LNOC would need to be removed in order for the property to be marketable. I appreciate that the property has previously been marketed for sale without success but

this was some considerable time ago, and it is unclear if the sale price at that time reflected the restriction imposed by the LNOC or if the property was marketed for a sufficient period of time. Without an up-to-date valuation and appropriate marketing which reflects the restrictions imposed by the LNOC, or evidence of the reasons why renting the property to a person who fulfils the condition is not possible, I cannot be satisfied that the condition is no longer applicable.

11. Consequently, based on the evidence the LNOC is necessary and reasonable having regard to Development Plan policy for the location of housing and the removal of condition 3 would conflict with Policies SP1, SP2 and SP21 of the LPS.

Other Matters

12. I have had regard to the decision at East Bank Cottage but Policy SP21 g) requires the removal of an LNOC to be considered on a case-by-case basis and therefore this decision has limited relevance to the appeal before me.
13. I acknowledge the comprehensive comments of the Parish Council and their anecdotal evidence regarding the effect of the application of LNOC's. However, if as indicated by the Council LNOC's have only been applied to 4 properties in Weaverthorpe I am not persuaded that their imposition would have had the effects suggested by the Parish Council.

Conclusion

14. I conclude that the proposal to remove condition 3 would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR