



Appeal Decision

Site visit made on 3 December 2025

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

Appeal Ref: APP/W9500/W/25/3370786

Land west of the B1257, Chop Gate, North Yorkshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
- The appeal is made by Mr and Mrs Wood against the decision of North York Moors National Park Authority.
- The application Ref NYM/2024/0832 was approved on 28 February 2025 and planning permission was granted subject to conditions.
- The development permitted is conversion of former stable building to form one local occupancy residence dwelling with garden together with landscaping works, removal of timber garage, provision of two parking spaces and improvement works to existing vehicular entrance at land and building west of the B1257 (located north west of Bridge End Cottage), Chop Gate.
- The condition in dispute is No 4 which states that: *"The occupation of the dwelling hereby permitted shall be limited to:*
 - i. a qualifying person; and*
 - ii. a wife or husband (or person living as such), licensee, dependant, or sub tenant of a qualifying person.*

For the purpose of the above, a person is a qualifying person in relation to the dwelling if he/she has an interest in the dwelling (see Note A) and, immediately prior to occupying the dwelling, he/she has satisfied the Local Planning Authority that he/she was in need of local needs housing in term of the criteria set out in Policy CO13 of the adopted North York Moors Local Plan, namely that he/she is:

- 1. Currently resident in the National Park, having been resident in the Park for at least the previous three years; or*
- 2. Currently in employment in the National Park; or*
- 3. Having an essential need to live close to relative(s) who are currently living in the National Park; or*
- 4. Having an essential requirement for substantial support from relatives who are currently living in the National Park; or*
- 5. Former residents whose case for needing to return to the National Park is accepted by the Authority.*

Prior to the occupation of the development the qualifying person shall have obtained confirmation in writing from the Authority that they satisfy the local need criteria outlined in points 1 to 5 above.

Note A: For the purpose of the above, a person has an interest in the dwelling if he/she has a freehold or leasehold interest in the whole or any part of it or is a secure tenant or statutory tenant within the meaning of the Housing Act 1985 or the Rent Act 1977.

Note B: For the purpose of the above, resident within the National Park will include the whole of parishes split by the National Park boundary with the following exceptions:

Allerston; Beadlam; Burniston; East Harlsey; Ebberston and Yedingham; Great Ayton; Great and Little Broughton; Great Busby; Guisborough; Irton; Kirkby in Cleveland; Kirkbymoorside; Lockwood; Nawton; Newby; Pickering; Potto; Scalby; Snainton; Sutton under Whitestonecliffe.

Note C: A mortgagee of the owners exercising its statutory power of sale, a receiver appointed thereby, or a successor in title thereto is not bound by the provisions of this Condition, (provided always that any such mortgagee must be a body corporate registered with and regulated by the Prudential Regulation Authority (or any successor body whose function is to regulate mortgages and loans)). In the event that this happens, the local occupancy restriction shall however be replaced by a principal residence restriction as follows: -

The application property hereby permitted, shall be used as a principal residential dwelling (Class C3) and for no other purpose including any other use in Class C of the Schedule to the Town and

Country Planning (Use Classes) Order 2020 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

The property shall be the only or principal home of the main occupant and it shall be occupied by the main occupant for at least 80% of the calendar year in the event that the main occupant occupies more than one property. The property shall not be occupied by the main occupant as a second home.

The occupants shall supply to the Local Planning Authority (within 14 days of the Local Planning Authority's request to do so) such information as the Local Planning Authority may reasonably require in order to determine compliance with this condition. For the avoidance of doubt the property shall not be used as a single unit of holiday letting accommodation".

- The reason given for the condition is: *"In order to comply with Strategic Policy M of the North York Moors Local Plan which seeks to restrict the occupancy of new residential development to those with a local links and an essential need to live in the locality".*
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Secretary of State has considered the appeal in accordance with Regulation 14 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). The development falls within the description at 10 (b) of Schedule 2 of the Regulations, although it does not exceed the threshold criteria. However, the proposed development falls near to 'sensitive areas' as defined by Regulation 2 of the EIA Regulations and is within the designated North York Moors National Park. In the opinion of the Secretary of State, having considered the criteria in Schedule 3 to the EIA Regulations, the proposal would not be likely to have significant effect on the environment. Accordingly, the development is not Environmental Impact Assessment development.
3. National Parks have the highest status of protection in relation to landscape and scenic beauty. The two purposes of National Parks are to conserve and enhance the natural beauty, wildlife and cultural heritage of the area, and to promote opportunities for the understanding and enjoyment of the special qualities of National Parks by the public.
4. The Levelling-up and Regeneration Act 2023 amended The National Parks and Access to the Countryside Act 1949, imposing a duty to further the statutory purposes of National Parks in England. Paragraph 189 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks.

Background and Main Issue

5. Planning permission was granted with condition 4 restricting the occupancy of the dwelling for local needs housing, subject to qualifying criteria. The reason given for the condition is to restrict the occupancy to those with local links and an essential need to live in the locality, having regard to Strategic Policy M of the North York Moors National Park Authority Local Plan (2020) (the LP). The Authority's appeal statement expands on this reasoning, highlighting the requirements of Policies CO12 and CO13 of the LP in relation to local needs housing.

6. The appellants are seeking the variation of the condition in order to remove the local occupancy connection requirement and allow for occupation of the dwelling as their principal residence.
7. Taking the above into account, the main issue is whether the condition is reasonable or necessary to meet the Authority's local housing need.

Reasons

8. The appeal site comprises a modest, former stable building of traditional construction and appearance, located in a prominent position directly adjacent to the B1257 highway. Development in Chop Gate is relatively sporadic and characterised by dispersed groups along the B1257 and other roads. The appeal site is somewhat detached from, and does not adjoin other development in the vicinity, but is relatively close to housing on the opposite side of the highway.
9. Strategic Policy M of the LP refers specifically to the delivery of homes to help meet the needs of local communities. The policy's supporting text explains that opportunities for new housing development that supports National Park purposes are very limited and need to be considered carefully in terms of how they can best support local communities. Accordingly, local occupancy conditions requiring a local connection ensure that new housing is used to meet the needs of local people. These are used for new housing development in Smaller Villages and for conversion of buildings in open countryside. The supporting text states that the Authority will allow principal residence housing in Larger Villages to support their service function.
10. Chop Gate is identified in the LP as a Smaller Village. Regardless of whether or not the appeal site is within the village or open countryside, and noting the spatial strategy set out at Strategic Policy B of the LP, the conversion/reuse of buildings to dwellings in Smaller Villages and the open countryside would be limited to local needs housing, having regard to either Policies CO8 or CO12 of the LP. Policy CO13 is clear that local connection requirements will be applied as a condition of planning permission for all local needs housing.
11. Dwellings with a local connection condition form a valuable part of the existing stock and the LP is clear that the Authority will resist applications to have local connection conditions removed. Under Policy CO13, applications to remove a local connection condition will only be permitted if it is clearly demonstrated that the property has been adequately marketed at a suitable price and for an appropriate period of 12-18 months. In such circumstances the Authority will apply a principal residence condition.
12. Whilst the appellants' evidence indicates some marketing has been undertaken, this is not sufficient to satisfy the requirements of LP Policy CO13. Although the appellants would not currently satisfy the local connection criteria, I have limited evidence before me to demonstrate that the conversion of the vacant building and development of the site could not be achieved in a manner that would comply with the requirements of the LP. Consequently, whilst a principal residence condition would prevent holiday occupancy, I am not satisfied that there are overriding reasons or exceptional circumstances that would justify the variation of the condition in this instance. The proposal would conflict with the development plan's aims to deliver housing to meet the needs of local communities.

13. For the above reasons, I conclude that the condition is reasonable and necessary to meet the Authority's local housing needs. The proposal therefore conflicts with Strategic Policy M and Policy CO13 of the LP, the aims of which are set out above. The proposal would also conflict with the National Planning Policy Framework (the Framework) and its overall aim to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.
14. Notwithstanding this conclusion, I do not find that the proposal would conflict with the objective of furthering the purposes of the National Park. However, this does not alter my finding or justify the proposal.

Other Matters

15. I have had regard to representations raising no objections and support from interested parties, and I acknowledge that development would provide an opportunity to enhance the appearance of the site and the surrounding area. The development for a single dwelling would also provide modest economic benefits during construction and contribute to the social objectives of the Framework through supporting the local community and village services. However, these nor any other benefits are sufficient to persuade me that the proposal is acceptable.
16. The appellants refer to another planning application¹ that sought to allow occupation as a principal residence dwelling, relaxing the local needs occupancy condition. I have not been provided with the details of this application, therefore I am unaware of the full circumstances of it to determine if it is comparable to the appeal proposal and if it would weigh in favour. I have also not been provided with any further details to demonstrate that the Authority is reviewing the requirements for a local occupancy condition, or that the above relevant LP policies should not apply in this case.
17. I note the appellants' reference to pre-application advice and correspondence with their planning consultant. I also acknowledge their comments on personal circumstances, including the significant investment into the site and the planning process, as well as difficulties in securing rental property within the National Park. I am mindful of the advice contained in Planning Practice Guidance that in general planning is concerned with land use in the public interest. These matters do not alter my conclusion.
18. Where the development of the site has been found to be acceptable in other respects, these are neutral matters that do not weigh in favour of the development.

Conclusion

19. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR

¹ NYM/2022/0537 The Old School House, Kirby Knowle