

# North York Moors Local Plan

## North York Moors National Park Authority's Response to Inspector's Matters, Issues and Questions.

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### MATTER 6 – UNDERSTANDING AND ENJOYMENT – STRATEGIC POLICY J/POLICIES UE1-UE4 (REF. EXMIQ/006)

#### *Strategic Policy J*

#### 6.1 **Can the policy be effective in the absence of any clarity about “the principles of sustainable tourism”?**

6.1.1 The intention was to be very clear about what was meant by ‘the principles of sustainable tourism’ by setting these out in criteria 1-10 at paragraph 5.4. These are written around the statutory purposes and duty and are intended to provide a context for decision making by supplying a set of ‘guiding principles’ to ensure that the second purpose (and duty) is delivered within the overriding first purpose.

6.1.2 This approach to tourism taken by the Plan has been subject to much internal discussion as it goes to the heart of balancing the first and second purposes. The principles were initially set out in a topic paper which was discussed at [Development Plan Working Group on 29 June 2017](#). This explained the principles thus:

*“To help frame a policy to achieve this delicate balance between delivering the statutory duty within National Park purposes we began by considering what we really mean by ‘sustainable recreation and tourism’ in the North York Moors context. To help answer this, we compiled a list of key ‘principles’ around the two statutory purposes and within these the social and economic duty that would represent sustainable forms of tourism and recreational development.*

*We concluded that this set of ‘key principles’ could be set out in the supporting text to the draft policy as it was felt potentially including them in the plan would help applicants understand what the Authority would be looking for in a sustainable tourism or recreation proposal, as well as assisting Members when deciding planning applications in the future. The main policy itself would require that new development should be sustainable, meaning that it should be in line with the principles set out in supporting text”.*

6.1.3 We therefore feel that the Plan does offer clarity over what is meant by ‘the principles of sustainable development.’

#### 6.2 **Is the policy clear why particular emphasis is placed upon “ecological or archaeological assets”?**

6.2.1 The origin of this criterion was in Policy UE2 on Cabins, Chalets, Caravans and Motorhomes in the [Preferred Options version of the Plan](#) [LPH003]. This policy was combined with Policy UE1 (formerly Camping and Glamping, now Small Scale Tourism Development) and deleted to simplify and shorten the Plan and avoid repetition, however this phrase was ‘carried over’ into Strategic Policy J to make sure it still applied to new tourism development.

6.2.2 The reason why the phrase was in former Policy UE2 was to acknowledge that larger cabin or chalet developments are sometimes proposed in sensitive locations for wildlife e.g. woodlands and that there can be an impact from recreational use in terms of disturbance. Policies have

been developed following extensive input from Members and this was a specific point made by Members at Development Plan Working Group, who wished to see policy acknowledgement of the potential harm that could be caused by such development and sought to ensure that the policy contained wording to avoid it. New tourism developments can also increase visitor pressure on archaeological assets. As conservation and enhancement of both is part of the first purpose it was considered following deletion of Policy UE2 that this 'hook' was still needed and the phrase was transferred to Strategic Policy J. This first purpose is also one of the 'principles of sustainable tourism set out at 5.4(2).

6.2.3 We accept that policies to achieve the same result are set out elsewhere and that the Plan should be read as a whole. Throughout the Plan our approach has been to avoid duplication wherever possible, however a particular point or criterion is sometimes repeated to make absolutely sure that applicants would be aware that it was of particular importance for the type of scheme proposed. In the case of tourism and recreational development that can have wider impacts as people enjoy the National Park and 'explore,' this was felt to be the case here

### 6.3 Are criteria a) and b) consistent with Strategic Policy B and Policy UE1?

6.3.1 Currently, no as it does not allow for small scale tourism accommodation of the sort covered by Policy UE1 (this also applies to Strategic Policy B). A [main modification \(MM24\)](#) was suggested at the submission stage to rectify this: Main modification - add to the end of criterion **b) existing building or complies with Policy UE1.**

6.3.2 A modification to Strategic Policy B is also suggested (see [MIQ 3.6](#)) to insert a new criterion (4) between current (3) and (4) of the policy and re-number criterion 4 to 5: **4) It meets the requirements set out at Policy UE1 (Small Scale Tourism Accommodation);**

**5. 4. Where development proposals are part of a Whole Estate Plan that has been endorsed by the National Park Authority.**

### 6.4 Is it clear what is meant by "facilities development"?

6.4.1 A main modification to address this point was proposed at submission stage (MM23):

6.4.2 Second paragraph to read: **Tourism and Recreational Accommodation and facilities development will be permitted where:**

6.4.3 The original intention was to recognise that some tourism development may not be in the form of accommodation, such as a visitors centre.

*Policy UE1*

### 6.5 Is the policy clear enough about what is meant by "small scale tourism accommodation"? Is this a helpful distinction?

6.5.1 This is explained at paragraph 5.10. The intention is to provide guidance in supporting text that 'small scale' means supporting the National Park's first purpose, with accommodation of more than 12 units likely to be unacceptable, whilst acknowledging that scale may vary according to the type of accommodation and its location. The term 'small scale' is also used in existing policy ([Core Strategy and Development Policies DP16 \[CP001\]](#)) on Chalet and Camping sites with supporting text (8.29) indicating that schemes of more than six units are rarely likely to be acceptable. This indicative figure has been increased in the Plan in light of the types of applications that have been coming forward, a desire to reflect the second purpose and to recognise that more than six units may be more viable in financial and management terms. The policy also clearly sets out what type of development would be permitted such as tents, pods etc.

6.6 **Is it justified for criterion 2 to expect a proposal to be “physically linked” to an existing unit?**

6.6.1 This is a continuation of current policy ([Core Strategy and Development Policies DP16 \[CP001\]](#)) on Chalet and Camping sites. The reason for this is explained at supporting text 5.8, i.e. that it is intended that there is someone on site that can manage the accommodation and to avoid sporadic development. The phrase is very specifically worded to make sure that small scale tourism development is not developed in isolated locations and so that any problems on site such as noise and general disturbance can be quickly managed.

6.6.2 A distinction is drawn between settlements where this management function should be ‘in close proximity to’ i.e. not physically linked but nearby and ‘physically and functionally linked’ in the open countryside. The former could be for example a house or pub close to a field that could be used for camping but within easy reach for management purposes. ‘Physically linked’ is interpreted as a site which shares a boundary with that of the managing land.

6.7 **Is it effective for a policy to consider granting planning permission for development that “must be screened”? Is it clear what is meant by “in order to provide a setting” for proposed development?**

6.7.1 The purpose of the ‘screening policy’ is to ensure the implementation of the National Park’s first purpose while also implementing its second purpose, by ensuring that sites are not visually prominent within a protected landscape. It is an evolution of current policy ([Core Strategy and Development Policies DP16 \[CP001\]](#)) on Chalet and Camping sites which requires sites to be located within well-established woodland or forest which would provide screening. Policy UE1 recognises in addition that other forms of screening such as topography or buildings may serve the same purpose.

6.7.2 The phrase ‘provide a setting’ is also used in the current Policy DP16. However, we accept that the policy could be more clearly set out. A main modification is suggested:

**In order to respect the sensitivity of the local landscape character type All sites must be screened by existing topography, buildings or adequate well established vegetation which is within the applicant’s control and where arrangements for its long term maintenance can be demonstrated.** ~~in order to provide a setting for the proposed development whilst respecting the sensitivity of the local landscape character type.~~

6.8 **Is it effective to use “should” (rather than e.g. “will be expected to”) before the list of criteria?**

6.8.1 We agree that this wording would be more effective. A main modification is suggested in the line before criterion (a):

The following criteria will be expected to ~~should also~~ be met:

6.9 **If the policy is justified, does the list of criteria require an “and” after criterion e) to be effective?**

6.9.1 We do not think this is essential since para 1.18 says that throughout the Plan, unless stated otherwise, where policies contain separate criteria all criteria are intended to apply. It could be interpreted that adding “and” implies that it is only the last two criteria that must apply together.

6.10 **Is criterion a) a helpful means of assessing “low environmental impact”? How is one to interpret what is meant by “limited physical connection with the ground”?**

6.10.1 The phrase ‘low environmental impact through limited physical connection to the ground’ is intended to mean a structure that can be removed without permanent harm to the landscape (as explained in the second sentence of paragraph 5.7). We also accept that there is some

duplication with criterion (e). If the Inspector considers that the criterion as worded is not clear we would suggest the following main modification (which also changes the word 'can' with 'will' in current Policy UE1 (e) – a condition to remove accommodation is routinely applied:

#### 6.10.2 The following criteria should also be met:

- a) Accommodation has a ~~low environmental impact through~~ limited physical connection with the ground, will be removed without harm to the landscape and avoids extensive alteration to ground levels;
- b) It does not lead to unacceptable harm in terms of noise and activity on the immediate area;
- c) It is not sited within a residential curtilage;
- d) The proposal does not, in combination with existing development detract from the character, tranquillity or visual attractiveness of the area;
- ~~e) The accommodation can be removed without harm to the landscape and any woodland when no longer required;~~

#### 6.11 Are criteria 2 and c) consistent with each other?

6.11.1 The policy is intended to apply to areas of open countryside which meet the requirements of criterion 2 and which are not within a residential curtilage – for example a house with a garden (a residential curtilage) and some woodland (which is not residential curtilage). Criterion (c) is worded to refer to residential curtilage only, and not curtilages of other buildings such as agricultural buildings.

6.11.2 We accept that there is duplication with Policy UE4 (New Holiday Accommodation Within Residential Curtilages) and that criterion (c) could be deleted:

6.11.3 Proposed main modification to Policy UE1: ~~(c) It is not sited within a residential curtilage;~~

6.11.4 The 'phrase 'physically and functionally linked' is taken from existing policy ([Core Strategy and Development Policies DP16\(2\) \[CP001\]](#)) on Chalet and Camping sites. The phrase is intended to make clear that isolated parcels of land away from the managing unit would not be considered acceptable.

6.11.5 Should the Inspector consider that this needs to be made clearer we would suggest the following main modification to the last sentence of paragraph 5.8:

6.11.6 *5.8 This is to ensure active management of the site to prevent any local amenity issues such as noise or other disturbance from occurring. Applicants will be expected to provide details of proposed management arrangements. The term 'physically and functionally linked' is intended to make clear that parcels of land isolated from the managing unit are not considered suitable locations for development.*

#### 6.12 Is it necessary to have both criteria d) and f)?

6.12.1 Yes. Criterion 9 (d) applies to an area and criterion (f) refers to the development itself. We accept that there is some overlap given that there is a relationship between a development and its surroundings, however criterion (f) directly relates to the design of the development.

#### 6.13 Is the distinction between criteria i and ii justified and effective?

6.13.1 Yes. Criterion 9 (d) applies to an area and criterion (f) refers to the development itself. We accept that there is some overlap given that there is a relationship between a development and

its surroundings, however criterion (f) directly relates to the design of the development.

6.13.2 This distinction is explained at paragraph 5.9 – the intention is to direct larger cabin and chalet proposals up to 12 units to areas which can be served by the road network.

#### *Policy UE2*

6.14 **Is this policy justified given the coverage of Strategic Policy I?**

6.14.1 Yes. (we are assuming the policy mentioned in the question should read Strategic Policy J). Strategic Policy J is intended as a ‘scene setting’ strategic policy (akin to Policy DP14 in the [Core Strategy and Development Policies \[CP001\]](#)). Policy UE2 then contains additional policy specifically applying to existing businesses.

6.14.2 We acknowledge there is overlap, however there are two elements of this policy that are not within Strategic Policy J. This policy includes a sequential approach to the assessment of the location of new development and it makes clear that extensions should be subservient to the existing use. For this reason we think the policy is justified.

6.15 **How would the plan deal with applications for new tourism and recreational businesses?**

6.15.1 Policy UE2 relates to the expansion of existing businesses. The Plan allows for new businesses in accordance with Strategic Policy J; i.e. a proposal would be permitted within in Helmsley or one of the villages listed in the settlement hierarchy or in the open countryside if it meets the criteria set out in Policy UE1.

6.15.2 We do recognise that the policy is not entirely clear in that it covers expansion of existing businesses only (as the title says) but then refers to new development in the first sentence. We therefore suggest a main modification:

6.15.3 **Proposals to develop an ~~Development of new~~ existing tourism and recreational development business will be permitted where it is they are small in scale and where it is subservient to the existing use taking place on site.**

6.15.4 The conversion of buildings to a tourism or recreational use would also be covered by Policy CO12. We would suggest that the supporting text at 5.6 could usefully point this out.

6.15.5 Suggested main modification: *Criterion (b) of Strategic Policy J requires that in Open Countryside the expectation is that proposals use existing buildings or form small extensions. Proposal to convert buildings in the Open Countryside will also need to comply with Policy CO12. In the case...*

6.16 **How would subservience be assessed and is such a requirement justified if the requirements of the penultimate paragraph could be achieved by the proposed development?**

6.16.1 ‘Subservient’ is intended to prevent the expansion of a building where the new element of development is larger in scale or dominates the existing building and use. The intention is that any new development should be lesser in scale. The penultimate paragraph relates to form, layout, design and architectural form rather than the issue of scale in respect of the original building. It is therefore considered justified.

6.17 **Does the policy require an “or” after criterion 1 to be effective?**

6.17.1 It is accepted that adding ‘or’ at the end of criterion 1 would reinforce the point that proposals do not need to comply with both of the policy criteria. Minor modification to Policy BL5 proposed:

6.17.2 1) It uses an existing building; or

2) The development forms an extension to an existing building;

*Policy UE3*

6.18 Why should improvements to access and highway arrangements weigh in favour of the loss of tourism and recreation facilities? Is it clear in what location(s) such improvements would be expected?

6.18.1 This section of the policy resulted from a suggestion arising from the [Sustainability Appraisal](#) carried out prior to the Preferred Options Stage (Appendix 5). This stated (page 144):

*“Question whether the policy should say ...’or where it would result in a significant improvement to the environment or to highway safety’ This may allow some sites which have long standing permissions but which are prominent in the landscape (or dangerous from a highway point of view) to change to allow a different less intense or better planned form of accommodation/facility or an alternative use”.*

6.18.2 The intention was to extend an existing policy ([Core Strategy and Development Policies \[CP001\]](#)) Policy DP15) by including it in the Plan, however to also recognise that there may be some circumstances beyond lack of viability that may justify loss such as it would achieve environmental improvements and/or highway safety.

6.18.3 We do not feel it is possible to indicate in the Plan where improvements are needed as this would need to be assessed on an individual application basis.

6.18.4 It is accepted that the policy goes some way beyond the wording originally suggested by the sustainability appraisal which referred to highway safety rather than access and highway arrangements more generally and a main modification is suggested:

6.18.5 Main modification to Policy UE3: **Development that would lead to the loss of an existing tourism or recreation facility will not be permitted unless it can be demonstrated that the business is no longer viable or that the new use would result in a significant improvement to the immediate environment, or highway safety ~~would bring about improvements to the access and highway arrangements~~ which outweighs the loss of the tourism use.**

*Policy UE4*

6.19 **Is this policy justified given that Strategic Policy C and Policies CO6-CO9 and CO12 appear to address the same issues?**

6.19.1 Yes. The policy specifically relates to residential curtilages. Policy CO12 is a policy that covers the open countryside only, whereas most applications for development in residential curtilages will be within settlements. Policies CO6-8 cover residential development rather than a new tourism or recreational use so would not apply. A modification is also suggested to Policy UE1 to remove reference to residential curtilages to avoid duplication, meaning this policy is needed. Finally it was felt necessary to include a policy which protects residential amenity and character.

6.20 **Should criterion 1 refer to historic “interest” to ensure internal consistency and to reflect the terminology of national planning policy and guidance?**

6.20.1 Yes. A main modification is suggested:

6.20.2 **It makes use of an existing building which is of architectural or historic interest ~~importance~~ and makes a positive contribution to the character of the surrounding area;**

**6.21 Is it justified to require such development to make use of an existing building?**

6.21.1 The Authority wishes to set out a presumption against the development of visitor accommodation within domestic curtilages in line with the first National Park purpose and to protect residential amenity. It therefore wishes to include a policy that sets out a principle that such development would not be generally acceptable. It does accept that there may be occasions where a sensitively designed and placed scheme may not compromise the first purpose. It has in the past approved applications contrary to policy – see for example NYM/2018/0226/FL where it was considered that a shepherd’s hut would cause no material harm to local amenity or the wider National Park. The Authority will therefore determine applications in accordance with this policy, however it will also take a pragmatic approach and may approve applications as an exception to policy where it can be demonstrated that no harm is caused.

**6.22 Having regard to national planning policy and guidance, is the policy justified in stating that permitted development rights will be removed?**

6.22.1 Yes. Smaller householder applications can generate significant opposition and raise genuine neighbour amenity issues and design concerns, which may harm the National Park’s special qualities.

6.22.2 The NPPF states that National Parks have the highest status of landscape protection. The introduction of additional structure such as sheds and greenhouses to replace converted buildings can undermine the rural character and setting of buildings both within settlements and within the open countryside. Curtilage areas should therefore remain uncluttered and to achieve this it is standard practice for the Authority to remove permitted development rights (see the [Design Guide Part 4 Page 35](#) [CP016d]).

**6.23 If the policy is justified, does the list of criteria require an “and” after criterion 3 to be effective?**

6.23.1 We do not think this is essential since para 1.18 says that throughout the Plan, unless stated otherwise, where policies contain separate criteria all criteria are intended to apply. It could be interpreted that adding “and” implies that it is only the last two criteria that must apply together.