

North York Moors National Park Local Plan

HEARING STATEMENT

Matter 3 Strategic Approach – Strategic Policies A to D

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The Mulgrave Estate

16 October 2019

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1 Introduction

- 1.1 This hearing Statement has been prepared by John Long Planning Ltd, on behalf of the Mulgrave Estate. It relates to representations submitted on behalf of the Estate to the NYMNP Local Plan (pre-submission version). The Statement provides information and responses to the Inspector's Matters, Issues and Questions For examination published in September 2019. The Mulgrave Estate is a major landowner and employer in the National Park, and has a large portfolio of over 200 properties and other commercial and farming interests in the Park and employs around 40 people.

2 Response to Inspector’s Issues

Strategic Policy A

Matter 3, Issue 3.1 -Are criteria a) to g) of Strategic Policy A consistent with the requirements of subservient policies? Does this list of criteria require an “and” after criterion f) to be effective?

- 2.1 No comment.

Strategic Policy B

Matter 3, Issue 3.2 - Are the types of housing proposed for each settlement tier justified and soundly based having regard to the size and nature of the settlements and the housing needs of the National Park?

- 2.2 The Settlement Hierarchy’s approach of restricting the types of housing permissible in the different tiers is not justified or soundly based.
- 2.3 The Plan is not sound. It is defective in the following ways:
- (1) It restricts the Plan’s ability to stem population decline in the Park and undermines the Plan’s strategy of relying on windfall/conversions/rural exceptions sites to meet housing need by limiting the type of housing permissible in each of the tiers;
 - (2) It does not allow housing need to be met where it is generated. It does not allow any market homes outside of Helmsley. It allows Principal Residences only in Larger Villages; with local needs housing only permitted in smaller villages.
 - (3) It restricts what would otherwise be sustainable development in sustainable locations;
 - (4) It restricts the ability of market homes to cross-subsidise the delivery of affordable housing in all settlements other than Helmsley;
 - (5) It fails to consider the impact of values caused by the application of occupancy conditions on the viability of development schemes, particularly conversions;
- 2.4 There is no evidence to suggest that a lack of a certain type of service/facility in a settlement renders a settlement any less sustainable, particularly as the way people access services/facilities is and will continue to change over time, with more services/facilities being available without the need to travel.
- 2.5 Given the Plan’s lack of site allocations, there is no evidence to confirm that with this restrictive approach in place, the Park’s housing needs can be met and population decline will be stemmed. Neither is there any evidence to demonstrate that the suppression in values caused by the imposition of occupancy conditions would still allow for viable and deliverable developments. Furthermore, there is no evidence to suggest that allowing a more flexible approach to the type of housing for each settlement would constitute unsustainable development.
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- 2.6 The restrictions on new market housing across the Park, other than at Helmsley fails to acknowledge the role villages could have in providing housing that meets housing market needs and help to contribute to one of the Plan's primary aim of stemming population decline; and in some cases could hinder the redevelopment/conversion of redundant sites and buildings, due to viability. The imposition of occupancy conditions can suppress value by up to 30%, which would render many conversions commercially unviable. Site specific evidence of the impact of an occupancy condition on the value of typical real life schemes can be supplied to the Inspector, but due to the commercial sensitivity of the information (costs/residual values etc.), the detailed information is not included in this statement.
- 2.7 Similarly, the restrictions to the occupancy of housing in Smaller Villages and the Open Countryside could also result in what would otherwise be deemed suitable development/conversions being rendered unviable, due to the suppression of values.
- 2.8 The Plan should have a more permissive approach to market housing sites outside of Helmsley, particularly in villages at the Park's periphery, such as Lythe which are close to other service centres outside of the Park; and other settlements/clusters of settlements, such as Egton which together provide a range of services and facilities. The Plan should allow and in some cases allocate market housing sites in appropriate villages, potentially with an element of affordable housing where viable. This would help to ensure that Plan includes an appropriate Strategy more likely to address the aims of stemming population decline and meeting housing need. It would mean housing needs can be met closer to where they are generated, rather than rely on Helmsley alone to meet all of the Park's housing needs; and increase the likelihood of the Plan's affordable housing target being met.
- 2.9 Such schemes would help to bring about social and economic advantages such as the provision of homes, and new residents to help sustain rural services and facilities, taking into account the way in which people now access services and facilities, which will continue to change and adapt over the lifetime of the Plan.
- 2.10 A less restrictive approach to the types of housing permissible throughout the hierarchy would also help to secure the long term future of heritage assets through the re-use of redundant buildings, that would be otherwise be rendered unviable due to the application of occupancy conditions resulting in the suppression of values by up to 30%..
- 2.11 The approach would also ensure that the Local Plan conforms to the NPPF, paras 77-78, which expects planning policies to encourage new housing, including market housing to support local services and allow them to grow and thrive. Similarly, the Plan should allow for Principal Residence housing in Smaller Villages, (and potentially conversions in the Open Countryside).
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Matter 3 Issue, 3.3 Is the use of “including”, with reference to additional housing in larger villages, ambiguous given the apparent restriction on open market housing in such settlements?

- 2.12 It is assumed that the Plan’s current approach seeks to restrict the delivery of ‘market’ housing (i.e. housing unfettered by occupancy conditions), to just in Helmsley. No market housing is permissible elsewhere. ‘Principal Residence’ housing is not considered to be true ‘open market housing’, as it is it will be governed by conditions restricting occupancy. However, it is accepted that ‘Principal Residence’ housing has a role to play in meeting the Park’s housing need; and that it does not suppress values as much as other tenures. Principal Residence housing should be permissible in Larger and Smaller Villages, and potentially conversions in the Open Countryside where the application of occupancy conditions would result in otherwise suitable development being unviable.

Matter 3 Issue 3.4 Is it clear what is meant by “small scale” housing developments in Smaller Villages? Is it clear what is meant by such housing being “to meet local... needs” (referred to as meeting “local housing needs” in the supporting text)?

- 2.13 In the context of this policy, it is assumed that ‘small scale’ means 1 or 2 new dwellings or a conversion of 1-5 dwellings as described by paragraph 7.48. However, it is not clear whether this definition is different in the context of the policy for larger settlements. Also, it is also unclear whether a new build scheme of 3 or more dwellings or a conversion scheme of 6 or more dwellings would be considered large scale. A clear definition of small scale would seem appropriate. The term appears a number of times in the Plan. It would add clarity to the plan to define what ‘small scale’ means with reference to the various policies. It is noted that ‘small scale’ is defined in respect of wind turbines (para 4.58). Paragraph 5.10 defines also small scale as “development (when considered cumulatively with any existing development) that conserves the natural beauty, wildlife and cultural heritage of the National Park.”, although it is not clear whether definition is related only to Tourist Accommodation, or all developments.

Matter 3 Issue 3.5 Is the distinction between “employment” and “training” premises justified and effective?

- 2.14 There is no clear evidence justifying a distinction between employment and training premises. Both types of premises have employees, customers, visitors and deliveries etc. It is not clear why such a distinction needs to be made.

Matter 3 Issue 3.6 Are criteria 1-4 justified and consistent with national planning policy and guidance?

- 2.15 The Policy is not consistent with National Planning Policy. The NPPF requires planning policies to be responsive to local circumstances and support housing developments that reflect local needs. It suggests housing in rural areas should be located where it will enhance or maintain the vitality of rural communities; and 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.
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- 2.16 The Policy defines a number of small villages and hamlets as Open Countryside, and restricts housing opportunities within them. Even very small villages and hamlets (i.e. those under 35 address points) serve a function both individually and collectively as places to live, work and spend leisure time etc. They certainly do not fulfil the established character definition of Open Countryside, which in the National Park’s Core Strategy (2008) is defined as areas with “no development, sporadic development or isolated buildings”. Neither do they fulfil the definition of isolated homes in the countryside as set out in para. 79 of the NPPF.
- 2.17 Such villages should not therefore, be treated as Open Countryside in Planning terms. To include these smaller villages within the Open Countryside definition is misleading and effectively seeks to preserve them in aspic, which is not sustainable and contrary to National Planning Policy. Even very small villages need to be able to adapt and grow to serve the local community. Many of these small villages can have a role to play in helping sustain the Park’s future and are capable of accommodating limited growth, without detrimentally impacting on the National Park’s special character. This opportunity should not be restricted by these small villages/hamlets being classified as Open Countryside in Planning terms and therefore subject to more restrictive planning policies, including the delivery of housing.
- 2.18 Furthermore, including small villages as Open Countryside in planning terms, blurs the Open Countryside definition and adds uncertainty and could be counter-productive in protecting the ‘real’ Open Countryside (as defined in the 2008 Core Strategy), as undoubtedly there will be ‘general’ development proposed in these villages which on the application of the planning balance and taking account of material considerations will be permitted. This could set precedents and make the protection of the real/true ‘Open Countryside’ more difficult. The plan should not make a distinction between small villages and Smaller Villages, and they should be considered in the same category as Smaller Villages.

Matter 3 Issue 3.7 Should criterion 1 refer to historic “interest” to ensure internal consistency and to reflect the terminology of national planning policy and guidance?

- 2.19 The Plan should define what is considered ‘historically important’.

Matter 3 Issue 3.8 Is it clear what the supporting text means by expecting development to be “adjacent to these areas”? Is it effective to have such a requirement in the supporting text rather than the policy?

- 2.20 The supporting text is not clear, and it is inconsistent with other parts of the Plan. The supporting text, with reference to development in Larger and Smaller Village (Local Plan paras. 3.12-3.13) suggests that the Local Plan allows for small scale development in or adjacent to settlements. However, Local Plan Policies CO7 and CO8 allows only housing on small scale infill sites WITHIN the main built up area of the village, not ADJACENT to it. The only housing allowed adjacent to development is considered an exception to Policy and is governed by Local Plan Policy CO11. The Policy should be drafted along the lines of “....Development within and adjacent to villages should support their service function by providing additional housing, employment and new facilities and services for the immediate and wider locality...”
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Strategic Policy C

Matter 3 Issue 3.9 Is it effective to have two criteria (2 and 5) that, to all intents and purposes, repeat each other?

2.21 No comment.

Matter 3 Issue 3.10 Would the policy be more effective if it just directed applicants to the Design Guide? Do criteria 2-10 merely repeat what is with the Design Guide or do they add to it?

2.22 Yes. Although, the Strategic Policy should allow for a consideration of development viability and include some flexibility. In cases where achieving the Policy's requirements, taking into account other Local Plan Policies which have the effect of suppressing values (such as restrictions on tenure/occupancy), render a scheme unviable, then either the design and quality standards and/or the restrictive occupancy conditions need to be relaxed.

Matter 3 Issue 3.11 Does the list of criteria require an "and" after criterion 9 to be effective?

2.23 No comment.

Matter 3 Issue 3.12 Is it effective to require no more than that "opportunities are taken" under criterion 8?

2.24 It is accepted that where the inclusion of features, such as nesting boxes and bat roosts would help to mitigate the wildlife and biodiversity impacts of development it could be expressed as a requirement. This could be included in a development management policy.

Matter 3 Issue 3.13 Will applicants be clear what is meant by "appropriate cycling facilities" under criterion 10?

2.25 Reference to standards to be applied would be a useful inclusion.

Matter 3 Issue 3.14 Is it effective to have what reads as an additional policy requirement, relating to accessibility, in the supporting text only (paragraph 3.19)?

2.26 Certain access matters should be covered by the application of Building Regulations.

Strategic Policy D

Matter 3 Issue 3.15 Is it effective for the policy to quote national planning policy in stating that proposals for major development "should" be refused?

2.27 No comment.

Matter 3 Issue 3.16 Does the list of criteria require an "and" after criterion 3 to be effective?

2.28 No comment.

Matter 3 Issue 3.17 Is it clear what criterion 4 means by "moderated"?

2.29 No comment.

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Matter 3 Issue 3.18 Is it effective for the policy to state only that harm “should”, rather than “will be required to”, be minimised?

2.30 No comment.

Matter 3 Issue 3.19 Is the policy clear about what is meant by “appropriately restored”?

2.31 No comment.

3 Conclusions

- 3.1 The Plan’s settlement hierarchy is not fit for purpose. The approach restricts the Plan’s ability to stem population decline and undermines its Strategy of meeting a substantial proportion of housing needs on windfall/conversions/rural exception sites. It seeks to restrict the type of housing permissible in settlements across the Park, without properly acknowledging the role that the different settlements could have in meeting housing need; or acknowledging the implications applying occupancy conditions could have on scheme viability and the delivery of windfall/conversion opportunities.
- 3.2 The NPPF requires planning policies to be responsive to local circumstances and support housing developments that reflect local needs. The Policy’s purpose should be to focus housing development in places where it will enhance or maintain the vitality of rural communities; and identify opportunities for villages to grow and thrive, especially where this will support local services. The Policy fails to do this adequately. It places too great a restriction on development in Larger Villages, Smaller Villages and other settlements. It also defines a number of small villages and hamlets as Open Countryside, and restricts housing and other development opportunities within them. To include these smaller villages within the Open Countryside definition is misleading and effectively seeks to preserve them in aspic, which is not sustainable and contrary to National Planning Policy.
- 3.3 The Plan should positively permit ‘market’ housing and allocate sites of a suitable size for this purpose in appropriate villages. It should also allow market homes and Principal Residence homes to be delivered in more settlements. This way the Plan’s has a greater chance of successfully meeting the aim of stemming population decline in the Park and addressing local need.
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