
North York Moors National Park Local Plan

HEARING STATEMENT

Matter 6 Understanding and Enjoyment – Strategic Policy J /policies UE1-UE4

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The Mulgrave Estate

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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.
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2 Response to Inspector's Issues

Strategic Policy J

Matter 6, Issue 6.1 Can the policy be effective in the absence of any clarity about “the principles of sustainable tourism”?

- 2.1 If the intention is for all tourism schemes to be judged against a set of sustainable tourism principles, they should be included in the Plan, otherwise the first sentence of the Policy should be removed.

Matter 6, Issue 6.2 Is the policy clear why particular emphasis is placed upon “ecological or archaeological assets”?

- 2.2 The Plan has other policies that provides the protection sought by this part of the Policy (e.g. Strategic Policy I & H, ENV10; ENV1)

Matter 6, Issue 6.3 Are criteria a) and b) consistent with Strategic Policy B and Policy UE1?

- 2.3 Potentially not, it is not clear whether the Policy requirement for ‘new buildings for accommodation to be only permissible only in Helmsley, or within the main build up area of one of the villages listed in Strategic Policy B’, applies to all buildings including cabins/lodges and chalets, or only ‘permanent’ accommodation. Policy UE1 allows for new small scale tourist accommodation in the countryside, including cabins/lodges and chalets as well as accommodation utilising existing buildings
- 2.4 However, Strategic Policy J is more restrictive and it should do more to support the tourism and recreation businesses operating in the Park. One of the Plan’s aims should be to seek to extend the tourism season. A way of doing this is to allow for longer stay lets over the autumn and winter periods. Generally, people choosing this type of stay usually stay for 2-3 months. It is noted that there is no statutory definition of ‘short term let’, however the Plan’s definition in the Policy’s supporting text of “No more than 28 days is too restrictive”. There is no justification or explanation of why 28 days has been chosen. Presumably, the approach is to ensure that holiday accommodation is not used on a permanent basis. It is questioned whether a definition of short term is needed, rather the Policy should allow it to be judged on a case by case basis. If a time period needs to be defined, the supporting text should define short term lets as ‘up to 3 months’, even if this is applicable over the autumn and winter seasons. This approach would not cause any harm.

Matter 6, Issue 6.4 Is it clear what is meant by “facilities development”?

- 2.5 The Plan would be improved by a definition of ‘facilities development’.
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Policy UE1

Matter 6, Issue 6.5 Is the policy clear enough about what is meant by “small scale tourism accommodation”? Is this a helpful distinction?

- 2.6 If the Plan’s intention is to make a distinction between the consideration of permanent and non-permanent accommodation, the wording may be better phrased as ‘non-permanent development’ rather than ‘small scale’. If the Plan allows for Permanent accommodation to be considered as ‘small scale’, other elements of the Policy will need amending (for instance physical connection with the ground).
- 2.7 The main concern is the Policy’s requirement for such development to be within a settlement, rather than adjacent to it (unless the definition of ‘within’ includes sites as the edge of settlements). Criteria 1 should be expanded to allow proposals adjacent to settlements. Also, the reference to proposals having to be in close proximity to an existing residential unit should be removed. Certain types of development covered by the policy, particularly cabins and chalets are generally self-contained and do not need to have a residential unit nearby to manage them. They can be managed remotely, without the need to have a residential management presence at all times.

Matter 6, Issue 6.6 Is it justified for criterion 2 to expect a proposal to be “physically linked” to an existing unit?

- 2.8 Criteria 2 is overly restrictive and not necessary in relation to certain types of development covered by the Policy, particularly static caravans, cabins and chalets. Such proposals are generally self-contained and do not need to have a physical link to an existing business or residential unit. They can be managed remotely off site.

Matter 6, Issue 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?

- 2.9 No, the Policy should allow for proposals to be supported by proposals for screening to mitigate impacts.

Matter 6, Issue 6.8 Is it effective to use “should” (rather than e.g. “will be expected to”) before the list of criteria?

- 2.10 The Policy should allow some degree of flexibility, particularly criterion D. The Policy should be more explicit in its support of proposals for the conversion of existing caravanning and camping sites to cabins and chalets sites, including the extension of such facilities, to improve tourism facilities as suggested by Strategic Policy J.

Matter 6, Issue 6.9 If the policy is justified, does the list of criteria require an “and” after criterion e) to be effective?

- 2.11 No comment.
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**Matter 6, Issue 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”?**

- 2.12 The Plan would benefit from greater clarity if the judgement of ‘low environmental impact’ could extend beyond a consideration of ‘physical connection with the ground and/or changes to ground levels’. Although, the Policy already includes a sufficient list of criteria that need to be met in order for a scheme to be considered acceptable

Matter 6, Issue 6.11 Are criteria 2 and c) consistent with each other?

- 2.13 No, it seems unlikely that a site which is physically and functionally linked to a residential unit could also be sited outside of a residential curtilage.

Matter 6, Issue 6.12 Is it necessary to have both criteria d) and f)?

- 2.14 The Plan has other policies that provides the protection sought by this part of the Policy (ENV2, 3, 9 Strategic Policy C,G).

Matter 6, Issue 6.13 Is the distinction between criteria i and ii justified and effective?

- 2.15 It is assumed that a proposal would need to meet both requirements (i.e. above 25 sqm AND connected to a foul drainage system for it to be considered a cabin and chalet proposal). However, it is not clear whether ablution facilities will be judged against these requirements.

Policy UE2

Matter 6, Issue 6.14 Is this policy justified given the coverage of Strategic Policy I?

- 2.16 The Policy is unclear and confusing. It seems to allow only allow for tourism and recreation development in existing buildings or extensions, and any ‘new build’ would have to be considered an exception, which seems onerous, particularly if there are no existing buildings suitable for use/extension; and given that the Strategic Policy seeks the maintenance and improvement of tourism and recreational facilities. Also, the Policy does not seem to consider tourism and recreation development that does not need to be provided in building, for instance outdoor tourism and recreational activities.
- 2.17 Paragraph 5.15 of the Plan suggests that the Policy is intended to control new build holiday accommodation, yet the Policy only allows new build as an exception, which again seems onerous given the aims of the Strategic Policy. The approach also implies a distinction between ‘tourism’ accommodation which is dealt with in Policy UE1, and ‘holiday’ accommodation. It is not clear what the distinction is, other than perhaps Policy UE1 considers ‘tourism’ accommodation to be non-permanent structures/facilities and ‘holiday’ accommodation to be permanent structures/facilities. If it is this, then it should be clarified. If the Plan’s aim is to not allow any new build permanent holiday accommodation (hotels, guest houses, serviced rooms/apartments) it should explicitly say so, but such an approach would seem at odds with the Strategic Policy.
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Matter 6, Issue 6.15 How would the plan deal with applications for new tourism and recreational businesses?

- 2.18 It is not clear how the Plan would deal with proposals for new build permanent holiday accommodation (i.e. permanent building(s)). The Plan should have a separate policy for new build 'permanent' holiday accommodation (dealing with opportunities both outside and within residential curtilages), unless the expectation is that such proposals will be assessed the same as residential proposals. Policy UE2 could then focus on Tourism and Recreational Development (other than accommodation), dealing with proposals for both new and existing tourism and recreational businesses.

Matter 6, Issue 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?

- 2.19 The Plan would benefit from clarity on this matter.

Matter 6, Issue 6.17 Does the policy require an "or" after criterion 1 to be effective?

- 2.20 Yes. Also, new build development for tourism and recreational uses should be included as part of a sequential approach, rather than an exception to the policy.

Policy UE3

Matter 6, Issue 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?

- 2.21 The Policy requiring the relaxation of holiday letting condition to only local connection condition (local needs housing) seems at odds with the Settlement Hierarchy (Strategic Policy B), which allows for Market homes in Helmsley and Principal Residence homes in larger villages. The Policy should reflect the hierarchy where letting conditions are removed on properties in Helmsley and Large Villages.
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Policy UE4

Matter 6, Issue 6.19 Is this policy justified given that Strategic Policy C and Policies CO6-CO9 and CO12 appear to address the same issues?

- 2.22 If holiday accommodation is considered within use Class C3, then the provisions would seem to be dealt with by the housing policies. However, if conditions restricting occupancy to short term lets are to be applied, then it's not clear whether the housing policies relevant to Helmsley, Large and Small Villages cover such proposals. The housing policies require that conversions would have restrictions applied to only allow principal residence and local needs/affordable occupancy in the case of Larger Villages; and Local needs/affordable housing in the case of smaller villages. Short Term holiday occupancy is not specifically identified as an acceptable use. For proposals in the open countryside, holiday accommodation is specifically mentioned and appears to be considered the same as permanent accommodation. Also, there may be a need for a policy related to holiday accommodation falling within use class C1, such as guest houses/lodging, where a private residential element remains.

Matter 6, Issue 6.20 Should criterion 1 refer to historic "interest" to ensure internal consistency and to reflect the terminology of national planning policy and guidance?

- 2.23 Yes, or the Plan should explain what historic importance means and how it will be judged.

Matter 6, Issue 6.21 Is it justified to require such development to make use of an existing building?

- 2.24 See comments above about new build holiday accommodation.

Matter 6, Issue 6.22 Having regard to national planning policy and guidance, is the policy justified in stating that permitted development rights will be removed?

- 2.25 Government guidance suggests that conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. The policy suggests a blanket removal of permitted development rights, which is inappropriate.

Matter 6, Issue 6.23 If the policy is justified, does the list of criteria require an "and" after criterion 3 to be effective?

- 2.26 No comment.

3 Conclusions

- 3.1 The Plan's Tourism approach needs further work and clarification on the application of the various policies. Certain policies need more flexibility and a more supportive approach to development. The Plan needs to be careful that it doesn't become used as a compendium of planning reasons for refusal.
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