



# **North York Moors National Park Local Plan**

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## **HEARING STATEMENT**

### **Matter 7 Business and land Management – Strategic Policy K /policies BL1-BL12**

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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 K

#### 7.1 Is the policy effective and justified or is it, really, merely a list of aspirations?

2.1 No comment.

### Policy BL1

#### 7.2 Is the plan clear enough about what is meant by "small scale" in this context?

2.2 'Small scale' appears in a number of the Plan's policies, 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.

#### 7.3 Is the distinction between "employment" and "training" premises justified and effective?

2.3 See response to Matter 3.issue 5.

#### 7.4 Is it clear, in each case, whether some or all of the criteria must be met?

2.4 It is assumed that all criteria need to be met, which renders the Policy overly restrictive. Criteria B3 and C1 are particularly restrictive and would not allow the extension of existing premises or new buildings to accommodate an expanding business in certain rural areas, particularly those Small Villages and settlements designated as Open Countryside by the Plan.

2.5 This approach is contrary to NPPF para. 83-84 which requires policies to enable the sustainable growth and expansion of all types of business in rural areas, both through a) conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses; c) sustainable rural tourism and leisure developments which respect the character of the countryside; and d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship

2.6 The Policy as written does the opposite and restricts the sustainable growth and expansion of all types of business in the rural area, by applying a large number of restrictive policies. The Policy should also allow for the appropriate extension of existing buildings and new buildings to support businesses in the Smaller Villages and villages designated as Open Countryside.

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**7.5 Is it effective to locate in the supporting text (paragraphs 6.5 and 6.9) what appears to be worded as policy?**

2.7 No comment.

**7.6 Is paragraph 6.9 more relevant to the content of policy BL2, which is about the re-use of existing training facilities rather than, as policy B1 is, new employment development?**

2.8 It would appear so.

**7.7 Would it be more effective if policy BL2 rather than policy BL1 was listed in Appendix 2?**

2.9 No comment.

### **Policy BL2**

**7.8 Why should improvements to access and highway arrangements weigh in favour of the loss of employment and training sites? Is it clear in what location(s) such improvements would be expected?**

2.10 No comment.

### **Policy BL3**

**7.9 Does the list of criteria require an “and” after criterion 4 to be effective?**

- 2.11** To be effective, Policy BL3 should also allow for the diversification of other rural businesses, such as Estates businesses, which whilst having agricultural and forestry elements to the business, also have other rural business elements. Policy BL3 Criteria 1, only allows for the re-use of buildings that comply with Policy CO12. Policy CO12 is very restrictive of conversions in the Open Countryside, which includes buildings in smaller villages designated as Open Countryside by Strategic Policy B.
- 2.12** The Plan’s approach is contrary to NPPF para. 83 which requires policies to enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses; c) sustainable rural tourism and leisure developments which respect the character of the countryside; and d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
- 2.13** The Estate owns a number of farmsteads within and adjacent villages and in the open countryside. Many of these farmsteads are no longer fit for their original purpose, as tenancies have reduced with farms amalgamated and serviced/managed from centralised locations; livestock/dairy farming has reduced significantly; and the buildings are no longer capable of agricultural vehicle storage due to size/openings etc.
- 2.14** The Estate needs to find alternative uses for these buildings and/or realise their value, in order for the Estate to improve its financial sustainability. They are currently a significant liability and unless converted and re-used they could be left to decay to the extent that they can no longer be converted without substantial rebuilding.
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- 2.15** They represent a considerable opportunity for the Estate and with a more supportive Planning approach could become ideal premises for rural workshops/offices/services to help underpin and support the Park's local economy by providing small scale business premises available to let or potentially purchase. The Estate already has a track record in providing such facilities in the larger villages that with a more flexible Planning Policy approach could be rolled out to other villages/locations.
- 2.16 As currently drafted, the Plan significantly reduces the Estate's ability to realise the potential of these farmsteads with very restrictive policies governing their re-use (particularly farmsteads in smaller villages and the countryside); and/or the application of standards; occupancy conditions etc. that would render conversions unviable, even where they may be supported by Policy. The Plan should better reflect the NPPF, and include a more flexible approach to the conversion/reuse and extension of redundant/underused farm buildings across the Park, including those located in villages designated as Open Countryside by Strategic Policy B.

#### **Policy BL4**

**7.10 Is this policy justified given that such extensions are, or could be, addressed by other policies?**

- 2.17 No comment.

#### **Policy BL5**

**7.11 Is it clear what is meant by "in recent years" in criterion 3? Is this requirement reasonable, having regard to the potential need for flexibility and the changing needs of farming enterprises?**

- 2.18 Policy BL5 should not seek to impose any unnecessary additional requirements on agricultural business, many of which are operating on the margins of viability. The Authority have commented that the Policy is aimed at controlling larger new 'metal shed' type structures. However, this fails to acknowledge that these structures are needed for the storage of modern farm equipment, materials and produce. Farm business have to modernise to remain viable, unfortunately this means that many traditional farm buildings are no longer fit for purpose and new buildings are necessary for operational, practicality and security reasons. For instance, for the storage of materials, produce and modern farm equipment. Also, imposing a condition requiring the removal of buildings or structures that are no longer needed for agricultural purposes, does not seem a good use of resources, particularly where buildings could be put to other productive uses compatible with the Park's aims

**7.12 Does the list of criteria require an "and" after criterion 6 to be effective?**

- 2.19 No comment.

**7.13 Is the plan justified in using the national Green Belt test (albeit that this wording is within supporting text (paragraph 6.21) not the policy) for new buildings in isolated locations in the countryside?**

- 2.20 No, the very nature of farming businesses in North Yorkshire means that they are often in isolated locations, and there is sometimes no other choice of location.
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## **Policy BL6**

### **7.14 Does the list of criteria require an “and” after criterion 5 to be effective?**

2.21 No comment.

## **Policy BL7**

### **7.15 Is this policy justified, effective and consistent with national planning policy and guidance for rural areas? Is it clear what it is seeking to achieve?**

2.22 Policy BL7 should not impose unnecessary requirements on agricultural business within villages that wish to relocate elsewhere within the Park. Many agricultural enterprises are operating on the margins of viability, and need to adapt and change to survive, which may require relocation/consolidation etc. For instance, many agricultural enterprises within villages are operating from traditional farm buildings, which are no longer fit for modern agriculture and are poorly served by accesses that are not designed for modern farm machinery.

2.23 To restrict the relocation of agricultural enterprises unless they cause severe economic disadvantage is unfair. By the time that severe economic disadvantage is proven (whatever that entails) it may be too late to save the viability of the agricultural enterprise. Given that the Plan includes other policies to manage development in the Park, this policy is not needed. Potential impacts of relocated agricultural businesses on the Park can be judged against other Plan policies.

### **7.16 Should the policy address circumstances where “bad neighbour” impacts may favour the relocation of a farming enterprise?**

2.24 Yes, see above.

### **7.17 Does the list of criteria require an “and” after criterion 1 to be effective?**

2.25 No comment.

## **Policy BL8**

### **7.18 Is criterion 1 consistent with the Helmsley Local Plan 2015?**

2.26 No comment.

### **7.19 Is it effective to locate in the supporting text (paragraph 6.33) what appears to be worded as policy?**

2.27 If the requirement is intended to be used in judging proposals for the re-use of retail development then it ought to be included within the Policy.

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**7.20 What bearing does paragraph 6.33 have on policy BL8, which is about new retail development rather than the loss of retail facilities?**

- 2.28 Policy BL8 should allow appropriate retail, professional and food and drink development in smaller villages designated as Open Countryside by Strategic Policy B. These villages still have a role to play in helping to sustain local communities and the tourist trade.

**Policy BL10**

**7.21 Is it clear what is meant by the first criterion?**

- 2.29 No comment.

**7.22 Does the list of criteria require an “and” after criterion 4 to be effective?**

- 2.30 No comment.

**Policy BL11**

**7.23 Does the list of criteria require an “and” after criterion 4 to be effective?**

- 2.31 No comment.

**Policy BL12**

**7.24 Does the plan need this policy was located with the other housing policies to be effective?**

- 2.32 No comment.

### 3 Conclusions

- 3.1 The Plan’s Business and Land Management approach needs further work and clarification on the application of the various policies.
- 3.2 Given the restrictions in terms of residential conversions, the Plan should actively encourage the development of farmsteads in small villages and hamlets as business units in order to help increase visitor numbers and provide increased income to the local economy.
- 3.3 There is a need to encourage year round tourism within the Park in order to help the viability of local businesses and there is need for flexibility on the types of use that buildings can be converted to. It is not, however, feasible to expect that all farmstead developments can be developed as farm shops or offices as the area cannot support this level of demand.
- 3.4 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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