

Date: 21st January 2022

Planning Department

North York Moors National Park Authority
The Old Vicarage,
Bondgate
Helmsley,
North Yorkshire,
YO62 5BP

Your ref: NYM/2021/0923/OU
Our ref: 11/21/Joint Egton Scheme

Dear Mrs Saunders,

Outline application for construction of 9no dwellings with associated accesses, parking, and amenity space together with public car park and mixed-use industrial units with associated access at land north-east and east of High Street, Egton

I write with reference to your letter dated 6th January 2022, in connection with the above. Thank you for the update on the progress of the application and your summary of consultation responses received to date.

I have consulted my clients on the content of your letter, and we have collectively considered it in detail. We can confirm that it is **not** the intention to withdraw the application and it is considered that a number of the concerns raised in your letter (and through consultation responses) can be satisfactorily addressed through clarification of either detail or facts or through closer scrutiny of the Planning, Design and Access Statement. We also believe that rather than considering the proposal as a balanced sustainable proposal, too much weight has been placed on the individual elements in isolation rather than giving weight to the benefits derived from the scheme as a whole.

You indicate in your letter that there are three main reasons why you would consider a recommendation for refusal. These can be summarised as:

- Principle of development in this location (Policies CO7 and BL1)
- Inadequate justification for proposed car park (Policy CO3)
- The inability of the Egton Show to continue (Policy L and UE3)

I will address the points in reverse order:

Egton Show

Many of the local objections submitted in respect of this application assume that the Egton Show will not continue. This is simply not true.

There has been considerable discussion between the applicants and the Egton Show committee prior to the application being submitted (para 1.5 of the Design and Access Statement refers) and it has never been the case that the show would not be able to continue. Furthermore, discussions are on-going with the Show Committee. Despite considerable numbers of objections from local people citing the loss of the Egton Show as a reason for refusal you will note that there is not an objection from the Egton Show Committee.

This is because the Egton Show Committee have found an alternative site to host the show, which they had been considering for some time, which they believe is better for them from an operational management and health and safety perspective. This aside the application only proposes to use a small portion of the show ground and the Show could still continue on the existing site with some reconfiguration. Nevertheless, the preferred option of the Egton Show Committee is to move to an alternative site and the applicants are supporting them in this. I would draw your attention to a recent newspaper article in which the Show Secretary, Daphne Jackson is interviewed and is not objecting to the application.

<https://www.thescarboroughnews.co.uk/news/people/egton-show-near-whitby-on-lookout-for-new-venue-as-housing-and-car-park-lined-up-for-showfield-3525593?fbclid=IwAR2vlqFU8WLhRWAU4uSph917rrR4nzzyPHHc9nChVGfVik9tmwCN1WjdF88>

It is anticipated that a member of the Show Committee will make a representation on the application to clarify the position and hopefully reassure local residents.

Your letter indicates that you would recommend refusal for the application on the basis of the loss of the Show under Policies UE3 and L which seek to resist the loss of existing tourism and recreation facilities and existing community facilities. We are not sure how familiar you are with the Egton show but it takes place for 1 day per annum (plus a few days to set up and dismantle), it also arguably does not constitute development or require the benefit of planning permission. Although it is appreciated that holding the Show is still a major undertaking for the Show Committee. However, Policy UE3 and its supporting text is concerned with holiday accommodation and letting. There is no clear definition of tourism and recreation facilities that the Show would appear to fall into and therefore it is questioned whether it falls within the scope this policy. Similarly, the scope of Strategic Policy L which deals with community facilities (although defining those in the supporting text) would also appear to exclude the Show. It would therefore seem unreasonable to refuse this application on the assumption that it would result in the loss of the 1-day Egton Show. Particularly when the show could continue on its current site but in fact would prefer to be relocated to a more operationally suitable location where it would continue.

Car Park

The proposal provides for a new village car park in a relocated position but still within very close proximity to local facilities and services where it can be easily used by the community and visitors.

There is an acknowledged and historic parking problem in this part of Egton which results in domestic and commercial parking on the green, grass verges and in on-street locations in front of residential dwellings and commercial premises. Parking also takes place between the existing agricultural double gated access and the rear entrance of Mortimers (Agricultural Engineers), predominantly taken over by M&M Motors' waiting list vehicles for repairs/servicing and vehicles ready for pick-up. The vehicles significantly detract from the character of the Conservation Area, and the approach to the village from Teesside and Whitby, resulting in a car dominated village-scape. The more formal lay-by carpark is generally utilised by employees' vehicles either working at M&M, Godbold's Blacksmiths or Mortimers.

The proposed car park replaces and relocates, the current roadside car park which has traditionally been well used, by visitors, local people and by those using the recreation field, including to overflow. The current parking in the layby is conditional and by permission of the Egton Estate. The proposal increases parking capacity as well as providing for the needs of pedestrians and cyclists. There is also scope for other benefits such as electric charging points. The fact that the new car park is replacing and relocating an existing car park means that it sits slightly differently with the policy. Policy CO3 does not explicitly require evidence of need for the car park although criterion 1) does refer to providing the only solution to identified existing parking problems. This proposal is replacing and relocating an existing car park, the loss of which would significantly exacerbate current parking problems in Egton. The only way to prevent or alleviate some of the identified parking problems in this location is to find a location for a car park that is close to the existing facilities and services – a car park located in a different part of Egton would not be able to do this – therefore the proposal car park needs to be in this location if it is to be effective and serve the needs of the community and local people as required by criterion 2) of the Policy. There are no other suitable sites in this part of Egton that could accommodate a relocated car park without being more prominently located within the Conservation Area.

The proposed site is on a greenfield site but is part of a wider development package which provides for housing and employment opportunities, the car park needs to be in this general location if it is to be used not least because both visitors and the community have become used to a car park in this area. Therefore, the proposal meets criterion 3) of the Policy. By creating a specific village car park that is set back from the highway, there is the potential to reduce the current level of informal on street parking and verge parking that takes place within the Conservation Area, with the benefit of an overall visual benefit to the wider views and setting of the Conservation Area. The proposed car park would be formally set out and landscaped to match the existing landscaping arrangement for the current layby car park, to enable its assimilation into the landscape and edge of Conservation Area in accordance with criterion 4) of the Policy. The additional capacity which allows for the opportunity for cars parked in other visible location within the Conservation Area to be accommodated in less visible locations presenting further benefit to heritage.

Therefore, in summary the proposed car park provides an opportunity to solve an existing identified parking problem, it provides benefits for pedestrians and cyclists, it is part of a wider scheme with sustainability benefits, and it is not out of character in terms of scale, design, and layout. The car park location is still extremely close to the main facilities and services of the village, it is accessible, not isolated and provides for the needs of both the community and for visitors. When considering that this proposal relates to the relocation and improvement of existing car parking facilities rather than

the creation of a brand, new facilities, the proposal meets the policy criterion and should not be refused.

Principle of Development in this location

Housing

The application provides for a comprehensive sustainable development comprising three elements – housing, car park and industrial units. Strategic Policy B of the Adopted Local Plan states that ‘Development should support the service function of Larger Villages by providing additional housing (principal residence and affordable housing), employment and training premises and new facilities and services for the immediate and wider locality’ This proposal provides for both housing (principal residence) and employment in a larger village – Egton - and therefore is wholly compliant with this policy.

The housing element is considered to be in conformity with Development Management Policy CO7 in that it proposes small scale Principal Residence housing on a suitable, partially brownfield small site in the built-up area of a defined Larger Village. The proposal is for nine dwellings and the NPPF defines major development as over 10 dwellings. The fact that housing applied for is for principal residence housing deals with a number of the issues raised by local people who are concerned about the potential for second homes or holiday lets. The existing car park area is a brownfield site (previous use as a car park), and the landowner (Egton Estate) pays non-domestic rates on it. The proposal is located within the main settlement part of Egton which is the area stretching from the recreation ground in the north to the school in the south. The proposal is not within an outlying hamlet or lower order settlement such as Egton Bridge

The policy requires new housing sites to be within the main built-up areas of the village. The policy itself does not state a number of dwellings and further detail is provided in the supporting text.

As you will be aware there is in law a difference between the weight to be applied to development plan policy and that applied to supporting text when determining application i.e., supporting text carries less weight as set out in the court judgements below:

R (Cherkley Campaign Ltd) v Mole Valley DC and another [2014] EWCA Civ 567

“16...the supporting text consists of *descriptive and explanatory matter* in respect of the policies and/or a *reasoned justification* of the policies. That text is plainly relevant to the interpretation of a policy to which it relates but it is not itself a policy or part of a policy, it does not have the force of policy and it cannot trump the policy...”

Chichester District Council v Secretary of State for Housing, Communities and Local Government Queen’s Bench Division [2018] EWHC 2386 (Admin).

“56. The distinction between the “policies” set out in the NP and its “aims” is, in my judgment, in principle a rational one. Mr Williams and Mr Garvey referred me to decision of the Court of Appeal in *R(Cherkley Campaign Ltd) v Mole Valley DC and another [2014] EWCA Civ 567* . There, the Court of Appeal distinguished between the “policies” and the supporting text. The latter might be relevant to

the interpretation of the “policies” contained in a development plan but whether a proposal conformed with, or conflicted with, the plan was to be determined by reference to the policies it sets out.”

The supporting text to Policy uses a figure of 5 and states ‘generally be sites capable of accommodating no more than 5 dwellings’ and for proposals to be well related, (para 7.31), to the form and grain of the existing surrounding residential development and should make efficient use of the available space. Paragraph 3.12 of the Local Plan indicates that no development boundaries or limits are defined and the suitability of a site for development will be defined on a case-by-case basis. This approach thereby introducing a level of subjectivity in relation to the implementation of this policy and lacks the clarity and certainty that a development boundary provides.

Policy CO7 does not define suitable sites, and this is left to the supporting text at paragraphs 7.32 and 7.33 which states that ‘Suitable small sites may not always be a gap within a continuously built-up frontage but they will always fit in with the existing pattern of the settlement’. This proposal which is a gap within an otherwise built-up frontage does fit in with the existing pattern of development which is linear, largely road frontage, facing and single plot in width. The supporting text also states: ‘It is not intended to allow consolidation of sporadic outlying development or to allow villages to expand into open countryside’. The proposal does not involve the consolidation of sporadic outlying development, nor is it located within a distinctively separate hamlet some distance removed from the main core of the village.

Paragraph 7.33 of the Local Plan also states that ‘Where settlements contain a number of built-up areas it is intended that the housing policies will apply solely to the central main built-up part of the settlement’. This proposal is located within the main core part of Egton and not located within a separate part of the built-up area. The built form of Egton (excluding Egton Bridge) is contained in a single main cluster based on the junction, stretching, north-south in linear form and includes the application site. The proposed housing forms logical infill on a largely brownfield site between the Garage site and Flushing Meadow and Abbotsford to the north and follows the prevailing linear pattern of development within the village. Abbotsford and Flushing Meadow together with the Recreation Ground on the west side of the C82 mark the limit of the settlement of Egton, further reinforced by the 30mph speed limit sign which is located close to the driveway of Abbotsford.

The Local Plan supports the provision of a range of types of housing. The application is for principal residence dwellings which is consistent with the plan’s policies and although it is made in outline the indicative layout shows how semi-detached and detached 3-bedroom dwellings could be accommodated on the site, which is consistent with the Local Plan’s aim of providing dwellings for smaller households.

The housing element of the proposal is therefore in accordance with the adopted Local Plan.

Employment/Industrial Use

As referred to above, the application provides for a comprehensive sustainable development comprising three elements – housing, car park and industrial units. Strategic Policy B of the Adopted Local Plan states that ‘Development should support the service function of Larger Villages by

providing ... employment and training premises and new facilities and services for the immediate and wider locality' This proposal provides for employment opportunities in a larger village – Egton - and therefore is wholly, compliant with this policy.

Your letter refers to Policy BL1 of the Local Plan which only supports the development of new employment facilities within the main built-up areas of the larger villages. The proposal is located in Egton which is identified as a larger village in the settlement hierarchy and the proposed employment area forms a logical extension to an existing employment area. The proposal is of a scale commensurate with the scale of the village . The proposal is still in outline and therefore there are no specific buildings proposed for the mixed industrial area. However, the mix most likely to be used would be a range of sized buildings to be used for a mix of light industrial, office and industrial use with some small-scale storage and distribution and would fall within the Use Class E (g) which specifically covers uses that can be carried out in a residential area without detriment to the amenity of the area. The proposed area for employment uses can be safely accessed from the existing road network and therefore complies with the requirements of this policy.

Both the Egton and Mulgrave Estates are regularly approached by new businesses and existing businesses in the area who are seeking to expand or require new premises. Both have records of the approaches that they have received, and these could be made available (subject to confirmation around date protection issues). Whilst there are businesses which happily occupy traditional farm buildings, they are not suitable for all and therefore the investment in new buildings by the Estates that is presented by this proposal is wholly consistent with Strategic Policy K which seeks to broaden and diversify the economy of the National Park. The policy supports proposals that would allow existing businesses to diversify and expand, where they may increase or broaden job opportunities and where they may support small, micro or start-up industries. Access to a range of high quality and long-term employment opportunities is a key factor in encouraging young people to stay in the area and help maintain sustainable rural communities. The Authority has a duty to foster the economic and social well-being of local communities whilst pursuing the National Park purposes and will encourage and promote opportunities for appropriate new employment, training and enterprise in the National Park as well as supporting the continued viability of the agriculture and tourism sectors.

It is acknowledged that this is a significant proposal for the National Park, but it is also a sustainable one - bringing tangible environmental, economic, and social benefits which need to be given due weight in the consideration of the proposal as a whole, rather than considering the individual components in isolation. The purpose of the planning system is to provide for sustainable development. This proposal constitutes sustainable development as defined in the NPPF . The comprehensive benefits of the scheme are a significant material consideration in this application and the planning authority is at liberty (within the test of reasonableness) to give significant weight to these in the determination of the application.

Your reference to local objections including those of the Parish Council are noted. Some local objections erroneously refer to the 'War Memorial.' The Memorial commemorates John Foster, who built the village and died in 1910. This important piece of Egton heritage is currently adjacent to a lay-by being utilised for cars in need of repair and servicing. The heritage and history of the village needs some protection, and this scheme provides a solution to protecting heritage whilst at the same time supplying suitable housing and employment needs

We are also aware of concerns raised by the Highway Authority and have had discussions directly with them in order to address their objections. Ged has indicated some 'tweaks' to the layout and design are required and that these should address their concerns. A revised layout is being produced to address these points.

You also indicate in your letter that the application will be recommended for refusal under delegated powers the Director Planning. The Director of Planning has previously extended an invitation to Mulgrave Estate for their applications to be determined by the Planning Committee. My clients would request that this application be determined by the Planning Committee on the basis of the comprehensive nature of the scheme and the level of public interest.

Yours sincerely,

Andrea Long

BSc Hons MRTPI

Director