



## **ALLERTHORPE NEIGHBOURHOOD PLAN**

### **'HEALTH CHECK' REPORT**

**BY**

**MR. PHILIP STADDON BSc, Dip, MBA (Distinction), MRTPI**



**PJS Development Solutions Ltd**

Registered UK Office: 26 Lea Crescent, Longlevens, Gloucester Gloucestershire, GL2 0DU  
Company Registration No. 08445492  
[www.pjs-development-solutions.co.uk](http://www.pjs-development-solutions.co.uk)

VAT Registration No. 175100145  
[info@pjs-development-solutions.co.uk](mailto:info@pjs-development-solutions.co.uk)

## **1.0 INTRODUCTION**

- 1.1 This report sets out the findings of a 'health check' undertaken on 'Draft 07' of the Allertorpe Neighbourhood Plan (the ANP). Allertorpe Parish Council commissioned PJS Development Solutions Ltd to carry out this exercise in February 2018 to assist the evolution of its Plan and its progress towards its formal Examination.
- 1.2 PJS Development Solutions Ltd is an independent Planning consultancy with expertise in Neighbourhood Planning, including assisting Parish Councils with the preparation of plans and the drafting of policies.
- 1.3 The author of this report has recently acted as the Independent Examiner for another Neighbourhood Plan in the East Riding of Yorkshire Council area (Cottingham) and is therefore familiar with the Development Plan context and the general area.
- 1.4 This report is an independent desk based review which has been undertaken to assess the Plan's performance against the 'Basic Conditions' and other legal requirements. It seeks to identify any areas within the Plan where there may be tensions and weaknesses with the requirements for Neighbourhood Plans.
- 1.5 Where appropriate, I have suggested amendments, revisions and areas for further work. I have approached this health check exercise as a 'soft' examination, although clearly it is a time limited and desk based process, which does not include the full rigour of a formal examination.
- 1.6 My findings are simply advisory and offer my professional opinions to assist the Parish Council in producing a Plan that has the best prospects of serving its purpose and moving successfully through the Examination stage and on to the Referendum.

## **2.0 BACKGROUND - NEIGHBOURHOOD PLANNING AND THE 'BASIC CONDITIONS'**

- 2.1 Neighbourhood Planning was introduced through the Localism Act 2011. It provides a set of tools *"...for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area."*<sup>1</sup>
- 2.2 The production of a Neighbourhood Plan enables communities to influence and shape development in their areas. Once a Neighbourhood Plan has successfully passed a local referendum, it becomes part of the Development Plan and the policies contained within it must be taken into account as material considerations in the determination of planning applications.
- 2.3 Whilst giving communities a powerful tool to shape future development, the power is not absolute, as it is mediated by the wider Planning policy context. A Neighbourhood Plan cannot block or fetter development that is already part of the Local Plan. It must also have regard to national policies and advice and, more generally, contribute to the achievement of 'sustainable development'.
- 2.4 Before a Neighbourhood Plan can come into effect, it has to be subject to an Independent Examination and, if it passes that, a local Referendum. If endorsed by the Referendum, the Neighbourhood Plan can then come into effect and have weight in Planning decision making.
- 2.5 The main focus of the Examination is around whether the Plan meets the 'Basic Conditions' set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. The relevant requirements are that the Plan:
- Has regard to national policies and advice contained in guidance issued by the Secretary of State;
  - Contributes to the achievement of sustainable development;
  - Is in general conformity with the strategic policies of the development plan for the area;
  - Is compatible with and does not breach European Union (EU) obligations; and
  - Meets prescribed conditions and complies with prescribed matters in connection with the proposal for the Order.
- 2.6 The issue of 'fit' with the wider existing Planning policy context, and the achievement of sustainable development, are central Examination themes.

---

<sup>1</sup> Planning Practice Guidance - Paragraph: 001 Reference ID: 41-001-20140306

### **3.0 ALLERTHORPE PARISH**

- 3.1 Allerthorpe Parish lies with the East Riding of Yorkshire. It is situated on the south side of the A1079 (York Road) which connects Beverley and York, the city of York being about 12 miles to the west. The parish's closest neighbour is the small market town of Pocklington, which is about 1.5 miles north-east of Allerthorpe village.
- 3.2 The Parish comprises the village of Allerthorpe, the hamlet of Waplinton, a business park and a number of tourist accommodation sites, the remaining areas being largely open fields, agricultural land and woodland.
- 3.3 The village of Allerthorpe is accessed from the A1079 via Back Lane and comprises 67 dwellings with local services limited to a public house, *The Plough Inn*, and a church. There are no shops, schools or other services within the village. Most of the Parish's population of just 220<sup>2</sup> reside within the village.
- 3.4 Most of the village settlement falls within the designated Allerthorpe Conservation Area. An appraisal carried in 2009 described the village's special interest as follows: "*Allerthorpe's special character is defined by its green verges and front facing cottages. It is a traditional English linear patterned village, with a looping back road that runs off Main Street, on its north side. Buildings such as Saint Botolphs Church, The Gables and The Grange and The Rookery (formally known as Allerthorpe Hall), have made positive contributions to the architecture of Allerthorpe. These buildings have given Allerthorpe a diversity of architecture which spans from the Mid 17th Century to the present.*"<sup>3</sup>
- 3.5 Allerthorpe Business Park is located adjacent to the A1079 just south of Barmby Moor. It comprises a number of large modern units that are occupied for employment uses.
- 3.6 A feature of the Parish is a number of self-catering tourist accommodation sites. These include the established Old Gravel Pit Lodges to the east of the village and Allerthorpe Lakeland Park in the south of the parish. A new caravan park is currently under development on part of the Allerthorpe Park Golf Course, also to the south of the village. This development was granted Planning permission on appeal and had been opposed by a number of parishioners.
- 3.7 Overall, the character of the Parish is distinctly rural with the small attractive village providing the main focus of built development.

---

<sup>2</sup> 2011 UK Census

<sup>3</sup> Allerthorpe Conservation Area Appraisal – East Riding of Yorkshire Council (2009)

#### **4.0 NATIONAL PLANNING POLICY AND LOCAL DEVELOPMENT PLAN POLICY / GUIDANCE CONTEXT**

##### *National policy / guidance*

- 4.1 National policy is set out in the National Planning Policy Framework ("NPPF"), published in 2012. The National Planning Practice Guidance ("PPG") supplements the NPPF by providing the Government's detailed advice on Planning matters, including the preparation of neighbourhood plans.

##### *Development Plan*

- 4.2 The statutory development plan in this area is the East Riding Local Plan (ERLP), which comprises a Strategy Document (adopted April 2016) and an Allocations Document (adopted July 2016).
- 4.3 The ERLP does not include any specific development site allocations in Allerthorpe Parish. Indeed, its sustainable growth strategy for the period to 2029 focuses growth in larger settlements which include the 'Major Haltemprice Settlements', four 'principal towns', seven 'towns' and a range of 'rural service centres and primary villages'.
- 4.4 Allerthorpe falls within the lowest tier of the settlement hierarchy, which is termed 'villages and the countryside', where only very limited new housing is proposed (under Policy S4).
- 4.5 However, the ERLP does include some land use policy designations and policies that are relevant to the ANP. These include defined development limits for the village, open space designations on parts of the parish and policies in respect of employment and tourism related development. These are discussed in more detail in the health check comments on the ANP policies later in this report.

## **5.0 ALLERTHORPE NEIGHBOURHOOD PLAN 'DRAFT 07'**

- 5.1 Allerthorpe Parish Council (APC) is the 'qualifying body', which means that it is responsible for the production of the ANP.
- 5.2 The ANP's origins can be traced back to 2013, when a community meeting endorsed the preparation of the Plan. Since that time, APC has led a clear process to develop the Plan to provide a Planning tool to enable the community to influence development within the parish.
- 5.3 Given that the Parish is not an area where the Development Plan envisages any notable planned growth or new development, the ANP's focus is largely about managing limited levels of new development in a manner that protects the environment and seeks to conserve the character of the village and the wider parish area.
- 5.4 However, one particular development issue that the ANP does seek to address relates to speculative leisure / tourist development proposals, which have become a source of concern and contention to the community (in the light of the recent golf club appeal decision).
- 5.5 The ANP is a clear, easy to read and concise draft Neighbourhood Plan which is suitably supported by photographs, diagrams and evidence. The ANP Draft 07 includes 12 policies which cover housing, environment, economy and business, leisure and tourism, transport and community facilities. It also includes sections giving design guidance for residential and commercial development.
- 5.6 The ANP does not make any development site allocations for developments, nor does it seek to designate any Local Green Spaces, both of which are often complicating factors in producing a Neighbourhood Plan.

## **6.0 PROCEDURAL COMPLIANCE MATTERS**

*Compliance with the requirements of S.38A and S.38B of the Planning and Compulsory Purchase Act 2004 (as amended)*

6.1 When the ANP is submitted for Examination it should include a **Basic Conditions Statement**. This should confirm that:

- The ANP has been prepared and submitted for examination by Allerthorpe Parish Council, which is a 'qualifying body'.
- It relates to an area that has been properly designated by the Local Planning Authority.
- It is the only neighbourhood plan in the area.
- It does not include land outside the designated area.
- It sets out policies in relation to the development and use of land.
- It specifies the period during which it has effect (until 2033).
- It does not include provisions and policies for 'excluded development'.

*Public consultation compliance*

6.2 The ANP contains some details of the consultation undertaken in producing the ANP. On the face of it, the process appears to have been inclusive, open and proportionate. Indeed, in parishes with very small populations, it can be challenging to secure appropriate consultation and engagement, but APC appears to have done a good job.

6.3 However, it will be necessary to prepare and submit a **Consultation Statement** to explain the scope and methods of consultation used. This should enable the Examiner to confirm that a comprehensive, 'inclusive and open'<sup>4</sup> consultation process has been followed, which complies with the neighbourhood planning legislation and guidance.

6.4 I recommend including within the Consultation Statement, a summary of the evidence of community views on tourism related developments within the parish. This will be important in supporting the proposed policy on these developments (ANP07).

*European Union and human rights obligations*

6.5 In my view, the ANP will be compatible with EU laws and obligations. As the ANP does not make any development site allocations, it is not conceivable that it is likely to give rise to significant environmental effects or have significant effects on European Designated Sites. I understand that a formal screening has not been considered necessary.

---

<sup>4</sup> 'Inclusive and open' are the terms used in NPPG at Paragraph: 047 Reference ID: 41-047-20140306

## **7.0 'HEALTH CHECK' ASSESSMENT - COMPLIANCE WITH THE 'BASIC CONDITIONS'**

7.1 In this part of my report, I consider the key aspects of the ANP with particular reference to its policies and their compliance with the Basic Conditions. My consideration focuses on whether:

- The ANP has 'regard to' national policy as set out in the National Planning Policy Framework ("NPPF") and the advice contained in the National Planning Practice Guidance ("NPPG");
- The ANP is in 'general conformity with the strategic policies' contained in the East Riding Local Plan (ERLP) which comprises a Strategy Document (adopted April 2016) and an Allocations Document (adopted July 2016); and
- The ANP 'contributes to the achievement of sustainable development'.

### **Title sheet, Foreword and Introduction (Pages 0 – 7)**

7.2 The front page, the Foreword and Introduction all state a clear plan period for the ANP. There is no statutory time period that a plan must cover but the proposed 15 year period from 2018 – 2033 is a sensible timeframe for the ANP and similar to that adopted by many other successful plans. Although this will take it beyond the life of the ERLP, which runs until 2029, I see no issue with that in this case, given the nature of the parish and the commitment to undertaking regular reviews (7.3 of the ANP).

7.3 The Foreword is clear and well written. However, I think it would be helpful if it referenced achieving 'sustainable development' as a key objective of the ANP.

7.4 The Introduction is well written. However, I offer a few comments and suggestions:

- In terms of the story telling, I felt I wanted to learn a little about the village and parish at the outset (before introducing 'what is a neighbourhood plan?'). I suggest that a short profile of the parish is included at this point – explaining its location, rural character, the village, conservation area, listed buildings, population, services and tourism sites and attractions. My paragraphs 3.1 – 3.7 above, could be used as a basic draft to evolve further.
- Section 2.1 '*What is a Neighbourhood Plan?*' is concise and well written.
- Section 2.2 '*Why is a Neighbourhood Plan needed?*' is concise and well written and will read more fluently if the introduction to the

parish is added above (first bullet). It would also be sensible to reference 'sustainable development' in this section.

- Section 2.3 'How the Plan was prepared?' provides a helpful chronology of the evolution of the ANP and outlines the consultation and engagement with the community. Figure 4 identifies a range of resident concerns from a questionnaire survey. However, this section does lack an explanation of how (specifically) feedback and community views have informed and evolved the ANP. One of the main ANP policy issues, concerning the impact of large scale tourist related development on the parish, does not feature in Figure 4 and it would be helpful to outline the evidence of community views on this matter. Fuller details of these exercises, processes and evidence should be set out in a standalone **Consultation Statement**, which should summarise the main issues raised through the consultation and the mechanism by which views and opinions were considered.

#### **Allerthorpe Parish (pages 7 - 8)**

- 7.5 The clarification of the ANP designated area is helpful and will assist the Examiner in confirming compliance with the requirements of S.38A and S.38B of the Planning and Compulsory Purchase Act 2004 (as amended).

#### **Vision and Context (pages 8 - 11)**

- 7.6 Section 4.1.1 – 4.1.3 includes a simple but clear vision and establishes the identified key issues for the ANP. I make two suggestions:
- 4.1.2 first line – add 'and character' after nature [character is an important Planning consideration]
  - 4.1.3 – consider adding a direct reference to tourism related development to the list. It could state: *Recognising the value of tourism related land uses to the wider economy whilst ensuring that their scale and cumulative impact needs to be carefully balanced to protect the nature and character of Allerthorpe and its environment.*
- 7.7 The 'Context' section is very helpful. It will demonstrate to an Examiner that the Parish Council has understood the issues of 'fit' with national and local plan policies. In terms of the East Riding Local Plan (EYLP), the 'very limited development' under S4 is an important point and I think it is worthwhile mentioning the Policy S4(B) criteria for development in 'villages' and the S4(c) criteria for development in the countryside. In essence, the Planning context is one of restraint, where development (not just housing) will be very limited in scale and amount. It would also be useful to reference Policy EC2 in terms of its support for tourist

development where the 'scale and cumulative impact is appropriate for the location'.

### **The Policies**

7.8 For clarity, I have presented my comments in tabular form under each Policy.

Housing Policies	
ANP01	<p><b>Allerthorpe Village applications for an individual property on infill and redevelopment sites will be supported subject to proposals being of high quality and meeting all relevant requirements set out in other policies in this plan and the ERLP, and where it:</b></p> <ul style="list-style-type: none"> <li>• <b>Fills a small restricted gap in the continuity of existing frontage buildings or other sites within the village where the site is closely surrounded by buildings;</b></li> <li>• <b>Is considered to be a location that has access that does not reduce the privacy of adjacent properties or is inconsistent with the character of existing buildings and rural ambiance of the village and village boundaries;</b></li> <li>• <b>Does not encroach on the open farmland around the village or impacts on the views out of the village to the north, south, east and west.</b></li> </ul> <p><u>Health check comments and advice</u> ANP01 seeks, through a criteria based approach, to control infill and other development within the village. Its recognition that some limited development in the village may occur accords with ERLP Policy S4. However, I think the Policy could be improved by referencing the village's defined development limit (settlement boundary) and more clearly setting out the criteria. I suggest something along the lines of:</p> <p><i>Within the defined development limits of Allerthorpe Village, small scale sensitive infill and redevelopment housing proposals (usually comprising a single dwelling) will be supported, subject to proposals satisfying <u>all</u> of the following criteria:</i></p> <ul style="list-style-type: none"> <li>• <i>A high standard of design that respects the site context, neighbouring buildings and the streetscene;</i></li> <li>• <i>The proposal does not detract from the character and appearance of the Conservation Area, Listed Buildings or the village more generally;</i></li> <li>• <i>Satisfactory access arrangements that enable safe ingress and egress that avoids any significant loss of privacy to adjacent properties or harm to the character and appearance of the village;</i></li> <li>• <i>The proposal does not cause any significant loss of amenity to neighbouring properties; and</i></li> <li>• <i>The proposal does not result in the obstruction of any of the significant public views as identified in Figure 11 of the this Neighbourhood Plan.</i></li> </ul> <p>Adopting this revised wording, or something similar, would accord with the ERLP, the NPPF and promote sustainable development. It would also give future decision makers greater clarity.</p>

ANP02	<p><b>Within the wider Parish, outside of the village boundary of Allerthorpe, the replacement of existing dwellings will be permitted where:</b></p> <ul style="list-style-type: none"> <li>• <b>The residential use has not been abandoned;</b></li> <li>• <b>The original dwelling is not a residential caravan, mobile home or chalet;</b></li> <li>• <b>The replacement dwelling is on the site of the original building; the size and design of the replacement is in keeping with its surroundings and there is no increased visual impact on the countryside;</b></li> <li>• <b>In the case of buildings of traditional design, it can be demonstrated that the dwelling cannot be retained through renovation or improvement.</b></li> </ul> <p><b>New dwellings will not be permitted except in the special circumstances described in NPPF para 55. The replacement or siting of buildings in the wider Parish should be considered against this criteria in NPPF paragraphs 16 and 17.</b></p> <p><u>Health check comments and advice</u></p> <p>Policy ANP02 adopts a sensible and mature approach to replacement dwellings in the countryside (similar policies are found nationwide in Local Plans and Neighbourhood Plans).</p> <p>I have noted ERYC officer comments that the policy imposes additional criteria (to ERLP Policy S4) but the inclusion of ‘abandonment’ and ‘design’ are proper Planning considerations and I see no reason to exclude these. It is also commonplace to exclude caravans and mobile homes from replacement dwelling policies, although I comment on <u>tourist</u> accommodation under Policy ANP07 below. However, I suggest some tidying of the policy as set out below:</p> <p><i>Outside of the defined development limits of Allerthorpe village, proposals for replacement dwellings will be supported provided that:</i></p> <ul style="list-style-type: none"> <li>• <i>The residential use has not been abandoned;</i></li> <li>• <i>The original dwelling is not a residential caravan or mobile home;</i></li> <li>• <i>The replacement dwelling is on the site of the original building; the size and design of the replacement is in keeping with its surroundings and there is no increased visual impact on the countryside;</i></li> <li>• <i>In the case of buildings of traditional design, it can be demonstrated that the dwelling cannot be retained through renovation or improvement.</i></li> </ul> <p><i>Other than replacement dwellings meeting the above criteria, new dwellings will not be supported outside the defined village development limits, except in the special circumstances described in paragraph 55 of the NPPF.</i></p> <p>Adopting this revised wording or something similar would not, in my view, create any tensions with the NPPF and would remain in general conformity with the EYLP, which does allow for replacement dwellings (under Policy S4) as exceptions to the general approach of development restraint in the countryside.</p>
-------	---

Environment Protection Policies	
ANP03	<p><b>Development will only be supported where:</b></p> <ul style="list-style-type: none"> <li><b>(i) it can prove it contributes to, or enhances the existing natural environment:</b></li> <li><b>(ii) it minimises the impact on biodiversity and contributes to the Government's commitment to halt the overall decline in biodiversity by protecting valued landscapes and ecosystems;</b></li> <li><b>(iii) accords with the integrity of the existing character and scale of the Parish; and</b></li> <li><b>(iv) maintains the openness, separation and character of the countryside, and not impact on the green spaces which are in close proximity to the existing built environment.</b></li> </ul> <p><u>Health check comments and advice</u>          Whilst the objective of this policy is clear, its clarity and precision could be improved. It is framed as applying to <u>all</u> 'development', which could include very minor schemes such as conservatories, car ports and small extensions which would struggle to deliver all of the the Policy's requirements. It would be better to reframe the Policy in a positive manner. I suggest simply:</p> <p><i>Development proposals which safeguard and, where possible, enhance biodiversity, wildlife habitats and opportunities, the character and appearance of the rural landscape and footpath / bridleway accessibility, will be supported.</i></p>
ANP04	<p><b>Any new development site will include new green corridors and maintain the existing green corridors and important wildlife habitats and proposals will only be supported where they respect and contribute to this conservation aim.</b></p> <p><u>Health check comments and advice</u>          As with ANP03, this policy is framed as applying to all 'development', which could include very minor schemes. More generally, given the small scale of development envisaged in the Parish in the Plan period, it is not clear what sorts of development could realistically accommodate 'new green corridors' and the scope for including them on every 'site' will vary. I think that the objective can be captured by my suggested revision to ANP03 (I have added in footpath / bridleway accessibility given that 5.3.11 clarifies that these would comprise 'green corridors'). Accordingly, I would suggest deleting ANP04 but subsuming its objective within ANP03.</p>
Economy and Business Policies	
ANP05	<p><b>New employment development will be encouraged through the appropriate extension of the existing employment sites accessible from the A1079 and through the conversion of buildings to other uses, especially vacant and under-used agricultural buildings where the proposed business scale is appropriate to the surroundings and subject to traffic, environmental, amenity and landscape.</b></p> <p><u>Health check comments and advice</u>          This policy is fine. It aligns with the approach set out in the ERLP (Policy EC1), meets the Basic Conditions and supports sustainable development. Perhaps add the word 'considerations' at the end of the policy (after 'landscape').</p>

ANP06	<p><b>New telecommunication infrastructure proposals will be supported, subject to design and location considerations, which ensure that the siting of new telecommunication masts / transmitting equipment are appropriate to the character and landscape of the locality. Proposals for extending fast fibre broadband beyond fibre to cabinet to fibre to properties will be supported.</b></p> <p><u>Health check comments and advice</u> This policy is fine. It meets the Basic Conditions.</p>
Leisure and Tourism Policies	
ANP07	<p><b>To retain the conservation nature of Allerthorpe village:</b></p> <p><b>(i) the siting of touring caravans, mobile homes or residential caravans or the extension of existing sites will not be permitted within 1 kilometre of the village boundary; and</b></p> <p><b>(ii) the siting of touring caravans, mobile homes or residential caravans or the extension of existing sites outside the village will be of an appropriate scale to location, and will not take the total number of such tourist residential units in the Parish above 275.</b></p> <p><u>Health check comments and advice</u> Tourism related development in the Parish is, without question, a significant issue in this Neighbourhood Plan.</p> <p>The Allerthorpe tourism sites include established businesses at Lakeland Park (10 cabins, 23 static caravans and 53 touring caravan pitches), Conifer Lakes (5 lodges, 5 static caravans and 22 pitches for touring caravans) and Gravel Pit Lodges (4 lodges).</p> <p>More recently, part of the Allerthorpe Golf Course site, which had gone into liquidation as a golf course operation, has received planning permission for a 150 holiday lodge complex. That development was locally controversial and had been opposed by the Parish Council and, I am advised, the majority of the local community. ERYC had refused the planning application on grounds concerning the significant adverse impact on the character and appearance of the area (there had also been an earlier refused scheme for 225 units).</p> <p>A subsequent appeal (APP/E2001/W/16/3151708) was considered by way of a Public Local Inquiry in March 2017. The Inspector concluded that <i>“the appeal proposal would contribute to sustainable tourism without harm to either landscape character or to the character and appearance of Allerthorpe. There would be opportunities to access nearby services, facilities and other tourist attractions by sustainable modes of transport. These aspects of the proposal would comply with ERLP Policies S4, EC2, ENV1 and ENV2”</i> and went on to assess that these benefits of bringing the retained golf course back into active golf use outweighed ERLP Policy C3, which safeguards existing areas of open space (i.e. the golf course) for outdoor recreation. Planning permission was granted by the Inspector, subject to conditions, which included limiting the use of the units to holiday accommodation and preventing their use for permanent residential occupation.</p> <p>The appeal decision has clearly disappointed local opponents and, I am advised, many strongly disagree with the Inspector’s conclusions. Local people have significant concerns about the Parish being overwhelmed and its character changed by large scale tourist accommodation proposals. These views have been expressed</p>

both through the Planning appeal and in the community engagement processes on the ANP. Indeed, this issue has been one of the drivers behind the progression of the ANP. The local community would regard a Neighbourhood Plan that did not appropriately address this important issue and concern as a failure.

The ANP evidence explains that there are over 600 holiday homes in the YO42 postcode and about 45% are concentrated within Allerthorpe Parish. Figure 21 demonstrates how the Parish covers only a very small part of the postcode area. At present, the total of existing and committed holiday lodges and caravans in the parish is 272 spread across 4 sites (the majority being the 150 units at the golf course currently under implementation). When contextualised against a 'host' village of just 67 houses and a parish population of just 220, this does seem to be a very high proportion. Based on the numerical evidence alone, there is clearly a very heavy, and arguably disproportionate, concentration within this small rural parish, which has very limited services and public transport.

In terms of population, it is also likely that seasonal tourists will, particularly in the summer months, significantly exceed the permanent resident population (once the golf course development is fully implemented). That would not be a unique situation but, in a Parish where tourism activity to date has been relatively modest in scale, this may result in a change in character and other effects, such as more traffic, general activity and pressure on services, such as the village's only public house.

In response to these issues and local concerns, Policy ANP07 proposes, to all intents and purposes, to prevent any further tourist accommodation proposals by i) imposing a ban within 1 kilometre of the village and ii) placing a maximum quota for the entire parish of 275 (more or less the total of existing numbers plus the consented 150 at the golf course). In my view, an Examiner may have difficulties with what would effectively amount to an absolute ban, in terms of compliance with the Basic Conditions.

A prescribed cap on numbers (275) and geographical exclusion (1 km from the village) inevitably throws up questions about the thresholds and their Planning basis and purpose, given that both the Framework and ERLP support sustainable tourism in principle. For example, what specifically makes the 276<sup>th</sup> unit unacceptable in Planning terms and what Planning basis is there for the 1km exclusion (rather than 750 metres or 1,250 metres)? There is also a danger that such a policy approach could preclude future small-scale sustainable tourism proposals such as re-plans / minor increases at one of the existing sites.

However, I do consider that the underlying objective of seeking to tightly control further tourist related developments in the Parish is appropriate for inclusion within the Plan. I also consider that a policy could be framed which did not offend the NPPF and the ERLP, both of which encourage sustainable rural tourism. I have underlined the word 'sustainable' because I see this as the central issue, in terms of the three dimensions of its economic, social and environmental roles (as set out in it paragraph 7 of the NPPF).

ERLP Policy EC2 encourages the strengthening and broadening of the tourism offer across the East Riding. However, the Policy's support is caveated by the requirement that a proposal's "scale and cumulative impact is appropriate for the location". There is no benchmark or guidance on what 'scale' is / is not acceptable, or when a cumulative impact crosses a threshold of acceptability. A complex Planning judgement is required.

There is clearly a significant community concern that the local uniqueness of the village, particularly in terms of its peaceful rural character and Conservation Area qualities, will be unbalanced and harmed and that the parish will be less attractive to families as a place to live. These are genuine Planning considerations that are appropriate to address and control through a Neighbourhood Plan. Indeed, these are very much the locally important, parish level, Planning considerations that Neighbourhood Planning is intended to influence.

A difficulty here is that, despite assessments through the golf course appeal process, the actual real world impact of the 150 holiday homes, in addition to existing tourism sites, has not yet been experienced. The appeal Inspector seemed satisfied that the character of Allerthorpe would not be harmed, but many in the local community disagree strongly and maintain significant concerns about the impacts on the village and the wider Parish.

These matters raise some difficult Planning considerations. Indeed, there are some parallels with the 'second home ban' that has been promoted in Neighbourhood Plans elsewhere (St Ives being the most often cited).

I do consider that, in the circumstances, further growth of holiday units in Allerthorpe could have adverse impacts on the local community, its economy and the environment, including the heritage asset that is the Conservation Area. I do also think that any significant increase above the existing numbers (operational and committed) would be undesirable in Planning and sustainability terms. Whilst I do not believe that an absolute ban, via the currently drafted ANP07, would meet the Basic Conditions, a reframed criteria based policy could address the issue. I offer a suggested draft below:

*New development involving the use of land for stationing mobile homes or caravans will only be permitted where all of the following criteria are satisfied:*

- (i) the proposal would not be likely to harm the historic character of Allerthorpe village and its Conservation Area by reason of increased traffic;*
- (ii) the proposal would not detract from the rural character of the Allerthorpe parish or village setting, including the wider rural setting and distant views of the Conservation Area;*
- (iii) the resulting balance between permanent population and holiday visitors in the Parish would not result in the character and role of the Parish becoming more dominated by seasonal holiday occupation;*
- (iv) the proposal is small in scale and does not constitute a new, or significant intensification of, an existing holiday park*
- (v) the proposal would be well served by public transport and have good access to shops and other services by non- car modes of travel including walking and cycling; and*
- (vi) the proposal would not involve the loss of any Open Space (as designated under Policy C3 of the East riding Local Plan).*

In my view, the above Policy would meet the Basic Conditions. However, I do think that it would be helpful if APC included a summary (in the ANP supporting text) of its evidence and community views to support the policy and the suggested criteria. This would assist the Examiner.

ANP08	<p><b>Permission will not be granted for the replacement of existing mobile homes/residential caravans (or sites with the benefit of extant permission) by dwellings on sites where development is inconsistent with policy ANP07.</b></p> <p><u>Health check comments and advice</u> Given that ANP02 precludes this type of development, Policy ANP08 appears to duplicate it and seems to be unnecessary. I suggest that it is deleted.</p>
ANP09	<p><b>Where it is in accordance with the other policies of the Plan, the Parish seeks to maintain and improve public access to the countryside. This to be achieved through:</b></p> <ul style="list-style-type: none"> <li>• <b>The maintenance of existing public footpaths and public access to existing permissive rights of way;</b></li> <li>• <b>New and enhanced green infrastructure and corridors and public access routes; and</b></li> <li>• <b>The Parish Council ensuring clear signage to footpaths as required</b></li> </ul> <p><u>Health check comments and advice</u> This does not feel like a Planning policy but could be included elsewhere in the ANP as a statement of intent. I suggest that the 'policy' is deleted and the intentions set out elsewhere in the ANP.</p>
Transport Policy	
ANP10	<p><b>To encourage a reduction in vehicle use improved and extended cycle and pedestrian access from the A1079 through Allerthorpe village to Allerthorpe Common, as well as links to and along Pocklington Canal.</b></p> <p><u>Health check comments and advice</u> The Policy is generally fine but would be better rephrased as:</p> <p><i>Proposals which enhance and extend cycle and pedestrian access from the A1079 through Allerthorpe village to Allerthorpe Common, as well as links to and along Pocklington Canal, will be supported.</i></p>
Services, Facilities and Community Policies	
ANP11	<p><b>The protection of existing and encouragement of new community facilities and services that meet and enhance the needs of local residents, businesses and visitors will be supported and any developments which remove the existing community facilities without their replacement will not be supported.</b></p> <p><u>Health check comments and advice</u> The Policy is fine and meets the Basic Conditions. However, I would recommend inserting <i>generally [not be supported]</i>. This will allow for some flexibility should a service genuinely become economically unviable.</p>

ANP12	<p><b>Planning permission for new and outdoor recreation facilities will be supported, subject to the development:</b></p> <ul style="list-style-type: none"> <li>• <b>not adversely impacting on residential amenity by means of noise, disturbance or significant additional traffic generation.</b></li> <li>• <b>not having any adverse impact on the character or setting of the immediate locality, and</b></li> <li>• <b>not being in conflict with other Policies in the Plan</b></li> </ul> <p><u>Health check comments and advice</u> The Policy is fine and meets the Basic Conditions.</p>
-------	--

### **The Design Guides**

7.9 The design guides on pages 30 and 31 for residential and commercial development are concise and informative. Whilst brief, they are effective in conveying the key design considerations in the Parish.

7.10 To give the Guidance greater weight, I suggest that a simple policy be added which states:

*"All new development proposals should have regard to the Design Guides contained within the Allerthorpe Neighbourhood Plan".*

## **8.0 CONCLUSIONS OF HEALTH CHECK**

- 8.1 The ANP is a concise and well written Neighbourhood Plan, which appropriately responds to the anticipated limited development in the Parish within the Plan period. It does not make site allocations for developments, nor does it designate any Local Green Spaces, both of which are often complicating factors in producing a Neighbourhood Plan.
- 8.2 It proposes a suite of policies, some of which are criteria based, to control and influence development in line with community wishes. For the most part, my recommendations simply concern finessing and tidying the policies and making them clearer, more precise and useable by subsequent decision makers.
- 8.3 I have given greater attention to the issue of tourist related development in the Parish. The significant growth in such provision because of a recent Planning Appeal decision, along with existing established sites, has given rise to tangible local concerns about impacts on the social, economic and environmental aspects of the Parish, although the actual impacts are yet to be seen and experienced in practice.
- 8.4 I do not support a policy approach that would amount to an absolute ban on any future tourist accommodation developments, as I do not think it would pass the Basic Conditions test. However, I do consider the objective of future tight control is well grounded in Planning terms and appropriate for inclusion in the Neighbourhood Plan. I have recommended an alternative policy approach, based around a comprehensive set of criteria. This would subject any future proposal to robust Planning scrutiny and allow impacts, including cumulative effects and the impact on the social balance of the Parish, to be properly scrutinised and taken into account in decision making on any Planning applications. In my view, only small scale and sensitive sustainable tourism development proposal would meet the criteria.
- 8.5 My 'health check' review is clearly limited in its scope and scrutiny. Whilst I cannot give any guarantees about the outcome of any future Examination, in my own professional view, the incorporation of the changes I have suggested would result in a Plan which met the Basic Conditions.
- 8.6 I wish Allerthorpe Parish well in its progression of the ANP and I do hope that this 'health check' report has added value and assisted the process.

*P. Staddon*

Philip Staddon BSc, Dip, MBA (Distinction), MRTPI. 22 February 2018