

RULE 6 (6) STATEMENT OF CASE

**Former Allerthorpe Park Golf Club,
Allerthorpe, YO42 4RL**

Submitted on Behalf of Allerthorpe Parish Council

Appeal by Turnwalk Ltd. and Park Leisure 2000 Ltd.

Appeal Reference: APP/E2001/W/16/3151708

Local Authority Reference: 15/03678/STPLF

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1.0 Introduction

1.1 On behalf of my clients, Allerthorpe Parish Council, I am pleased to submit this Statement of Case to the Planning Inspectorate. Allerthorpe Parish Council was granted Rule 6 (6) status by the Planning Inspectorate in a letter dated 09 August 2016. As per the relevant guidance this Statement of Case sets out details of the case the Parish Council will put forward at the Public Inquiry. I also provide below details of the documents I will refer to in my Proof of Evidence.

1.2 Allerthorpe is a village located in close proximity to the appeal site in the East Riding of Yorkshire. The appeal site is within the Parish Council's jurisdiction. The stated aim of the Parish Council is as follows:

"The Parish Council aims to work for the benefit of the community as a whole, to take the village forward and to improve community spirit while preserving the rural qualities of the village. It's policy is one of openness and communication with the villagers to assist in meeting these objectives."

1.3 The planning application which forms the subject of the appeal to which this statement relates was refused by the East Riding of Yorkshire Council on the 10 March 2016 on the basis of a single reason for refusal which stated:

"This development proposal, by virtue of its size and scale, would be inappropriate for the location of the site and would therefore have a significant adverse impact on the character and appearance of the area."

This application is therefore considered to contravene the policy contained in the National Planning Policy Framework, Joint Structure Plan policies SP1 (sub –section iv), SP4 (sub-section a) and SP5 (sub-sections I and ii) and East Yorkshire Borough Wide Local Plan Policies EN2 (sub-sections 2 and 5) and T3 (sub-section 1) which seek to protect important edges and settings to settlements; protect distinctive landscape character; ensure that development respects local landscape and

settlement character; integrates visually and physically with its surroundings prevent proposals in the open countryside from harming the character of the surrounding area and the landscape setting of settlements and; prevent proposals for new holiday parks from adversely affecting the character or visual appearance of the surrounding area.

The application is also considered to contravene policies S4 (sub sections A and C), EC2 (sub-section B), ENV1 (sub-sections A1, B1 and B3) and ENV2 (sub-section A) of the emerging East Riding Local Plan – Submitted Strategy Document East Riding Local Plan – Submission Strategy Document (January 2014) with Inspector’s modifications (January 2016) which seeks to: ensure the scale and cumulative impact of tourism development is appropriate for the location and respect to the intrinsic character of their surrounding; ensure the scale and cumulative impact of tourism development is appropriate for the location; safeguard and respect the diverse character and appearance of the area; have regard to the specific characteristics of the site’s wider context and character of the surrounding area; have an appropriate scale and; ensure development proposals are sensitively integrated into the existing landscape.

In making this decision the Council has followed the requirements in paragraph 186 and 187 of the National Planning Policy Framework, and given the applicant the opportunity to address the Committee, however for the reasons given, the application has been refused.”

- 1.4 The Parish Council strongly objected to the planning application and to a previous application for a similar development at the appeal site. A large number of local residents also objected to both applications. I understand that many of these residents have also written to the Planning Inspectorate maintaining their objections and, as mentioned above, the Parish Council has been afforded Rule 6 (6) status by the Planning Inspectorate for this appeal process. The Parish Council supports the reason for refusal provided by the Local Planning Authority in its notice of decision.

2.0 Planning Background

2.1 The development plan for the area is now the East Riding Local Plan. The Local Plan is comprised of a variety of documents including the:

- The Strategy Document (adopted April 2016); and
- The Allocations Document (adopted July 2016)

2.2 Policies S3, S4, EC2, EC4, ENV1, ENV2, C3 and A6 and respective supporting text are of particular relevance to the consideration of the appeal proposals.

2.3 The allocation of the appeal site is discussed later in this document.

3.0 The Parish Council's Case

3.1 It is the Parish Council's case that:

- The appeal development is not a sustainable form of development;
- The appeal development is contrary to the provisions of the development plan for the area with reference to the appeal site's designation as Open Space;
- There was insufficient detail submitted with the application with respect to the future management of the Park; and
- The proposed development due to its scale and size will have a negative impact on the character of the area.

3.2 I will consider in brief below each aspect of the case.

Sustainability

3.3 One of the National Planning Policy Framework's core planning principles as set out at paragraph 17 of the document is to:

“actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”

3.4 I will present evidence at the Public Inquiry that the proposed development will be reliant on its occupiers accessing the site via the private car. The proposed development is not to be served by public transport. The village of Allerthorpe is served by a very infrequent bus service. The people who visit the proposed development will use their cars to tour the area and to visit local towns and villages for shopping and other facilities.

- 3.5 In addition to referring to the National Planning Policy Framework I will also present evidence to the Public Inquiry that the proposed development is contrary to local policy in this regard, with reference to Policy S3 and text including paragraph 4.52 of the East Riding Local Plan Strategy Document adopted in 2016.
- 3.6 It is my view that the proposed development is a significant development which is not located in a sustainable location. Therefore this development fails to comply with local policy as well as the environmental dimension of sustainable development as set out in paragraph 7 of the Framework.
- 3.7 In more general terms it is also my view that the proposed development is unsustainable due to its scale and the potential to negatively impact the social fabric of the village of Allertorpe. The appeal development therefore is in conflict with the social dimension of sustainable development as detailed in paragraph 7 of the Framework.

Open Space

- 3.8 A consideration of the recently adopted East Riding of Yorkshire Local Plan Policies Map Grid 24 confirms that the appeal site is designated Open Space. The provisions of Policy C3 of the Local Plan Strategy Document are therefore relevant to the consideration of the appeal proposals.
- 3.9 I will present evidence to the Public Inquiry that the proposed development is contrary to part D of that policy. It states:

“Existing and proposed open spaces are shown on the Policies Map. Proposals resulting in the loss of an existing open space, sports and recreational buildings and land, will only be supported where:

1. Assessments of existing provision against local standards demonstrate the land is surplus to requirements for all of the functions that open space can perform; or

2. *Replacement open space to an equivalent standard or better, in terms of quantity, quality and accessibility, is provided; or*
3. *The development is for alternative sports and recreation provision, for which there is a deficit; and*
4. *The loss of open space would not have an unacceptable detrimental impact on the amenity or character of the area.”*

3.10 It is my view that the provisions of Policy C3 with respect to the loss of public open space have not been addressed by the appellant.

The Future Management of the Park

3.11 I will present evidence to the Public Inquiry that the application was deficient in terms of detail. For example, in the planning officer's report to Planning Committee dated 10 March 2016 the planning officer provides a suggested condition (no. 5) which states:

“No development shall commence until a scheme for the management of the lodges or static caravans hereby approved for their use as short term holiday lets has been submitted to and approved in writing by the Local Planning Authority. The lodges or static caravans shall thereafter be managed and operated in accordance with the approved scheme.

This condition is imposed in order to meet the identified need for self-catering holiday lets in the area.”

3.12 Paragraph 9.3.2 of the officer's report provides some discussion of the identified need for self-catering holiday lets and also states that:

“The applicant's agent has confirmed that it remains the intention of Park Leisure 2000 to operate a management scheme to allow the short term holiday letting of the lodges hereby proposed.”

3.13 It is my view that it is essential to gain an understanding of the detail of the Management Scheme in order to be able to adequately assess the likely impacts of the appeal scheme. The Management Scheme and the likely level of uptake to the scheme (it is suggested in the officer's report to committee that the uptake of owners signing up to a sub-letting scheme has been greater than 15% on other sites operated by the appellant) are essential to understanding the likely number of guests/occupiers who will be staying at the development at any one time.

3.14 The Park Leisure website (<http://www.parkleisure.co.uk/>) as accessed on the 01 September 2016 states in the FAQ section:

"Do you allow subletting on your parks?"

Generally no. Park Leisure prides itself on operating a strict owners only policy across our holiday parks, Par Sands, Cornwall is the only exception.

At Par Sands, a small allowance is given to holiday rentals via a managed sublet scheme. For more details concerning this please contact a member of our Par Sands sales team."

3.15 It is my view that there appears to be a conflict between the Local Planning Authority's desire to provide further self-catering accommodation in the area and the appellant's preferred business model i.e. operating on a strict owners only basis.

Scale of the Proposed Development

3.16 The Parish Council supports the Local Planning Authority's reason for refusal. I will present evidence to the Public Inquiry that the proposed development by virtue of its size and scale, would be inappropriate for the location of the site and would therefore have a significant adverse impact on the character and appearance of the area with reference to Policies including S4, ENV1, EC2, ENV2 and C3 of the East Riding Local Plan Strategy Document.

4.0 List of Documents

4.1 I set out below a non-exhaustive list of documents I intend to refer to in my evidence:

- The National Planning Policy Framework (NPPF);
- National Planning Practice Guidance;
- East Riding Local Plan 2012 - 2029;
- East Riding of Yorkshire Council Planning for Tourism Accommodation – A Guidance Note for Developers;
- The planning application and all associated documentation, consultation responses, correspondence etc.; and
- East Riding Tourism Accommodation Study.

5.0 Conclusion

5.1 I confirm that Gallagher Planning represents Allerthorpe Parish Council in this matter.

5.2 It is my view that the proposed development is contrary to the provisions of local and national planning policy.