

North Norfolk Core Strategy – supplemental objection to policies EC1, EC2, EC8, EC10 and EC11

1. We are concerned that the Core Strategy (Submission) policies relating to tourism and tourism-related development lack coherence and consistency and do not sufficiently support the vital role that tourism plays in the economy of North Norfolk. It also appears that some of the policies are not supported by a robust and credible evidence base and do not reflect current national planning policy guidance and statements. We consider that the economic, and to some extent the social benefits of tourism in North Norfolk have been undervalued in the Council's approach to meeting wider sustainability objectives.
2. In our opinion, the Council has placed too great an emphasis upon restricting tourism development in the Countryside and the AONB, without a balanced consideration of the opportunities tourism development has to help meet the Council's economic and social objectives. The approach provides insufficient flexibility for tourism proposals to be considered on their merits, and also fails to acknowledge that such proposals could be accommodated in the Countryside and AONB without undermining the reasons for the designations.

Policy EC1 (Farm diversification)

Comments

3. PPS7 (paragraph 30) states that LPAs should be supportive of well-conceived farm diversification schemes for business purposes that contribute to sustainable development objectives and help to sustain the agricultural enterprise and are consistent in their scale with their rural location. It appears that a number of elements of policy EC1 contradict PPS7, and it is therefore **contrary to Soundness Test 4**. In particular, the definition of farm diversification in footnote *x/iv* states that proposals for farm diversification should be "ancillary" to the agricultural enterprise, a definition not included in PPS7. There are situations where the income from the new enterprise may exceed the income from the agricultural enterprise. To rule out such organic growth of farm diversification schemes is therefore inflexible and wholly inappropriate;
4. Policy 5 of the North Norfolk Community Strategy recognises the importance of year-round tourist attractions, and farm diversification schemes can generate such year-round activities as bed-and-breakfast, rambling, and conservation courses (hedge-laying, dry-stone walling etc). Good examples of diversification schemes which have proved extremely successful to tourists are the BeWILDerwood attraction at Hoveton, and the Priory Maze and Gardens near Sheringham. These schemes clearly go beyond the definition of small scale activities, but have proven to be successful without having detrimental impacts on sustainable development objectives. By seeking now to restrict farm diversification schemes to small-scale activities only, the final sentence of paragraph 3.4.4 goes beyond the policy approach in PPS7, which requires that new development should not result in 'excessive expansion' and 'encroachment of building development' into the Countryside. It does not require that all schemes must be 'small scale'. In our view there has been no justification put forward explaining why the North Norfolk approach to diversification should be more restrictive than the National policy and is therefore contrary to Soundness Test 4. The requirement also fails to have regard to the Community Strategy's desire to support year-round tourism and is therefore **contrary to Soundness Test 5**.
5. The final point of EC1 restricts the floor space of any diversification proposal to less than 250m². This requirement appears inconsistent with policy **EC3**, which allows extensions to existing businesses in the countryside without setting an upper limit. Instead, Policy E3

requires acceptable proposals to be 'in scale' and not to have a 'detrimental impact' on the character of the area. This seems a more appropriate basis for judging the acceptability of proposals, rather than setting an arbitrary upper floorspace limit. It should therefore be the basis for considering new proposals under Policy EC1. The result is a lack of internal coherence and is consequently **contrary to Soundness Test 6**. As an example, the approach could lead to a farm diversification proposal having to be arbitrarily limited to less than 250 m², which then requires the immediate submission of further proposals seeking the extension of the new business beyond 250 m² to be considered under Policy EC3 (which is not limited by a floorspace ceiling). The resultant combined scheme may well comply with the requirement not to have a detrimental impact on the character of the area, but could be well in excess of the 250m² threshold. Conversely, a scheme of less than 250m² could well have a significant impact on the character of an area. A better approach must be to consider the scale of diversification schemes for their impact on the character of the area from the outset, without basing the consideration on a floorspace figure. Furthermore, there does not appear to be any soundly-based evidence why the threshold is set at 250m² and has no relation to the impact of proposals on the character of the area. This is **contrary to Soundness Test 7**. In our opinion, the appropriateness of scale should be judged on the merits of each individual case.

6. Overall, the policy seems to be overly restrictive and generally inflexible in terms of farm diversification schemes. It does not sufficiently promote diversification, and sets a series of hurdles to be cleared for schemes to be considered acceptable. There is little flexibility built in to the approach, and it is therefore **contrary to Soundness Test 9**. Circumstances can change quickly in farming, with events like avian flu, foot-and-mouth and rapid changes in commodity prices having major impacts on the viability of agricultural enterprises. There is therefore a need to ensure a flexible spatial planning policy framework to deal with responses to such changing circumstances, which is not currently provided for in the Core Strategy. For instance, criteria 2 precludes new-build permanent residential and holiday uses. This would presumably preclude diversification into log cabins and caravans for holiday use which may include some new build, and is thus overly onerous.
7. In order to overcome the issues outlined above, the following *changes are requested*
 - i. Delete from footnote xlv the sentence: "Proposals should be ancillary to the agricultural business";
 - ii. The final sentence of 3.4.4 is superfluous and should be deleted – any permission would automatically limit the size of the site;
 - iii. Delete the final sub-bullet point of EC1, which limits the floorspace of new-build development to 250m²;
 - iv. Delete the words "*and holiday uses*" from the second bullet point.

Policy EC2 (Re-use of buildings in the countryside)

8. Bullet point 3 requires that if the re-use of a building in the countryside is for holiday accommodation, then the building has to be of historic, architectural or landscape value. This requirement goes beyond the advice in national planning policy, advice and guidance.
9. PPS7 (paragraph 17) does not distinguish between holiday accommodation and other economic uses in terms of the re-use of rural buildings. In addition, the *Good Practice Guide on Planning for Tourism* (paragraph 7, Annex A), whilst acknowledging that care

- needs to be taken over the number, scale and location of accommodation facilities in National Parks and AONBs, does not require that only buildings of historic, architectural or landscape value should be allowed to be re-used for holiday accommodation.
10. In our opinion there are likely to be circumstances whereby a building in the Countryside (and the AONB) not of historic, architectural or landscape value, could pass all the other tests in EC2 and deliver a valuable element of rural diversification, without having an adverse effect on countryside protection and AONB objectives, or other sustainability objectives.
 11. The policy therefore represents a further hurdle to those wishing to diversify their rural businesses. It appears overly onerous to require only buildings of historic, architectural or landscape merit and value to be re-used for tourist accommodation. No reason is provided in the supporting text to justify such a distinction. A more appropriate method of judging the suitability of buildings for re-use to holiday accommodation would be one based on the consideration of a building's condition, scale and location, rather than just its historic and architectural merit, or landscape value. In summary, the policy is unsupported by evidence justifying an approach that goes beyond national policy and advice. The policy is therefore **contrary to Soundness Tests 4 and 7**.
 12. In addition because of the overly restrictive requirement, the policy is inflexible, as it does not provide for rural buildings not having historic, architectural or landscape value to be considered for a holiday accommodation use, even after all other uses have been considered and ruled out. The result could be that certain soundly constructed buildings that might be suitable for re-use in all other respects may be left without an economic use, because one of the usual options (i.e. holiday accommodation) is not permitted. This is therefore **contrary to Soundness Test 9**.

The following change is requested

13. Delete the third bullet point of EC2.

Policy EC8 (Location of new tourism development)

14. It is stated in the final sentence of EC8 that new-build unserviced tourist accommodation is unacceptable in rural areas on the grounds that they are tantamount to being permanent residential dwellings. What constitutes unserviced tourist allowed option is not specifically undefined. The assumption appears to be based on the assumption in the Scott Wilson study that concluded that unserviced accommodation and particularly static caravans "service the owners' needs only and are therefore categorised as second homes" (para 6.38). This is not accepted by the British Holiday and Home Parks Association (BH&HPA) and is contrary to the experience of Kelling Heath Holiday Park, which has over 400 units of unserviced holiday accommodation in North Norfolk that categorically are not second homes. It is also contrary to paragraph 40 of PPS7 (which is reproduced in paragraph 26, Annex A, of the *Good Practice Guide for Tourism*) which expresses support for self-catering holiday accommodation. Farm diversification is specifically mentioned here as an example and reason to allow such development. Although PPS7 expects tourism accommodation to be provided in, or adjacent to existing settlements in the first instance, it does not rule out tourism development in the rural areas. The approach should be one of considering proposals on their merits against sustainability objectives, rather than automatically ruling out unserviced tourism accommodation proposals on the basis that they are not in or adjacent to an existing settlement. In this aspect, Policy EC8 is **contrary to Soundness Test 4**.
15. Caveat 3 also appears to rule out completely any proposals for new tourism accommodation and/or attractions within the AONB. It is accepted that there are

particular pressures within the AONB, and that the AONB may have less capacity to deal with new tourism development than other parts of the district but there may well be particular locations within the AONB where well-designed tourism attractions and/or accommodation could be developed satisfactorily, particularly where these are farm diversification schemes that would not undermine the reasons for the AONB's designation and would not compromise other sustainability objectives. There are many examples of successful farm diversifications schemes in North Norfolk, with a recent example being the highly successful BeWILDerwood adventure park/ playground at Hoveton (within the Broads National Park, which has a landscape status equivalent to that of an AONB) which was granted planning permission in 2006. To rule out such proposals completely within the AONB is also contrary to paragraph 34 (ii) of PPS7, which requires Local Development Documents to "*recognise that in areas statutorily designated for their landscape, nature conservation or historic qualities, there will be scope for tourist and leisure related developments, subject to appropriate control over their number, form and location to ensure the particular qualities or features that justified the designation are conserved*". This constitutes a further failure of **Soundness Test 4** and, as there is the potential for inconsistency with policy EC1 (farm diversification) and the policy therefore fails against **Soundness Test 6**.

Changes requested

16. A fourth bullet point should be added, with appropriate supporting text (i.e. some of the words above):

"Proposals for small-scale tourist-related development within the AONB will need to demonstrate how they can fulfil the requirements of policy EN1. Proposals for large-scale tourism development within the AONB will need to satisfy policy EN1 and pass the tests set out in paragraph 22 of PPS7."

17. The final sentence of EC8 should be re-worded to say:

"Proposals for new build unserviced holiday accommodation in the Countryside will only be permitted subject to the consideration of other policies in his plan."

18. NB: The first point made to the original submission consultation concerning policy EC8 (relating to the sequential approach) has been **withdrawn**.

Policy EC10 (Holiday and seasonal occupancy conditions)

19. This policy is proposed to apply to all new unserviced holiday accommodation and presumably therefore includes static caravan sites as well as permanently built structures and conversions.
20. Guidance on the content of seasonal and holiday occupancy conditions is contained in Annex B of the *Good Practice Guide on Planning for Tourism*. Neither this guidance nor the predecessor guidance in PPG21 specifies time limits on holiday occupation as proposed in EC10, or even recommends the concept of time limits.
21. The Council's own study undertaken by Scott Wilson confirms in paragraph 14.97 that 'the enforcement of holiday conditions has not been seen as a problem in the area to date'. The report nevertheless recommends in paragraph 14.111 the use of holiday conditions 'stipulating a maximum period of 8 weeks per individual let is set out in the policy supporting text and adopted as a standard condition by Development Control Officers, in order to provide a measurable, enforceable and pragmatic approach to controlling holiday occupancy'. No justification is provided as to why this is necessary

given the conclusion in paragraph 14.97 of the same report or given the advice in the Good Practice Guide.

22. The justification for the four weeks restriction of the policy rather than the eight weeks recommended in the Scott Wilson report is derived from the Valuation Office criteria referred to in paragraph 3.4.37 of the Core Strategy. This, however, relates solely to whether holiday accommodation can qualify for business rates rather than council tax and is considered inappropriate as justification for such a policy restriction.
23. The holiday occupancy limits in EC10 – i.e. that accommodation should be available for commercial holiday lets for at least 140 days a year, and that no individual let should exceed 31 days – could lead to inflexibility in the provision of good holiday accommodation. It could, for example, rule out people such as retired couples taking extended holidays or families going away to a single location for the six-week summer school vacation. In addition, if there is a seasonal restriction on letting, it may make it difficult or impossible to let out the dwelling for at least 140 days per year if the owner wants an extended summer stay (with perhaps also a spring and autumn break) along with the residence being let out at non-commercial rates to friends and family for a number of weeks. EC10 is therefore considered overly restrictive, unnecessary and **contrary to Soundness Test 4 and 7**.

Changes requested

24. The imposition of time limits on unserviced holiday occupancy contained in bullet 2 of EC10 should be deleted. Points 1 and 3 of the policy provide sufficient control to ensure genuine holiday occupancy as can be demonstrated by current practices, and as recommended in Annex B of the *Good Practice Guide on Planning for Tourism*.

Policy EC11 (Static and touring caravan and camping sites)

25. The third bullet point of EC11 states that the extension of, or intensification of, caravan sites, camping sites and woodland lodges will only be permitted if it does not "significantly" increase the size of the site. There is no indication of what level of development is considered "significant" and the extent of this restriction is unspecified. Importantly, it does not appear to be supported by clear evidence; EC11 therefore fails against **Soundness Test 7**. The policy caveat could rule out good quality sustainable holiday accommodation, as already exists at Kelling Heath Holiday Park, from being developed in the future.
26. The fourth bullet point requires that a proposal "makes improvements to the appearance and/or landscaping of the site". Whilst the underlying aim of this caveat is supported, it may not always be appropriate or feasible to improve the appearance or landscaping of a site that is already satisfactory in these respects. Taking Kelling Heath Holiday Park as an example again, it already practices very high standards of appearance and landscaping, and it would be overly onerous to require further "improvements" to such parks. This constitutes a further failure against **Soundness Test 7**. The main issue for consideration should be whether there is a need to mitigate against the visual impact of appropriate development through landscaping, not that improvement is a qualifying reason for an extension or intensification scheme to be considered acceptable.
27. In the final paragraph of EC11, it is stated that new touring caravan and camping sites will be unacceptable in the AONB and Undeveloped Coast. It is recognised that the number of existing sites may have reached "saturation point" in some parts of the district, but developers should be at least given an the opportunity to try to make a case in these two zones. Denial of this opportunity would be contrary to paragraph 34 (ii) of PPS7, which requires Local Development Documents to "*recognise that in areas statutorily*

designated for their landscape, nature conservation or historic qualities, there will be scope for tourist and leisure related developments, subject to appropriate control over their number, form and location to ensure the particular qualities or features that justified the designation are conserved". Each case should be considered on its merits, and as an example, there may well be schemes that result in the relocation of such sites from highly visual to less visual areas within the AONB or Undeveloped Coast that meet other policy aims and sustainability objectives.

This constitutes a failure of **Soundness Test 4** and, as there is the potential for inconsistency with policy EN1 (Norfolk Coast Area of Outstanding Natural Beauty and The Broads) **also Soundness Test 6**.

Changes requested

28. The third and fourth bullet points relating to extension/intensification of existing sites should be deleted and replaced with:
 - Demonstrates a high standard of design and landscaping; and
 - Is appropriate when considered against the other policies of the plan.
29. The final paragraph should be re-worded to say: "*New touring caravan and camping sites will not be permitted within Environment Agency Flood Risk Zones 3a and 3b. Small-scale proposals within the AONB will need to demonstrate how they can successfully fulfil the requirements of policy EN1 and larger-scale proposals for large-scale tourism development within the AONB will need to satisfy policy EN1 and pass the tests set out in paragraph 22 of PPS7. Proposals within the Undeveloped Coast and elsewhere in the district will be judged against other Core Strategy policies. Temporary permission may be granted within the Coastal Erosion Constraint Area.*"