



Ms Emma Wiles
Rudby Parish Council
25 North Side
Hutton Rudby
Yarm
TS15 ODA2

VIA EMAIL

26th August 2021

Dear Ms Wiles,

Objection to inclusion of Site GS004/A (part of 'Flagpole Field' at Enterpen)
as a Local Green Space in Policy RNP13 of the Rudby Neighbourhood Plan

Introduction and Executive Summary

This letter is submitted in order to lodge a formal objection to the Rudby Parish Neighbourhood Plan (Pre-Submission Draft) on behalf of Mrs Anne Preston of Highfield House, Hutton Rudby.

The objection concerns Draft Policy RNP13 of the Plan, which contains a list of 11 sites that the Plan proposes to be designated as Local Green Spaces (LGS). It is the inclusion of Site 8 on this list that is specifically opposed; namely, **GS004A: Part of 'Flagpole Field' at Enterpen, Hutton Rudby.**

I have considerable experience of professionally supporting groups preparing Neighbourhood Plans. As a result, I am very familiar with the context for identifying, assessing and justifying prospective LGS sites as part of Neighbourhood Plan preparation.

In preparing this objection, I have familiarised myself with the history of the site in question and the process and assessment outcomes that underpin Policy RNP13. This has by necessity involved testing the veracity of those outcomes in respect of the site itself and also by drawing critical comparisons with relevant assessment outcomes for other sites. I have also visited the site and other sites in Hutton Rudby to gain a first-hand understanding of them and their context.

Finally, I have, in addition, examined other policies of the Plan pertaining to the site and wider area to understand what they already achieve in comparison to RNP13. These include specifically Policy RNP14 dealing with 'Significant Views' and Policy RNP15 dealing with 'Protection and Enhancement of the Conservation Area'. The provisions of these policies are particularly pertinent to the case against inclusion of Site GS004A.

In short, the case is that Site GS004/A is not considered a legitimate or necessary candidate for LGS status when judged against the provisions of NPPF paragraphs 101 and 102, the veracity and consistency of the Plan's LGS assessment process and the wider policy protections pertaining to the site within the Plan.

Site history and planning status and its relevance to this objection

The site forms that part of the 'Flagpole Field' which was identified as a 'Landscape Character Protection Area' (LCPA) under a previous planning permission for the whole field (application ref - 16/01771/FUL). This LCPA (and in turn the proposed LGS site) equates broadly to the eastern half of the field, an area of approximately 0.3ha.

Historically, the field as a whole forms part of the farm holding of Enterpen Farm ie – it is agricultural land and has been so since at least the 18th century (which is when the farmhouse dates from).

Indeed, it has never formally changed from that status in planning terms. It should be made clear that it is not legally or functionally part of the garden curtilage of Highfield House (12 Enterpen) despite adjoining it. Moreover, the previous planning permission for the site (16/01770/FUL) lapsed in 2019 without ever having been implemented, so there has been nothing that has changed its historic status as farmland .

The LGS assessment proforma for the site itself describes it as 'well-managed grassland', which may be an accurate reflection of its current appearance, but does not provide any cognisance of its status as part of the agricultural landholdings of Enterpen Farm.

This is a critical issue affecting the site's candidacy for LGS designation.

The effect of it is that the nature and appearance of the land could lawfully change within a very short time were it to be ploughed and returned to productive arable use, planted with trees, or indeed, if building, engineering or excavation works were lawfully undertaken on the field under agricultural permitted development rights¹.

This means that the attributes of the site, particularly its current appearance and 'beauty' (identified in the assessment to help justify the LGS designation) cannot effectively fulfil the NPPF paragraph 101 test to '*be capable of enduring beyond the end of the plan period*' (mistakenly referred to as the 'paragraph 99' test in paragraph 198 of the Neighbourhood Plan).

The plan period is confirmed in paragraph 8 of the Plan as being till 2035.

¹ Under Part 6 Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (noting that the agricultural unit of Enterpen Farm is over 80 hectares in size)

There is no reasonable rationale for assuming that the site would remain unchanged in its present state over this period, let alone beyond it.

Returning it to productive agricultural use and/or carrying out permitted development upon it could significantly change the appearance of the site and the potential views across it long before 2035 came around.

The status of the site is first and foremost as agricultural land, which just happens at present to be 'well-managed grassland', but there can be no basis for asserting that it would endure unchanged as such over the next 15 years and beyond.

The proposed inclusion of the site as LGS is therefore fundamentally at odds with NPPF paragraph 101 because of its legitimate capacity to change from its current appearance and attributes in a far shorter timeframe than the Plan period.

In addition to this, there is a further critical point to make about the planning status of the site and its proposed identification as LGS.

This is to highlight that the planning permission granted under 16/01771/FUL is not a valid or sound context for identification of the LGS, because that permission lapsed in November 2019.

The proposals to which it related (and the terms and conditions of the permission itself) are therefore 'null and void' and not able to be implemented.

Significantly, this includes the provisions of the landscape strategy drawing (ref L2.431.2) which identified the proposed Landscape Character Protection Area, and is the very thing the Neighbourhood Plan has based the delineation of Site GS004A upon².

The site has therefore been defined on the unsound basis of a historic development proposal which is now expired, obsolete and incapable of being implemented.

Critical review of the assessment outcomes for the site and relationships with other Plan policies

Turning to the attributes identified for the site on the assessment proforma, these are identified in the conclusion of the assessment as being:

- a) its historic value; and,
- b) its contribution to the settlement character of Hutton Rudby.

² Section 1.3 of the LGS assessment proforma for GS004A confirms that '*The assessment is for the Landscape Character Protection Area defined by 16/01771/FUL*'

In respect of a), it is firstly not in dispute that the site is within the Conservation Area and is adjacent to Highfield House, which the Plan proposes to identify as a non-designated heritage asset in Table H.2.

However, the necessary planning safeguards for these heritage assets are already fully met in the provisions of Policies RNP14 and RNP15 of the Plan, as the following extracts from them confirm –

Policy RNP14 ‘Significant Views’:

‘2. An independent landscape assessment demonstrating how the proposal protects or enhances the view including where relevant the impact on the setting of listed or non-designated heritage assets will be provided...’.

Policy RNP15 ‘Protection and Enhancement of the Conservation Area’:

‘2. The sense of spaciousness of the Conservation Area is maintained by retaining gaps between buildings which provide views of the wider landscape in general and most particularly by retaining views of the North York Moors National Park or the Leven Valley’.

These Plan provisions give all the protection necessary to any heritage values of the site and its setting without having to add the further unwarranted (and ultimately unsound) policy constraint of a proposed Local Green Space designation.

In respect of b), relating to the site’s contribution to settlement character, it is noted in the assessment proforma that this is a result of two attributes – 1) beauty and 2) views over the site. Looking at each of these in turn -

1) Beauty

The matter of the site’s visual appeal has already been referenced earlier in this objection. It notes that the site is indeed currently ‘well-managed grassland’. However, this description fails to recognise that it is first and foremost agricultural land and, as such, that changes can legitimately take place to it that would fundamentally alter this appearance. This can be either through returning it to productive agricultural use and/or through building or other works carried out under agricultural permitted development rights.

Therefore its capacity to remain in its current visual state (ie – possessing ‘beauty’) cannot be reasonably seen as a capacity that will ‘endure’ throughout and beyond the Plan period.

As already concluded, this consequently represents an unsound basis for designating the site as Local Green Space.

A final point concerns the GS004/A proforma referencing the site's location within 'Landscape Character Area 3 Leven Valley'. It goes on to describe the various attributes of this area, but, significantly, concludes that *'The site is not typical of the LCA. The paddock behind Highfield House is given as typical'*. It can be concluded from this that the site does not possess qualities intrinsic to the Leven Valley which would merit protection under the banner of a Local Green Space designation.

2) Views over the site

The assessment proforma for the GS004/A site explains that *'The view over the site to the NYMNP is an iconic view'*. In turn, the Neighbourhood Plan includes this as one of the 'Significant Views' given protection under Policy RNP14 (identified in Appendix I of the Plan as V23 – *View across the LCPA towards the Cleveland Hills (NYMNP)*).

There are 4 important points to make about this aspect of the Local Green Space assessment.

- a) The nature of the view across the site
- b) The capacity for changes to occur within the site
- c) The inconsistency of the Plan's treatment of views in terms of LGS assessments
- d) The strong protections afforded to views by other Plan policies which obviate the need for LGS designation

Taking each of these in turn –

- a) The nature of the view across the site** – this first point is made more as an independent observation. It is that the key view in the assessment proforma and Appendix I is ostensibly portrayed as being that of the long distance backdrop beyond the site (ie – the Cleveland Hills). Yet, in reality, the view is very much 'foreground dominated' not background dominated. The eye is not naturally drawn to the distant Cleveland Hills because the rising profile of the land, together with evergreen vegetation on boundaries, mostly obscures those hills from view. This is well illustrated in the photo below.



Showing foreground dominated nature of the view and the obscuring effect of vegetation and the rising profile of the site

b) The capacity for changes to occur within the site – There are two ways to look at the potential for change within the site. The first is to simply note that the existing trees and vegetation will inevitably grow and mature over time and that this will steadily diminish the ‘iconic’ view of the Cleveland Hills. Indeed, it is contended that this could quite conceivably occur within the lifetime of the Plan period, thus rendering this attribute of the site to be otiose. As with the attribute of ‘beauty’, this would therefore fall foul of the NPPF’s requirement that the LGS should be capable of enduring beyond the plan period.

The second way to look at the capacity for change is to note that, if the key view is indeed focused upon the backdrop to the site, it simply does not follow that safeguarding that view must require protection of the site under a LGS designation. In fact, this very point is at the heart of the case presented under d) below.

c) The inconsistency of the Plan’s treatment of views in terms of LGS assessments – In reviewing the LGS assessment process for the Plan, it is noteworthy to draw comparisons between those sites rejected as LGS contenders and those which have been retained, like GS004/A. One of these rejected sites comprises an agricultural field off Belbrough Lane at the western end of the village. Identified as site ALT/S/073/019G, it highlights a marked inconsistency of approach to LGS assessment.

If an 'iconic' view is presented as a key part of the rationale for designating GS004/A, then it should follow that site ALT/S/073/019G should qualify even more as justifying LGS designation. This is because it undoubtedly has far more open, clear and extensive views of the Cleveland Hills (NYMNP), as confirmed by it being the subject of no less than 5 Significant Views under Policy RNP14 (V26, V27, V28, V29 & V30). Further evidence is in the photo of the site below, which can be seen in stark contrast to the photo of GS004/A site for reference.



Views of the Cleveland Hills (NYMNP) across site ALT/S/073/019G above, versus site GS004/A below



This inconsistency (ie – rejecting one LGS site with far clearer, more extensive ‘iconic’ views x 5, whilst proposing one as LGS with far a less clear ‘iconic’ view x 1) undermines both the credibility of the wider LGS assessment process and the veracity of the rationale for including site GS004/A as LGS.

One final example of the inconsistent treatment of views between LGS sites concerns the play park to the rear of the village hall (part of LGS site GS003). It is noted that views of the Cleveland Hills from the play park are likewise clear and unobscured by vegetation, yet this not recognised as a ‘Significant View’ in Policy RNP14 despite it being on land which is both publicly accessible and very well-used, unlike GS004/A.

Again, this calls into doubt the assessment process and the veracity of the rationale for including site GS004/A as LGS.

d) The strong protections afforded by other Plan policies which obviate the need for LGS designation – This final point is particularly significant. It is simply that the desire to safeguard the qualities of Site GS004/A are already amply ensured through the operation of other policies of the Neighbourhood Plan without needing or justifying a further ‘layer’ of Local Green Space designation. The more pertinent of these policies have already been referred to earlier in this objection as RNP14 and RNP15. These complementary policies together fulfil the goals of maintaining the integrity of the view and the qualities of the site itself without ‘sterilising’ it altogether with a LGS designation, which, as the NPPF makes clear, is akin to Green Belt.

Other shortcomings and errors in the LGS assessment proforma

In the interests of completeness, there are two final observations concerning the accuracy of the assessment proforma for GS004/A –

- Under ‘barriers to access by the community’ (Part 3.3), the assessment proforma acknowledges that *‘The site is private land with no public access’*. However it goes on to assert that it is nevertheless *‘visually well connected to public spaces’*. This is somewhat misleading. The only public space that the site connects to is the road (Enterpen) fronted by the northern boundary. To the east and west, the site borders the curtilages of private residential properties, while to the south it adjoins agricultural land with no public access.
- Under Part 8.3 of the proforma, it asserts that *‘There are TPO’s on several trees located on the site’*. This is questioned as reference to Hambleton Council’s interactive TPO map confirms that there are in fact no TPO’s on the site (ref - <https://www.hambleton.gov.uk/planning/trees-conservation/1>). Trees within Conservation Areas are in any event afforded a separate blanket protection under the provisions of section 211 of the Town and Country Planning Act 1990.

Conclusion

In the light of all the evidence submitted in this objection, it is concluded that Site GS004/A is not a legitimate or necessary candidate for Local Green Space (LGS) status when judged against:

- the provisions of NPPF paragraphs 101 and 102; and,
- the veracity and consistency of the Plan's LGS assessment process; and,
- the wider policy protections already pertaining to the site within the Plan.

It is therefore formally requested that the Rudby Neighbourhood Plan (Pre-Submission Draft) is revised to remove site GS004/A from Policy RNP13 and from the corresponding Hutton Rudby Local Green Space Map (Figure 10).

Yours Sincerely,

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Shaun Hanson; MRTPI
PLANNING ADVICE PLUS