



RYEDALE LOCAL PLAN INQUIRY

Core Proof of Evidence No.10 Justification for the Identification and protection of Visually Important Undeveloped Areas (Policy ENV5)

Objector Ref. No.

21/3 (North Yorkshire Moors National Park)	662/6 (The Place Newton Estate)
100/1 (Birdsall Parish Council)	666/38, /39, /40, /41 (Malton & Norton Friends of the Earth)
155/16, 17, 18 (Pickering Town Council)	209/1 PREINQ (Mattingly R & Turner R)
184/1 (Willerby Parish Council)	276/19 PREINQ (Tay Homes (Northern Ltd))
208/2 (Scruton F D)	676/1 PREINQ (Makey H)
210/3 (Thompson E L)	695/1 PREINQ (Pickles)
278/8 (Lord Middleton's Birdsall Estate)	698/1 PREINQ (Richardson D)
288/1 (Holliday M G & R M)	700/1 PREINQ (Judd M)
289/1 (Wilson C P & S A)	702/1 PREINQ (Cox H)
290/1 (Wilson A O)	703/1 PREINQ (Mason J)
291/1 (Ranson M & F)	704/1 PREINQ (Power J)
295/1, /2 (The Hovingham Estate)	705/1 PREINQ (Smith G)
314/1 (Stonehouse B)	713/1 PREINQ (Mason C)
339/1 (Whincup)	714/1 PREINQ (Fenwick Mr & Mrs)
388/2 (Inman J W & G B)	715/1 PREINQ (Ellis T)
487/3 (Jaques Mr & Mrs S)	718/1 PREINQ (Jackson P & W)
510/1 (Keld A J)	
549/1 (Webster M & J C & Sons)	
635/29 (Ryedale Housing Association)	
638/6 (G M V Winn & Co)	
642/2 (Coulman J)	



RYEDALE DISTRICT COUNCIL
JUNE 1999

1 INTRODUCTION

1.1 The Ryedale Local Plan was placed on Deposit for a six-week period beginning on 27 November 1997. During that period some 1300 objections and 400 representations of support were received to the Policies and proposals contained in that document. These comments were considered at a number of Special Meetings of the Planning and Development Services Committee held between July and December 1998. As a result of its consideration of these comments, the District Council resolved to make a number of changes to the Plan and a set of proposed Pre-Inquiry Changes were published on 28 January 1999 for public comment. A Public Local Inquiry will commence on 15 June 1999 to consider unresolved objections to the Plan.

2 THE CORE PROOFS

2.1 This Core Proof is one of ten produced by the District Council. The purpose of these documents is:-

- (i) To provide background information in a single document relevant to a number of objections.
- (ii) To reduce the amount of restatement and repetition in the evidence at the Local Plan Inquiry.
- (iii) To provide an opportunity for agreement to be reached between the Council and objectors.

2.2 This Core Proof explains the purpose of the Visually Important Undeveloped Area (VIUA) designation with reference to Government advice, Structure Plan Policy and local circumstances. This proof also explains how Visually Important Undeveloped Areas have been identified within and adjacent to settlements in the Local Plan area.

3 BACKGROUND

3.1 Policy ENV5 of the Ryedale Local Plan (Deposit Draft) 1997 states:-

“Proposals to develop upon any Visually Important Undeveloped Area defined on the Proposals Map will not be permitted except where:-

- (i) The economic and social benefits of the development would significantly outweigh the loss or damage to the character of the area, or*
- (ii) The development would not have a material adverse effect upon the character or appearance of the area.”*

3.2 The justification for Policy ENV5 is set out at Section 15.2.7 of the Ryedale Local Plan (Deposit Draft) 1997. This states:-

“15.2.7 - Visually Important Undeveloped Areas within and adjacent to settlements

15.2.7.1 It is recognised in Government policy that important green spaces within settlements should be protected. In particular, PPG3 notes that the character of a settlement should always be respected when considering new development. Many open spaces contribute to the character of an area and require adequate protection. PPG17 (Sport and Recreation) specifically recommends the protection, through Local Plans of public and private open space which is of recreation, conservation, wildlife, historical or amenity value.

15.2.7.2 Within the Plan area, there are a variety of largely undeveloped open areas, both within and adjacent to settlements, that the District Council considers make a particularly important contribution to the character and setting of these settlements. The role of these protected areas differs between settlements. However, in a number of villages the designation refers to an area of countryside projecting into the village or to one of the few remaining open spaces in an otherwise crammed settlement. The areas identified in and

adjacent to the Market Towns, generally protect valuable undeveloped areas which form a particularly attractive setting for the town. In all cases, the areas protected under Policy ENV5 make a key contribution to the character of that settlement. The areas protected under this policy are indicated on the Proposals Map and the reason for their protection is explained in the relevant settlement description.

15.2.7.3 There may, however, be exceptional circumstances where the benefits to either the rural economy or to the village community are considered to be so significant that the development of part of one of these Visually Important Undeveloped Area is considered to outweigh the loss to the character of the area."

- 3.3 The District Council has previously recognised the need to retain visually important undeveloped areas within and adjacent to settlements in the District. Such an approach follows on from Policy E4 of the North Yorkshire County Structure Plan (Alteration No. 3) 1995, first approved in 1980. The policy states:-

"Policy E4 - Buildings and areas of special townscape, architectural or historic interest will be afforded the strictest protection."

- 3.4 The Ryedale Rural Areas and Kirkbymoorside Local Plan (adopted in 1987) covered almost all of the current Local Plan area, apart from the larger Market Towns. The plan contained a Policy (AG3) which limited development to infilling on sites not specifically allocated for such purposes or not falling within village envelope plans. However, the Policy stated:-

"An exception to this definition (of infilling being acceptable) will be made in those villages where the character is one of well spaced individual properties or where open space contributes significantly to the character of the village, when new development will be expected to reflect this existing character."

- 3.5 The Southern Ryedale Local Plan published in Consultation Draft form in 1991 went a step further in protecting specific undeveloped areas which were considered to

make an important contribution to the character of a settlement. Policy ENV11 of the final version of the Plan (produced following consideration of the Inspector's Report [published in 1996]) stated:-

"Planning applications to develop the Visually Important Areas of land indicated on insets C, D and E of the Proposals Map at Huntington, Haxby, New Earswick and Strensall will not normally be approved."

3.6 There were no objections made to the Deposit Draft of the Southern Ryedale Local Plan regarding either the principle of protecting areas from development because of their visual importance, or the principle of specifically identify such areas on the Local Plan Proposals Map. The only objection made to the policy was to its application to a specific area of land. However, the Inquiry Inspector supported the application of Policy ENV11 to the area in question, which he felt was very important in terms of the setting of the settlement. The Inspector did not question the principle of protecting areas of land because of their perceived visual importance.

3.7 The Consultation Draft of the Ryedale Local Plan contained a Policy (ENV6) regarding Visually Important Undeveloped Areas. The policy stated:-

"Proposals to develop Visually Important Undeveloped Areas, as defined on the Proposals Map, will not be permitted. In addition, the District Council will resist development on any other open space which:-

(i) *Makes a significant contribution to the character setting of a settlement;*
or

(ii) *Provides an attractive setting for buildings within a settlement; or*

(iii) *Is important to the historical form and layout of a settlement."*

3.8 A number of objections were made to the Consultation Draft of the Ryedale Local Plan regarding Policy ENV6. A significant number of objectors (including the Government Office for Yorkshire and the Humber, the House Builders Federation

and MAFF) were unhappy about the application of this level of protection to unidentified areas by virtue of the second sentence of the policy. It was suggested that this was contrary to advice in PPG12 and that other policies within the Local Plan could be used to address such concerns. It was also felt that the policy was generally over-restrictive and allowed no assessment to be made of either the degree of impact that a proposal would have, or the benefits that a development may bring. Most objectors did, though, accept the validity of protecting specifically identified areas, as this accords with advice in Paragraph 5.3 of PPG12.

- 3.9 In 1996 there were significant changes in the Membership of Ryedale District Council due to Local Government re-organisation and the resultant loss of the heavily populated Southern Ryedale area. Consequently, it was decided to undertake a full review of the aims of the Ryedale Local Plan before assessing and making a response to the comments received regarding the Consultation Draft of the Local Plan.
- 3.10 During the Summer of 1996 the District Council organised eight area-based meetings and eight topic-based meetings with representatives of the local community. The purpose of these meetings was to identify whether or not there were any common concerns or consistent themes of consensus about the future of this area and the role of the Local Plan, and to discuss how the Plan might be used more positively to address these issues. Excluding the Members of the District Council, over 250 individuals or organisations were invited to attend one or more of these meetings. In addition, invitations were also sent to the major employers and businesses offering them the opportunity to discuss with officers on a one-to-one basis how the Plan might be amended to meet their individual needs over the next ten years or so.
- 3.11 Although the discussions at the meeting ranged widely across a diverse variety of subjects, there were, nonetheless, five issues which re-occurred meeting after meeting. These were:-
- the volume and speed of traffic in the Plan area;
 - the lack of affordable housing;
 - the design and density of new housing development;

- rural employment provision; and
- the protection of open space within and adjacent to settlements.

With regard to the latter, the majority of the area-based meetings and three of the topic-based meetings expressed strong concern about the need to protect open spaces where they make an important contribution to the character of a settlement.

3.12 The District Council formally considered the results of the Local Plan Strategy meetings and consultations at the 15 August 1996 meeting of the Planning and Development Services Committee. The implications for the Ryedale Local Plan of each of the major issues raised at the Summer meetings were noted and accepted. In response to the widely expressed view that important open space should be protected, it was resolved that the Local Plan Proposals Map and its various insets should identify all such spaces.

3.13 Against the above background, the District Council formally considered the comment made regarding Policy ENV6 of the Consultation Draft of the Ryedale Local Plan at the June 1997 meeting of the Special Planning and Development Services Committee. Members accepted that it would be appropriate to amend the policy to take some account of the social and economic benefits of development proposals affecting land designated under Policy ENV5. In addition, it was also accepted that the policy should incorporate an assessment of the degree of effect that proposals would have on the character or appearance of the area in question. Despite some anxiety regarding the deletion of the reference to protecting as yet unidentified areas of important open space, Members did finally accept that all reference to unidentified areas should be deleted from the policy. This was primarily due to the degree of protection afforded to such areas by virtue of criterion (i) of Policy H7 of the Deposit Draft Local Plan, which reads:-

“The development would not result in the loss of, or have any adverse effect upon the character or appearance of any Visually Important Undeveloped Area or other open spaces important to the character of the settlement.”

3.14 There were no objections made to the Deposit Draft of the Ryedale Local Plan regarding the principle of protecting Visually Important Undeveloped Areas through Policy ENV5. However, objections were made to the designation of certain of the individual 'Visually Important Undeveloped Areas.' This Core Proof is, therefore, particularly intended to reduce the amount of repetition in the District Council's Proofs of Evidence in response to such objections by providing clear background information about the purpose and operation of Policy ENV5.

4 THE PURPOSE OF POLICY ENV5

4.1 Policy ENV5 identifies open areas within or on the edge of settlements which contribute towards the character or setting of the settlement. They can provide an attractive setting for buildings or may be of importance in defining the historic form and layout of the settlement.

4.2 The aim of the policy is to identify and safeguard the character of these areas for the following reasons:-

- (i) To protect the character and amenity of settlements;
- (ii) To protect the setting of Listed and other historic and architecturally important buildings and the character of Conservation Areas;
- (iii) To prevent Town and Village cramming;
- (iv) To retain green areas, open space and trees.

Each of these reasons is expanded in detail below.

4.3 To protect the character and amenity of settlements

4.3.1 PPG1 'General Policy and Principles' (March 1992) and its Annexes provide advice on design and the handling of design issues. This makes clear that developers should take full account of the wider setting of buildings and should respect the character of

the surroundings of the development. The setting could include other buildings or open space or a mixture of the two, while buildings and spaces combine together to give particular places their individual character. The PPG states that:-

"...the appearance and treatment of the spaces between and around buildings is often of comparable importance to the design of the buildings themselves..."

(Para. 14).

- 4.3.2 PPG3 Housing (March 1992) notes the importance of relating new housing development to both the existing pattern of settlement and to the protection of the countryside. Paragraph 19 notes that:-

"Villages vary widely in their character, and what might be appropriate in a village with a dense intricate pattern of development would be out of place in a sparser, more open settlement."

- 4.3.3 Paragraph 19 recognises that the character of village varies greatly, and that this character should always be respected. The character of a place may in part be due to the extent and location of open spaces, greens, paddocks, orchards or large gardens which provide a setting for buildings. Paragraph 20 states that:-

"Where there is strong pressure for development which could give rise to town cramming, if not carefully controlled, planning authorities should ensure that local plans include clear policies in relation to which applications will be considered."

- 4.3.4 Paragraph 20 notes that there is a danger of town cramming unless the character and amenity of established residential area is respected.

- 4.3.5 Finally, paragraph 27 notes that:-

"Parks, playing fields, informal open spaces, allotments and private gardens can all be of great importance to the character of a neighbourhood." and

"Policies which seek to make maximum use of vacant urban land for housing will need to distinguish between sites which need to be retained for recreation, amenity or nature conservation purposes, and areas which are genuinely suitable for development."

4.3.6 As will be seen, this statement provides the rationale underpinning Policy ENV5 whereby visually important undeveloped areas are shown on the Proposals Map and accompanying Insets of the Ryedale Local Plan.

4.4 To protect the Setting of Listed Buildings and the character and appearance of Conservation Areas

4.4.1 Policy ENV5 reinforces Policy C10 of the Ryedale Local Plan relating to Listed Buildings. The setting of Listed Buildings is dealt with in PPG15 "Planning and the Historic Environment", where paragraph 2.16 notes:-

"The setting is often an essential part of the buildings character, especially if a garden or grounds have been set out to complement its design or function."

4.4.2 The advice goes on to state that (Para. 2.17) setting should not be interpreted too narrowly:-

"The setting of a building may be limited to obviously ancillary land, but may often include land some distance from it. The setting of individual Listed Buildings very often owes its character to the harmony produced by a particular grouping of buildings (not necessarily all of great individual merit) and to the quality of the spaces created between them."

4.4.3 It is thus clear that spaces contribute towards the character and setting of Listed Buildings, and that the relationship of a building to its surrounding space needs careful consideration. Policy ENV5 also reinforces Policy C3 of the Ryedale Local Plan relating to open spaces within or adjacent to Conservation Areas.

- 4.4.4 The setting of Conservation Areas is considered in paragraphs 4.2, 4.4 and 4.6 of PPG15. This advice states that our experience of a historic area depends on much more than the quality of individual buildings, but on a range of features and elements including vistas along streets and between buildings, the character and hierarchy of spaces, the relationship of buildings and also trees and other green features.
- 4.4.5 The courts have held that it is legitimate to include within a Conservation Area the setting of buildings that form the heart of that area.
- 4.4.6 Government advice emphasises the importance of safeguarding the character of open spaces which contribute towards the setting of Listed Buildings and the character of appearance of Conservation Areas.
- 4.5 To prevent Town and Village cramming
- 4.5.1 Policy ENV5 allows development decisions to be made in the light of an explicit recognition (through VIUA designation) of the contribution made by certain key sites to the setting and the character of a settlement.
- 4.5.2 The concept of defined development limits to control the location of development within a town or village (which is explained in Core Proof No. 4) can have some limitations with regard to maintaining the density or character of a settlement. Policies incorporating this concept have in the past been interpreted as meaning that all land within the development limits is suitable for development, resulting in town or village cramming and development which has not respected the character of the settlement.
- 4.5.3 Where VIUAs have been identified at the edge of a settlement in the Ryedale Local Plan these have generally been excluded from Development Limits. However, there are a significant number of cases where a VIUA occurs within the main body of a settlement. In such cases it would not generally be practicable to exclude such sites from Development Limits. Therefore, sites have been shown within Development Limits but through designation under Policy ENV5, are protected from inappropriate development. In this way Policy ENV5 prevents town and village cramming and

safeguards settlement character in a way that could not be achieved through a Development Limits only approach.

4.6 To Retain Green Areas, Open Spaces and Tree of Visual Importance

4.6.1 Advice on the value of open space outside Conservation Areas is contained in PPG17 which states:-

“Local Planning Authorities need to take account the value of open space not only as an amenity but also as a contribution to the conservation of the natural and built heritage of the area.”

4.6.2 PPG17 also provides guidance regarding the treatment of open space within local plans. Paragraph 15 states that local plans should generally include locationally specific policies and proposals in respect of :-

“the protection of public and private open space and other land of recreational, conservation, wildlife, historical or amenity value”

4.6.2 Paragraphs 25, 26 and 27 provide guidance on the retention of recreational and amenity open space in urban areas. It is made clear that the Government attaches “great importance” to the retention of such areas and that “Open space, whether or not there is public access to it, is also important to the quality of urban life”. Furthermore, “Use of land as open space is no less important than other uses. Once built on, open space is likely to be lost to the community for ever; planning decisions resulting in the development of open space should, therefore, take into account the long term impact of the loss of such space”. In order to protect valued areas of open land the PPG recommends designation on the proposals map and policies in the local plan. This will “help to ensure that its amenity and recreational value to the community are taken fully into account in considering any proposals for development”.

4.6.2 The guidance is intended to apply to all types of open space of public value. Public value in this context implies land within the public domain, to which the public has access or which is visible from public roads and areas.

5 HOW SPACES HAVE BEEN IDENTIFIED

5.1 The areas identified in the Local Plan under Policy ENV5 and shown on the Inset and Proposals Maps were all identified in the basis of a set of criteria.

5.2 There are 3 primary reasons for identifying a site under this Policy. These sites are important spaces which:-

- (i) Make a significant contribution to the character or setting of the settlement; and/or
- (ii) Provide an attractive setting for buildings within it; and/or
- (iii) Are important to the historical form and layout of the settlement.

5.3 A variety of undeveloped areas have been designated under Policy ENV5. However, over a third of the designated areas incorporate village greens and wide verges, and a quarter of the sites include private garden areas. Other notable land use types that have been designated include areas of grazing land (around 17% of sites), churchyards (5% of sites) and arable land (5% of sites). Playing fields, archaeological sites, orchards and wetlands each feature in around 2.5% of designated areas. In odd instances, the designated areas include disused railway lines, woodlands, informal parking areas, and designated nature conservation sites.

5.4 A number of the areas designated as Visually Important Undeveloped Areas under Policy ENV5 are also designated under other policies within the Local Plan. These include areas of land designated as being liable to flood (Policy ENV25), public open space (Policies L6 and L7), scheduled ancient monuments (Policy C13), disused railway lines (Policy T11), playing fields (Policy L2), Sites of Importance for Nature Conservation (Policy ENV12), Sites of Special Scientific Interest (Policy ENV11),

the best and most versatile agricultural land (Policy AG1) and ponds (Policy ENV18). However, these alternative designations safeguard other specified aspects of value at such sites, be this archaeological, recreational or ecological, or because of the agricultural land quality or the land's capacity to hold flood water. Policy ENV5 instead relates solely to the visual impact of development proposals upon the character and appearance of the area. Consequently, it is quite feasible that a proposal may satisfy the concerns of Policy ENV5 but may conflict with an alternative policy relating to the site, such as Policy AG1 (agricultural land quality) or Policy L2 (playing fields). Therefore it is not considered that there is any conflict or confusion caused by the application of the Visually Important Undeveloped Area (VIUA) designation to land designated under other policies within the Local Plan.

- 5.5 A number of the designated VIUAs fall within areas where the visual impact of development proposals will already be a significant consideration. This includes land within Conservation Areas (Policies C1 and C3), the Howardian Hills Area of Outstanding Natural Beauty (ENV2), Areas of High Landscape Value (ENV3) and sites that form the setting of a Listed Building (C10). In addition, a number of other policies, including policy ENV1 regarding new development outside Development Limits, will require development proposals to avoid material impact on the landscape. However, it is strongly considered that the application of the VIUA designation to sites that fall within such areas is both valid and necessary. Whilst alternative policies allow the likely visual impact of a proposal to be taken into account, the prior designation of an area of land as a VIUA immediately confirms to both developers and the general public that a defined area of undeveloped land is considered to be of particular visual importance and that it makes a particularly important contribution to the character and setting of a settlement. Such an approach differs somewhat from the broader brush approach applied through Policies such as ENV2 or C3, whereby every site affected by such policies will not be of such primary visual significance (in terms of its contribution to the character or appearance of the area) as sites specifically identified under Policy ENV5.

5.6 In identifying these areas, the following criteria were followed:-

- (i) The contribution the space makes to the setting of the settlement viewed either from publicly accessible view points, within the settlement or from approach roads or paths
- (ii) The contribution the space makes to the setting of a building or groups of buildings either listed or of historical or architectural interest
- (iii) The contribution the space makes to the overall form and character of the village
- (iv) The extent to which the space provides a vista or viewpoint into the surrounding countryside
- (v) The extent to which trees, boundary hedges or walls contribute to the character of the space
- (vi) The archaeological or historical interest of the space.

6 CONCLUSIONS

- 6.1 It is noteworthy that no objections have been made to the Ryedale Local Plan regarding the principle of protecting specified areas (under Policy ENV5) because of their perceived visual importance. The only objections made regarding the Policy were in terms of its application to certain of the designated VIUAs. As a general response to such objections this Core Proof sets out the purpose of the VIUA designation and explain how the VIUAs have been identified. (NB The District Council will address the visual importance of specific designated VIUAs in its Proofs of Evidence in response to individual objections to this Policy.)
- 6.2 It is demonstrated within this Proof that both Government advice and Structure Plan Policy recognise the value of key undeveloped areas within and adjacent to settlements and the contribution that such areas can make to the character and

appearance of a settlement. Furthermore, this Proof confirms the weight of opinion expressed by local people about the need to protect key open spaces within and adjacent to settlements in the Local Plan area.

- 6.3 The identification of a site as a VIUA makes clear to both developers and the general public that it is considered to be of substantive visual importance and that it makes a particularly important contribution to the character or the setting of the settlement. This Proof outlines in detail the purpose and reasoning for the VIUA designation. Furthermore, this Proof sets out the criteria according to which the VIUAs in the Ryedale Local Plan have been identified.
- 6.4 Finally, it is considered that the use of the VIUA approach compliments and clarifies other policies within the Ryedale Local Plan, in terms of adequately protecting the character of settlements and safeguarding the setting of important buildings within the Local Plan area.