

Inspector's question 34

"I would welcome the Council's response to the representation by Mr Nick Laister of RPS group on behalf of Mrs S Pearce to the effect that the content of policy E7 does not reflect its justification in the preceding paragraphs 6.25-6.30."

AVDC's Response to Inspector's question 34

Mr. Nick Laister of RPS Group's representations on behalf of Mrs. S. Pearce relating to policy E7 Tourism Development raise a number of issues regarding the wording of the policy and its preceding text. It is said that this wording makes the policy unnecessarily restrictive and inconsistent with the NPPF. Specifically, it is stated that criteria of the policy do not offer support to any new tourism and leisure facility that may require the erection of new buildings. It is also stated that the NPPF is clear it supports both the extension and expansion of existing tourist and leisure developments as well as the provision of new such facilities. However as the wording of the policy hinders the development of new tourism facilities it is not compliant with national policy.

Mr. Laister further states that the policy unreasonably imposes a requirement of fulfilling all the listed criteria, while at the same time it may be the case that all the criteria are not relevant to the proposal. Criteria b for instance refers to the conversion or replacement of existing buildings which would mean that any proposal that does not entail the conversion or replacement of existing buildings would not fulfil the criteria and would therefore not be allowed.

The Council acknowledges the points in the representations made by Mr. Laister. The wording of the policy does not accord with the content of section 3 of the NPPF 'Supporting a prosperous rural economy' in relation to new development in the countryside. It is also accepted that the criteria set out in the policy are not sufficiently clear in their application and hence the policy is not effective. Nevertheless the council is concerned that unrestricted development of new tourism facilities in the countryside would not respect the character of the countryside as required by Section 3 of the NPPF or recognise the intrinsic character and beauty of the countryside as stated in the core planning principles of the NPPF. It is therefore considered that the development of new tourism facilities involving new buildings should be limited to locations where they will help to diversify the rural economy in accord with Section 3 of the NPPF. As the policy has to be significantly amended and rearranged to make it effective and accord with the NPPF new policy text as set out below will be included as a modification.

E7 Tourism development

The Council will promote a growing, sustainable tourism sector, and will support proposals for new or expanded tourism, visitor or leisure facilities within or adjacent to settlements.

Elsewhere, proposed development must:

- a. involve the conversion or replacement of buildings which form part of an existing tourist facility or well designed new building(s) which promotes diversification of agricultural and other land-based rural businesses,
- b. justify a countryside location and minimise environmental impacts, and

c. demonstrate that the need is not met by existing provision within nearby settlements.

In all cases such development must:

- d. respect the character and appearance of the location, and
- e. avoid unacceptable traffic impact on the local road network.

In the case of seasonal structures these must be temporary in nature and not have an adverse impact on the landscape.