

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 April 2013

AUTHOR/S: Planning and New Communities Director

**S/0114/13/FL –GREAT ABINGTON
Use of Barn as Temporary Dwelling for 12 Months
– 32a South Road
for Dr Joy Duffen**

Recommendation: Approval

Date for Determination: 25 March 2013

This Application has been reported to the Planning Committee for determination because the recommendation of the Parish Council differs to that of planning officers.

To be presented to the Committee by Andrew Winter

Site and Proposal

1. The site is located to the west of 32a South Road and is situated on the former 'Land Settlement' outside of the village framework of Great Abington. The site comprises a single storey timber barn (Shed 2), running parallel to South Road, which was formerly built for lettuce packaging and is now in use as an unauthorised residential dwelling. A smaller barn is located behind the main barn, once used as a piggery and more recently converted to residential accommodation although occupation of this unit has ceased.
2. The application, validated on 28 January 2013, seeks consent for temporary use of Barn 2 as a single dwelling for 12 months. The applicant already resides in Barn 2 and therefore this application is submitted retrospectively.

Site History

3. Planning permission S/0123/12/FL was submitted by the same applicant and approved for conversion of Barn 2 and the former piggery to a live-work unit.

Planning Policy

4. The **National Planning Policy Framework (NPPF)** promotes a presumption in favour of sustainable development having regard to the soundness of the development plan and the policies therein.
5. **South Cambridgeshire Local Development Framework Development Control Policies 2007:**
 - DP/1 Sustainable Development
 - DP/2 Design of New Development
 - DP/3 Development Criteria
 - DP/4 Infrastructure and New Developments
 - DP/7 Development Frameworks

HG/8 Conversion of Buildings in the Countryside for Residential Use

6. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):** District Design Guide SPD – adopted March 2010
7. **Circular 11/95 (The Use of Conditions in Planning Permissions)** advises that planning conditions should be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects..

Consultation by South Cambridgeshire District Council as Local Planning Authority

8. **Great Abington Parish Council** – Recommends refusal “The Council feels that this property should not be occupied until the conversion has been completed and made habitable.”
9. **Local Highway Authority** – No objections.
10. **Acting Environmental Health Manager** – Recommends a condition regarding land contamination.

Representations by Members of the Public

11. **Owner/Occupier of 36 South Road** – Objection: (1) when the Ministry sold the Holdings then belonging to the Land Settlement Association to the sitting tenants, the owners were not allowed to sell a portion of the land off, unless it was only used for agricultural purposes; (2) the Ministry rules still apply at the time of this application; (3) the proposed temporary dwelling was built only as a packing shed and not intended as a domestic dwelling; (4) the dwelling lies well in front of the building line.

Material Planning Considerations

12. The main issues in this case are:
 - the principle of the temporary residential use in relation to countryside policy

Principle

13. The site was formerly Woodside Rural Care CIC - a social enterprise and non-profit organisation offering services and support to those with physical and mental challenges that can benefit from the care farm environment and approach. The business was started in 2009 and applicant gained planning permission for a live-work unit to progress the Care Farm business and to investing in this proposal subject to the sale of their home and principal dwelling: the latter completed in 2012. After this point, the applicant explains the following in the submitted Planning Statement,

“Whilst expecting to reduce the Care Farm activity whilst undertaking the major building works [for the live-work unit] other factors also impacted the expectations of this business not least serious health issues of one of the full time directors (co-owner) and the necessity of the relocation of the Management Director whose vision of assisting veterans had shaped the

enterprise. However, there arose an alternative opportunity for the utilisation of the work-live unit in the employment of co-owner Dr Joy Duffen in work for the Charity, The Cure Parkinson's Trust which requires the allocation of significant office facilities and work from a home base. No progress could be made on the new building works until the sale of the owner's home and it was on their understanding that temporary accommodation in the existing buildings would be permitted that the owners proceeded on that basis. Having subsequently been advised that a formal application to that effect is necessary, it is the subject of the current application to allow the owners to live on site whilst plans are finalised for the new building works [in connection with S/0123/12/FL]."

14. The proposed temporary dwelling is therefore assessed with regard to its impact upon the countryside. In principle, the proposal is contrary to general countryside Policy DP/7 and the onus is on the applicant to provide exceptional circumstances to justify a departure from this Policy.
15. The departure in this instance would be temporary and it is noted that the applicant has already gained permanent permission for a dwelling on the site in the form of a live-work unit. The circumstances to stay on the site whilst building works are prepared are understandable given the poor health of the applicant's partner; the financial implications of moving and renting alternate accommodation; the need to manage horses on the land; and the need for security on the site.
16. Consequently, there are considered to be exceptional circumstances in this instance that are specific to the applicant and that would enable an extant permission (S/0123/12/FL) to be pursued and the existing unauthorised residential conversion of the barns to be rectified in planning terms. The 12 month temporary period for this use is also considered reasonable to allow for the drafting and agreement of the final working drawings for the live-work unit under building regulations and the clearing of all relevant pre-commencement planning conditions to enable commencement of works to take place and to be completed.

Other Issues

17. The comments of the neighbour at 36 South Road are noted in relation to the legal agreements on the former Land Settlement Association; however, this issue does not represent a material planning consideration and therefore cannot be taken into consideration in this application.

Recommendation

18. Approval, subject to the following condition:
 1. **The residential use of Barn 2, hereby permitted, shall be discontinued and the land restored to a condition to be agreed in writing by the Local Planning Authority on or before 12 months from the date of this decision in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.**
(Reason - Approval of the proposal on a permanent basis would be contrary to Policy DP/7 of the adopted Local Development Framework

2007 and the land should be reinstated to facilitate future beneficial use.)

Background Papers: the following background papers were used in the preparation of this report

- Local Development Framework Development Control Policies DPDs and Supplementary Planning Documents.
- National Planning Policy Framework

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