

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee      7<sup>th</sup> December 2005  
**AUTHOR/S:** Director of Development Services

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**S/1955/05/F - Comberton  
Change of Use of Barn to Retail (Class A1) and Stables on  
Land Adjacent 198 Barton Road for N. C. Taylor**

**Recommendation: Refusal  
Determination Date: 8<sup>th</sup> December 2005**

### **Departure Application**

#### **Site and Proposal**

1. The irregularly shaped site measuring approximately 0.48 hectares (1.19 acre) is positioned on the southern side of Barton Road, approximately 500 metres to the east of the village framework of Comberton, within the Cambridge Green Belt. The site has a road frontage of approximately 23m in width.
2. The site contains a barn with a footprint of approximately 360 square metres, setback 84m from Barton Road. A loft space/mezzanine level has been created within the building, measuring approximately 50 square metres. To the rear of the barn, a stable block has been erected. A gravel driveway and car parking has been created on the site. The barn is predominantly metal clad, with a timber clad front extension with domestic-style windows. The barn is accessed by a domestic style door on the front (north) elevation and wider opening on the eastern elevation. The central section of the barn appears to be in need of repair.
3. The vehicular access to the barn passes along the common property boundary with No. 198 and is positioned to the south of this dwelling. The barn is setback approximately 60m from the dwellings at Nos. 188, 196 and 198 Barton Road, which lie to the north-west and north of the site. The site is adjoined by fields to the east, south and west, with a field further to the north, on the opposite side of Barton Road.
4. This full planning application, received on 13<sup>th</sup> October 2005, seeks retrospective permission for the change of use of the barn to retail (Class A1) and Stables. The barn is intended to be principally used for the sale of outdoor clothing and equipment, including farm, sports and camping equipment and clothing. It is anticipated that the retail unit is to be open seven days a week, between 10.00 hours and 16.00 hours Monday to Saturday and 10.00 hours and 16.00 hours on Sundays.
5. The applicant has indicated that the stables are used for private/personal use and will not be used as a livery/commercial use. The traffic flow for the stables will be one car in the morning and one further car in late afternoon/evening. Once every two weeks a horse trailer is towed on a Friday evening for off-site training. There are no employees for the stable use.
6. The barn is currently used for storage of outdoor equipment and clothing, in addition to domestic storage, with limited retail sales from the site. Two people are currently employed on site and this is projected to increase to up to four members of staff. It is

estimated that the proposal would generate up to 2 HGV vehicle trips per month, up to 10 light commercial vehicle trips per month and up to 15 standard vehicle (car) trips per day.

### Planning History

7. The barn was originally erected and twice extended under permitted development rights for agricultural buildings, using the prior notification procedure.
8. Planning permission was given in June 1989 for the erection of stables at the rear of the barn (**Ref: S/3223/88/F**). Condition 1 of the planning consent limited the use of the stables for “domestic use only” for the following reason:
9. “The Local Planning Authority would not permit a stable building in this location in the Cambridge Green Belt other than for domestic stabling. The introduction of any commercial stabling or livery would do demonstrable harm to the amenity currently enjoyed by adjoining properties by reason of increased noise and disturbance from vehicles using the entrance to the site”.
10. In August 1995, temporary planning permission was granted for the part change of use of the agricultural building for the making and retailing of traditional cheeses (**Ref: S/0621/95/F**). This consent applied to the front part of the barn only, with a footprint of approximately 40 square metres.
11. This consent lapsed on 30<sup>th</sup> June 1998 and was personal to the applicant. Conditions of consent required improvements to the access, in addition to limiting the hours for milk deliveries and retail sales from the site. Alterations to the vehicular access required under conditions of consent, do not appear to have been undertaken.

### Planning Policy

12. National guidance in **Planning Policy Statement 7 (PPS 7)**: Sustainable Development in Rural Areas states that the “Government’s policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside, where this would meet sustainable development objectives...Local planning authorities should be particularly supportive of the re-use of existing buildings that are adjacent or closely related to country towns and villages, for economic or community uses...”
- i) Structure Plan 2003:**
13. **P1/2** - Environmental Restrictions on Development aims to restrict development in the countryside unless it can be demonstrated to be essential in a particular rural location.
  14. **P2/6** - Rural Economy supports sensitive small-scale employment opportunities where it contributes to specific objectives, including farm or rural diversification where appropriate to the local area and enabling the re-use of existing buildings.
  15. **P3/4** - Rural Services and Facilities - specifies that “Local Planning Authorities will support the vitality of rural communities by encouraging the retention and expansion of village shopping facilities, on a scale appropriate to their location and serving a local function, and key community services.”
  16. **P9/2a** seeks to protect the character and openness of the Green Belt.

## ii) Local Plan 2004:

17. **GB2** and **GB3** seek to protect the Green Belt from inappropriate development. The re-use of buildings is supported providing that “a) the development does not result in a materially greater impact on the openness and purpose of the Green Belt; b) strict control is exercised over any proposed extensions and associated uses of surrounding land; c) the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction; and d) the form, bulk and general design of the buildings are in keeping with their surroundings”. To protect the rural nature and openness of the Green Belt, any development should be within or adjoining existing complexes. These policies are consistent with national guidance on development within Green Belts contained within **Planning Policy Guidance Note No 2: Green Belts (PPG2)**.
18. **EM10** - Conversion of Rural Buildings. Outlines the criteria for the favourable consideration of changes of use and conversion of rural buildings outside the village framework to employment uses. It is noted that there are no specific policies for the change of use of rural buildings to a retail use.
19. **TP1** - Planning for more Sustainable Travel. Seeks to reduce need to travel, especially by car. This policy reinforces the contents of **Policy 8/1** of the Structure Plan 2003.
20. **SH5** - Outlines the criteria for new retail development within the village frameworks.
21. **SH10** - Allows for the creation of farm shops and nurseries within the countryside, subject to various criteria. Supporting text in paragraph 6.26 adds that “The District Council is concerned about sporadic development for retail uses in the open countryside...Operating with lower overheads, these sales (of goods which are not produced locally) could have an adverse effect on the economic viability of existing shopping facilities in nearby villages”.
22. **SH12** - Garden Centres - Specifies that this use is not permitted in the Countryside, or where convenience sales would have a significant adverse impact on the viability and vitality of existing settlements and village centres.
23. **RT1** - Recreation and Tourism Development - outlines the criteria for the development of recreation and tourism facilities.
24. **EN1** - Landscape Character Areas - seeks to ensure that local character and distinctiveness is respected, retained and wherever possible enhanced.
25. **ES6** - Noise and Pollution - states that the District Council “will seek, by means of appropriate planning conditions, to minimise the impact of noise and pollution on noise-sensitive development arising from any new industrial, commercial or recreational activities”.

## Consultation

26. **Comberton Parish Council** - Recommendation of Approval, providing the neighbours have no objection.
27. **Chief Environmental Health Officer** - Raises concerns regarding the retail use and subsequent generation of early morning noise and recommends a condition be

imposed should members be minded to approve the application preventing delivery vehicle movements before 7.30am.

A further condition is also recommended to control details of the location and type of any power driven plant or equipment.

28. **Local Highways Authority** - Raises concerns regarding the proposed use and suitability of the existing access. Recommends conditions in the event that application is approved.

"I am concerned about encouraging retail use in a location such as this, which has the potential to generate a considerable amount of traffic. Barton Road at this point is subject only to the national speed restriction of 60mph, consequently vehicle speed is relatively high. There are a number of recorded accidents along this stretch of road - the majority of which are related to vehicles turning into-out of accesses.

It is not clear from the given traffic figures which are related to the retail use and which are related to the stables. It is also not clear if the stables are 'private' or if livery is operated. Perhaps you would be good enough to advise.

If you are mindful to approve this I strongly recommend that any permission be made personal to the applicant and the access be improved" to comprise an access width of 6.0m for a minimum distance of 20.0m and a kerb radii of 10.0m."

29. Comments regards the applicant's representation dated 18<sup>th</sup> November 2005 will be reported verbally to Members at Committee.

### **Representations**

30. A letter of objection has been received from the occupier of the adjoining dwelling at 198 Barton Road. The concerns raised are:
- a) Harm to the Green Belt and conflict with relevant policy;
  - b) Detrimental impact on the rural character of the site;
  - c) Visual intrusion;
  - d) Noise and disturbance;
  - e) Dust and litter;
  - f) Security concerns;
  - g) Delivery and other vehicles passing within 6 metres of the side of his house and adjacent to his garden;
  - h) Continued use in the future by other retail operators;
  - i) Lack of evidence that a more appropriate vacant retail site in the built-up area could not be used.

## **Representations by Applicant**

31. The applicant has supplied the following information in support of the application:
- a) Applicant has used the premise for storage purposes for at least five years;
  - b) The property was required to store surplus stock, following the closure of a retail outlet in Cambridge;
  - c) Repairs have been carried out to the building and work undertaken on site clearance and improvements;
  - d) The applicant commenced working on site in October 2004, selling items via the internet, storing and sorting out stock, and preparing items for sale;
  - e) Applicant was not aware of need for planning permission to use barn for storage or retail purposes;
  - f) Since October 2004 there have been approximately 12 no. 7.5 tonne trunks, 30 vans and 10 cars per week, which have been used in connection with deliveries and picking up stock;
  - g) Items intended to be sold on site include-
    - Farm work wear, and safety clothing and footwear;
    - Tools and related accessories and equipment;
    - Equestrian clothing and footwear;
    - General outdoor clothing and footwear;
    - Military surplus clothing, footwear and equipment;
    - General camping equipment;
    - Hire and sale of marquees;
    - Stables for private use; and
    - Any locally produced items which would "fit in with the stock".
  - h) The proposal would benefit the local community and possibly employment of locals;
  - i) The current and proposed business will not disturb adjacent residential properties.
32. In a further representation dated 18<sup>th</sup> November 2005 the applicant provided the following information:
- a) The stable is to be for private use, as it is not used by anyone except a family friend, used as domestic stabling and not used as a livery/commercial use. The traffic flow for the stables will be one car in the morning and one car in the late afternoon /evening; once every two weeks one car and towed horse trailer on a Friday evening depart and return for off-site training.
  - b) The projected employment figures do not include the stable. Nobody is employed for stable use.
  - c) The applicant has stated that if it is a problem for a 7.5 tonne vehicle delivering to the premises he can insist on the delivery companies using a van because of access problems.

- d) The applicant has stated that he was under the impression that the speed limit on Barton Road was due to be 40mph, in connection with the “Bluebell” development, but this seems not to have appeared.

### **Planning Comments - Key Issues**

33. The key issues for consideration in the assessment of this application are:

- Suitability of site within Green Belt for retail use;
- Whether the proposal would result in a loss of highway safety; and
- Whether the proposal would harm the residential amenities of nearby dwellings.

### ***Suitability of Site for Retail Use***

34. Green Belt policies support the re-use of rural buildings providing that the development does not result in a materially greater impact on the openness and purpose of the Green Belt and that strict control is exercised over associated uses of surrounding land. Although the proposal does not involve an extension or significant alterations to the external appearance of the barn itself, the granting of consent for a retail use for this size building has the potential to have a significant impact on the openness of the green belt through pressure to provide hardstanding for access and car parking areas, external storage and outside display of goods (particularly larger goods like marquees and tents), erection of signage/advertisements and likely need for outside area for rubbish/waste collection. A proposed retail sales area of 155 square metres, combined with storage area of 91 square metres, has the potential to require a larger car parking area than illustrated. The proposed use is therefore considered to represent inappropriate development in the Green Belt and contrary to the purposes of the Cambridge Green Belt.
35. The proposed site is in a prominent location between the villages of Comberton and Barton and has the potential to harm the local landscape quality.
36. The conversion of buildings outside village frameworks for general retail use is not supported by policies in the Local Plan. Policies SH10 and SH12 of the Local Plan whilst not of direct relevance, indicate that the Council does not support retail development within the countryside for goods which are not produced locally. Isolated retail developments in the countryside are considered to have the potential to adversely affect the economic viability of existing shopping facilities in nearby villages. Moreover, countryside locations are considered unsustainable for retail development, and it is expected that few visitors to this site would use public transport.
37. The application represents a departure from policies in the Structure and Local Plans and very special circumstances have not been presented to justify a departure from planning policies or inappropriate development within the Green Belt.

### ***Impacts on Highway Safety***

38. Concern is raised by the Local Highways Authority regarding the potential impacts of the proposed use on highway safety, for vehicles accessing and leaving the site off Barton Road. The width of the existing vehicular access at 3.75m is not sufficiently wide enough to allow vehicles to pass each other, and has the potential to lead to vehicles waiting to enter the site on the Highway, whilst other vehicles are trying to exit.

39. It is noted that the Local Planning Authority has the ability to require improvements to the existing vehicular access through conditions of consent.

### ***Impacts on Residential Amenity***

40. I am of the view that the proposed retail use is likely to seriously harm the residential amenity of the occupants of 198 Barton Road, and in particular the reasonable enjoyment of the use of their rear garden, by noise and disturbance caused by the use of the vehicular access adjacent the common property boundary of this property. It is noted that the repositioning of this vehicular access away from the adjacent dwelling, is likely to harm the visual amenities of the Green Belt.
41. The use of the stables, as it will remain for non-commercial purposes, can continue to operate under the terms of planning permission reference S/3223/88/F.

### **Recommendation**

42. Refusal for the following reasons:

### **Reasons for Refusal**

1. The site is situated in prominent position within the Cambridge Green Belt between the villages of Comberton and Barton, with direct road access to a classified road.

The proposal constitutes inappropriate development within the Green Belt, by virtue of leading to pressure for associated uses and structures on surrounding land (including improvements to access, car parking areas, external storage areas, outside display areas, waste collection areas and advertisements), which would have a materially greater impact on the openness and purpose of the Green Belt. Very special circumstances have not been demonstrated why this development should be allowed.

The proposal is therefore contrary to Policies P1/2 (Environmental Restrictions on Development) and P9/2a (Green Belt) of the Cambridgeshire and Peterborough Structure Plan 2003 and Policy GB2 (Green Belt) of the South Cambridgeshire Local Plan 2004.

2. The proposed retail use in a countryside location has the potential to sell a wide range of goods which are not produced on or in the vicinity of the site, and has the potential to adversely affect the economic viability of existing retail uses within established settlements. Moreover, the proposal is not conveniently accessible by a wide range of modes of transport. Material considerations have not been presented which justify a departure from planning policies.

The proposal is therefore contrary to Policy P3/4 (Rural Services and Facilities) of the Cambridge and Peterborough Structure Plan 2003 and policies SH10 (Farm Shops and Nurseries) and TP1 (Planning More Sustainable Travel) of the South Cambridgeshire Local Plan 2004.

3. The proposed use through the use by vehicular traffic of its existing access adjacent the common property boundary with 198 Barton Road, is likely to seriously harm the residential amenities of the occupants of No. 198 Barton Road and the reasonable enjoyment of their rear garden, contrary to Policy ES6 of the South Cambridgeshire Local Plan 2004.

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

- Planning Policy Guidance Note No. 2: Green Belts
- Planning Policy Statement No. 7: Sustainable Development in Rural Areas
- Cambridgeshire and Peterborough Structure Plan 2003
- South Cambridgeshire Local Plan 2004
- Planning File Refs: S/1955/05/F, S/3223/88/F and S/0621/95/F

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