

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 July 2010

AUTHOR/S: Executive Director (Operational Services)/
Corporate Manager (Planning and New Communities)

S/0594/10/F – GREAT ABINGTON
Change of Use From Part B1 (Office) Use and Part C3 (Residential) Use to C3
(Dwelling) at 48 North Road for Park Tonks Ltd.

Recommendation: Refusal

Date for Determination: 23 June 2010

Notes:

This application has been reported to the Planning Committee for determination at the request of the Local Member.

Site and Proposal

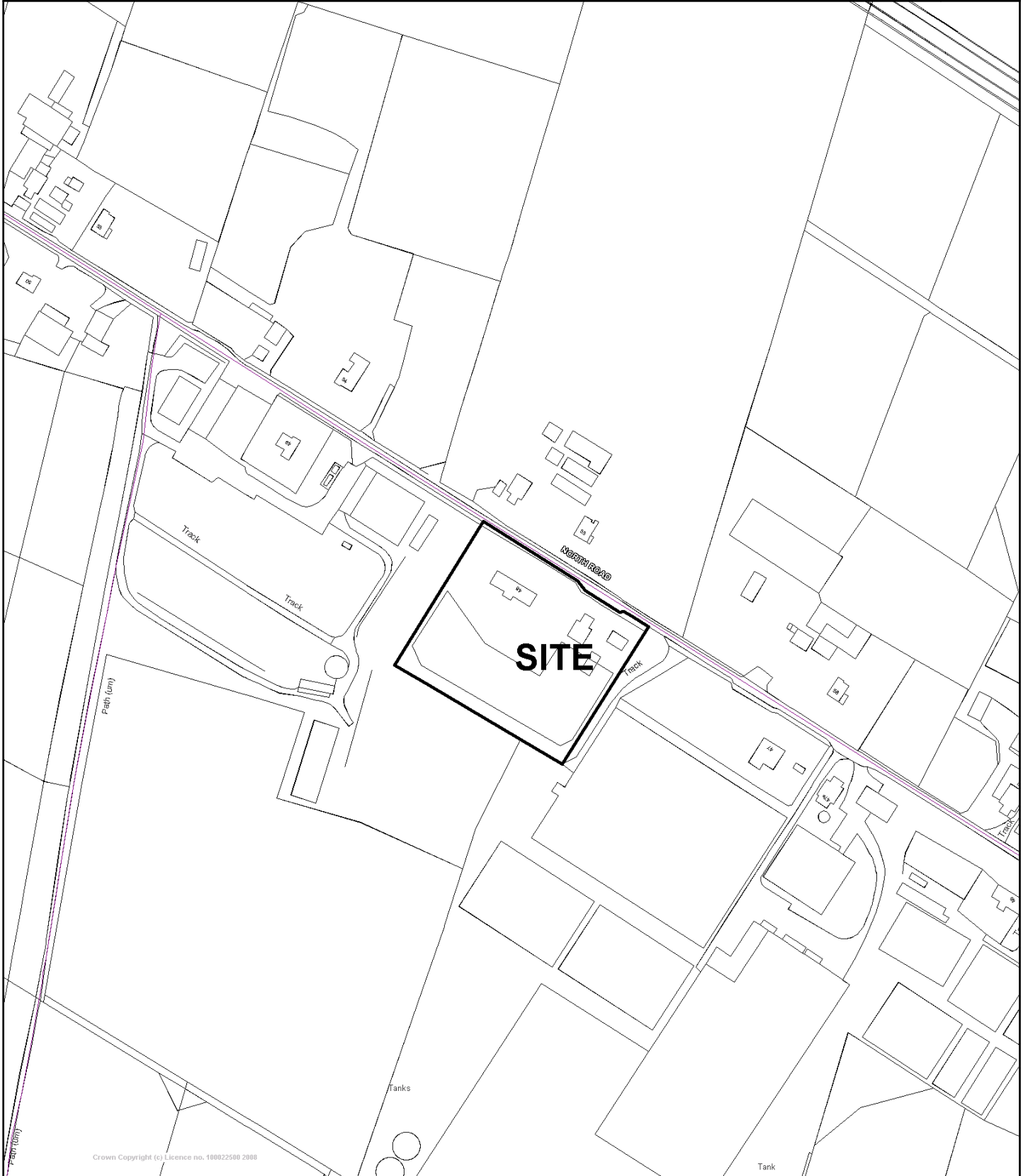
1. The site is situated outside the Great Abington village framework and within the countryside. It lies on the former Land Settlement Association Estate that originally consisted of a number of small holdings. No. 48 North Road is detached, one and a half storey, render and plain tile building that has an in/out gravel access to the front off North Road, a parking area for at least eight cars to the west side, a garden and paddock to the rear, and some outbuildings and stables to the east side. The building currently has a mixed use that comprises three offices at ground floor level, and two offices and a caretakers flat at first floor level. There are presently five staff employed on the site.
2. North Road is a single track road with passing bays that has access on to Pampisford Road and the old A11. It is also a public footpath. A group of greenhouses are situated to the west. The garden to the dwelling at No. 47 North Road lies to the east, with a group of greenhouses beyond. A dwelling lies on the opposite side of the road to the north. Open countryside lies to the south.
3. This full planning application, received 15 April 2010, proposes to use the existing mixed use office space and caretakers flat as one dwelling for residential purposes. No external alterations are proposed.

Planning History

4. Planning permission was granted for extensions, caretakers flat, and part change of use to offices under reference **S/1793/86/F**. This consent had a personal and agricultural use condition attached in relation to offices.

Planning Policy

5. ***Local Development Plan Policies***



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Scale 1/2500 Date 21/6/2010

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July 2010 Planning Committee

South Cambridgeshire Local Development Framework Development Control Policies DPD 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
SF/10 Outdoor Playspace, Informal Open Space, and New Developments 62
SF/11 Open Space Standards
TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards

6. ***Supplementary Planning Documents***

South Cambridgeshire Local Development Framework 'Open Space in New Developments' 2009.

7. ***National Planning Guidance***

Planning Policy Statement 4 (Economic Growth)
Planning Policy Statement Note 7 (Sustainable Development in Rural Areas).

8. ***Circulars***

Circular 05/2005 Planning Obligations
Circular 11/95 The Use of Conditions in Planning Permissions.

Consultation

9. **Great Abington Parish Council** – Recommends approval.

Representations

Local Member

10. " 48 North Road was one of the 60 or so properties on the former LSA estate to the immediate south of Great Abington village. I was living in Little Abington when the houses on the LSA estate were sold off. The estate was originally built to provide agricultural employment for people living in the north where, at the time, employment opportunities were very limited. When the properties on the estate were sold off, number 48 was typical of many of the properties - a small two bedroomed dwelling on a small-holding.
11. A minority of the new owners continued to use the properties for agriculture-related activities but many of the properties simply became residences set in large grounds. Many of the properties were extended, some on a very considerable scale.
12. I understand that planning permission was granted in 1986 for 48 North Road for extensions, a caretaker's flat and part change of use to offices - the offices being for an agriculture-related business. The extensions resulted in a large property that externally is similar in size and scale to many, if not most, of the other properties on the former LSA estate. I understand that the planning permission was personal to Park Tonks, in other words, that the property should revert to residential use should the company vacate the property.

13. I completely agree with the view that this application needs to be assessed in relation to Policy HG/8: 'Conversion of Buildings in the Countryside for Residential Use'. However, I completely disagree with what appears to be your interpretation of this policy in this particular application.
14. This planning application is not creating a new house outside the village framework for the Abingtons, it is simply re-instating the original use of a building that was originally a house, and that for over 20 years from 1986 had part-residential use and a personal condition relating to office use for part of the building. I cannot see how it could possibly be appropriate for the district council to suddenly lift the personal condition of the 1986 approval 24 years later.
15. I can understand why officers in granting approval to some applications might be concerned about setting a precedent. However, I would have thought that the particular circumstances in this case were relatively uncommon. Granting planning approval in this case would not, in my view, result in many other similar cases coming forward. I fully realise that each case has to be considered on its own merits but, in my view, this application is far more appropriate than the conversion of a former pumping station into a residential property, as happened a few houses down North Road.”

Applicant's Agent

16. “I believe the rigid application of Policy HG/8 is inappropriate in this case and I am disappointed that the particular circumstances of this application seem to be being ignored.
17. Policy HG/8 is clearly intended to restrict the conversion of buildings in the countryside to residential use on the grounds of sustainability. However, unlike the type of rural buildings that the policy was designed to control (e.g. barns, outbuildings etc), 48 North Road was designed, built and originally used as a *house*. The permission that was granted for partial office use in 1986 was made personal to the owner of the property because the Council would not permit the provision of office accommodation on the site unrelated to an agricultural activity. Part of the property (20%) still remains in residential use – the caretakers flat.
18. The officer's report on the previous application (for partial office use) states: “The applicant is prepared to accept a personal occupancy condition on the understanding that the property would revert back to residential should the company vacate in the future”.
19. In sustainability terms, it seems to us to be far more sustainable for a single family to live in the property than for a business with up to 15 staff, all of whom would almost certainly drive to and from the property each working day. Although the site is in a “countryside” location, it is within a former LSA Estate where low density residential development was encouraged. Policy HG/8 was clearly not primarily intended to be used in such circumstances.
20. In addition, the office market has stagnated and there is currently no demand for a B1 use in this location when there are many other vacant offices on the market in better locations. It must also be borne in mind that the current planning permission is personal to the current owners, therefore the property could not even be marketed for office use without a successful application to remove this condition. To allow an unrestricted office use in this location would be contrary to the Council's own economic objectives as set out in the Development Control Policies DPD (ET/d – “to

reduce commuting distances and the need to travel, particularly by car, by bringing home and workplace closer together, and *by encouraging employment opportunities in accessible locations..*”).

21. We would respectfully suggest that the background and circumstances of this application should be given very careful assessment, as material planning considerations, and not be simply judged against a policy that was clearly designed to achieve other objectives. Granting planning permission for the change of use back to residential would not set a precedent, because of the particular circumstances of the case.”

Prospective Purchaser

22. “We first viewed the property through Cheffins and immediately fell in love with it for our family home. We were calling to put in an offer when Cheffins informed us that in fact any potential buyer that wanted to reside in the house would have to go through change of use from commercial to residential. They informed us that we should contact South Cambridgeshire Planning directly to clarify this.
23. We were obviously devastated by this news and wanting to exhaust all lines of enquiry before giving up on the property and therefore contacted the council immediately. I spoke to the Duty Officer and it transpires that when the application for part change of use to offices with an extension for caretakers flat was made in 1987 there was a clause in the consent that requires an application for change of use back to residential if anyone wants to use the property as a permanent residence. Apparently the current agreement for use also states that the property can only be used for commercial use by Park Tonks or if it is being used for agricultural purposes in connection with land or outbuildings on the property. We were however lead to believe by the planning officer on duty at the time that as the property was originally a residential dwelling, is still to all intents and purposes a house and currently has part residential status, it would simply be a formality in terms of the planning. We therefore proceeded with the purchase believing that there would not be any complications. However I have been informed today that the standard policy of commercial to residential is potentially being used in this instance which would require that the property is marketed for commercial use for a year to identify the fact that there was no demand before residential use was granted. This does seem ludicrous as this is not a standard commercial property and has previously been a residential dwelling. In addition I would anticipate that there would still have to be yet another planning application made to lift the restrictive clauses/s currently in place for commercial use before the property could be sold to any other business, therefore creating a stalemate situation?
24. To give you an insight into our circumstances, we have sold our house and we are now in a chain of buyers that includes a first time buyer and the buyer for our house, so I have to stress that this by no means an ordinary planning application and there are multiple families that have not only invested money but a great deal of emotion on the outcome of the decision of this application. As a family we have spent many hours exploring the area and getting to know our prospective neighbours and everyone we have met is thrilled about gaining a neighbour that can become involved in the Great Abington community as opposed to a new business that potentially adds very little to the environment or local community other than creating more traffic and pollution along a private and extremely narrow road. “

Planning Comments – Key Issues

25. The main issue to be considered during the determination of this application relates to the principle of the conversion of the existing mixed employment and residential use of the building back to a full residential use.
26. Whilst it is acknowledged that the proposal complies with the majority of the criteria set out under Policy HG/8 i.e. the existing building is structurally sound and not of a makeshift nature, it is capable of re-use without materially changing its existing character or impact upon the surrounding countryside, the form, bulk and general design of the building is in keeping with its surroundings, and its location performs well against sustainability criteria; it has not been demonstrated that the building is, firstly, inappropriate for any suitable employment use and, secondly, inappropriate for employment with residential conversion as a subordinate part of a scheme for business re-use having regard to market demand or planning considerations. The proposal would therefore result in a loss of local employment and the creation of a new dwelling in the countryside. This would be contrary to Policy DP/7 that outlines the presumption against residential development outside village frameworks.
27. The existing use of the building is for employment and residential purposes, and it is believed that planning considerations would not rule out this mixed use continuing in the future, or the implementation of a new sole employment use. The personal and agricultural use condition attached to the original planning consent is not considered a determining factor that would restrict the use of the building to solely residential purposes, as Policy has moved towards support for the rural economy since the time of that application. This would warrant a material change in circumstances. Therefore, if planning consent were to be applied for today to lift that condition, it would be likely to be granted planning permission. The site could then be marketed for such purposes for a period of 12 months. If after that time, it could be demonstrated that an employment use or live/work unit would not be appropriate, a residential use may be considered appropriate. To date, a marketing exercise has not been carried out that provides evidence to back up the case that a sole employment use or mixed employment and residential use would not be acceptable.
28. The existing use of the site for employment and residential purposes is considered in scale with its rural location and sustainable, as the site is accessible by a variety of modes of transport other than the private car. The scale of a sole employment use could also be controlled to ensure that it was sustainable. A dwelling is not considered to be any more sustainable.
29. Planning permission is required to change the existing mixed use of the building back to a sole residential use. The personal and agricultural condition on the original consent was not for a temporary time period that would automatically allow it to revert back to residential use.
30. The personal circumstances put forward by the potential purchaser of the property are not material planning considerations that can be taken into account in the determination of this application.

Recommendation

31. Refusal.

The proposal would result in the loss of local employment and the creation of a new dwelling outside the Great Abington village framework and within the countryside. This would be contrary to Policy HG/8 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 that states planning permission for conversion of rural buildings for residential use will not generally be permitted, and that planning permission will only be exceptionally granted, having regard to market demand or planning considerations, firstly, it is inappropriate for any suitable employment use, and secondly, it is inappropriate for employment with residential conversion as a subordinate part of a scheme for business re-use.

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

- South Cambridgeshire Local Development Framework Development Control Policies Document 2007
- Planning Policy Guidance Note 4 (Economic Growth)
- Planning Policy Guidance Note 7 (Sustainable Development in Rural Areas)
- Planning File References: S/0594/10/F and S/1793/86/F

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