

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

3 June 2015

**AUTHOR/S:** Planning and New Communities Director

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**Application Number:** S/2829/14/FL

**Parish:** Fowlmere

**Proposal:** Conversion of redundant former barn building and alterations to form residential dwelling and erection of detached garage

**Site address:** Rear of Lanacre, Chrishall Road

**Applicant(s):** Mr Colin Blundell

**Recommendation:** Approval

**Key material considerations:** Principle of conversion and housing need  
Whether the building is capable of conversion  
Impact on surrounding area and neighbours  
Access

**Committee Site Visit:** None

**Departure Application:** No

**Presenting Officer:** Andrew Winter/John Koch

**Application brought to Committee because:** The recommendation of the Parish Council conflicts with that of Planning Officers

**Date by which decision due:** 28 January 2015

### Planning History

1. Planning permission was granted for a glasshouse, polytunnel and sales building in 1995 (ref S/1456/95/F).
2. In 2012 a lawful development certificate (ref S/0436/12/LD) was issued to allow occupation of the dwelling at No.86 Chrishill Road by persons not in agriculture work as per application SC/72/1244.

### Planning Policies

3. **National Planning Policy Framework 2012**

4. **South Cambridgeshire LDF Development Control Policies DPD, 2007:**

DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/7 Village Frameworks  
HG/8 Conversion of Buildings in the Countryside for Residential Use  
TR/2 Car and Cycle Parking Standards

5. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**

District Design Guide SPD – adopted March 2010

6. **Proposed Submission Local Plan (July 2013)**

CC/4 Sustainable Design and Construction  
H/16 Re-use of Buildings in the Countryside for Residential Use  
HQ/1 Design Principles  
S/3 Presumption in Favour of Sustainable Development  
S/7 Development Frameworks  
TI/3 Parking Provision

**Consultations**

7. **Parish Council** – Recommends refusal: “Fowlmere Parish Council does not support this application (voted 6-0 in favour of refusal to approve). The Parish Council pay regard to the National Planning Policy Framework but alongside it the Local Development Framework can still be considered where such are up to date and consistent with the NPPF – we consider this to be a case in point. The NPPF at page 14, item 6, para 55 is consistent with the LDF July 2013 chapter 7, ‘Reuse of buildings in the countryside for residential use’, policy H/16 ‘Reuse of buildings in the countryside for residential use’. The PC feels it doesn’t fulfil the criteria required in the NPPF nor does it appeal to follow the criteria in H/16 LDF.
8. The building appears to be a very light-weight construction, more in keeping with a shed rather than a substantial agricultural building. The building would appear to need a large amount of construction work doing to it i.e. not as described in para b (of H/16). This would in reality make it practically a ‘new-build’.
9. The information given as to the marketing of the building for employment purposes seems minimal and there is no proof that it has been marketed thoroughly, as would have been expected. The circulation areas of the papers employed to market the property are very narrow and restricted and one would have expected also that there would be a bill-board at the site itself. A 5-year lease seems very restrictive and would also reduce the attractiveness.
10. The site lies outside the village framework, and is therefore wholly contrary to established policy. Any approval on this site would set a precedent.”

**Council’s Rural Consultant (Peter Chillingworth) –**

11. “In his letter, Mr Marshall indicates the property has been offered for rent since December 2013, some 16 months. He states there has been little interest. He mentions that since October there have been four enquiries, none of which proceeded. He makes the point in his letter and to me when we spoke that he has

made clear to prospective occupiers that there was considerable flexibility over the rental terms and conditions.

12. Advertising has been mainly via websites and he has used 21 sites. I found the property is still advertised on Rightmove under commercial property and is easily found. The letter mentions a site board that was placed initially and then removed. I understand the reasons for removal, and do not consider this will have had a significant effect, bearing in mind the rural location and the wide electronic coverage.
13. The issue that has concerned me is the rent indicated on the publicity material. This is £10,000 p.a. for 1456 sq ft gross, or £6.87 p.sq.ft. Bearing in mind the rural location, limited services, the condition of the rather constrained space and likely work needed to the interior before use, to me this seems very high. It is difficult to find exact comparable being marketed at the moment; there are very few rural buildings on the market, most premises I considered are on industrial estates around south Cambridgeshire. Rents advertised for storage/office accommodation can be found at similar or below that for the Old Stables and these will have good access to other commercial centres, have full services and flexible work space. Notwithstanding that, some occupiers may find the rural location attractive for certain uses as indicated by those who have made enquires, although I consider this a comparatively limited market and would generally attract a lower rent than that advertised.
14. Turning to the parish council's comment, the first paragraphs are not for me to assess. However, the comment on marketing fails in my view to consider the evidence submitted, but perhaps were not aware at the time of the comments. They mention the limited circulation of papers used for advertising; I consider the use of websites is far more likely to bring in serious business enquiries than newspapers these days. I have already referred to the siting of a bill-board above.
15. I have considered whether the marketing of the Old Stables demonstrates the building is inappropriate for suitable employment use in accordance with Policy HG/8 of the Local Plan. In my view, the marketing has been carried out professionally and through the right medium for an appropriate time of 16 months, a period normally considered adequate to test the market. I consider the advertised rent is too high compared with other property in the area and this might have put some people off. However, the fact that the agent is prepared, under instruction from his client, to be very flexible when negotiating on the terms of a lease and the rent itself when dealing with serious enquiries does help to cancel out the high published rental figure. On balance, the marketing exercise indicates, in my opinion, that there is insufficient interest in this property to maintain a commercial use and therefore the test of unsuitability has been met."
16. **Local Highway Authority** – No significant adverse effect upon the public highway should result from this proposal, should it gain benefit of planning permission.

17. **Representations**

None received

**Planning Comments**

18. The main issues in this application are:
  - Principle of conversion and housing need

- Whether the building is capable of conversion
- Impact on surrounding area and neighbours
- Access

### **Principle of conversion**

19. Paragraph 14 of the NPPF explains that the presumption in favour of sustainable development means granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits, or policies in the NPPF indicate that development should be resisted.
20. The key policies to consider in this instance are adopted Policy HG/8 of the LDF 2007, draft Policy H/16 of the local plan and paragraph 55 of the NPPF 2012. National planning policy encourages local authorities to avoid isolated homes in the countryside except in exceptional circumstances, one of which is where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. Adopted Policy HG/8 and Draft Policy H/16 reflect this aim and are therefore consistent with the NPPF.
21. Under the aforementioned local policies the applicant must first demonstrate that there is no demand for the existing agricultural building for employment use with at least 12 months of marketing evidence at a realistic price. To address this requirement, the applicant has submitted evidence from 'Marshalls' (letter dated 27 October 2014), to confirm that there has been no significant interest in the property since it was marketed in December 2013. The method and extent of this marketing has, however, been called into question by the Parish Council and therefore the local planning authority has requested a second opinion from an independent rural consultant.
22. The consultant's report (dated 24 April 2015) argues that the marketing has been carried out through the right medium for an appropriate period of 16 months in total. The marketing agent has been under instruction from his client to adopt a flexible negotiating approach to both the rent and lease period. This, in the consultant's opinion, has helped to cancel out the high published rental figure compared to other properties in the area. He concludes that, on balance, the marketing exercise indicates that there is insufficient interest in the property to maintain a commercial use. On this basis, it would be very difficult for officers to defend a refusal of the application based on a lack of sufficient marketing.
23. A further consideration is the council's lack of a five-year housing land supply, which was identified in the two appeal decisions in Waterbeach in June 2014. The Council's housing supply policies in adopted and emerging plans are therefore out of date, and in such circumstances paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development. It says that where relevant policies are out of date, planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies in the NPPF indicate development should be restricted.
24. The principle of the proposal is therefore considered acceptable taking into account the submitted marketing evidence, the opinion of the council's rural consultant and the requirements of paragraphs 14 and 55 of the NPPF.

### **Whether the building is capable of conversion**

25. Adopted Policy HG/8 states that any barn that is proposed for conversion must be structurally sound and capable of re-use without materially changing its existing character.
26. The proposal has been assessed by a professional engineer (GA Gawn Associates) on behalf of the applicant and a structural survey submitted in the application. This survey recommends that the:
- existing corrugated roof sheeting is replaced with more conventional roof coverings (e.g. tiles) and the existing roof structure can be retained;
  - internal/external insulation will need to be applied to the detached store;
  - ground bearing floor slabs be retained and insulation and damp protection added;
  - timber framed wall cladding can be retained with insulation applied between the studwork framing;
  - new internal spaces are divided using new timber framed walls and used to support roof structure over; and
  - windows and doors set into the perimeter walling.
27. On this basis, it is reasonable to conclude that the existing barn and store can be upgraded in a progressive manner to meet habitable standards of accommodation without the need for complete demolition and replacement. Consequently, despite the objections of the parish council, a recommendation of refusal on these grounds is untenable in light of the evidence submitted in the application. A suitable condition has been recommended to cover this point.

### **Impact on surrounding area and neighbours**

28. The site is well screened from the surrounding area and neighbours by established planting to its boundaries, and the conversion of the building together with the new garage is considered to be in keeping with its surroundings. In addition, the development would be sufficiently divorced from surrounding neighbours to avoid any adverse impact upon residential amenity. Accordingly, the development accords with the aims and objectives of Policies DP/2, DP3 and criterion 2(f) of Policy HG/8.

### **Access**

29. The site is served by an existing access and the local highway authority has confirmed that it has no objections to the proposed use of the existing access onto Chrishall Road.

### **Conclusion**

30. Paragraph 14 of the NPPF explains that the presumption in favour of sustainable development means granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits, or policies in the NPPF indicate that development should be resisted.

31. On balance, the principle of the development is considered acceptable in this instance having regard to the submitted marketing evidence and the lack of demand for employment use. The building is capable of conversion and its impact on the surrounding area is considered to be minimal. The proposal is therefore considered to represent sustainable development and appropriate weight must therefore be given in favour of the application taking into account the requirements of paragraphs 14 and 55 of the NPPF.

### **Recommendation**

32. Approval, subject to the following:

### **Conditions**

- a) **The development hereby permitted shall be carried out in accordance with the following approved plans: 8090-P01, 8090-P05, 8090-P06, 8090-P07 and 8090-P08.**  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- b) **The external materials of the development, hereby permitted, shall be installed in accordance with the specifications set out in the application forms and approved plans.**  
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
- c) **No development shall commence until a schedule of proposed works detailing all those elements of the building involved in the conversion to be repaired, renewed, rebuilt or newly constructed, including below ground features and specifications of materials to be used, has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved schedule and any materials considered necessary as work progresses shall also be approved.**  
(Reason – To ensure the development extensively only involves the conversion of the building as approved, in accordance with Policy HG/8 of the adopted Local Development Framework 2007.)
- d) **During the period of construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.**  
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

### **Background Papers**

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and

- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- Planning File Refs: S/1456/95/F & S/0436/12/LD

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