



## PRE-SUBMISSION SOUTH DOWNS LOCAL PLAN Position statement on behalf of David Boorer (R229), Newton Valence Farm (R224) and Buriton Estates (R230) Matter 7 Chapter 7 policy SD41

### Introduction

1. This is a joint position statement on behalf of three clients and relates to policy SD41 - conversion of redundant agricultural or forestry buildings. For the purposes of this statement I will be using the term rural buildings to include all buildings in the rural areas of the SDNP not limited to those redundant for agricultural or forestry purposes.

### The general approach to redundant rural buildings

2. Across the country it is generally the case that planning authorities have policies concerning redundant rural buildings. In the East Hampshire and Winchester parts of the NP the relevant policies are, respectively:

- CP6
- MTRA 4

Neither policy differentiates agricultural and forestry buildings from all rural buildings. Both policies are in adopted Joint Core Strategies with the SDNPA. Both policies are consistent with the National Planning Policy Framework.

3. The Framework 2012, and its most recent 2018 incarnation, makes no distinction between different types of rural buildings. They are all subject to the same national planning policy approach irrespective of any landscape or environmental designations.

### The problem with policy SD41

4. The first issue is that policy SD41 is seriously out-of-step with the Framework. The latter, at paragraph 55, is supportive of development that would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. Unlike proposed policy SD41, paragraph 55 is not limited to agricultural and forestry buildings but applies to all redundant rural buildings in the countryside. Neither is paragraph 55 limited to non-National

Park areas; it applies across all rural areas. Policy SD41 is therefore flawed and at variance with national policy because it does not cover rural buildings in other uses.

5. The second point of concern is that the policy does not recognise that the opportunities through redevelopment might bring landscape betterment or enhancement.
6. SDNPA response to my clients' representations about policy SD41 is not entirely clear but seems to have been explained as below with notes and commentary on behalf of the representors on blue.

***Issue: The policy should allow the demolition and redevelopment of redundant farm buildings with open market housing, Redevelopment with local workers' housing may not be economically viable - should remove that requirement.***

Response: A new policy approach to the matter is proposed in Appendix 2 of the Pre-Submission Schedule of Changes, which addresses this comment.

Note: With respect, the change is a Main Modification to the Plan and it is very difficult to see in the MM document itself where this representation is addressed. It looks very much like the MMs do not actually answer the representation but pass the buck to other Local Plan policies. The SDNPA response is simply inadequate in responding to the issue of demolition and redevelopment.

***Issue: Should allow for open market housing in some circumstances.***

Response: The new cascade approach set out in Appendix 2 of the Pre-Submission Schedule of Changes allows open market housing if it is the most appropriate viable use.

Note: The MM is noted and answers the representation in so far as conversion of agricultural and forestry buildings are concerned but still doesn't cover the wider issue of all redundant rural buildings.

***Issue: Should cover all redundant rural buildings, not only agricultural/forestry buildings, to match NPPF para 55.***

Response: This policy is specific to redundant agricultural and forestry buildings and there are other policies particularly SD4: Landscape Character and SD5: Design that are applicable to the conversion of other buildings.

Comment - there is nothing in those two policies about other redundant rural buildings and the response does not adequately deal with the issue raised. If the SDNPA preference is not to include all redundant rural buildings in one policy then it should have a 'sister' policy SD41A(?) for all other redundant rural buildings to ensure that there is a focussed policy for redundant telephone exchanges, schools, public houses, business premises, chapels, community buildings etc.

***Issue: Policy should also allow for redevelopment of agricultural buildings, especially where stemming from Whole Estate Plans, or where built form and environmental impact would be reduced from the status quo. Ref. appeal decisions.***

Response: The conversion of agricultural and forestry buildings can be addressed in a Whole Estate Plan, which are allowed under Policy SD25: Development Strategy. Comment - the response is noted but it has unreasonably conjoined two separate representations and resulted in an inadequate response. The second part of the response fails to understand that a new policy is required if the right focus is to be given to this issue. The policy would be specific to redundant rural buildings. If it is not included in section 7h then the new policy should be included in section 7a after paragraph 7.16 and before section 7b.

***Issue: Policy SD41 is not consistent with paragraph 55 of the NPPF as it does not cover all types of rural buildings and fails to acknowledge that conversion to residential use may be acceptable. Occupation of new residential units should not be restricted to local workers.***

Response: This policy is specific to redundant agricultural and forestry buildings and there are other policies particularly SD4: Landscape Character and SD5: Design that are applicable to the conversion of other buildings. The phrase 'local worker' has been deleted as set out in Appendix 2 of the Pre-Submission Schedule of Changes.

Comment - there is nothing in those two policies about other redundant rural buildings. The other point is noted.

7. It is also quite obvious that the policy SD41 in its submitted form of in its MM form does not do what paragraph 7.204 of the LP says its purpose is. That paragraph says:

*The purpose of the policy is to enable the conservation of agricultural or forestry buildings which are heritage assets, and allow for the beneficial re-use of other rural buildings to support the rural economy ....*

It is obvious that policy does no such thing as allow for the beneficial re-use of other rural buildings. If it is to do so then they must be included in the policy.

8. Returning to my clients' representations the response of the SDNPA is not acceptable for the following reasons.
  - a. Policy SD41 is seriously out-of-step with the Framework. This is because it is the only policy in the pre-submission LP that addresses redundant rural buildings but it does so in a partial fashion. The Framework, at paragraph 55, is supportive of development that would re-use redundant or disused buildings (of any type) and lead to an enhancement to the immediate setting. Paragraph 55 is written in the context that such conversion to residential use is a special circumstance but is not limited to agricultural and forestry buildings but applies to all redundant buildings in the countryside. Neither is paragraph 55 limited to non-NP areas; it applies across all rural areas. If policy SD41 stands as the only policy for the conversion of redundant

rural buildings it is flawed and at variance with national policy, because it does not cover rural buildings in other uses. Finally as far as this element of the representations is concerned policy Sd41 does not do what the SDNPA says it does in paragraph 7.204 of the LP.

- b. Policy SD41 should be re-written to properly align with the Framework and relate to all redundant rural buildings in the countryside. Alternatively a 'sister' policy for all other redundant rural buildings should be added to the SDNP LP so as to be clear on the criteria for new uses. The absence of such a policy leaves matters unfocussed and open to doubt and the wider community, landowners and agents are none the wiser about the approach the planning authority will adopt. Paragraph 55 of the Framework establishes that the conversion of all redundant rural buildings are capable of conversion and cherry picking agricultural and forestry buildings creates uncertainty and discord about what the position will be for other redundant rural buildings. The issue deserves a clear policy.
- c. As drafted, policy SD41 was overly restrictive and constraining in criterion 1g that restricted residential conversion to occupation by local workers who need to be accommodated outside defined settlements. The proposed MM to policy addresses that concern and the cascade mechanism will help. What is still lacking in the MMs is the absence of a landscape-led open market conversion where it has been demonstrated that the landscape benefit outweighs the status quo or the landscape harm and environmental harm that might result from conversion to commercial use. Such schemes that demonstrate sensitivity to the landscape setting through demolition of some farm buildings and confining residential conversion to a smaller element of building strongly deserve to be included in policy SD41.
- d. The policy fails to have regard to Whole Estate Plans (WEP) that feature as a cornerstone of the NP's development strategy policy SD25. Policy SD41 should be amended to take account of the multiple benefits that WEPs can bring and the way they can unlock development potential in redundant rural buildings. If an amendment to policy is not to be made then an addition to the supporting text should be made that recognises the existence of WEPs as a material consideration in the assessment of planning applications to convert redundant agricultural and forestry buildings.
- e. More importantly, in a self-confessed landscape-led plan, Policy SD41 fails to embrace the concept and aspirations of landscape enhancement through development. Existing buildings are common features in the countryside across the

NP that can be positive or negative. The latter ought to be addressed in furtherance of NP purposes and purpose 1 in particular. Older country houses and some new ones are generally found attractive and modern farm complexes are thought of as blots on the landscape. The Submission plan offered little by way of positive planning policy solutions about what to do with the latter when they are genuinely redundant other than to convert them to commercial use for farm diversification projects.

9. It is acknowledged that policy SD41 has been drafted to deal with the conversion of existing buildings in the countryside but a new policy is required that looks to be positive about replacing redundant rural buildings where the balance of material planning considerations and a landscape-led approach demonstrates that NP purposes can be achieved and the landscape conserved and enhanced. Redevelopment schemes should have a place in policy SD41 more so where they stem from WEPs that have multiple benefits for national park purposes and have been endorsed by the SDNPA. The opportunity for appropriate farmstead style development would add to the character and scenic quality of the NP and is often to be found as a key characteristic of landscape character appraisal areas.
10. The Submission plan, the response to representations and the MMs have failed to address what to do with redundant rural buildings of all forms, let alone agricultural and forestry buildings, where a redevelopment scheme of a smaller floor area, volume or mass would be a substantial benefit to the landscape and achieve wider environmental benefits through such things as traffic reduction on rural roads, significant enhancement to biodiversity and increased public access to the countryside. There have been two examples where applicant's had to go to appeal to demonstrate the case and have their arguments accepted that demolition of redundant rural buildings and replacement by dwellings accord with NP purposes and duty. These are PINS refs: APP/L1765/A/13/2206384 and W/17/3166673 and the conclusions were summarised in the initial representations to the Pre-submission Plan.
11. In conclusion what is needed is a positive policy or policies for all rural buildings in rural areas, not one just limited to agriculture and forestry buildings. A single or pair of policies should also set out the criteria for replacement building proposals. Alternatively a separate replacement building policy in the countryside should be added to the Plan. This would mean that applicants do not have to use the planning appeal system to achieve a planning permission and the SDNPA can play a proactive role in influencing planning applications for the overall benefit of NP purposes - notably to enhance the landscape and scenic beauty. The absence of a suitably worded policy or policies ill serves sound planning decisions in

the climate of a plan-led system. In the case of Submission policy SD41 the policy is inadequate and will only lead to more planning appeals.

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