

12 February 2023

Ms Charlotte Glancy
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Via e-mail: bankssolutionsuk@gmail.com

Dear Ms Glancy

Examination of the Stroud Local Plan Review

On behalf of 'clients' please find attached our responses to the Inspectors questions relating to:

1. Matter 10
 - a. A quality living and working countryside – Core Policy CP15
 - b. Conversion of redundant agricultural, forestry and rural buildings – Delivery Policy DES1
 - c. Self build and custom build housing provision – Delivery Policy HC3
 - d. Live Work Development – Delivery Policy DHC3

A quality living and working countryside – Core Policy CP15

The amendments to this policy are welcomed, especially with regard to the re-use of an existing building. The previous iteration of Policy CP15 of the Stroud Local Plan, November 2015, omitted to include the re-use of an existing rural building in the first criteria of the policy which led to conflict with national policy and inconsistency between the two sets of criteria in the Policy. Ultimately this led to confusion in the processing of applications and eventually led to the principle of conversion of rural buildings being prevented in many cases.

However, with regard to criterion 'v' relating to the re-use of redundant or disused rural buildings, it is considered that the current wording is too subjective and will not lead to inconsistent decision making. It is strongly suggested that the wording is simplified to reflect national policy found at paragraph 80 of the NPPF which states:

"the development would re-use redundant or disused buildings and enhances its immediate setting."

Re-use versus reconstruction is well rehearsed in the *Hibbert* case (*Hibbert and another v Secretary of State for Communities and Local Government* (1) and *Rushcliffe Borough Council* (2) [2016] EWHC 2953 {admin}) where it was concluded by Justice Green that:

"There will be numerous instances where the starting point (the "agricultural building") might be so skeletal and minimalist that the works needed to alter the use to a dwelling would be of such magnitude that in practical reality what is being undertaken is a rebuild. In fact a more apt term than "rebuild", which also encapsulates what the Inspector had in mind, might be "fresh build" since rebuild seems to assume that the existing building is being "re" built in some way. In any event the nub of the point being made by the Inspector, in my view correctly, was that the

works went a very long way beyond what might sensibly or reasonably be described as a conversion. The development was in all practical terms starting afresh, with only a modest amount of help from the original agricultural building.”

Therefore, the reference to the building being capable and worthy of conversion without substantial reconstruction or significant alteration is superfluous and inconsistent with national policy. Equally the word “worthy” is too subjective and can lead to inconsistent decision making depending on the determining officer.

It is also considered that reference to a building that positively contributes to an established local character and sense of place and the conversion should maintain the character of the original building is also inconsistent and too subjective, which again will lead to inconsistent decision making.

It is therefore recommended that criterion ‘v’ should be simplified and replaced with the following wording:

“in the case of proposals to re-use redundant or disused rural buildings, these should provide an enhancement of its immediate setting. In the case of replacement buildings, they should bring about environmental improvement; or”

The first set of criteria to Policy CP15 *also* needs to be amended to embrace the delivery of self-build housing and live-work development adjacent to settlement development limits as set out in Delivery Policy HC3 and Delivery Policy DHC3. The absence of these within Policy CP15 will lead to a conflict in Policy and an inconsistency in decision making.

Conversion of redundant agricultural, forestry and rural buildings – Delivery Policy DES1

The conversion of existing buildings to residential use makes the sustainable re-use of an existing asset and helps provide a valuable source of new housing in the marketplace. In 2020-21, the 194,060 new build completions accounted for 90 per cent of the new housing supply. 'Change of use' is the second largest component with a gain of 23,790 dwellings (11% of the net change). Conversions added 3,870 dwellings (2% of the net change)¹. This continued supply is therefore a valuable and quickly deliverable source of new housing.

Policy DES1 helps facilitate the delivery of the conversion of redundant rural buildings and should be read in conjunction with policy CP15 and the NPPF.

The NPPF helps facilitate this supply of housing in rural areas by specifying that the development of isolated homes in the countryside should be avoided unless it constitutes the re-use of redundant or disused buildings and enhances its immediate setting (para 80) and supporting the transition to a low carbon future by encouraging the reuse of existing resources, including the conversion of existing buildings (para 152).

The Planning Practice Guidance also provides guidance on the conversion of agricultural buildings to residential use under Class Q, and with regard to sustainability sets out that:

“The permitted development right does not apply a test in relation to sustainability of location. This is deliberate as the right recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. Instead, the local planning authority can consider whether the location and siting of the building would make it impractical or undesirable to change the use to residential.”

The conversion of all redundant agricultural buildings does therefore require further encouragement as it provides a sustainable form of new housing. The conversions should however be consistent with Government Guidance and it is considered that Policy DES1 is too prescriptive at present. It is recommended that the criteria are reduced and

¹ Housing supply; net additional dwellings, England: 2020-21

modified to ensure that they are consistent with Government policy and to allow more housing to come forward more quickly from this source of housing. A suggested modified policy is suggested as:

“The conversion of redundant agricultural, forestry and rural buildings outside of defined settlement development limits to an alternative use will be permitted where:

- a. there is no adverse impact on the setting of the site and building.*
- b. the building is structurally sound, suitable for and capable of conversion to the proposed use without substantial alteration, extension or re-building;*
- c. it would not cause conflict with existing farming operations, including severance or disruption to the holding that would prejudice its continued viable operation; and*
- d. the development proposals are compatible with extant uses on the site and existing and planned uses in close proximity to the site.”*

There is no justification for the hierarchy of uses set out by criterion 7 and this is not consistent with Government policy and makes the policy less dynamic in the delivery of new housing. Where similar hierarchical approaches have historically been adopted by other authorities, we have experienced development management teams causing delay in the delivery of otherwise suitable conversions and the consequences have either been a long and protracted marketing exercise, with development management teams choosing a period of 12 months as a safe bench mark, simply because there is no other guidance and equally, conversion proposals being abandoned by the land owner simply because the criteria is too complex and prescriptive.

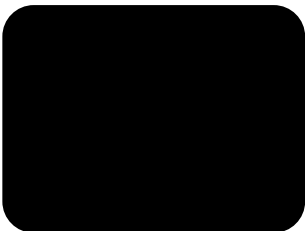
Given that the NPPF does not prescribe the hierarchical approach, criterion 7 will also restrict the local planning authority from approaching decisions on agricultural conversions in a positive and creative way contrary to the advice in paragraph 38 of the NPPF which looks for decision makers to approve applications for sustainable development where possible rather than find reasons to refuse them.

We are therefore advocating an amendment to this Policy.

Self-build and custom build housing provision – Delivery Policy HC3 and Live Work Development – Delivery Policy DHC3

It is considered that Policies HC3 and DHC3 are proactive in the delivery of more sustainable and affordable forms of housing and should be strongly supported. Subject to an amendment in policy CP15 to reflect their inclusion outside of settlement development limits, each policy is considered to be suitably worded and reflecting national planning policy (paragraph 62 and 82(d) for live-work and paragraph 62 for self-build development).

Yours sincerely



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