

**POLICY EN14**

**IN RESPONSE TO POLICY EN13 (AS ABOVE), THE FOLLOWING USES WILL NORMALLY BE GRANTED PLANNING PERMISSION IN GREEN WEDGES:-**

(as listed).

3.141 **OBJECTION** by :

305 Christ Church, Oxford

**SUMMARY OF OBJECTION**

3.142 In the light of the guidance in PPG7 and PPG2, Policies EN14 and EN15 appear more restrictive of development than Green Belt designated land. The policy would appear to rule out the building of leisure developments which require large areas of open land but which do not require substantial built forms to support those activities. Exceptions to the policy should be permitted.

**THE ISSUE**

1. Whether an exception should be made to the general presumption against development in the areas defined by Policy EN13 ?

**ASSESSMENT**

3.143 I have indicated above, the whole question of Green Wedge designation should be readdressed on the basis of my recommendations. They do not, however, presume some lessening of the degree of restraint and it would be to compromise the aims of the policy if that were the case. I am firmly of the view that the Green Wedges, per se, would fulfill an important function in preserving the structure of the rural fringes of Daventry. The development which the objector would promote in such areas are best considered against that general background and the particular policies which apply to that land use.

**RECOMMENDATIONS**

3.144 That no modification be made to the Local Plan in respect of these objections.

POLICY EN15

PLANNING PERMISSION WILL NOT NORMALLY BE GRANTED FOR DEVELOPMENT WHICH WOULD ENCROACH UPON GREEN LINKS, AS IDENTIFIED ON THE PROPOSALS MAP (DAVENTRY INSET AND DAVENTRY TOWN CENTRE INSET). WHERE THE DISTRICT COUNCIL CONSIDERS IT APPROPRIATE TO ALLOW DEVELOPMENT OR THE EXTENSION OR WIDENING OF EXISTING BUILDINGS OR HIGHWAYS IN GREEN LINKS, PLANNING PERMISSION WILL NORMALLY ONLY BE GRANTED WHERE THE GREEN AND OPEN CHARACTER OF GREEN LINKS CONTINUES TO DOMINATE.

[Proposed Changes : See Core Document No.12]

3.145 OBJECTION by :

993 The Department of Transport

SUMMARY OF OBJECTION

3.146 The Local Plan should make clear that the responsibility for improvements within the trunk road boundary east of Daventry's orbital road lies with the Department of Transport.

THE ISSUE

1. Whether the responsibility for the maintenance and improvement of the A45 is clearly described in the Local Plan ?

ASSESSMENT

3.147 The Council's suggested change meets the objection and on that basis I am content to recommend accordingly.

RECOMMENDATIONS

3.148 That the Local Plan be modified by the addition of a new paragraph 3.32, viz :

'The Secretary of State for Transport is the Highway Authority for the A45(T) and the Department of Transport is the responsible body for any improvements within the trunk road boundary east of Daventry's orbital road'.

- - - 0 - - -

3.149 OBJECTION by :

2196 HBF

**SUMMARY OF OBJECTION**

3.150 The policy is tantamount to a Green Belt and requires a strategic enabling policy.

**THE ISSUE**

1. Whether the Green Links policy could be regarded as carrying the same presumptions against development as the objector presumes ?

**ASSESSMENT**

3.151 Clearly, the interpretation put on this policy by the HBF is wrong. It cannot be compared with a Green Belt policy. My colleague considers the same issue comprehensively in relation to Green Wedges and draws the same conclusion; I am content to adopt his assessment and to make the same recommendation.

**RECOMMENDATIONS**

3.152 That no modification be made to the Local Plan in respect of this objection.

- - 0 - - -

**POLICY EN16**

**CONSENT WILL NORMALLY BE GRANTED FOR THE DISPLAY OF ADVERTISEMENTS SUBJECT TO THE FOLLOWING PROVISIONS :-**

[A. - H.] as listed.

[Proposed Changes : See Core Document No.12]

3.153 **OBJECTION** by:

2249 DoE

**SUMMARY OF OBJECTION**

3.154 The use of the word 'normally' in both the main and subsidiary clauses introduces a note of uncertainty. The reference to other documentation in the Local Plan runs counter to the legal precedent established in the case of *Great Portland Estates v City of Westminster* where it was established that all policies and guidance on which the Council should be included in the Plan. The references should be incorporated or removed.

**THE ISSUE**

1. Whether the change suggested by the objector would more accurately reflect the guidance in PPG12 ?

**ASSESSMENT**

3.155 The objections by the DoE draw attention to a policy which is confusing in its wording, too ambitious in its scope as well as introducing references to documents which are not part of the Local Plan. The Council's proposed changes are set out in Core Document No.12 but they do not wholly meet the DoE's objection nor do they overcome my misgivings. The policy is a contradiction in terms insofar it is initially expressed in positive terms but then lists as 'provisions' all the circumstances when presumption of consent would not apply. The liberal use of the word 'normally' in the main and subsidiary clauses A - E simply adds to the confusion, while Clause G and Clause H, which deal with advertisements in Conservation Areas, introduce matters which warrant a separate policy which would sit more comfortably with Policies EN3 - EN7.

3.156 I am of the view that this is an occasion where the use of the word 'normally' in the main clause is justified as being the only qualification of the presumption for consent. But what follows in Clauses A - E are surely the 'exceptions' to the general rule, (not the provisions); and where the use of the word 'normally' would create flexibility where none should be. I recommend modifications to that effect and the separation of Clauses G and H with the addition of other relevant criteria to form a separate policy.

3.157 The objection to Clause H, with its reference to supplementary planning guidance, hinges on the advice in paragraphs 3.18 and 3.19 of PPG12 where the Secretary of State acknowledges the usefulness of such guidance but warns that it should be consistent with the Plan's policies and clearly cross-referenced. The Council's suggested change does not quite follow that guidance. The reference to the design guidance in the policy goes against the principles of the judgement on which the DoE rely. It is for the Council to make clear in the policy the essence of that advice, 'to be of traditional style and display appropriate to the historic setting', may be sufficient. Applicants should be directed to the Guide by way of the supporting text as in paragraph 3.33 but the status of that guidance vis a vis the Local Plan should be made clear.

#### RECOMMENDATIONS

3.158 That Policy EN16 appear under the heading, **ADVERTISEMENT CONTROL (EXCLUDING CONSERVATION AREAS)**, and be modified, viz:

**CONSENT WILL NORMALLY BE GRANTED FOR THE DISPLAY OF ADVERTISEMENTS SUBJECT TO THE FOLLOWING EXCEPTIONS :-**

- A. PROPOSALS FOR ADVERTISEMENTS IN EXCESS OF THOSE PERMITTED BY DEEMED CONSENT WILL NOT RECEIVE CONSENT IN SPECIAL LANDSCAPE AREAS.
- B. PROPOSALS FOR ADVERTISEMENTS SITUATED ON LAND NOT PART OF THE PROPERTY OR PREMISES TO WHICH THE ADVERTISEMENT RELATES WILL NOT RECEIVE CONSENT.
- C. PROPOSALS FOR ADVERTISEMENTS ABOVE THE LEVEL OF FIRST FLOOR WINDOW CILL WILL NOT RECEIVE CONSENT.
- D. PROPOSALS FOR EXPOSED COLD CATHODE TUBING, NEON, SIGNS OF AN INTERMITTENT NATURE OR SIGNS WITH A MOVING FEATURE WILL NOT RECEIVE CONSENT.
- E. PROPOSALS FOR TEMPORARY OR PERMANENT HOARDINGS WILL NOT RECEIVE CONSENT.
- F. PROPOSALS FOR ADVANCE WARNING SIGNS IN THE OPEN COUNTRYSIDE WILL NOT RECEIVE CONSENT. SPECIAL CONSIDERATION MAY BE GIVEN TO STANDARD WHITE OR BROWN TOURIST SIGNS ADVERTISING LOCAL VISITOR ATTRACTIONS OR MAJOR EVENTS.

3.159 That a new policy under the heading, ADVERTISEMENT CONTROL (CONSERVATION AREAS) be added to the Local Plan, viz:

CONSENT WILL NORMALLY BE GRANTED FOR THE DISPLAY OF ADVERTISEMENTS SUBJECT TO THE FOLLOWING EXCEPTIONS :-

- A. PROPOSALS FOR ADVERTISEMENTS IN EXCESS OF THOSE PERMITTED BY DEEMED CONSENT WILL NOT RECEIVE CONSENT IN CONSERVATION AREAS.
- B. PROPOSALS FOR ADVERTISEMENTS SITUATED ON LAND NOT PART OF THE PROPERTY OR PREMISES TO WHICH THE ADVERTISEMENT RELATES WILL NOT RECEIVE CONSENT.
- C. PROPOSALS FOR ADVERTISEMENT ABOVE THE LEVEL OF FIRST FLOOR WINDOW CILL WILL NOT RECEIVE CONSENT.
- D. PROPOSALS FOR TEMPORARY OR PERMANENT HOARDINGS WILL NOT RECEIVE CONSENT.

IN CONSERVATION AREAS, PROPOSALS FOR EXTERNALLY ILLUMINATED ADVERTISEMENTS ON SHOPS AND OTHER COMMERCIAL PREMISES RELYING ON FREQUENT PATRONAGE WILL NORMALLY RECEIVE CONSENT PROVIDED THAT THE ILLUMINATION IS DOWNWARD AND ORIGINATES FROM STRIPLIGHTS OR SPOTLIGHTS THAT HARMONISE WITH THE HISTORIC OR ARCHITECTURAL CHARACTER OF THE CONSERVATION AREA. INTERNALLY ILLUMINATED SIGNS WILL NOT NORMALLY RECEIVE CONSENT, EXCEPT WHERE EXTERNAL ILLUMINATION IS IMPRACTICAL AND THE ILLUMINATION IS ONLY OF INDIVIDUAL LETTERS (NOT INCLUDING THEIR RETURNS).

IN CONSERVATION AREAS, ADVERTISEMENT PROPOSALS RELATING TO SHOP PREMISES SHALL BE OF TRADITIONAL STYLE APPROPRIATE TO THEIR SETTING.

And, that the substance of paragraph 3.33 be added as the supporting text to the new policy.

- - - 0 - - -

AREAS OF SPECIAL ADVERTISEMENT CONTROL

**POLICY EN17**

**THE DISTRICT COUNCIL WILL DESIGNATE SPECIAL LANDSCAPE AREAS AS "AREAS OF SPECIAL ADVERTISEMENT CONTROL.**

[Proposed Changes : See Core Document No.12]

3.160 OBJECTION by :

2305 DoE (2306).

**SUMMARY OF OBJECTION**

3.161 The Policy and paragraph 3.35 mis-states the statutory provisions with regard to Areas of Special Control of Advertisements; the approval of the Secretary of State is required for this administrative action ?

**THE ISSUE**

1. Whether due regard has been taken of the statutory provisions covering Areas of Special Control of Advertisements:

**ASSESSMENT**

3.162 The Council acknowledge the error in the attribution of the powers to designate and the suggested changes meet the objection; on that basis I am content to recommend accordingly.

**RECOMMENDATIONS**

3.163 That Policy EN17 be deleted and paragraph 3.35 be modified, viz :

'The District Council will seek the Secretary of State's approval to the designation of Special Landscape Area as Areas of Special Control of Advertisements'.

ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES

**POLICY EN18**

WHERE IMPORTANT ARCHAEOLOGICAL REMAINS ARE KNOWN TO EXIST OR MAY EXIST, THE DISTRICT COUNCIL WILL NORMALLY REQUIRE THE ARCHAEOLOGICAL IMPLICATIONS OF DEVELOPMENT PROPOSALS TO BE EVALUATED BEFORE PLANNING APPLICATIONS ARE DETERMINED. PLANNING PERMISSION WILL NOT NORMALLY BE GRANTED WHERE THE COUNCIL DEEMS SUCH EVALUATION TO BE INADEQUATE AND THE PROSPECTIVE DEVELOPER DOES NOT SUPPLY FURTHER INFORMATION.

[Proposed Changes : See Core Document No.12 (Appendix 6)]

3.164 OBJECTION by :

1267 English Heritage

**SUMMARY OF OBJECTION**

3.165 Paragraphs 8 and 27 of PPG16 emphasise the specially strong level of protection which should be applied to scheduled ancient monuments and other nationally important sites. Reference to the use of evaluation to provide information for the design of foundations which allow the in situ preservation of archaeological remains should be made in the supporting text by drawing on PPG16 paragraphs 19-23. In addition, a new policy should be added to the Local Plan, viz :

Where significant archaeological remains exist but preservation in situ is not deemed appropriate, conditions may be imposed on any planning permission securing the implementation of a programme of works in accordance with a scheme of investigation agreed by the Council.

**THE ISSUE**

1. Whether the change suggested by the objector would more accurately reflect the guidance in PPG16 ?

**ASSESSMENT**

3.166 The changes agreed with English Heritage would bring the Policy EN18 in line with the guidance in PPG16 while the new policies suggested by the Council would strengthen the Local Plan accordingly. On that basis I am content to recommend accordingly.

**RECOMMENDATIONS**

3.167 That the Local Plan be modified in the manner outlined in Appendix 6 of Core Document No.12.

- - - 0 - - -



POLICY EN19

PLANNING PERMISSION WILL NOT NORMALLY BE GRANTED FOR DEVELOPMENT THAT ADVERSELY AFFECTS A SCHEDULED ANCIENT MONUMENT, OR A SITE OF LOCAL OR REGIONAL ARCHAEOLOGICAL SIGNIFICANCE WHICH IS WORTHY OF PRESERVATION. WHERE PROPOSED DEVELOPMENT AFFECTS OTHER IMPORTANT ARCHAEOLOGICAL REMAINS, THE COUNCIL WILL SEEK TO ENSURE PRESERVATION IN SITU. WHERE PLANNING PERMISSION IS GRANTED, CONDITIONS MAY BE IMPOSED SECURING THE IMPLEMENTATION AGREED BY THE COUNCIL.

[Proposed Changes : See Core Document No.12 (Appendix 6)]

3.168 OBJECTIONS by :

307	Christ Church, Oxford	1268	English Heritage
2331	Northamptonshire CC.		

SUMMARY OF OBJECTIONS

3.169 The wording of the policy and the supporting text does not adequately reflect the advice given in PPG16, in that no reference is made to the importance of the 'setting' of archaeological remains, whether scheduled or not. The wording of the policy should be amended viz :

EN19 'Planning permission will not normally be granted for development which adversely affects a scheduled ancient monument or its setting ...'

3.170 Some amendment and strengthening would be appropriate by the incorporation of new policies with suitable supporting text to ensure consistency with PPG16, viz:

NEW POLICY 'There is a presumption in favour of the preservation of nationally important archaeological remains and their settings. Planning permission will not normally be granted for development which adversely affects nationally important archaeological sites, whether scheduled or unscheduled, or their setting'.

NEW POLICY 'Where proposed development affects sites of more local interest and their settings the Council will seek to ensure preservation in situ'.

3.171 The last sentence of paragraph 3.37 should be changed to read, ... 'need not necessarily prevent development'.

THE ISSUE

1. Whether the changes suggested by the objectors would more accurately reflect the guidance in PPG16 ?

**ASSESSMENT**

3.172 The suggested new Policies EN18, EN19 and EN20 fully meet the objections and reflect the advice in PPG16, on that basis I am content to recommend accordingly.

**RECOMMENDATIONS**

3.173 That the Local Plan be modified in the manner outlined in Appendix 6 to Core Document No.12.

- - - 0 - - -

THE REDEVELOPMENT, RENOVATION AND CONVERSION OF EXISTING BUILDINGS WITHIN VILLAGES

**POLICY EN20**

EXISTING BUILDINGS WITHIN THE CONFINES OF VILLAGES SHOULD BE RETAINED WHEREVER POSSIBLE. PLANNING PERMISSION FOR THE REDEVELOPMENT, RENOVATION OR CONVERSION OF EXISTING BUILDINGS WILL NORMALLY BE GRANTED PROVIDED THE PROPOSAL REPRESENTS A POSITIVE CONTRIBUTION TO THE CHARACTER OF QUALITY OF THE VILLAGE ENVIRONMENT. IN DETERMINING APPLICATIONS IN RESPECT OF THE RENOVATION OR CONVERSION OF BUILDINGS WITHIN THE CONFINES OF VILLAGES, REGARD WILL BE PAID TO THE FOLLOWING CRITERIA:

[A - G.] as listed.

[Proposed Changes : See Core Document No.12]

3.174 OBJECTIONS by :

522	BT plc	2030	MAFF
2273	DoE		

**SUMMARY OF OBJECTIONS**

3.175 The aims of Policy EN20 are covered by other policies in the Local Plan. Notwithstanding, it is unduly restrictive upon redevelopment, renovation and conversion of existing buildings which must be acceptable in principle, subject to other policies in the Local plan.

3.176 The policy implies that the redevelopment of rural buildings would only be permissible for those of traditional character. It should be changed to reflect the advice in PPG3, viz :

'Planning permission for the redevelopment, renovation or conversion of existing buildings would normally be granted provided the proposal is in keeping with the character and quality of the village environment'.

3.177 The first sentence of the policy is an objective, not a proposal, and should be deleted.

**THE ISSUE**

1. Whether policy is overly restrictive and, if so, whether the changes suggested by the objectors would more accurately reflect the guidance in PPG3 and the aims and objectives of the Local Plan ?

**ASSESSMENT**

3.178 The Local Plan sets out to be a comprehensive, but not a repetitive guide to developers. Unlike BT plc, I recognise the need for this policy but in its draft form there is a presumption that all redevelopment should make a positive contribution to the character and the quality of the village and that all buildings are inherently characterful; Criterion B would therefore militate against the redevelopment of those which fail the latter test and as the MAFF point out, many modern buildings might fall into that category. The changes now suggested by the Council would remove that obstacle and also overcome the objection by the DoE and English Nature; on that basis I am content to recommend accordingly.

3.179 However, BT's point that the Policy is over restrictive remains and a reading of its main clause with a reference to 'a positive contribution' is reminiscent of Policy EN3, (Conservation Areas), and its emphasis on enhancement. But the Council will know that even in those sensitive areas 'enhancement' has been interpreted as not detracting from the inherent quality of the area. I find Policy EN20 remarkable, therefore, and overly restrictive in an approach which seemingly requires more of prospective developers in villages than those with proposals in Conservation Areas.

3.180 The Secretary of State has recently been advocating that Local Planning Authorities adopt the holistic approach to development and he has placed particular emphasis on the benefits of new development, encouraging that which respects local distinctiveness and the tackling of issues in the round, [see Environment News Release No 713 of 12.12.94]. I am content that with the suggested change the criteria of Policy EN20 reflect that advice but the flavour of the main clause still appears at odds with those principles; I therefore recommend a change to reflect the language of the Secretary of State and one which should meet BT's objection without weakening the objective of the policy.

**RECOMMENDATIONS**

3.181 That Policy EN20 be modified by the deletion of the first sentence of the main clause which should be added to paragraph 3.38.

3.182 That Policy EN20 be further modified, viz:

**PLANNING PERMISSION FOR THE REDEVELOPMENT, RENOVATION OR CONVERSION OF EXISTING BUILDINGS WILL NORMALLY BE GRANTED PROVIDED THE PROPOSAL RESPECTS THE DISTINCTIVE NATURE AND QUALITY OF ITS SURROUNDINGS. IN DETERMINING APPLICATIONS ...'**

3.183 That Criterion B of Policy EN20 be modified, viz :

**THE CHARACTER AND APPEARANCE OF THE ORIGINAL BUILDING(S) WHICH MAKE A CONTRIBUTION TO THE ENVIRONMENT MUST BE ...'**

CONVERSION AND/OR CHANGE OF USE OF BUILDINGS IN THE OPEN COUNTRYSIDE

Inspector's Note.

3.184 In principle, and wherever practical, policies should deal comprehensively with their subject but I have to say that the draft Policies EN21 - EN28 under this general heading do not. They have attracted a number of objections on the basis that they lack clarity and that some should be deleted and others merged. In their draft form I find them fragmented, confusing and in need of rationalisation. The distinction between 'unlisted rural buildings', 'rural buildings', 'modern farm buildings' and 'traditional buildings', seems unnecessary and not based on any Government guidance.

3.185 The Council has recognised the strength of some of the arguments and suggested certain changes but has resisted other objections on the basis that the combination of a number of the policies would make them long and unwieldy. It is a moot point but if that were the result the argument would be irresistible; as in all other matters it will be for the Council to make that final judgement but I see the logic in bringing together a number of them and removing some of the distinctions. In considering the objections I have found it more convenient to consider them in the round. I therefore reserve my recommendations until after my assessment of all the objections under this heading and bearing in mind the Council's suggested changes.

**POLICY EN21**

**PLANNING PERMISSION WILL NORMALLY BE GRANTED FOR THE CONVERSION OF UNLISTED RURAL BUILDINGS PROVIDED THEY ARE IN A SOUND CONDITION AND PHYSICALLY CAPABLE OF CONVERSION WITHOUT MAJOR REPAIRS OR ALTERATIONS TO THEIR EXISTING STRUCTURES. IN THE CASE OF RESIDENTIAL CONVERSIONS THE BUILDINGS SHOULD BE CAPABLE OF COMPLYING WITH THE BUILDING REGULATIONS WITHOUT MAJOR ALTERATIONS OR OTHER MAJOR WORKS. THE APPLICANT WILL BE REQUIRED TO PRODUCE WITH THE APPLICATION A STRUCTURAL SURVEY RELATING TO THE CONDITION OF THE BUILDING.**

[Proposed Changes : See Core Document.No 12]

3.186 **OBJECTIONS by :**

853	Samuel Rose	1318	DTi
2031	MAFF	2274	DoE

**SUMMARY OF OBJECTIONS**

3.187 When read with Policy HS39, the policy becomes unduly restrictive insofar that conversions could only be used for residential purposes when in connection with agriculture or forestry.

3.188 The conversion of barns for residential purposes ensures a beneficiary use and the preservation of a building which would otherwise fall into disrepair. The policy should be changed accordingly.

3.189 The issues of access and amenity should be addressed via this policy and not elsewhere in the Local Plan, ie, Policies EN26 and EN27. The policy should be changed accordingly, viz :

'Planning permission will normally be granted for the re-use or adaptation of unlisted rural buildings provided they are of sound condition and physically capable of reuse or adaptation without major repairs or alterations to their existing structures. In the case of residential reuse or adaptation, the buildings should be capable of complying with the building regulations without major alterations or other major works. The applicant will be required to produce with the application a structural survey relating to the condition of the building. The proposals should provide adequate vehicular access, but should not cause significant detriment to the character of the area and to the amenity of local residents'.

3.190 The reference to a 'poor state of repair' in paragraph 3.44 is misleading and ambiguous and at odds with paragraph D4 at PPG7 which refers to buildings 'so derelict that they could be brought back into use only by complete or substantial reconstruction'. The policy and the text should be changed accordingly.

3.191 It is unnecessary to have a policy enforcing compliance with Building Regulations which have statutory force; the reference should be deleted. The last sentence of the policy relates to an administrative action and does not allow for exceptions; the sentence should be deleted or reduced to supporting text.

#### THE ISSUE

1. Whether the policy is overly restrictive and, if so, whether the changes suggested by the objectors would more accurately reflect the guidance in PPG3, PPG7 and the aims and objectives of the Local Plan ?

#### ASSESSMENT

3.192 The Council's suggested changes would seem to meet the DoE's objection to a certain extent but the reference to the Building Regulations in Criterion C would be better contained within Criterion B, viz :

'They are physically capable of conversion without major repairs or alterations to their existing structure and, in the case of residential conversions, they are capable of complying with the Building Regulations'.

3.193 I understand the linking of Policies EN21 and HS39 by Samuel Rose but I think it is wrong to suggest that they raise the same issues. Policy EN21 relates to the physical condition of rural buildings and their potential for conversion, irrespective of intended use; Policy HS39 is about residential development in the open countryside. Both policies raise a range of issues and for Samuel Rose the question is whether the former is overly restrictive? But the question is framed in the context of a conversion for residential purposes and in my opinion it should be addressed to Policy EN39, I therefore deal with it under that heading

3.194 The DTi express the opinion that matters of access, (presently dealt with under Policy EN26), should be included in this policy and in principle I agree. As to the MAFF's objection, I am of the view the Council would do better to express paragraph 3.44 in the language of PPG7 for the avoidance of doubt.

**RECOMMENDATIONS**

**See under Policy EN28**

- - - 0 - - -

POLICY EN22

PLANNING PERMISSION WILL NORMALLY BE GRANTED FOR THE CONVERSION OF THE RURAL BUILDING PROVIDED IT IS CAPABLE OF CONVERSION TO ITS PROPOSED NEW USE WITHOUT THE ADDITION OF NEW SPACE BY MEANS OF EXTENSION TO THE EXISTING FABRIC OF THE BUILDING OR THE PROVISION OF NEW BUILDINGS ON THE SITE.

[Proposed Changes : See Core Document No.12]

3.195 OBJECTIONS by :

444	Christ Church, Oxford	480	Country Landowners' Association
1315	DTi		
2032	MAFF	2275	DoE

SUMMARY OF OBJECTIONS

3.196 The phrase 'the rural building' should be replaced by the phrase 'a rural building', in the interests of readability. The words, 'unless appropriate' should be inserted between the words, 'addition' and 'of new space' to allow small scale extensions. As drafted, the policy seems restrictive in relation to the guidance on PPG7.

3.197 The policy is superfluous as Policy EN21 allows conversions subject to no major repairs or alterations; 'extensions' clearly fall into that category.

THE ISSUE

1. Whether the changes suggested by the objectors would improve the understanding of the policy and reflect more accurately the aims and objectives of the Local Plan ?

ASSESSMENT

3.198 Christ Church, Oxford draws attention to a grammatical error which the Council make good with its suggested change. The Country Landowners' Association, the MAFF, DTi and DoE all regard this policy as restrictive and seek either its modification or deletion. I am in agreement with their view. I find the distinction between 'conversion', (Policy EN21), and 'conversion without the addition of new space', (Policy EN22), too fastidious. It is surely at odds with the general thrust of Government policy which is encouraging diversification in the rural economy and pointing to ways in which existing rural buildings could be put to new uses for commercial, industrial or recreational uses, as well as residential uses in certain circumstances. The Council seem to have lost sight of the inherent reason why conversions and extensions might be required, ie. for a change of use which would be of benefit to the rural economy as a whole. The result is to put too much emphasis on preservation, per se, as against conservation by way of a change of use, where the distinctive characteristics of rural buildings could be retained even if extended.



3.199 The distinction which PPG7 makes is between the change of use for residential purposes and for other uses; extensions required for the former should be the exception and the policy should reflect the difference. A modified Policy EN21 can make that distinction; Policy EN22 can be deleted from the Local Plan.

**RECOMMENDATIONS**

*See under Policy EN28*

- - - 0 - - -

**POLICY EN23**

**PLANNING PERMISSION FOR THE CONVERSION OF MODERN FARM BUILDINGS OR THEIR CHANGE OF USE WILL NORMALLY BE GRANTED IF THE HISTORY OF THE BUILDING INDICATES THAT IT IS USED FOR THE PURPOSE FOR WHICH IT WAS BUILT.**

Proposed Changes : See Core Document No.12]

**3.200 OBJECTIONS by :**

481 2276	Country Landowners' Association DoE	2033	MAFF (2034) (2035)
-------------	--	------	--------------------

**SUMMARY OF OBJECTIONS**

3.201 The policy lacks clarity and appears restrictive; 'conversion' is not defined and the policy should be reworded.

3.202 The qualification in paragraph 3.49, 'for an appropriate length of time, normally 10 years', is arbitrary and unnecessary. The Council's interests are protected by its rights to require information and to refuse the application if the history of the building proves to be unsatisfactory. The intent of the policy would be clarified by the inclusion of the words, 'that it was erected for genuine agricultural purposes', after the word, 'indicates'.

3.203 In the light of the guidance in paragraph D4 of PPG7, paragraph 3.50 of the Local Plan should make clear that the measures outlined whereby development rights may be removed would only be taken in extreme circumstances. The present requirement for agricultural buildings is to be subject to prior approval should enable the Council to prevent any inappropriate development, it should adopt a more positive approach to development designed to achieve compliance with new environmental, hygiene and welfare legislation.

**THE ISSUES**

1. Whether the policy could more accurately reflect the aims and objectives of the Local Plan by rewording and merging. And, whether the qualification has any justification in fact, or in principle ?

2. Whether the guidance in paragraph 3.50 properly reflects the balance to be struck between environmental protection and agricultural and commercial interests ?

**ASSESSMENT**

**First Issue : Suggested Change**

3.204 The Council's suggested change merges Policy EN23 with Policy EN25 in accordance with the DoE's objection but this change does not overcome the other objections, nor does it explain why the policy is directed at 'farm buildings'. It would seem to have its origins in the latter part of paragraph

D2 of PPG7 but the pertinent advice in that paragraph is that when assessing proposals for reuse and adaption of rural buildings, it should not normally be necessary to consider whether the (rural) building is no longer needed for its present agricultural or other uses.

3.205 Clearly the advice embraces all rural buildings, whether of agricultural origin, modern or not. The reference to modern farm buildings in Policy EN23 is therefore quite inappropriate, as is the policy in its present form. It seems to be hung on the hook of a possible abuse of the planning system but the TCPA 1990 and the Planning and Compensation Act 1991 should be equal to any abuse of that nature. It is not necessary for the Council to include policies in the Local Plan which, in effect, simply make reference to the procedures which might be followed when enforcing against the illegal erection of a particular type of rural building; if such guidance is needed, it can be provided in the supporting text. The policy only has relevance if its purpose is to distinguish between modern and traditional rural buildings, both forms need to be defined and there is then scope for the merging of this policy with Policy EN25.

3.206 Paragraph 3.49 makes reference to 10 years as being an appropriate length of time to establish the genuine use of a rural building. I agree with the objector that this is an arbitrary period of no significance in determining whether a building has been used for its intended purpose and that the reference should be deleted.

#### Second Issue : Guidance

3.207 The guidance in paragraph 3.50 is derived from paragraph D3 of PPG7 but the latter is couched in exceptional terms which do not find a true reflection in the former. The circumstances in which development rights might be removed would be where the proliferation of new farm buildings would have a seriously detrimental effect on the landscape. Paragraph D4 further advises that the Local Planning Authority should exercise its powers with great care. Whereas it is right that such guidance should be given in the Local Plan the Council do not explain why it should deviate from the advice in PPG7; I prefer the language of that guidance and recommend accordingly.

#### RECOMMENDATIONS

See under Policy EN28

- - - 0 - - -

**POLICY EN24**

IN THE CASE OF "TRADITIONAL" BUILDINGS, PLANNING PERMISSION WILL NORMALLY BE GRANTED PROVIDED THE DESIGN OF THE PROPOSED CONVERSION RETAINS THE ESSENTIAL CHARACTER OF THE ORIGINAL BUILDING. WHILST ACCEPTING THAT SOME CHANGES ARE INEVITABLE THE FOLLOWING GUIDELINES WILL GENERALLY MAINTAIN THE CHARACTER:

[A - E] as listed.

[Proposed Changes : See Core Document No.12 (Appendix 7)]

3.208 **OBJECTIONS** by :

445 Christ Church, Oxford 2278 DoE

**SUMMARY OF OBJECTIONS**

3.209 In the interests of clarity and readability the policy should be reworded, inter alia:

'Planning permission for the conversion of "traditional" buildings will normally ...'

B. 'Roof lights for lighting the upper areas of the building may be appropriate.

C. 'Existing architectural features of the building that are worthy of retention should be repaired and retained'.

3.210 'Traditional' buildings should be defined. Criterion E should not contain examples; it is unclear how harm would arise from the features exemplified.

**THE ISSUE**

1. Whether the changes suggested by the objectors would improve the understanding of the policy and more properly reflect its requirements.

**ASSESSMENT**

3.211 I am content that the suggested change improves the understanding of the policy and meets most of the objections. I am not convinced, however, that it can avoid a definition of 'traditional rural buildings' when this is the *raison d'être* of the policy and makes the identification of such buildings a prerequisite of the policy's application.

**RECOMMENDATIONS**

See under Policy EN28

- - - 0 - - -

**POLICY EN25**

WHERE PLANNING PERMISSION IS GRANTED FOR THE CONVERSION OF A MODERN FARM BUILDING WHICH THE COUNCIL CONSIDERS TO BE OBTRUSIVE, CONDITIONS WILL BE ATTACHED REQUIRING APPROPRIATE MODIFICATIONS TO THE BUILDING FABRIC AND THE IMPLEMENTATION OF A SUITABLE LANDSCAPING SCHEME.

[Proposed Changes : See Core Document No.12]

3.212 OBJECTION by :

2277 DoE

**SUMMARY OF OBJECTION**

3.213 The policy lacks clarity and fails to define 'conversions'. It appears restrictive in relation to the guidance provided in PPG7, it should be reworded and merged with Policy EN23.

**THE ISSUE**

1. Whether the change suggested by the objector would more accurately reflect the aims and objectives of the Local Plan ?

**ASSESSMENT**

3.214 The Council's suggested change, ie. merger with Policy EN23 in the form set out in Core Document No.12, does not define 'conversion' nor 'modern', it repeats the reference to the history of the building and appears to be more restrictive than the advice in PPG7. I agree with the objector that these are matters which should be addressed in the interests of clarity and equitable application of the policy. PPG7 refers to a 'significant adverse effect on the landscape' as being reason to require an improvement in the external appearance of a rural building; the Council would impose that condition if it were merely 'obtrusive'. I see no reason why the advice in PPG7 should not be followed in this case and I recommend accordingly.

**RECOMMENDATIONS**

See under Policy EN28

- - - 0 - - -

POLICY EN26

PLANNING PERMISSION WILL NORMALLY BE GRANTED FOR THE CONVERSION OF A RURAL BUILDING PROVIDED ACCESS TO THE SITE IS OF A SAFE STANDARD OR IS CAPABLE OF BEING IMPROVED TO A SAFE STANDARD WITHOUT HARMING THE APPEARANCE OF THE AREA. THE EXISTING OR NEW ACCESS SHOULD RETAIN OR TAKE ON A TRADITIONAL RURAL CHARACTER. ACCESS TO MAINS SERVICES SHOULD BE UNDERGROUND WHERE POSSIBLE.

3.215 OBJECTIONS by :

1316 DTi 2279 DoE

SUMMARY OF OBJECTIONS

3.216 The policy is superfluous and should be deleted; a change to Policy EN21 could cover the need for an adequate access to a converted building.

THE ISSUE

1. Whether the aims and objectives of the Local Plan would be better expressed if the policy were merged with Policy EN21 and the conditions for the conversion of rural buildings expressed compendiously ?

ASSESSMENT

3.217 I have indicated above that the fragmentation of conditions for the conversion and/or the change of use of rural buildings is confusing and runs against the principle that policies should be comprehensive. The policies in this series need rationalisation and this is an example of one which could be combined.

RECOMMENDATIONS

See under Policy EN28

- - - 0 - - -



POLICY EN28

IN MAKING APPLICATIONS FOR CONVERSION, APPLICANTS WILL BE EXPECTED TO PROVIDE FULL WORKING DRAWINGS OF THEIR PROPOSALS INCLUDING SUCH DRAWINGS AS NECESSARY TO INDICATE LAYOUT, DESIGN AND EXTERNAL APPEARANCE, STRUCTURAL DETAILS AND A SCHEDULE OF PROPOSED WORKS WILL ALSO BE REQUIRED. ALONG WITH DETAILS OF MEANS OF ACCESS AND ANY PROPOSED HARD OR SOFT LANDSCAPING SCREEN WALLS OR FENCES.

[Proposed Changes : See Core Document No.12]

3.221 OBJECTIONS by :

446 Christ Church, Oxford 2234 DoE

SUMMARY OF OBJECTIONS

3.222 The punctuation should be changed to clarify the meaning of the policy which states an administrative action which could therefore appear as text.

THE ISSUE

1. Whether the guidance contained in Policy EN28 could be improved and better expressed as supporting text.

ASSESSMENT

3.223 The Council accept that this policy is a statement of an administrative requirement and could be relegated to the supporting text, I agree.

RECOMMENDATIONS [POLICIES EN21 - EN28]

3.224 That Policy EN21 be modified, viz:

PLANNING PERMISSION WILL NORMALLY BE GRANTED FOR THE CONVERSION OR THE ADAPTION OF RURAL BUILDINGS PROVIDED THAT:

- A. THEY ARE IN A SOUND CONDITION.
- B. THEY ARE PHYSICALLY CAPABLE OF CONVERSION WITHOUT MAJOR REPAIRS OR ALTERATIONS TO THEIR EXISTING STRUCTURE AND, IN THE CASE OF RESIDENTIAL CONVERSIONS, WITHOUT EXTENSIVE EXTENSION AND BE CAPABLE OF COMPLYING WITH THE BUILDING REGULATIONS WITHOUT MAJOR ALTERATIONS OR OTHER MAJOR WORKS.
- C. A STRUCTURAL SURVEY RELATING TO THE CONDITION OF THE BUILDING IS SUBMITTED WITH THE APPLICATION.



D. ACCESS TO THE SITE IS OF A SAFE STANDARD OR IS CAPABLE OF BEING IMPROVED TO A SAFE STANDARD WITHOUT DETRIMENT TO THE APPEARANCE OF THE AREA.

E. SATISFACTORY STANDARDS OF ACCOMMODATION AND AMENITY ARE ACHIEVABLE.

3.225 That paragraph 3.44 be modified, viz :

Rural buildings which are so derelict that they could be brought back into use only by a complete or substantial reconstruction should normally be demolished except where such buildings are listed as being of architectural or historic merit'.

3.226 That Policy EN22 be deleted from the Local Plan.

3.227 That Policy EN23 be modified, viz;

PLANNING PERMISSION FOR THE REUSE OR ADAPTION OF 'MODERN' RURAL BUILDINGS FOR A CHANGE OF USE WILL BE GRANTED PROVIDED THAT:

A. THE HISTORY OF THE BUILDING INDICATES IT WAS USED FOR THE PURPOSE IT WAS BUILT,

and

B. WHERE THE COUNCIL CONSIDERS THE APPEARANCE OF THE BUILDING TO HAVE A SIGNIFICANT ADVERSE EFFECT ON THE LANDSCAPE, MODIFICATIONS TO THE BUILDING FABRIC AND LANDSCAPING WILL BE REQUIRED.

And that the Council define the word 'modern' by reference to some appropriate date.

3.228 That paragraph 3.49 be modified by the deletion of the words, 'normally 10 years', from the final sentence.

3.229 That paragraph 3.50 be modified, viz:

'Where the proliferation of new farm buildings to replace those permitted to be reused or adapted would result in a serious detrimental effect on the landscape the District Council may remove permitted development rights in respect of those buildings, the agricultural unit or in certain key Landscape Areas of the holding'

3.230 That Policy EN24 be modified in accordance with Appendix 7 of Core Document No.12 except that the word, 'adaption', be substituted for the words, 'change of use' and that in the supporting text the Council define the word 'traditional' in terms of a date and/or the local architectural idiom.

3.231 That Policy EN25 be deleted from the Local Plan and that paragraph 3.52 be renumbered to support the modified Policy EN23.

3.232 That Policy EN26 be deleted from the Local Plan and that paragraph 3.53 be renumbered to support the modified Policy EN21.

3.233 That Policy EN27 be deleted from the Local Plan and that paragraphs 3.54 and 3.55 be renumbered to support the modified Policy EN21.

3.234 That Policy EN28 be deleted from the Local Plan and relegated to the supporting text.

- - - 0 - - -

LANDSCAPING AND TREE PROTECTION

3.235 OBJECTION by :

505 NRA

**SUMMARY OF OBJECTION**

3.236 For completeness, paragraph 3.58 should make reference to the 'water environment'.

**THE ISSUE**

1. Whether the absence of a reference to the water environment is a significant omission in this section of the Local Plan ?

**ASSESSMENT**

3.237 The section deals with landscaping and trees and it would seem inappropriate to include a reference to the water environment under such a heading.

**RECOMMENDATIONS**

3.238 That no modification be made to the Local Plan in respect of this objection.

- 0 -

POLICY EN30

PLANNING PERMISSION WILL NOT NORMALLY BE GRANTED FOR DEVELOPMENT WHICH WOULD RESULT IN:

- A. LOSS OR DAMAGE TO ANCIENT WOODLAND,
- B. THE LOSS OF BROADLEAVED WOODLAND OR THE FRAGMENTATION OF WOODLAND,
- C. LOSS OR DAMAGE TO SITES IMPORTANT FOR THEIR PUBLIC ACCESS, LANDSCAPE VALUE OR NATURE CONSERVATION VALUE,
- D. ADVERSE EFFECTS ON PRODUCTIVE WOODLANDS.

[Proposed Changes : See Core Document No.12]

3.239 OBJECTIONS by :

2225	DoE	429	Alfred McAlpine
447	Christ Church, Oxford		Quarry Products Ltd
482	Country Landowners' Association		

SUMMARY OF OBJECTIONS

3.240 The word, 'normally' adds no more flexibility than is provided for in the basic legislative requirement to have regard to other material considerations, it should be deleted. The policy reproduces Structure Plan Policy ENV 15 and should therefore be either deleted or reduced to text.

3.241 The policy does not appear to recognise the need for the proper management of trees and woodlands whereby cropping and replanting are a normal part of the cycle.

3.242 It is inappropriate of the Council to include matters which are outside its remit, eg applications for felling licences and grant aid which fall within the remit of the Forestry Authority. The classification of woodland should be more broadly defined to provide proper guidance, as should the phrases 'landscape value' and 'nature conservation value'. The policy should be reworded, viz :

Planning permission will not normally be granted for development which will result in the loss or damage to ancient woodlands designated by the Forestry Authority'

3.243 The word, 'adverse' in Criterion D needs to be qualified by the word, 'significant'.

**THE ISSUE**

1. Whether the changes suggested by the objectors would more accurately reflect the aims and objectives of the Local Plan and conform to the legislative framework in which it is set ?

**ASSESSMENT**

3.244 The policy may have its roots in the Forestry Authority's policy for the retention and management of broadleaved woodland but it also has the backing of Structure Plan Policy ENV 15 which it reproduces, in effect. Its scope and wording therefore are justified but the question remains whether there is a need to replicate Policy ENV 15 in the Local Plan. I have concluded elsewhere in this report that the Local Plan should be a self contained document. The Council's broad policy relating to tree protection is worthy of a place and I see no objection to reproducing it in the form of Policy ENV 15 if that is the best means of expressing it. Apart from the suggested change, I can see no better way. I recommend accordingly.

**RECOMMENDATIONS**

3.245 That the word, 'normally', be deleted from the main clause of Policy EN30.

- - - 0 - - -

**POLICY EN31**

**PLANNING PERMISSION WILL NOT NORMALLY BE GRANTED FOR DEVELOPMENT WHICH WOULD HAVE A SUBSTANTIALLY ADVERSE EFFECT UPON THE CHARACTER OR HISTORIC PARKLANDS OR GARDENS OR THEIR SETTINGS.**

[Proposed Changes : See Core Document No.12]

3.246 **OBJECTION** by :

2226 DoE

**SUMMARY OF OBJECTION**

3.247 The policy reproduces Structure Plan Policy ENV 16 and should therefore be either deleted or reduced to text.

**THE ISSUE**

1. Whether the change suggested by the objector would more accurately reflect the aims and objectives of the Local Plan and conform to the legislative framework in which it is set ?

**ASSESSMENT**

3.248 The policy does differ in scope to Structure Plan Policy ENV 16 and once again seems deserving of a place in the Local Plan as a statement of Council policy. However, the Proposals Map does not identify either the historic parklands nor gardens of importance and in my view the Council should give consideration to the designation and the listing of these, if practicable. I recommend accordingly.

**RECOMMENDATIONS**

3.249 That the Council should indicate on the Proposals Map the historic parklands and list of the gardens of importance in the Local Plan.

- - - 0 - - -

Inspector's Note.

3.250 Policies EN32 and EN33 both deal with landscaping matters and they provide scope for combination. I therefore make my assessment of the objections to both policies before making my recommendations.

POLICY EN32

DETAILED PLANNING PERMISSION WILL NORMALLY BE GRANTED FOR DEVELOPMENT PROVIDED THAT THE PROPOSAL INCLUDES A COMPREHENSIVE LANDSCAPING SCHEME. SCHEMES SHOULD PROVIDE FOR THE PROTECTION AND INCORPORATION OF EXISTING TREES, HEDGES AND OTHER FEATURES OF THE SITE TOGETHER WITH PROPOSALS FOR NEW PLANTING. EMPHASIS WILL BE PLACED ON THE PLANTING OF NATIVE SPECIES OF TREES AND SHRUBS.

3.251 OBJECTIONS by :

1269	English Heritage	2068	CPRE
2160	Bryant Homes	2179	HBF
2333	Northamptonshire CC.		

SUMMARY OF OBJECTIONS

3.252 The phrase, 'normally be granted' may be taken to imply that development of any kind would be acceptable provided that it is well landscaped, whereas other Local Plan policies would apply.

3.253 For clarity, the first sentence should be reworded, viz :

'In any detailed planning permission as may be granted for development a comprehensive landscaping scheme will be included for ...'

3.254 The wording suggests that planning permission would only be granted if the application were to be accompanied by a landscaping scheme, whereas it is accepted practice to submit an outline application showing broad landscape principles but which reserves landscaping details for a later stage. To accord with development control practice, the second sentence should be reworded, viz :

'Landscaping schemes, submitted in accordance with a planning condition should provide for the protection and incorporation of existing trees, hedges and other features of the site, wherever practical, together with proposals for new planting'.

3.255 The policy should require the replacement of trees and in its draft form does not comply with Structure Plan ENV2.

**THE ISSUE**

1. Whether the changes suggested by the objectors would more accurately reflect the accepted practice in the submission of planning applications and the aims and objectives of the Local Plan.

**ASSESSMENT**

3.256 English Heritage's objection draws attention to a drafting idiosyncrasy, which is repeated in other policies, and which probably derives from the desire to express all policies positively. Some policies must inevitably defy that aim by reason of the restrictions they impose, others because they deal with marginal considerations from which it would be wrong to draw a more general conclusion. Policy EN32 comes into both those categories. It is clearly wrong to imply that planning permission would be granted just because the proposal contains a comprehensive landscaping scheme. The problems the Council have experienced with landscape schemes, described as 'cosmetic afterthoughts', are more likely to be corrected by strict enforcement and by guidance in the form of specific policies which the Council propose to implement by conditions.

3.257 Notwithstanding the Council's experience in the submission of landscaping schemes by way of condition, it remains the practice and there are good reasons for accepting the convention. Bryant Homes point out that outline proposals leading to a detailed application undergo changes in the course of receiving detailed planning permission, often as a result of the Council's requirements. It would be wrong to insist that developers incur additional expense in submitting a series of detailed landscape schemes while the final design requirements of the development have still to be established. DoE Circular 11/95 now sets out new guidelines and model conditions which require that no development should be carried out until full details of both hard and soft landscaping works have been submitted to and approved by the Local Planning Authority. This is a fair condition and one which should overcome the problems the Council have experienced in compliance and quality of design if it were rigorously enforced. The County Council's objection has been effectively dealt with under Policy EN1 and my recommendation under this Policy reflects that previous recommendation.

**RECOMMENDATIONS**

See under Policy EN33

- - - 0 - - -