

NORTH DORSET LOCAL PLAN 2011 – 2026 PART 1 EXAMINATION

HEARING STATEMENT

ISSUE 6

The Countryside – including policies 28 to 33

March 2015

Question 6.1: Is sufficient support given to sustainable economic growth in the countryside (NPPF paragraph 28)?

- 1.1 Sustainable economic growth in the countryside will be delivered through Policy 20 - The Countryside and:
- the overall policy framework in Local Plan Part 1 (LP1);
 - communities 'opting in' to Local Plan Part 2 (LP2); and
 - neighbourhood planning.
- 1.2 Paragraphs 8.177 to 8.185 explain the overall policy framework in LP1 that will guide development in the countryside and paragraphs 8.190 to 8.194 explain the role of neighbourhood plans and LP2.
- 1.3 Giving support for sustainable economic growth in the countryside needs to be seen in the broader context of the 'core planning principle' set out in bullet five of paragraph 17 of the NPPF. This advises that *"planning should take account of the different roles and character of different areas ...recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it."* In this broader context it is considered that sufficient support is given to sustainable economic growth in the countryside through the policy framework outlined above, including Policy 20 - The Countryside.
- 1.4 Policy 20 identifies, as far as possible, those types of development that may be appropriate in the countryside and points to more detailed development management policies that seek to carefully manage certain types of development. Specific development management policies which promote a strong rural economy, in line with paragraph 28 of the NPPF, are Policy 27 and Policies 29 to 33.
- 1.5 Policy 20 also establishes a test of 'overriding need' for any other type of development to be located in the countryside. For some types of development, the case for overriding need is supported by national policy, but for others the Council will assess the acceptability of the principle on its merits taking into consideration national policy. Whilst the Council has identified a number of different types of development that will help to meet rural needs, the test of 'overriding need' for a countryside location provides a mechanism for other unforeseen needs to be met.

Question 6.2: Bearing in mind policy 20 is applicable to Stalbridge and other rural communities, is the policy too prescriptive? If it is, how should it be changed? Does the policy adequately support thriving rural communities (NPPF paragraph 17)?

- 1.6 As explained in the answer to Q6.1, policy 20 needs to be seen in the context of the overall policy framework in LP1, LP2 and neighbourhood planning. Within this context the Council does not consider policy 20 to be too prescriptive, especially in the light of paragraph 17 of the NPPF, which advises that *"planning should take*

account of the different roles and character of different areas ...recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.”

- 1.7 Policy 2 – Core Spatial Strategy defines the countryside as all land outside the settlement boundaries of the District’s four main towns - Blandford Forum, Gillingham, Shaftesbury and Sturminster Newton. Settlement boundaries for Stalbridge and the District’s villages, as defined in the 2003 Local Plan, have been removed and will no longer be used for development management purposes.
- 1.8 This ‘light touch’ strategic framework establishes a focus on meeting local rather than strategic needs in the countryside, including Stalbridge and the villages, which will generally be in addition to the strategic growth in the four main towns. It will enable local communities: to make ‘fine grained’ assessments of their needs; develop ‘bespoke’ solutions to the problems and issues they face; and address those problems and issues through a variety of mechanisms including countryside policies, opting into LP2 and neighbourhood planning.
- 1.9 This approach was developed in response to concerns about the implications of the ‘spatial hierarchy’ that emerged through the regional planning process (which local communities generally considered to be a ‘one size fits all’ approach that was overly prescriptive) and the opportunities presented by neighbourhood planning. The approach in LP1, which is considered to be far less prescriptive as a means of finding appropriate local solutions, has also been developed in consultation with local communities, as set out in detail in the Sustainable Development Strategy Background Paper (SDS001).
- 1.10 The policy supports thriving rural communities (NPPF paragraph 17) as it enables communities outside the four main towns to prepare neighbourhood plans to meet their local needs and influence the planning of their areas. Alternatively, these communities may ‘opt in’ to LP2 to meet their local needs for housing, employment and other types of development.
- 1.11 The policy is consistent with national planning policy as it takes a positive approach to sustainable new development to support economic growth in rural areas (NPPF paragraph 28) as well as only allowing new dwellings where they enhance or maintain the vitality of rural communities and avoids new isolated homes in the countryside unless there are special circumstances (NPPF paragraph 55).
- 1.12 The approach taken by policy 20 also supports national planning objectives to give local people a powerful set of tools to get the right types of development for their communities (NPPF paragraph 184) and shape and direct sustainable development in their area (paragraph 185).

Question 6.3: Is policy 28 (existing dwellings in the countryside) justified? If not, how should it be changed?

- 1.13 Policy 28 is justified as it supports one of the NPPF’s core planning principles (paragraph 17) that planning should support thriving rural communities while also recognising the intrinsic character and beauty of the countryside. It also has regard to the potential impacts of works to existing dwellings on AONB landscapes and their scenic beauty, supporting paragraph 115 of the NPPF.
- 1.14 The policy recognises that many people already live in dwellings in the countryside and there will be circumstances where these residents will seek to replace, extend, alter or add ancillary buildings to their property in order to meet their accommodation needs. The policy seeks to ensure that these needs are met: without creating new isolated homes in the countryside (which would be contrary to paragraph 55 of the NPPF, except in special circumstances); and without having a detrimental impact on the intrinsic character and beauty of the countryside (contrary to paragraph 17 of the NPPF). To enable this balance to be struck, the policy sets out the requirements for replacement dwellings, alterations and extensions to existing dwellings, and ancillary buildings and explains the circumstances where planning permission will be granted.
- 1.15 This approach enables housing needs to be met, whilst also delivering environmental benefits, as outlined in the Sustainability Appraisal (SA - see paragraph 6.78 on page 64 of SUD003a and paragraph F81 on page 300 of SUD003d), including:
- a significant positive impact on the District’s heritage assets and built environment by ensuring that replacement dwellings, alterations and extensions are of an appropriate size and design;
 - a positive impact on the landscape by ensuring that any works are not visually intrusive; and
 - improvements in terms of energy efficiency where an old or inefficient dwelling is replaced with one of more modern construction.
- 1.16 Paragraph F.79 of SUD003a notes that this policy “*provides guidance where national policy is absent and ensures a consistent approach to local decision making*”. The alternative of continuing to save the relevant policies in the 2003 Local Plan was considered in the Addendum to the Initial Sustainability Report (COD004).
- 1.17 In the Council’s opinion the approach taken is the most appropriate strategy to manage the development of existing dwellings in the countryside, when considered against the reasonable alternatives, based on proportionate evidence.

Question 6.4: Is policy 29 (re-use of countryside buildings) justified? If not, how should it be changed?

- 1.18 Policy 29 is justified as it supports the transition to a low carbon future by encouraging the re-use of existing resources, including existing buildings accordance with paragraph 17 of the NPPF. It also supports paragraph 28 of the NPPF in enabling the conversion of existing buildings to promote a strong rural economy.
- 1.19 The policy supports the rural economy by allowing the re-use of existing buildings for a variety of purposes, including economic development, community and residential uses. The policy's approach seeks to secure the viable re-use of existing buildings in the countryside, primarily those that are redundant, disused or underused, where they are worthy of retention.
- 1.20 A number of changes are proposed (see references 10/29/1 to 10/29/16 in SUD015) to reflect national guidance. These changes effectively remove the policy preference for economic development re-use and put economic development, community and residential uses on an equal footing. It is also proposed to delete much of the text relating to permitted development rights because: such rights may change over the plan period; and development carried out under such rights cannot be controlled by the Local Plan in any event.
- 1.21 The policy sets out series of criteria to assess proposals for re-use, including:
- the characteristics of an existing building to make it acceptable for re-use;
 - the different types of use that may be acceptable; and
 - the proposed scheme for re-use.
- 1.22 The policy highlights that the re-use of existing buildings for residential purposes should avoid the creation of new isolated dwellings in the countryside, unless there are special circumstances, such as the optimal viable use of a heritage asset (in accordance with paragraph 55 of the NPPF). New paragraph 10C has also been added to ensure that only buildings that readily lend themselves to residential conversion will be used for such purposes.
- 1.23 Policy 29 seeks to ensure that existing buildings in the countryside can be re-used to promote a strong rural economy: without creating new isolated homes in the countryside (which would be contrary to paragraph 55 of the NPPF, except in special circumstances); and without having a detrimental impact on the intrinsic character and beauty of the countryside (contrary to paragraph 17 of the NPPF).
- 1.24 The Sustainability Appraisal (SUD003d) acknowledges that the re-use of some buildings in the countryside may result in unsustainable patterns of development as they are often located in isolated areas, which results in a reliance on car-based travel. While the numbers of proposals for re-use will be limited, cumulatively they have potential to result in negative impacts. However, it concludes that on balance

the policy offers sustainability benefits that outweigh these negative impacts. The alternative of continuing to save the relevant policies in the 2003 Local Plan was considered in the Addendum to the Initial Sustainability Report (COD004).

- 1.25 The Council considers the approach taken, as amended, is the most appropriate strategy to manage the re-use of existing buildings in the countryside, when considered against the reasonable alternatives, based on proportionate evidence.

Question 6.5: Is the advice in paragraph 10.200 (prevention of mixed use or residential schemes at existing countryside employment sites) too prescriptive? Is this supporting text a policy?

- 1.26 The advice in paragraph 10.200 reinforces the intent of policy 30 to permit the redevelopment and limited expansion of existing employment sites in the countryside for employment uses. The purpose of the policy is to provide such businesses with some flexibility without the employment development resulting in harmful effects on its surroundings.
- 1.27 The advice is consistent with paragraph 28 of the NPPF as it enables sustainable growth and expansion of businesses and enterprises in rural areas and also with paragraph 55 of the NPPF, which seeks to avoid new isolated homes in the countryside unless there are special circumstances. However, paragraph 10.200 does not cross refer to other policies, which could permit residential use in certain circumstances (i.e. policy 29 relating to re-use and policy 33 which relates to occupational dwellings).
- 1.28 It is already proposed to amend the wording of the policy to clarify that it relates to the redevelopment of employment sites *“for employment purposes”*. It is now proposed to make an amendment to paragraph 10.200 to cross refer to these other relevant policies. At the end of paragraph 10.200 the following text should be added *“unless the residential element forms part of a scheme for re-use under Policy 29 or is proposed as a permanent occupational dwelling in accordance with Policy 33”*.
- 1.29 As amended paragraph 10.200: clarifies the intent of policy 30; and provides a cross-reference to other policies that may also be relevant where non-employment uses are proposed. On that basis, the supporting text is not considered to be a policy.

Question 6.6: Is policy 31 justified? If not, how should it be changed? Should more support be given to sustainable tourism and leisure developments in the countryside, in line with advice in paragraph 28 of the NPPF?

- 1.30 The Council considers Policy 31 – Tourist Accommodation in the Countryside (as revised by the Proposed Changes) to be justified. It has been prepared in accordance with national policy (NPPF Paragraph 28) to support a prosperous rural

economy whilst also seeking to protect environmental quality and the rural character of the countryside.

- 1.31 The pre-submission draft of LP1 indicated that in rural areas, built tourist accommodation would only be permitted if a redundant building was re-used. However, to reflect guidance from Visit England a change was proposed: reference 10/31/2 in the Schedule of Proposed Changes (SUD015). This change (to the policy and supporting text in paragraph 10.208) sets out that in exceptional circumstances new accommodation to support an existing rural enterprise may be permitted if an essential need for a countryside location can be demonstrated in line with Policy 20 – The Countryside.
- 1.32 The Council considers Policy 31 (as amended) to be the most appropriate strategy to meet tourist accommodation needs in the countryside, when considered against the reasonable alternatives, based on proportionate evidence.
- 1.33 To promote a strong rural economy, in line with the advice in paragraph 28 of the NPPF, local and neighbourhood plans, should support the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
- 1.34 There is no evidence that identified needs are not being met by existing facilities in rural service centres in North Dorset. In view of this situation, proposals for tourism-related developments will be considered against the criteria of Policy 11 – The Economy and Policy 31 – The Countryside.
- 1.35 Policy 11 seeks to encourage tourist facilities in town centre locations, in accordance with the sequential approach in Policy 12. Any proposals for tourist facilities in the countryside would be considered against Policy 20 – The Countryside and would have to demonstrate an essential need for a countryside location. In the event that evidence comes to light that identified needs are not being met by existing facilities in North Dorset’s rural service centres then provision could be made to meet such needs in LP 2 or neighbourhood plans.

Question 6.7: Are all the requirements of policy 32 justified? If not, how should they be changed?

- 1.36 All the requirements of Policy 32 relating to equine-related developments in the countryside are justified. The riding and keeping of horses are popular leisure pursuits in North Dorset and equestrian businesses contribute to the rural economy. Both of these activities have the potential to adversely affect environmental quality and the rural character of the District.
- 1.37 The policy seeks to balance the need to promote a strong rural economy, in line with national policy whilst protecting environmental quality and rural character. The policy contains guidance on the types of equine-related activities and developments that are likely to require planning permission and policies that

consider general issues that apply to all equine-related development, such as site suitability and management, horse exercising and highways. It also clearly sets out the Council's approach to different types of development and the issue of ancillary uses.

- 1.38 The policy performed well when tested against the Sustainability Appraisal Objectives (SUD003d) and is considered the most appropriate strategy to meet the needs of the District.

Question 6.8: Are all the requirements of policy 33 justified? Why are temporary dwellings for rural workers (other than in agriculture) not referred to?

- 1.39 All the requirements of Policy 33 relating to occupational dwellings in the countryside are justified. Paragraph 55 of the NPPF states that *“Local planning authorities should avoid new isolated homes in the countryside, unless there are special circumstances such as: ... the essential need for a rural worker to live permanently at or near their place of work in the countryside”*. However it only provides limited guidance on how planning authorities should determine planning applications for occupational dwellings.
- 1.40 North Dorset is a rural District where the need for occupational dwellings is high. With the loss of a detailed framework for assessing proposals (Annex A of PPS7) the Council sought the public's views on including a new policy to replace this guidance through the Key Issues Consultation in 2012 (Question 28) (COD001). A majority of respondents supported a more detailed policy and this was reconfirmed as an appropriate way forward in the Addendum to the Initial Sustainability Appraisal (COD004) that also recommended additional guidance on occupational dwellings in the countryside.
- 1.41 Paragraph 55 of the NPPF clarifies that the need for a rural worker to live permanently at or near their place of work in the countryside would be a special circumstance that could justify allowing a new isolated dwelling in the countryside. However, it does not recognise that the need to live temporarily near a place of work in the countryside would be a special circumstance. Policy 33 therefore goes beyond national policy in allowing temporary agricultural workers' dwellings.
- 1.42 An agricultural enterprise is land-based and if temporary consent is granted for an agricultural workers' dwelling and the enterprise fails, the temporary dwelling can be removed with no harm to the intrinsic character and beauty of the countryside. Other rural businesses, such as equine-related developments, typically involve buildings or other permanent structures, which once built cannot easily be removed. Given the more permanent nature of such enterprises it is considered reasonable for the Council to assess the merits of any proposal for an occupational dwelling for a non-agricultural rural business on the basis that it will be a permanent fixture from the outset.

- 1.43 Policy 33 is considered the most appropriate strategy to meet the particular needs of the District, when considered against the reasonable alternatives, based on proportionate evidence.

Question 6.9: What is the justification for the threshold of 500 sqm referred to in paragraph 10.169?

- 1.44 Many buildings in rural areas are visually attractive or relatively unobtrusive in the landscape. The re-use of such buildings can contribute to the maintenance of the intrinsic character of the countryside without any significant harm. Modern agriculture often requires larger buildings, often over 500 square metres, to function efficiently. However, such buildings are often harmful to the intrinsic character of the countryside and intrusive in the landscape due to their scale and utilitarian materials. For this reason, the supporting text to Policy 20 indicates that the Council will not seek the retention and re-use of existing agricultural buildings in excess of 500 square metres and may seek their removal in order to facilitate environmental improvements.
- 1.45 The 500 square metre threshold is consistent with the thresholds under Classes M, MA and MB of The Town and Country Planning (General Permitted Development) Order 1995 (as amended), which enable the change of use of certain existing agricultural buildings, subject to conditions. Class M permits the change of use to a range of flexible economic and community uses. Class MA allows the change of use to a State-funded school or a registered nursery, while Class MB enables agricultural buildings to be converted to residential purposes (where the cumulative number of separate dwelling houses developed within an established agricultural unit does not exceed three).
- 1.46 Among other conditions, change of use is permitted provided the cumulative floor space of the existing agricultural buildings does not exceed 500 square metres, under classes M and MA, or 450 square metres for class MB. The Government clearly does not consider it appropriate to allow changes of use of buildings above these thresholds as permitted development.
- 1.47 Whilst the permitted development rights allow certain changes of use to agricultural buildings up to 500 (or 450 square metres), planning permission will still be required for re-use schemes beneath these thresholds in a wide range of circumstances, including:
- for residential conversions where the site is in an AONB or a Conservation Area;
 - if the agricultural building is listed or a scheduled monument;
 - if the works required to achieve the conversion of the agricultural building do not fall within the permitted development rights;
 - if the agricultural use of the building commenced after a certain date;
 - if the building is not an agricultural building; or
 - for residential, school or nursery conversions the site is or forms part of a SSSI.

- 1.48 The first sentence of paragraph 10.169 can be interpreted to mean that the Council would not permit the retention and re-use of any agricultural building over 500 square metres. However, the final sentence goes on to outline the ‘most likely’ case where removal of such a building would be sought, suggesting that removal would not be sought in all cases.
- 1.49 It is recognised that the wording in different parts of this paragraph is inconsistent and whilst the Council considers the 500 square metre threshold to be justified, it also recognises that the wording of the first sentence of paragraph 10.169 requires amendment. It is proposed that it should be amended to read: *“For agricultural buildings over 500 square metres, the Council may not permit the retention and re-use of an existing building if it considers that the existing building has a harmful impact on its surroundings or the wider landscape”*.