COUNTRYSIDE ALLIANCE
The voice of the countryside

Rural Planning Review
Department for Communities and Local Government
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21 April 2016

To Whom It May Concern

Re: Rural Planning Review (Qs 14 & 15)

The Countryside Alliance works for everyone who loves the countryside and the rural way of life. Our aim is to protect and promote life in the countryside and to help it thrive. With over 100,000 members we are the only rural organisation working across such a broad range of issues.

The Countryside Alliance welcomes the opportunity to provide evidence as part of this consultation. It is vital that the planning system is efficient and planning policies support sustainable rural life and businesses. Considering the terms of reference for this review, our submission will focus on use of agricultural buildings for residential purposes (Qs 14 & 15 of the consultation) under Class Q (General Permitted Development) (England) Order 2015.

Q14 – *Are the current thresholds and conditions allowing change of use from agricultural to residential appropriate?*

It is important that the thresholds and conditions of these permitted development rights achieve a balance between helping to deliver sustainable housing development, supporting agricultural businesses, and protecting the amenity of the countryside.

The need for more housing stock is not just an issue in towns and cities as many rural areas are also suffering from a lack of housing. Population growth combined with migration out from urban areas has seen the rural population grow by 800,000 in the last decade, driving up house prices and pricing young families out of the communities in which they work and in which they have often been brought up.

We believe that permitted development rights can have an important role to play in delivering sustainable housing development. Class Q development promotes small scale housing developments that are in-keeping with the surrounding environment and reflective of local needs. However, it is important that these developments are properly assessed to consider the potential implications for local infrastructure and environment. We therefore support the existing requirement for prior approval as part of the conditions of Class Q development.

Whilst we believe the need for prior approval should remain a condition of Class Q development, we also believe that local planning authorities should receive clearer guidance from DCLG that development under Class Q is a right and there should be a presumption in favour of prior approval if the proposed development is not in breach of any of the conditions in Q.1. There is also considerable variation in how the conditions of Class Q are assessed

by planning officers in different authorities. There have been several appeal cases which have helped to make the interpretation of Class Q clearer but there remains a lack of consistent application and local planning authorities need to have guidance in place to assist planning officers. These points are addressed in more detail in our response to Question 15.

Even with improved guidance, and more Class Q developments receiving prior approval, the vast majority of housing developments in rural areas, including the majority of conversions, will still be obtained through the regular planning process. It is therefore vital that permitted development rights are not seen as an alternative to an efficient regular planning process that promotes sustainable diversification and development.

Farmers in many sectors are facing the worst trading conditions in a generation. Prices across nearly all sectors have fallen as a result of the global economic slowdown and market volatility. Many farming businesses are being sustained by payments from the Basic Payment Scheme, agri-environment schemes and business diversification. It is vital that the planning system supports sustainable development and diversification projects, particularly during these challenging conditions for the farming industry.

Development under Class Q can be an important way for farmers to grow and develop their businesses. Most farming businesses remain family based and the ability to convert agricultural buildings into residential use allows farmers to provide housing for the next generation who might otherwise be unable to afford to buy a house in their local area. Other farmers have found these rights useful for providing housing for agricultural workers whilst others have rented the completed dwellings on the open market to provide an additional source of income. Some farmers sell the completed dwellings or the un-converted building with prior approval in order to raise capital which can then be reinvested in the farm. Whatever the purpose for development it is clear that these rights have a role to play in supporting agricultural businesses and we believe the current thresholds on the size and number of units that can be converted using these rights are appropriate at the present time.

The conditions of Class Q need to support farmers in both the freehold and tenanted sector. We therefore believe that the existing conditions which prevent landlords from using Class Q development rights without the consent of an existing or recently departed tenant farmer should be maintained. We also believe that freehold farmers should not have to choose between small scale residential conversions or developing the farming side of their businesses. At present if a farmer uses their permitted development rights under Class A or B to build a new barn or grain store on their farm they must wait ten years before being able to use their permitted development rights under Class Q to convert agricultural buildings to residential use. We believe these conditions in Q1(f) should be removed and we address this point in more detail in our response to Question 15.

As well as promoting sustainable housing developments and supporting agricultural businesses, Class Q development can also help protect the amenity of the countryside. Class Q development only permits the conversion of agricultural buildings which creates new dwellings that are in-keeping with the style and design of local agricultural buildings. In some cases Class Q development can enhance the amenity of an area by converting redundant buildings or buildings in poor state of repair. It can also help preserve older buildings which have passed their economic life by converting them to residential use and therefore maintaining the agricultural character of an area. As well as the conditions contained in Class Q, an applicant will have to ensure that any development is financially viable which often means taking amenity factors into consideration as the value of the completed development will have to justify the costs of conversion. This acts as an unofficial condition on Class Q development and should not be overlooked.

Whilst Class Q development can protect, and in some cases enhance, the amenity of the countryside this is only possible if there are appropriate thresholds and conditions in place. This is why we believe that with the exception of Q1(f) all other conditions and thresholds should remain in place at the present time.

Q15 – ***What improvements could be made to the existing permitted development right allowing change of use from agricultural to residential?***

We believe that there are improvements which can be made to Class Q which would help deliver sustainable housing development, support agricultural businesses, and protect the amenity of the countryside.

Better Guidance

Our first recommendation for improvement does not involve changes to Class Q but requires DCLG and local planning authorities to put in place better guidance on Class Q developments.

Despite the fact that these permitted development rights have been in place for two years (initially under Class MB of the 2014 Order), we are concerned that some local planning authorities remain hesitant about granting prior approvals.

We are aware of a number of cases where applicants have had prior approval withheld by local planning authorities, but then obtained the same development through the regular planning process. In the county of Kent, approximately 40% of prior notification applications where prior approval was refused went on to obtain the same development with regular planning applications. This indicates that planning officers remain too cautious in their assessment of Class Q development.

Local planning authorities should receive clear guidance from DCLG that development under Class Q is a right and there should be a presumption in favour of development where the proposed development is not in breach of any of the conditions contained in Q1. Where there are concerns about the sustainability of the development under the conditions contained in Q.2, planning officers should be encouraged to work with the applicant in order to mitigate these factors where possible to ensure the applicant is able to exercise their right.

Some of the conditions in Class Q are made more restrictive by the way they are currently being interpreted by local planning authorities. The listed building exemption has become particularly restrictive as we are aware that some local planning authorities are refusing to grant prior approval on the basis that a building is within the curtilage of a listed building. We are concerned that local planning authorities are being overly cautious in determining curtilage listings when assessing prior notification applications and we would welcome guidance on this as part of improved DCLG guidance to local planning authorities. There should be no distinction between how a local planning authority determines the curtilage listing for a building subject to regular planning application and a building subject to a prior notification application.

As well as better guidance from DCLG, there is also a need for local planning authorities to issue their own guidance to planning officers on how to assess prior notification applications. We are aware that a number of local planning authorities do not currently have guidance in place. This is leading to considerable variation in how the conditions of Class Q are assessed by planning officers in different authorities and there are some areas where the conditions of Class Q appear to be more restrictive than others. The definition of ‘curtilage’ is

once again problematic and different local planning authorities have very different interpretations of “a building and land within its curtilage” for development under Class Q.

The guidance from local planning authorities needs to stress that assessment of prior notification applications should not be determined by the policies contained in any local plan. Development under Class Q is a right and the only grounds for refusing to issue prior approval are provided by the conditions contained in Class Q. We are concerned that in the absence of specific guidance on assessing prior notification applications, planning officers are resorting to the local plan but this is not an appropriate method for assessing Class Q developments. We would encourage local planning authorities to include a section on Class Q development, and other permitted development rights, in their local plans so that the position of this type of development is made clear.

Removal of Q1(f)

We believe that farmers should not have to choose between small scale residential conversions or developing the farming side of their businesses which is why we believe the conditions in Q.1(f) should be removed.

Under the existing conditions of Q.1(f) if a farmer uses their permitted development rights under Class A or B to build a new barn or grain store on their farm they must wait ten years before being able to use their permitted development rights under Class Q to convert agricultural buildings to residential use. This condition does not apply if Class A or B development has taken place before 20 March 2013 as this was the date when the proposal to extend permitted development rights was announced.

The reason for this condition being included in the new permitted development right was to ensure that only buildings which were redundant or had no further agricultural use could be converted. We believe that given the other conditions contained in Class Q, this condition is an un-necessary regulatory burden and should be removed.

We believe that this change would help to increase sustainable housing development in rural areas. It would mean that farmers no longer have to choose between their different permitted development rights and could use Class Q development if they had used Class A or B development since 20 March 2013. As we stated in our response to Question 14, we believe the existing thresholds on size and number of units than can be converted are appropriate at the present time. Farmers would still be limited on the amount of development that could take place under Class Q and the rights would still be extinguished once an agricultural unit had reached the thresholds. The only difference under our proposal is that farmers would not be restricted on when they are able to use their Class Q rights. We believe this will bring forward more prior notification applications for conversions and would help to increase the rural housing stock.

We also believe this change will support agricultural businesses. Our answer to Question 14, highlighted the challenging trading conditions faced by farmers at present. Our proposal will give farmers more flexibility about when they use these rights and encourage them to develop and diversify their businesses. We also believe that this change will result in greater fairness with the use of these rights. At present those farmers who used Class A or B development rights before 20 March 2013 are able to use their rights under Class Q but those who have used them since this date will have to wait ten years which we believe is un-necessary. Ten years is a long time in farming given how quickly the industry is changing and the planning system must support flexibility to encourage farmers to develop and diversify their businesses. We are also mindful of the need to support the tenanted sector and our response to Question 14 states that the existing conditions which prevent landlords

from using Class Q development rights without the consent of an existing or recently departed tenant farmer should be maintained.

We also believe this change will have no detrimental effect on the amenity of the countryside. Our response to Question 14 states that we believe all other conditions of Class Q should remain in place at the present time including the exemptions for listed buildings and Article 2(3) land. We believe that Class Q development can have a positive role to play in protecting and enhancing the amenity of the countryside and farmers should be encouraged to use their rights.

If the Countryside Alliance can be of further assistance or you require any clarification of the points raised, please do not hesitate in contacting me.

Yours sincerely

Tim Bonner
Chief Executive.