

Draft Supplementary Planning Guidance – Re-use and Adaptation of Rural Buildings

November 2013

1. Introduction

1.1 This note is one of a series of Supplementary Planning Guidance notes (SPGs) amplifying the development plan policies in a clear and concise format with the aim of improving the process, design and quality of new development. The notes are intended to offer broad guidance which will assist members of the public, Members of the Council, and officers in discussions prior to the submission of planning applications and assist officers and Members in determining planning applications.

1.2 The purpose of SPGs is to:

- Supplement or elaborate on adopted LDP policies
- Take account of national guidance.

2. Status and stages in preparation

2.1 The Council's SPG notes are not part of the adopted development plan. The Welsh Government has confirmed that following public consultation and subsequent Local Planning Authority (LPA) approval, SPG can be treated as a material planning consideration when LPAs, Planning Inspectors and the Welsh Government determine planning applications and appeals. This SPG document was formally approved for consultation by Denbighshire County Council's Planning Committee on XXXX.

2.2 These notes have been prepared in accordance with guidance contained in Planning Policy Wales (November 2012); Local Development Plans Wales (December 2005); Technical Advice Note 6 – Planning for Sustainable Rural Communities (July 2010).

2.3 This SPG provides further advice and guidance on the Council's commitment to safeguarding rural buildings for uses that contribute positively to the rural economy. It supplements adopted Denbighshire LDP policy PSE 4 ('Re-use and adaptation of rural buildings in open countryside).

3. Background

3.1 Denbighshire has a wealth of stone built barns and other traditional rural buildings which make a contribution to the distinctiveness of the local landscape and the current and future economic needs of rural areas. National and local policies support re-use of rural buildings for purposes that contribute to the local economy and the principles of sustainable development.

3.2 Changes in farming practices and the decline of rural services have resulted in many older rural buildings becoming economically redundant or ill suited for their original purposes. As a result many owners need to look for new economic uses for their buildings. There is demand to convert rural buildings to residential accommodation, however, national and local planning policy presumes against the conversion of buildings to residential use where such buildings may suitably be reused for business purposes. This SPG confirms the Council's commitment to safeguarding rural buildings for purposes that contribute to the rural economy.

4. Policy Considerations

National Policy

4.1 National planning guidance is contained within **Planning Policy Wales (PPW) 2012**, as updated, which stresses the need to balance the protection and enhancement of the countryside with economic, social and recreational needs. PPW supports a positive approach to the conversion of rural buildings for business re-use.

4.2 **Technical Advice Note 6 (TAN 6) Planning for Sustainable Rural Communities (July 2010)**, states that the primary consideration when assessing planning applications for the conversion of rural buildings should be whether the nature and extent of use proposed is acceptable in planning terms. It should not normally be necessary to consider whether a building is needed any longer for its present agricultural or other purposes. However, local planning authorities should investigate the history of use where there is reasonable cause to believe that an attempt has been made to abuse the planning system by constructing new rural buildings with the benefit of permitted development rights with the intention of early conversion to another use.

4.3 TAN6 <http://wales.gov.uk/docs/desh/policy/100722tan6en.pdf> generally prefers business re-use over residential re-use (paras 3.5 and 3.6 refer):

'(3.5) The conversion of buildings which are currently in industrial or commercial use to dwellings may have an adverse impact on the local economy...(3.6) Whilst residential conversions have a minimal impact on the rural economy, conversions to holiday use can contribute more and may reduce pressure to use other houses in the area for holiday use.'

4.4 The TAN also emphasises that conversion proposals must respect landscape and local building styles and materials. Where a proposed re-use of a building may have a significant adverse effect on the visual amenity of a locality the local planning authority if minded to grant planning permission may impose conditions to secure improvement in the external appearance of the building.

Local Policy

- 4.5 The Denbighshire Local Development Plan (2006-2021) adopted 2013 sets the local planning policy context for the County.
- 4.6 Local Development Plan Policy **PSE 4 Reuse and adaptation of rural buildings in open countryside** confirms that consistent with national policy, re-use of rural buildings for economic purposes will be supported. Policy PSE 4 goes on to state that where an employment use has been demonstrated to be unviable that residential conversion to meet local affordable needs may be considered. Evidence indicates that there is a significant need for affordable housing across Denbighshire which will continue for some time. Extending the opportunity for residential conversions in the countryside for affordable housing to meet local needs provides a housing source to help meet this identified need in our rural communities. See PPW 2012 para 9.2.22
- 4.7 **Policy PSE 10 – Local Shops and Services**, states that the loss of local shops and services will be resisted unless it has been demonstrated that a continued commercial use is not viable, including a marketing period and examination of financial records.
- 4.8 **Policy BSC 12 – Community Facilities**, states that change of use from a community facility can be refused unless it has been demonstrated that the potential for continued use as a community facility is un-viable or unsuitable.

5 Buildings that may be suitable for conversion

- 5.1 Some rural buildings play an important role in the landscape of Denbighshire. Proposals to convert such buildings in a sensitive and well-designed manner could have a positive effect on the environment and ensure that these historic/traditional buildings are restored and serve a practical purpose into the future. As a result of their importance, conversion is recommended. Nevertheless converting a building should not lead to a loss of a facility or community service (i.e. public house, village shop etc), unless firm proof is received by the Council proving that the property has been marketed on sale and for rent at a reasonable price for a period of 12 months, which conforms with the principles of policies PSE 4, PSE 10 and BSC12 in the Local Development Plan. Buildings which could be converted for an economic, tourism or affordable housing use following it's unsuccessful marketing for sale and for rent for their current use, include:-
- agricultural buildings
 - chapels/churches
 - mills
 - public houses
 - old schools

- post offices/shops
- vestries

NB This list is not exhaustive

5.2 Buildings that are unlikely to be suitable for conversion

There are some buildings/structures that are not suitable for conversion, such as the ones which are:-

- Fragile in structure
- Ruins, i.e. with substantial sections of the walls missing or that it is in such a ruined state that only the remains of the original building can be seen, see 5.3 below
- Temporary buildings
- In an area at risk of flooding.
- Too small in size see LDP SPG 1 Residential Space Standards
- In such remote and isolated locations which would result in unsustainable development.

5.3 Necessary Structural Elements

With regard to the structure and size of the building, the application will need to comply with the following criteria before it can be granted planning permission:-

- The structure of the walls needs to be visible and strong up to the level of the eaves.
- There must be obvious openings for doors or windows which can be used.
- The appropriate steps have been taken to ensure that the condition of the walls of the building and the roof (where it exists) are safeguarded.
- The present building must be of an adequate floor area, i.e. at least 50m².
- Should the conversion work mean carrying out work to restore the roof, then it should not be necessary to re-build more than 10% of the total wall area. Should it be unnecessary to carry out work to restore the roof, then it would be acceptable for it to be necessary to re-build 20% of the total wall area.

6. The Employment/Marketing Test

- 6.1 Denbighshire County Council is committed to the retention and creation of local employment, rural services and community facilities. The Local Planning Authority, in accordance with policies PSE 4, PSE 10 and BSC12 in the Local Development Plan and national planning guidance, will not allow conversion of such buildings to residential uses for local needs affordable housing, unless sufficient and reasonable attempts have been made to secure a business, commercial or community use for the building depending on previous use.

- 6.2 Sufficient and reasonable attempts at securing a business use for a rural building will require a “marketing exercise”. It is difficult to be prescriptive about the definition of the marketing exercise as each case will be different. However the planning authority will expect a marketing exercise as a minimum to comprise:
- bi-monthly advertisement in a regional newspaper
 - advertising with a commercial property agent;
 - notifying other organisations who may have an interest in promoting the site.
- 6.3 The marketing exercise should last a minimum of 12 months. The planning authority will determine at its own discretion what timescale is “sufficient and reasonable”, following an assessment of the merits of each individual case. The example cited below is an example of the general requirements that the planning authority would expect:
- The rural building must be *actively* advertised for employment uses for a continuous period of at least 12 months starting from the date of the first advert;
 - The rural building should be *actively* marketed through a recognised and independent commercial property agent and should cover the *North Wales, Cheshire and Merseyside* area.
 - The rural building should be advertised for employment uses in an advert in a regional newspaper on a bi-monthly basis during the marketing period;
 - The applicant must, at the start of the marketing period, notify the availability of the land/buildings for employment uses to the following (please contact the planning authority for relevant contact names):
 - (a) Denbighshire County Council's Economic and Business Development unit;
 - (b) Welsh Government, Business Wales; and
 - (c) Any relevant local business associations or interest groups.ie local chambers of trade, tourism associations and local Federation of Small Business groups etc.
 - The Local Planning Authority will require evidence of the extent of the marketing including copies of all adverts (with dates), when and for how long the advert was in the agent's window, websites etc;
 - The relevant contact name at the commercial property agent must also be provided in order for the Local Planning Authority to discuss the extent of their marketing along with details of the marketing particulars. Details of any queries received with regard to the property must be reported back to the planning authority.
 - At the end of the marketing period, the planning authority will require a report setting out the enquiries received, including any firm offers (conditional or unconditional) – with evidence where

necessary - and the commercial property agent's view as to the commercial viability of the site.

6.4 The Local Planning Authority must be satisfied that genuine attempts have been made to both:

- Actively market the property;
- Market the property at a reasonable price for employment, commercial or community uses.

6.5 The Local Planning Authority will require evidence of the marketing exercise to accompany the submission of any planning application for residential conversion.

7. Conversion to residential use for local needs affordable housing

7.1 Residential conversions in the countryside can have a detrimental effect upon the rural character of the landscape and the local economy as well as encouraging unsustainable private car use.

7.2 Re-use of an existing rural building may be acceptable where it has been satisfactorily demonstrated that an economic, commercial or community use is unviable and that it will meet an identified local need for affordable housing. Occupants must have a strong local connection to the Community Council area, in accordance with the Council's Local Connections Policy (see Affordable Housing SPG) and also have a financial need for an affordable dwelling. Applicants will be required to provide evidence in support of the proposed occupant's local connection and financial eligibility. Further guidance on affordable housing can be found in LDP SPG X Affordable Housing.

8. Other Planning Considerations

8.1 In addition to the guidance set out above, there will be further criteria which must be taken into consideration when determining a planning application for conversion. Some of the criteria will relate to residential affordable housing conversions only and others will refer to both residential and employment, commercial or community use conversions. Where conversion to affordable housing to meet local needs is proposed, the scheme should meet the requirements of LDP SPG 1 Residential Space Standards.

8.2 In all instances the objective is to ensure that buildings to be converted are adapted sympathetically having regard to their surroundings. In the case of traditional buildings, the scheme of conversion should ensure that the original character of the building is retained.

8.3 Quality/Condition of Building

Buildings should be of permanent and substantial construction and should not be so derelict that they could only be brought back into use by substantial rebuilding, tantamount to the erection of a new building.

8.4 In order to establish the condition and physical suitability of a building, an independent structural engineer's report will be required. This should clearly demonstrate the structural capability of the building to accommodate the scheme proposed and be submitted with the planning application. This will benefit both the Council and applicant since if a building collapses during alteration the planning permission may not be able to be implemented.

8.5 **Quality of Conversion**

Once the suitability of a building for conversion is established, then the actual details of the scheme need to be assessed. The following considerations are put forward as generally reflecting good practice. There may be individual buildings wherein the guidance may not be appropriate depending on its unique character, design, materials and construction. In such cases advice should be sought from appropriate Council officers.

(a) Extension/alteration

Generally, the building should be capable of conversion without the need for extensions and alterations. The roof line should not be altered or raised and dormers will almost always be inappropriate, unless they are traditional to other buildings in the locality.

(b) Internal sub-division

By the nature of their intended purposes, many buildings are open plan internally. It is inevitable, particularly for residential uses, that internal sub-division is necessary e.g. to separate kitchen, bathroom and living space or to separate office space/storage. Internal sub-division should be kept to a minimum so as to respect the internal features, space or roof structures.

(c) Elevational changes

(i) Windows and Doors:

A difficulty experienced in conversion schemes is to enable sufficient natural light into a building, without the creation of a considerable amount of new openings (fenestration) which would seriously damage its existing character. Wherever possible, existing openings should be retained and new openings should be kept to a minimum. Where new windows and doors are unavoidable, they should be sympathetic in design, proportions and materials. The use of UPVC will generally be unacceptable and all external timber should be painted rather than stained. Additional light may be achieved by the glazing of ventilation slits and sparing use on less visible roof lines of flush fitting conservation roof lights.

(ii) Details:

Existing features such as fixed machinery, arches, lintels ventilation slits etc., should be retained and incorporated into the scheme. Where openings need to be blocked up a sympathetic material should be used

and recessed to emphasise the original opening. The use of timber boarding or glass may be appropriate for large openings with glazing helping to ensure sufficient natural light is available. The introduction of chimney stacks and modern or over-ornate details should be avoided. External rainwater goods should be kept to a minimum and be black finished cast-iron or aluminium.

(iii) External materials:

Existing stone/brickwork should be repointed using traditional lime based mortars and methods, and roof slates/tiles should be repaired and re-used wherever possible. In instances where new materials are necessary, these should match the existing in terms of size, colour, texture etc. Only when the existing building features rendering and/or paint/whitewash will this form of treatment be appropriate.

External Areas

Notwithstanding the quality of the actual conversion scheme, considerable care must be taken with the external surroundings. The creation of a residential curtilage, boundary treatment and the introduction of residential and domestic features and materials can have a damaging effect on the character of the building and its surroundings. Bin stores etc should be sensitively located.

(a) Curtilages

The curtilage of a rural building should generally remain open and uncluttered. Where there is scope for private areas in residential conversions these should be screened with hedging and walls of old brick or stone and should follow existing natural or manmade boundaries such as hedge lines or farmyard boundary walls. The treatment of boundaries should reflect the building's rural character with simple post and rail fences stone / brick walls and timber gates being acceptable. The planning application should include plans clearly defining the extent of the curtilage areas and showing detailed boundary treatments.

In residential conversions, conservatories, pools, sheds, interwoven fences and ornate entrances etc., may detract from the character of the building and its setting. The incorporation of agricultural land into a building's curtilage constitutes a change of use and will require planning permission but will normally be discouraged.

(b) Surfaces

Modern ground surface materials such as tarmac and concrete are sometimes out of keeping with the character of traditional rural buildings, although there are instances when tarmac may be suitable. Wherever possible, existing stone sets, cobbles or other suitable/sympathetic materials should be retained or re-used and supplemented where necessary.

(c) Landscaping

Generally, hard landscaping will be appropriate to courtyards and soft landscaping appropriate elsewhere. Existing landscape features should be retained where possible. Planning applications should be accompanied by a fully detailed landscaping scheme.

(d) Parking

Parking should be in accordance with the Local Planning Authority's guidelines. Careful consideration should be given to the sensitive siting and design of car parking, in both employment and residential schemes.

Wherever possible in a residential conversion scheme, garaged cars should be incorporated within the conversion scheme, especially in buildings with former loading bays and barn doors.

(e) Services

Particular care needs to be given to services which can have a damaging visual effect. LP gas tanks, septic tanks etc. should be sensitively sited and well screened so as to be unobtrusive whilst electricity control boxes, alarm boxes, satellite dishes and flues etc., should be positioned on less prominent elevations.

(f) Storage

Some employment conversion schemes may need space for the storage of goods and materials. As with car parking, careful consideration should be given to the siting and screening of any storage areas, ensuring that there is a minimal impact upon the building and its surroundings by utilising screening through existing or new walls or through landscaping measures.

(g) Access for Disabled People

An inclusive design approach is recommended to incorporate facilities for disabled people in compliance with the Equalities Act 2010. Access should be in accordance with the Local Planning Authority's guidelines, Access Strategy and Approved document Part M of Building Regulations 2010.

8.6 Amenity/Setting of Other Buildings

The relationship of the conversion scheme to other buildings needs to be assessed. Often there will be dwellings nearby and both these and the conversion scheme must take account of privacy and overlooking issues. Agricultural or other operations, either on the site or nearby must not result in inadequate amenity standards.

8.7 Wildlife

Some buildings may contain roosts for bats, owls and other nesting birds which are protected by the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife & Countryside Act 1981 (as amended). It is illegal to kill, injure or take most wild birds

and to take damage or destroy the nest of any wild bird whilst it is in use or being built. Some species, such as the barn owl, receive further protection under the Act. In such cases, the applicant will need to undertake a pre-determination survey and Natural Resources Wales (NRW) will be consulted on the results of the survey and mitigation required. Local Development Plan policy VOE 5 Conservation of Natural Resources should be considered. Applicants are advised to contact the County Ecologist for advice and refer to any other guidance on nature conservation and planning. It is an offence to kill, injure or disturb any bat and to damage, destroy or obstruct access to any place a bat uses for shelter or protection, even if bats are not present at the time. An offence can be committed even if the actions were unintentional. Steps can be taken in the detailed designs of roofs to provide suitable habitats and access for bats and birds and these will need to be incorporated within any scheme where the presence of these species is evident or likely.

8.8 Listed Buildings and Conversion Areas

Some buildings may be listed as being of special architectural or historic interest or may fall within the curtilage of a listed building. Others may fall within conservation areas. In both cases conversions will require very careful consideration to ensure that the character, appearance and features of the buildings are retained. Where developments are being proposed under policy VOE 4 Enabling development the special circumstances which warrant consideration under this policy may override the requirements of Policies BSC 12, PSE 4 and PSE 10 and this SPG guidance. A separate application for listed building consent will be required where works are proposed to a listed building or building within the curtilage of a listed building.

8.9 Removal of Permitted Development Rights

In granting planning permission for residential conversions permitted development rights will be removed by the imposition of a planning condition. All subsequent alterations i.e. garages, extensions, outbuildings, sheds, alterations to the roof etc., which would normally be permitted development, will require specific planning permission. This is to avoid the loss of the building's character through a series of small changes which cumulatively have an adverse effect.

9. Contacts

Planning & Public Protection Policy Team

Tel: 01824 706916

Email: ldp@denbighshire.gov.uk

Development Control & Compliance Team

Tel: 01824 706727

Email: planning@denbighshire.gov.uk

Conversion of Rural Buildings
Supplementary Planning Guidance
consultation draft
22/01/2014

Equality Impact Assessment

Conversion of Rural Buildings Supplementary Planning Guidance - consultation draft

Contact: Angela Loftus

Updated: 22.01.14

1. What type of proposal / decision is being assessed?

A new or revised policy

2. What is the purpose of this proposal / decision, and what change (to staff or the community) will occur as a result of its implementation?

The proposal is to carry out a public consultation on a new Supplementary Planning Guidance (SPG) on conversion of rural buildings.

3. Does this proposal / decision require an equality impact assessment? If no, please explain why.

*Please note: if the proposal will have an impact on people (staff or the community) then an equality impact assessment **must** be undertaken*

No	The proposal is to to carry out public consultation on new planning guidance relating to conversion of rural buildings. The content of the SPG does not set policy but merely provides additional explanation and information for Members, Officers and developers in applying the policy. The LDP, including the requirement to consider the conversion of rural buildings. underwent a full EqlA in 2009.
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4. Please provide a summary of the steps taken, and the information used, to carry out this assessment, including any engagement undertaken

(Please refer to section 1 in the toolkit for guidance)

The Denbighshire Local Development Plan (LDP) is the overarching policy document under which all SPG sit and this underwent an EqlA in 2009.

5. Will this proposal / decision have a positive impact on any of the protected characteristics (age; disability; gender-reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation)?
(Please refer to section 1 in the toolkit for a description of the protected characteristics)

No

6. Will this proposal / decision have a disproportionate negative impact on any of the protected characteristics (age; disability; gender-reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation)?

No

7. Has the proposal / decision been amended to eliminate or reduce any potential disproportionate negative impact? If no, please explain why.

No	Not required
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8. Have you identified any further actions to address and / or monitor any potential negative impact(s)?

No	Not required
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Action(s)	Owner	By when?

9. Declaration

Every reasonable effort has been made to eliminate or reduce any potential disproportionate impact on people sharing protected characteristics. The actual impact of the proposal / decision will be reviewed at the appropriate stage.

Review Date:	03 2014
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Name of Lead Officer for Equality Impact Assessment	Date
Angela Loftus	22.01.14

Please note you will be required to publish the outcome of the equality impact assessment if you identify a substantial likely impact.
