
REPORT TO:	Environmental & Development Services Committee	AGENDA ITEM:	11
DATE OF MEETING:	13th November 2003	CATEGORY:	DELEGATED
REPORT FROM:	Deputy Chief Executive	OPEN	
MEMBERS' CONTACT POINT:	Gill Hague (595821)	DOC:	
SUBJECT:	Draft Planning Policy Statement 7 – Sustainable Development in Rural Areas	REF:	
WARD(S) AFFECTED:	All	TERMS OF REFERENCE:	ES03

1.0 Recommendations

- 1.1 The Office of the Deputy Prime Minister be informed that the Council generally supports the policy thrust contained in draft Planning Policy Statement 7 (PPS7) subject to the following:-
- (a) the term 'substantially' in so far as it relates to replacement buildings should be defined;
 - (b) further guidance should be provided regarding the use of Section 106 Agreements relating to development in towns and service centres for securing community benefits for rural areas;
 - (c) replacement buildings for business purposes should be accompanied by a statement to justify their sustainability;
 - (d) further guidance should be provided regarding how the Government envisages the policy on replacement buildings for business use operating;
 - (e) the position regarding the conversion of non-residential buildings to dwellings in the countryside should be set out more clearly;
 - (f) design guidance should be provided regarding equestrian uses.

2.0 Purpose of Report

- 2.1 To inform Members about, and seek their comments on, a draft of a new Planning Policy Statement (PPS) on Sustainable Development in Rural Areas.

3.0 Executive Summary

- 3.1 The Government is reviewing Planning Policy Guidance Notes and reissuing them in the form of Planning Policy Statements.
- 3.2 PPS7 sets out the Government's policy on rural areas.
- 3.3 The main changes are as follows:
- New policy on the replacement of buildings in the countryside which subject to some safeguards is permissive of such buildings where they will be put to business use.
 - New policy on equine activities.
 - Expanded policy on community facilities including the use of Section 106 Agreements to achieve them.
 - Expanded policy on tourism in advance of the deletion of PPG21 – Tourism
 - Removal of references to local countryside designations
 - Deletion of the exceptions policy allowing large, high quality houses to be built in open countryside
 - Some improvement in the wording regarding the conversion of buildings to residential use
 - Deletion of all Annexes other than that relating to occupancy conditions.
- 3.4 Responses to the consultation document should be received by ODPM by 12th December 2003.

4.0 Detail

- 4.1 The draft document (a copy of which is available in the Members Room and can be viewed on the website of the Office of the Deputy Prime Minister) sets out the Government's broad policy objectives relevant to rural areas and proposed planning policies that will help deliver them.
- 4.2 The Government considers that there remains a strong requirement for a distinct set of national planning policies that address the particular circumstances of rural areas and the wider countryside as established in Planning Policy Guidance Note 7: The Countryside – Environmental Quality and Economic and Social Development (PPG7). However, it has concluded that a considerable amount of the material in that document particularly in its annexes is out of date and/or inappropriate for the shorter, focused statements that it now seeks to provide.
- 4.3 The Government considers that the policies set out in the draft PPS are firmly based on the principles of sustainable development and the need to protect the wider, largely undeveloped countryside for the benefit of all.
- 4.4 The policies contained in the draft PPS apply to country towns and villages, rural business development and rural services, and the wider, largely undeveloped countryside.
- 4.5 In order to ensure that policies are relevant and effective it states that local authorities should undertake surveys and assessments of rural economic and social conditions and needs including local housing needs.
- 4.6 Most of the policies reproduce or are closely based on existing policies in PPG7 updated as appropriate. The main changes are as follows:

- 4.7 There is a new policy on the replacement of buildings in the countryside. Where specific sites have not been identified for redevelopment in local plans, the replacement of existing buildings in the countryside for business purposes (or, exceptionally, other purposes with wider benefits) will be acceptable where
- the replacement building would bring about an environmental improvement
 - replacement would not result in the loss of, or unacceptable harm to, interests of importance
 - the proposed use for the replacement building would not be on such a scale as to undermine the achievement of sustainable communities
 - the replacement building is not substantially larger in terms of its footprint and height than the building it is replacing.

(The replacement of non-residential buildings with residential development should be treated as new housing development in accordance with policies contained in PPG3 and where appropriate the guidance on essential rural workers set out in the annex to PPS7).

Officer comment:-

- (i) *The term 'substantially' is not defined and this could lead to differences of opinion and result in inconsistent decisions.*
- (ii) *The emerging local plan encourages the reuse or adaptation of a rural building for small scale industrial and business use as the reuse of existing premises is sustainable. However it seeks to ensure that new buildings (which is what in effect a replacement building would be) for such a purpose are located within Swadlincote, Melbourne or one of the serviced villages. Replacement should only be allowed if it can be demonstrated that the existing building is incapable of reuse. Applications for replacement buildings in the countryside for business purposes should be accompanied by a statement justifying their sustainability. This would ensure that redeveloping in rural locations does not merely become a cheap alternative to floorspace in urban areas.*
- (iii) *Guidance on how the Government envisages the replacement buildings policy operating would be useful as this appears to be potentially the most unsustainable and visually harmful issue in the draft PPS.*

- 4.8 There is a new policy on equine related activities – Horse riding and other equestrian activities are acknowledged as popular forms of recreation in the countryside that can fit in well with farming activities and help to diversify rural economics. Local plans should set out policies -

- for supporting equine enterprises, whilst maintaining environmental quality and countryside character
- such policies should provide for a range of suitably located recreational and leisure facilities and where appropriate for the needs of training and breeding businesses.
- they should also facilitate the re-use of farm buildings for small-scale horse enterprises that provide a useful form of farm diversification.

Officer comment:

- (i) *The emerging local plan covers both commercial equestrian facilities and private field shelters. Design guidance on 'horsey' development would be beneficial as such developments are invariably messy visually.*

4.9 Policy on community services is expanded– Reference is made to the use of planning obligations relating to new developments in country towns and other service centres -

- to facilitate and provide for new services and facilities that will be reasonably accessible to those who live and work in rural areas;
- seek contributions to enhance public transport as a means of improving access to service centres;

The provision of small-scale, local service facilities such as childcare facilities away from the main service centres should be supported where they will be located within or adjacent to existing villages and settlements where access can be gained by walking and cycling and where available public transport.

Planning Authorities should adopt positive policies for planning proposals designed to improve the viability, accessibility or community value of existing services and facilities and should set out criteria to be applied when considering applications that will result in the loss of vital village services.

Officer comment:

- (i) Policy C1 of the emerging local plan seeks to protect existing community facilities. Policy C2 is positive in its approach to new community facilities and takes account of the smaller localised needs referred to in the draft PPS. Meeting community needs is also one of the criteria contained in the major housing allocation policies. Policy S8 seeks to resist the loss of retail provision.*
- (ii) Small scale housing development in rural areas is unlikely to generate sufficient funds to provide new community facilities. The draft PPS appears to address this by implying that Section 106 Agreements relating to development in towns and service centres can be used to facilitate facilities (including access to public transport) in the rural area beyond those towns and centres. This needs to be clarified in order to ensure that negotiations do not fall foul of legislation requiring such measures to be reasonable.*

4.10 Policy on tourism and leisure is expanded to reflect the policies the Government would expect to include should it proceed to cancel PPG21 Tourism – It is recognised that tourism and leisure activities are vital to many rural economies.

- Local plan policies should support sustainable tourism and leisure proposals that benefit rural business, communities and visitors and which enrich but do not harm, the character of the countryside, its towns, villages, buildings and other features.
- There will be scope for development within areas of statutory protection subject to appropriate controls to protect environmental quality.
- Proposals for large-scale tourism and leisure developments in rural areas must be subjected to close assessment to weigh up their advantages and disadvantages to the locality in terms of sustainability. Regard should be had to PPG13 where high volumes of traffic may be generated.

- Essential facilities for tourist visitors should be provided in appropriate locations that will normally be in or close to service centres or villages.
- Small-scale facilities needed to enjoy the visitor's enjoyment and/or improve the financial viability of a particular countryside feature or attraction should be allowed provided they will not detract from the attractiveness or importance of the feature or the surrounding countryside.
- Where possible tourist and visitor facilities should be accommodated in existing or replacement buildings.
- Most tourist accommodation should be located in, or adjacent to, existing towns and villages.

Officer comment

- (i) *Policies in the emerging local plan appear to be generally consistent with the draft PPS.*

4.11 There is a major change to the policy on local countryside designations in that the Government does not believe such designations are necessary and therefore authorities when reviewing their local plans should remove any existing such designations.

Officer comment

- (i) *The move away from such local designations firms up the approach contained in PPG7 which is already reflected in the emerging local plan.*

4.12 One significant change is that the specific policy exception in PPG7 that allows for large, high quality houses to be built in the open countryside is removed.

Officer comment

- (i) *The removal of this exception will avoid arguments relating to unworthy schemes and is a welcome change for development control.*

4.13 In regard to the conversion of non-residential buildings to dwellings the draft PPS states that such conversions will not normally be appropriate where they are remote from settlements and services. Exceptions could be supported in cases where a specific local need would be met (e.g. for an essential worker) that would obviate the need for a new dwelling in the countryside; where it would provide the most sustainable option (e.g. to allow someone to live with their carers); or it would meet an identified housing need in a less remote location that offered good accessibility to services in a nearby town or village. In less remote locations it implies that conversion to residential use can occur if there is an identified housing need. There is an overriding proviso that the residential curtilages relating to such conversions should not result in a harmful effect on the character of the countryside.

Officer Comment

- (i) *The PPS needs to make it absolutely clear of its position on the conversion of buildings in the countryside to residential. A better approach would be to state that conversion of non-residential buildings in the countryside to open market housing will not be allowed subject to the listed exceptions. A cross-reference could be made to PPG3 that agricultural buildings do not fall within the*

definition of previously developed land and therefore are not residential windfall sites.

- 4.14 The draft document contains one Annex that sets out policy criteria for new occupational dwellings in the countryside and on the imposition and removal of occupancy conditions for such dwellings. It is intended that the policy criteria applied to farm and forestry workers' dwellings should as appropriate also be applied to countryside dwellings associated with other occupations.

Officer comment

- (i) *Occupancy conditions as set out in the draft PPS have always been applied by the Council.*

- 4.15 Once the final of PPS7 is published the Government intends to issue accompanying guidance on agricultural and forestry permitted development rights. Views are sought on other aspects contained in the PPS that would benefit from separate guidance in order to assist the implementation of the policies.

5.0 Financial Implications

- 5.1 Some survey work has already been undertaken regarding facilities and services in the rural area as part of the local plan preparation however specialist survey work will be required with regard to establishing the housing needs of rural areas. Such information is necessary for the Council to demonstrate that it has a genuine understanding of the housing markets within the District and work is likely to be part of a programme associated with the preparation of the Housing Strategy.

6.0 Corporate Implications

- 6.1 Ensuring that the needs of rural residents are met will require corporate working.

7.0 Community Implications

- 7.1 The PPS seeks to ensure that people who live or work in rural areas have reasonable access to a range of services and facilities in line with the Government's objective to raise the quality of life and the environment in rural areas through the promotion of 'thriving, inclusive and sustainable rural communities'.

8.0 Conclusions

- 8.1 The review of Planning Policy Guidance Notes and the issue of shorter succinct Planning Policy Statements is intended to result in greater clarity which in turn should speed up the planning process. However, while some of the content of PPS7 is welcomed the document, as did its predecessor PPG7, contains ambiguities that will cause delay in determining planning applications and result in more appeals as a result of different interpretations of the policy.

9.0 Background Papers

- 9.1 None other than those referred to in the report.