



Report to LDF Steering Group February 2014.

Technical Note

Policy Guidance for change of use of rural service provision and conversion of existing buildings

This document was taken to Local Development Framework Steering Group in 2012. It was circulated for consultation to all parties on the Council's planning database over the period 1st November to 13th December 2013. Changes following consultation were agreed at the LDF Steering Group on 27th February 2014. This 'technical note' is a material consideration in determining proposals under policies CP3 iv and DM2 7 of the adopted Core Strategy.

The Council's response to the consultation can be found on the consultation portal: <http://consultldf.tauntondeane.gov.uk/portal>

1. Background

1.1 The provision and retention of rural services are essential in order to assist in the creation and retention of sustainable communities, prevent inequality of access and assist in combating rural deprivation.

1.2 Government policy in the NPPF requires the identification of a network and hierarchy of centres and recommends that plans should promote the retention and development of local services and community facilities in rural areas.

1.3 The NPPF also seeks to promote a strong and prosperous rural economy, supporting business expansion through conversion of existing buildings and well designed new build. In this regard the Framework also seeks to avoid new isolated homes in the countryside unless there are special circumstances.

1.4 The Borough Councils adopted Core Strategy seeks to progress these objectives through the application of the following policies:

1.5 Core Strategy policy CP3 iv. states that within rural areas proposals which would result in the loss of small shops, public houses, surgeries and other community services and facilities "*will not be permitted where this would damage the vitality and viability of a settlement or increase car travel by local residents unless it can be independently proven to be unviable for re-use for local service provision*".

1.6 This policy replaces Local Plan policy EC15 (C) of the Local Plan, the supporting text requiring a range of marketing and viability requirements to be submitted.

1.7 Core Strategy policy DM2 7. requires a sequential approach to be taken towards conversion of existing buildings. The supporting text requires demonstration that such buildings are demonstrably unsuited for the listed uses prior to consideration of residential use which is often considered the least sustainable option and most likely to impact on the intrinsic visual character of the countryside.

1.8 Policy DM2 7. replaces policy EC6 of the Local Plan. It also reflected guidance in PPS7 for reuse of rural buildings and the suggestion that certain uses may be preferable over others. The NPPF replaced PPS7 in March 2012 and whilst that 'preference' is no longer stated, policy DM2 has been found to be 'sound', forming part of the adopted Core Strategy.

2. Preamble

2.1 The common thread in both policies is the requirement to seek planning permission for a change of use and the need to demonstrate that a). the existing use is no longer viable and / or b). that there are no preferable alternatives.

2.2 Agents and Development Management officers have sought clarification on the application of the sequential approach to Core Strategy policy DM2 (7), how a property should be marketed and what the local planning authority requires for a viability appraisal. The text below seeks to provide a consistent approach to such requests.

3. Viability

3.1 Any proposal for the loss of a community service or facility must demonstrate that the current use is not viable through a viability assessment and agreed marketing strategy.

3.2 An independent commercial viability study should therefore accompany any application. As part of this submission, evidence is required in the form of at least the last three years of accounts which have been independently reviewed by a qualified accountant.

3.3 The local planning authority will require evidence that the service/facility has been positively run over the last three operational years and where appropriate, diversification sought. Applicants will note that local people/customers may provide opposing arguments during public consultation.

4. Policy Application

4.1 Notwithstanding other policy requirements contained in Core Strategy policy DM2 such as accessibility and retention of architectural quality, all proposals for conversion of existing buildings outside of defined settlement limits must apply the sequential approach for reuse, in line with the hierarchy

in policy DM2 (7) and would generally need to submit a marketing strategy in line with this sequential approach (see below).

5. Marketing Strategies

5.1 A marketing strategy will normally be required when a proposal requires the change of use of a building currently or most recently providing a service or facility for the community, e.g. a rural shop or public house for example.

5.2 Unless otherwise agreed in writing with the local planning authority, it would also generally be required for the proposed conversion of existing buildings outside defined settlement limits to ascertain whether there is any demand for community, Class B or other employment generating uses prior to sequential consideration of alternative uses listed in Core Strategy policy DM2 (7). An exception to this would be where the proposal assists diversification of existing farming and service enterprises, consistent with Core Strategy policy DM2 3a). In line with the Core Strategy Examination Inspectors report, a further exception is that community uses are not necessary for sequential consideration unless they are adjacent or closely related to settlements.

The current planning status of the building to be marketed should be clearly stated, including whether or not the building is listed.

5.3 The relevant Parish/Town Council should be informed in advance by the agent of any proposed marketing exercise regarding any service use or building proposed for conversion. This will assist in the following ways:

- If there is significant support from the local community for a viable and funded community or service use the Borough Council will give consideration to adding the property to the register of Assets of Community Value.
- With regard to conversion of an existing building, whether there is a local preference for retention or use of the building/property for community service or community uses. In the case of buildings falling under policy DM2 of the Core Strategy, community housing proposals should also be considered.

5.4 After informing the Parish/Town Council, the marketing process should last for 12 months, unless a focussed marketing strategy has been pre-agreed in writing with the local planning authority, in which case a reduced timescale may be accepted;

5.5 The asking price¹ should be pre-agreed in writing with the local planning authority following independent valuation (funded by the applicant) by a professional RICS valuer with expertise in the relevant sector and who is not engaged to market the property;

5.6 The marketing exercise should utilise all available forms of advertising media and therefore include as a minimum:

- A for Sale/Rent advertising board
- Regular advertisements in the local press, appropriate trade magazines/journals and trade websites
- Regular advertisements through both local and, where appropriate, national estate agents (including their websites)

5.7 Copies of all sales literature (and in the case of a signboard, dated photographs) will be required.

5.8 Copies of all details of viewings, approaches and offers should be provided together with full reasons as to why any other offer has not been accepted.

5.9 Any attempts to sell the business at a price which reflects its current use should relate to the business in its entirety, and not parts of it, for example, a pub should be marketed with any existing garden or outbuildings.

6. Recommendations

6.1 Members note the contents of this report and instruct Officers to put the document on the Councils web site and apply its contents when discussing proposals with agents and other stakeholders for the change of use of rural service provision and conversion of existing buildings.

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¹ For Use Class A properties the price should be based on the valuation of the last/authorised use(s) (and in the case of a public house, without any tie) although it should be marketed as suitable for that use or any alternative Class A use or any other permitted use that provides a community service or facility.

For change of use of other redundant buildings the asking price should be based on an agreed Class B use or other agreed employment generating use unless there is a proven demand and Parish preference for 'community housing'.