

12 August 2016



### **EXMOOR NATIONAL PARK HEARINGS - SESSION 3**

#### **COMMENTS ON EXAMINATION DOCUMENTS EX17 AND EX18**

Business Exmoor's (BE) comments on these documents relate to the national planning policy regarding the vacant building credit (vbc).<sup>1</sup> BE considers that it is clear from the national policy and related guidance that the vbc applies to any vacant building being brought back into use where the building has not been abandoned.<sup>2</sup>

BE recognises that the stated aim of the vbc is to provide an incentive for brownfield development on sites containing vacant buildings<sup>3</sup> and that the usual definition of brownfield development is the redevelopment of previously developed land which excludes land that is or has been occupied by agricultural or forestry buildings.<sup>4</sup>

BE considers that the policy objective to provide an incentive for brownfield development does not operate to exclude agricultural or forestry buildings from the policy where the policy itself does not itself make any distinction or exclusion and is stated as applying to any vacant buildings brought back into any lawful use or demolished for re-development.<sup>5</sup>

BE also notes the reference in the Minister's Written Statement to the policy objective of providing consistency with exemptions from the Community Infrastructure Levy (CIL) in the treatment of vacant buildings being brought back in to use (other than for any increase in floor space). The point here is that the CIL, where it is applied, applies to all relevant

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<sup>1</sup> Planning Practice Guidance Reference ID: 23b-021-20160519

<http://planningguidance.communities.gov.uk/blog/guidance/planning-obligations/planning-obligations-guidance/>

<sup>2</sup> Planning Practice Guidance Reference ID: 23b-023-

<sup>3</sup> Planning Practice Guidance Reference ID: 23b-021-20160519

<sup>4</sup> NPPF Annex 2 <http://planningguidance.communities.gov.uk/blog/policy/achieving-sustainable-development/annex-2-glossary/>

<sup>5</sup> See Written Statement made by the Minister of State for Housing and Planning 28 November

<http://www.parliament.uk/documents/commons-vote-office/November%202014/28%20Nov%202014/2.%20DCLG-SupportForSmallScaleDevelopersCustomAndSelf-Builders.pdf>

buildings (as defined in the CIL Regulations), including those used for agricultural purposes.<sup>6</sup> For consistency to be achieved, the vbc must also apply to all buildings.

BE considers that its comments on the application of the vbc are supported by the following documents.

### **EX17 - DCLG Building More Homes on Brownfield Land. Consultation Proposals**

BE has referred the Examiner to paragraphs 4 and 5 of the introduction to this document which provides the context for the January 2015 consultation.<sup>7</sup>

Paragraph 4 says that planning regulations have been amended to make it easier to change the use of an existing building from commercial, retail and agricultural use to residential use.

Paragraph 5 refers to changes to national policy to lift Section 106 burdens on vacant buildings being returned to use or demolished for re-development.

It is BE's view that these paragraphs provide support for its conclusion that it is clear that the vbc applies to agricultural (and forestry) buildings as well as to other vacant buildings and that the conversion of vacant agricultural and forestry buildings to residential use is part of the national policy objective of building more homes on brownfield land.

### **EX18 Superseded by Case Law – West Berks DC & Reading BC v SSCLG[2015 EWHC 222 (Admin). Changes to Government Policy**

BE referred the Examiner to question and answer number 18 in this document.<sup>8</sup> This is as follows:

18. Would the vacant building credit apply to vacant agricultural buildings. Given the premise of the vacant building credit seems to be encouraging the bringing back in to use of brownfield/ previously developed land and given that agricultural uses are not classified as previously developed, do you think it would be right to interpret that the vacant building credit should not apply to agricultural buildings.

No, the distinction is not made between agricultural buildings and others - therefore it is just any vacant building that would be a credit (as long as it is not abandoned).

BE comments that the above provides specific and authoritative support for BE's reading of national planning policy regarding the vbc.

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<sup>6</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/397586/2015-01-21\\_-\\_redaction.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/397586/2015-01-21_-_redaction.pdf)

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/398745/Brownfield\\_Consultation\\_Paper.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398745/Brownfield_Consultation_Paper.pdf)

<sup>8</sup> [http://www.pas.gov.uk/s106/-/journal\\_content/56/332612/6783401/article](http://www.pas.gov.uk/s106/-/journal_content/56/332612/6783401/article)

## **Impact of vbc on the draft ENPA Local Plan**

Planning practice guidance includes the following:<sup>9</sup>

*In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy.*

*In doing so, it may be appropriate for authorities to consider:*

- *Whether the building has been made vacant for the sole purposes of re-development.*
- *Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.*

The intention of national policy with regard to the reuse of existing buildings is as set out in the documents referenced earlier in this submission and also as set out in the National Planning Policy Framework. (NPPF)<sup>10</sup>

One of the core planning principles at paragraph 17 is to encourage the reuse of existing resources, including conversion of existing buildings.

Paragraph 28 says that that planning policies should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.

So far as housing is concerned, paragraph 55 the NPPF says 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; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting

Although not applicable within the Exmoor National Park, national planning policy is supportive of the conversion of agricultural buildings to residential use which is permitted under Class Q of Part 3 of Schedule 2 of the The Town and Country Planning (General Permitted Development) (England) Order 2015.

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<sup>9</sup> Planning Practice Guidance Reference ID: 23b-023-

<sup>10</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

BE sees Exmoor's traditional agricultural buildings that are currently under-used, vacant or redundant as a significant resource that can facilitate appropriate sustainable development in a way that is entirely consistent with both national planning policies and National Park purposes.

Although restricted to the circumstances set out in the draft local plan, the draft plan includes policies for determining when existing buildings may be suitable for conversion to housing. Buildings outside settlements are considered suitable if they are located within hamlets and farmsteads.

BE considers that Exmoor's traditional agricultural buildings are very much part of its special character and architectural heritage and that their re-use for suitable business or residential purposes would secure their future and their position within the historic built landscape of the National Park – in accordance with national planning policy.

BE also considers that such development would contribute to the re-use of redundant or disused buildings and lead to an enhancement to their immediate setting – again, in accordance with national planning policy.

As Class Q permitted development rights do not apply within the National Park, it is possible for ENPA to apply appropriate policy tests that are consistent with safeguarding the special qualities of the National Park to control when the conversion of existing buildings will and will not be acceptable; subject to those policies being consistent with national planning policy.

In circumstances where planning consent is granted for the conversion of vacant buildings to residential use it is BE's view that it will follow that the vbc should be applied in accordance with the current national planning policy.