



Report to North Norfolk District Council

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

**REPORT ON THE EXAMINATION INTO THE NORTH NORFOLK SINGLE POLICY
REVIEW (CONVERSION AND RE-USE OF RURAL BUILDINGS AS DWELLINGS)**

DEVELOPMENT PLAN DOCUMENT

Document submitted for examination on 5 March 2010

Examination hearing held on 5 August 2010

File Ref: PINS/Y4620/429/5

ABBREVIATIONS USED IN THIS REPORT

CS	(North Norfolk) Core Strategy, adopted 2008
Doc	Document (as numbered in Examination library)
DPD	Development Plan Document
EEP	East of England Plan
Ha	Hectare
Km	Kilometre
LDF	Local Development Framework
LDS	Local Development Scheme
LP	Local Plan
MM	Minor Modification (proposed by Council before hearing)
PDL	Previously developed land
PM	Proposals Map
PPS	Planning Policy Statement
PS	Principal Settlement (as defined in the LDF: Cromer, Holt, Fakenham, North Walsham)
RSS	Regional Spatial Strategy
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SPD	Supplementary Planning Document
SS	Secondary Settlement (as defined in the LDF: Hoveton, Sheringham, Stalham, Wells)

Non-Technical Summary

This report concludes that the North Norfolk Single Policy Review (Conversion and Re-Use of Rural Buildings as Dwellings) Development Plan Document provides an appropriate basis for the planning of this matter in the District up to 2021. The Council has sufficient evidence to support the proposed policy and can show that it has a reasonable chance of being successfully implemented.

No changes are needed to meet legal and statutory requirements.

Introduction

- i. This report contains my assessment of the North Norfolk Single Policy Review (Conversion and Re-Use of Rural Buildings as Dwellings) Development Plan Document (DPD) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004. Thus this is the only policy subject to the examination.
- ii. The report considers whether the DPD is compliant in legal terms and whether it is sound. Planning Policy Statement (PPS) 12 (paragraphs 4.51-4.52) makes clear that to be sound, a DPD should be justified, effective and consistent with national policy.
- iii. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted draft DPD (March 2010) which is the same as the document published for consultation in October 2009¹, together with the Council's proposed minor modifications².
- iv. These minor modifications were put forward before submission. They are factual updates, corrections of minor errors or other minor amendments in the interests of clarity. As these changes do not relate to soundness they are generally not referred to in this report although I endorse the Council's view that they improve the plan. I am content for the Council to make any additional minor changes to page, figure, paragraph numbering and to correct any spelling errors prior to adoption.

Assessment of Soundness

Preamble

1. This part of the report focuses on the PPS12 requirement that to be sound a DPD should be justified, effective, and consistent with national policy. "Justified" in this context means that a DPD should be founded on a robust and credible evidence base and should adopt the most appropriate strategy and policies in the light of prevailing circumstances. "Effective" means that the DPD should be deliverable, flexible and able to be monitored. "Consistent with national policy" is self-explanatory.

¹ Doc A2.1

² Doc A2.3

2. For ease of understanding I consider soundness with reference to a number of issues/questions. But first I consider the implications of the Secretary of State's recent decision to revoke all RSSs with immediate effect, and the revisions to PPS3. Thereafter I consider in turn my findings on the Inspector's questions put to the hearings.
3. *Revocation of Regional Spatial Strategies:* On 27 May 2010, shortly before the hearing in respect of this DPD was held, the Secretary of State set out his intention rapidly to abolish RSSs. Prospective participants at the hearing were invited to submit any views on this matter in writing by 30 June, with their further statements in response to the Inspector's questions.
4. In the event no written comments have been put forward other than the Council's committee report and decision³ responding to this new issue. Briefly, this indicates that the Council will continue to apply the 8,000 net additional housing figure set out in the EEP and the adopted CS for the purposes of this DPD. Subsequently the Government's position in respect of RSSs was clarified in that as from 6 July such strategies were revoked with immediate effect. Although this revocation was later quashed in the High Court, the intention to abolish RSSs remains and will be given statutory effect in due course.
5. While I understand that the proposed abolition of RSSs is likely to delay or disrupt the adoption of some DPDs, that of the EEP does not appear to raise any immediate issues for the North Norfolk Single Policy Review DPD.
6. *PPS3 revisions:* In addition to the proposed revocation/abolition of RSSs, I note the revisions to PPS3 (Housing) that were announced by the Government shortly before the DPD hearing took place. These concerned principally the re-definition of garden land (more specifically, private residential gardens) to take it outside the definition of PDL in Annex B to the PPS, and the removal of the previous national minimum density requirement for new residential development.
7. I note that CS policy HO7 states minimum density requirements, consistent with the previous version of PPS3, although none are referred to in the Single Policy Review DPD. The deletion of the previous national indicative figure (of 30 dwellings/Ha) has no obvious implications for the DPD that have been brought to my attention, and I am not aware of any. Similarly, the new definition of garden land in PPS3 appears to have no significant implications for the DPD. Accordingly, no changes to the DPD are necessary to take account of the aforementioned revisions to PPS3.

³ See Doc A1.25

8. *Other national policy revisions: PPS4, Planning for Sustainable Economic Growth* was published in December 2009. It contains one policy, EC12, (determining planning applications for economic development in rural areas) which is particularly relevant to this DPD. This states, among other things, that "Re-use of buildings in the countryside for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations and for some types of building". This is almost a verbatim re-statement of the policy wording in para.17 of PPS7, *Sustainable Development in Rural Areas (2004)*, which the new wording in PPS4 formally replaces.

Main Issues

9. Taking account of all the representations, written evidence and the discussions that took place at the examination hearing I have identified 9 main issues upon which the soundness of the plan depends. All but 2 of these lend themselves to a broad "Yes/No" answer, as indicated below.

Issue 1 – Is the DPD legally compliant?

10. Answer – Yes. (Details are given below, under Legal Requirements.)

Issue 2 – Does the draft policy comply with recent national policy in PPS4 and PPS5?

11. A – Yes, with both PPSs. With reference to PPS4, the DPD is in effect a detailed statement of local policy criteria for residential conversions of rural buildings, in line with the aforementioned policy EC12.
12. In so far as it touches upon designated heritage assets, including listed buildings and conservation areas, and other heritage assets, including locally listed buildings, it is consistent with the principles of PPS5, *Planning for the Historic Environment*, which was published in 2010 after the DPD was submitted for examination. It is also consistent with the advice in PPS3, *Housing*, and does not conflict with it.

Issue 3 – Given PPS4's preference (in its policy EC12) for the re-use of rural buildings for economic development purposes, will the draft policy militate against such non-residential uses?

13. A – No. The North Norfolk CS contains a policy, EC2, which is broadly permissive of the non-residential re-use of buildings in the countryside. That includes use as holiday accommodation. This is unaffected by draft policy HO9 and will continue to apply. There are no persuasive representations from consultees to suggest that policy HO9 would lead to an excessive number or proportion of conversions to permanent dwellings, at the expense of such non-residential (economic) uses.

14. The same applies to CS policies SS2 (Development in the Countryside) and EC1 (Farm Diversification), which may also be relevant to the re-use of some rural buildings.
15. I note that the CS also includes policies (EC8 and CT3) which seek to protect a range of economic uses in the countryside. The aims and objectives of all of these policies would not in any way be undermined by draft policy HO9.

Issue 4 - Is the draft policy consistent with other Core Strategy policies?

16. A – Yes. I refer above to several closely related CS policies. Along with the other matters for the examination, this is addressed more broadly in the Council's Doc J3.1.i.
17. As stated in that document⁴, I am satisfied that the approach to residential re-use is consistent with the adopted development strategy. And it acknowledges the balance to be struck between protecting the countryside from development pressures, supporting rural communities, and safeguarding the rural built heritage. Several of the other representations seem to me to emphasise one or another of these aims, without addressing the need to strike a reasonable balance between them.

Issue 5 – Are the policy criteria both justified and effective (with reference to criterion 1, the policy area definition on the Proposals Map; criterion 2, a building's worthiness for retention; criterion 3, a building's structural soundness and suitability for conversion; criterion 4, a scheme's appropriateness in scale; and criterion 5, provision of affordable housing, including by way of financial contributions)?

18. A – Yes, in my view all 5 of them are both justified and effective. Taking them in turn:
19. Policy criterion 1 refers simply to the "pink" areas on the PM within which policy HO9 will apply. Definition of these areas is explained and justified in the Final Background and Methodology document⁵, which in my view fully responds to the CS examination Inspector's reservations⁶ about the definition of settlements and areas in the previous (2008) HO9 policy draft, subsequently withdrawn.
20. Thus the pink areas include land and buildings about 1 km. around some 44 settlements in total, including all the PSs and SSs, but also

⁴ Council's response to Inspector's Matters and Issues

⁵ Doc A2.8

⁶ See pp. 61-63 of Doc. G11

including the defined⁷ service villages, and some 20 additional villages. The effect in map form is to create a series of irregular pink circles or blobs, some of them coalescing to form quite extensive areas, such as the one from Upper Sheringham as far east as Sidestrand. These are separated by extensive areas of open countryside within which residential re-use would not in general represent a sustainable development option, consistent with the CS strategy.

21. I have considered all comments made in respect of the policy area definition. It seems to me that the pink areas have been carefully chosen and delineated, such as to strike a fair balance overall between the selected areas and the remoter rural hinterland. While there may be individual quibbles about specific locations, no one has suggested a more consistent or generally more appropriate alternative to the definition of areas as a whole.
22. Policy criterion 2 refers to a building's worthiness for retention, on the basis of its historic, architectural or landscape value; while a further sentence in the policy explains that buildings of "exceptional" value (including statutorily and locally listed buildings) may be candidates for residential re-use even though they fall outside the pink areas.
23. While there is a slight risk that this might cause some doubt or confusion for prospective applicants and the public, I have concluded on balance that it will not, and should therefore remain unchanged. The essence of the policy criterion - its insistence on a building's "worthiness" (or quality), thereby separating the wheat from the chaff - has been a staple of national policy for many years (and is incorporated into the existing, saved LP policy 29, which HO9 will replace).
24. Policy criterion 3, essentially concerning "structural soundness" and "suitability for conversion", has been another staple of national policy. Of course in practice each building is unique, with its own history and character and its own structural weaknesses or other problems, but these cannot be addressed individually within the policy. That said, no one has suggested persuasively that these justified (albeit broad-brush) criteria should be deleted or replaced by others.
25. Policy criterion 4 refers to "appropriate scale". This criterion is not controversial, and did not attract any comment at the examination hearing. Nor does it require any detailed comment from me, and I support it.

⁷ In CS policy SS1

26. Policy criterion 5 refers to the provision of affordable housing within a conversion scheme, or a contribution in lieu, consistent with CS policies HO2 (and HO3). Like policy HO2, it includes the important rider "where it is viable to do so". That assumes that there may be circumstances where it is demonstrably not viable to convert a building for permanent residential use, and also make a contribution, on site or in lieu, to the provision of affordable housing. I think that is consistent with the advice on affordable housing in PPS 3.
27. At the examination, several comments were made about schemes' viability, and the difficulties (particularly in the present financial climate) of securing finance for conversion schemes or, in general, achieving viability. While I note these problems, to my mind they do not invalidate the principle of seeking affordable housing, or a contribution to its provision, "where it is viable to do so". And that must be established in the light of the particular circumstances of the scheme.

Issue 6 – In criterion 5, how will viability/non-viability be established, and by whom?

28. A – Doc J3.1.i explains the Council's normal approach to viability assessment, with reference both to its in-house and external valuation expertise, which would apply also to applications under policy HO9. It is clear that in the final analysis viability (or non-viability) is not to be determined by the applicant alone, but by both parties jointly. Despite some criticism of them at the examination hearing, I do not consider that the requirements for viability information from applicants are unduly onerous.
29. I note too that the Council intends shortly to produce a Planning Obligations SPD, which will provide further details of any financial contribution towards the provision of affordable housing. This should assist prospective applicants for residential conversion schemes.
30. To summarise, I support all 5 policy criteria, as worded in accordance with MM6 in criterion 2, MMs 5 and 7 in the policy footnotes, and MMs 2, 3 and 4 in the accompanying text. (MM1 would merely remove references to the "draft" policy, and it almost goes without saying I support that too). None of these MMs are controversial, and none were criticised at the examination hearing.

Issue 7 – Is the draft policy's greater flexibility/permisiveness towards the conversion of high value buildings (historic, architectural, landscape) in more remote countryside locations justified?

31. A – Yes. For the reasons given in Doc J3.1.i. There seem to be no dissenters from this view. Some respondents welcome the extra degree of permissiveness, or flexibility, that this provision affords. (In general, as the Council notes⁸, the draft policy is more “permissive” than both the former LP policy 29 and the deleted policy HO9).

Issue 8 – (Re effectiveness) Are the draft policy criteria sufficiently clear and unambiguous for everyday development management purposes?

32. A – Yes. Although some reservations about this were expressed by participants at the hearing, I consider that draft policy HO9, together with the MMs proposed by the Council, will provide an adequately clear and unambiguous policy basis for determining applications for the conversion and re-use of rural buildings as dwellings.
33. As is often the case with LP policies, the draft policy cannot be expected to anticipate all the individual circumstances of conversion/re-use applications, and the policy criteria leave scope for (and indeed require) informed judgements to be made.
34. These will refer to such pivotal matters as “worthiness for retention”, “structural soundness”, “suitability for conversion”, “appropriateness in scale” and, not least, “viability”. I understand from Doc J3.1.i that a forthcoming Practice Guide will assist with these. Particularly with that in place, the draft policy will provide an adequate framework for guiding both prospective applicants, development managers and other decision makers⁹, and the public.

Issue 9 – Will the draft policy help to conserve good quality rural buildings, and deliver both sustainable development and affordable housing, or will it lead to inappropriate and unsustainable residential development in the countryside?

35. A- it will help achieve the former. In general, the policy seeks to conserve good quality rural buildings, while contributing both to sustainable development and to the district’s stock of affordable housing. In my view, it will contribute to achieving all these objectives (the effectiveness test).
36. Thus it will avoid the undesirable outcome of inappropriate and unsustainable residential development in the countryside. No one at the examination hearing, or in written representations, has convinced me otherwise.

⁸ In Doc A2.8

⁹ Including Planning Inspectors at appeals

37. While comments were made at the hearing on various practical matters concerning "barn conversions", and the content of related planning applications, they do not in my opinion go to the heart of the soundness of policy HO9.
38. Not surprisingly, there was general support for "high quality" conversion schemes. Such schemes involve the sensitive recognition of a building's history and character, the use of appropriate materials - including those sourced locally - and the application of professional and specialised building trades skills. While I accept the point that these may well cost more to build than less sensitive schemes, I believe that nothing in the policy should impede them coming forward.

Legal Requirements

39. My examination of the compliance of the Single Policy Review DPD with the legal requirements is summarised in the table below. I conclude that the DPD meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Single Policy Review DPD is identified within the approved LDS (Fifth Revision, September 2009) which sets out an expected adoption date of January 2011. The DPD's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in 2006 and consultation has been compliant with the requirements therein.
Sustainability Appraisal (SA)	SA has been carried out, independently verified and is adequate.
Appropriate Assessment (AA)	The DPD will not have a likely significant effect on any sites described in the AA, which is adequate and thorough.
National Policy	The DPD complies with national policy.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act and Regulations (as amended)	The DPD complies with the Act and the Regulations.

Overall Conclusion and Recommendation

40. **I conclude that the North Norfolk Single Policy Review (Conversion and Re-use of Rural Buildings as Dwellings) DPD satisfies the requirements of s20(5) of the 2004 Act and meets the criteria for soundness in PPS12.**

Paul Dobsen

Inspector