

Mr Alastair McNeill (Development Plans Manager)
Development Plans
South Lakeland House
Lowther Street
Kendal
Cumbria LA9 4DQ

6th December 2018

Dear Mr McNeill

Re: MM16 -SLDC's DM DPD -Schedule of Main Modifications (Post Hearings) 2018 & the wording of emerging policy DM16.

I write in direct reference to MM16 main modification reference- page 25 Policy Text: 'Policy DM16 – Conversion of Buildings in Rural Areas'.

You will be aware that I wrote to yourself and also Miss Kerry Trueman (Programme Officer) back in April of this year regarding the wording within existing saved policy H11 and repeated as DM16 in the emerging policy of the Development Management DPD. However, I missed the deadline for representation, and despite the inspector passing this back, SLDC declined to enact on those points due to the timings. I understand that there is now a major modification to that DM16, and pertaining to the wording to permitted development rights, rather than the criteria of the policy and that the SLDC believe this is a '**minor wording change**' only- regarding permitted development rights- and that will have no significant effect and no requirement for further SA (also referenced in the SA addendum).

My concern is the MM16 main modification and with reference to page 25 Policy Text: 'Policy DM16 – Conversion of Buildings in Rural Areas', and in particular this exact wording: '...2. **the building is capable of conversion without the need for extension...**'.

My email dated the 8th March and follow up on the 9th April considered what I believe to be the outdated wording in policy H11 & DM16 and the 'no extensions' criteria. Here I also touched on the conversion of redundant buildings in rural areas (outside of Local Service Centre's and those areas under definition of DM13 'Small Villages & hamlets') and in reference to the NPPF 2012, and also Historic England's guidance since 2006:

1. Firstly, as a department, you are fully aware of the NPPF 2018. The Government had looked at refining (re-weighting areas) and re-wording policy approaches which were defined under recent case law, looked at those LPA's who have not been fully committed to the old NPPF in their plans, etc, and where delay was apparent, and if a plan was out of date or indeterminate, and in where there was instances of the existing statutory system being used negatively rather than 'positively'. The new DMDPD and all its policies should reflect provisions of NPPF 2018.

2. Secondly, is my point concerning the existing wording of the saved policy H11 and emerging Policy DM16 criteria and on the conversion of redundant buildings in rural areas (those building in areas outside of Local Service Centre's, i.e. Kendal, and those areas under definition of DM13 'Small Villages & hamlets'). In particular I refer to the wording of DM16. 'Policy DM16 – Conversion of Buildings in Rural Areas Purpose: To set policy and criteria to indicate how and when traditional buildings in rural areas may be converted to other uses. The conversion and re-use of buildings in the open countryside for housing, employment, tourism, recreation and community uses will be supported where: '...the building is capable of conversion without the need for extension, significant alteration or reconstruction; and...'

In this it is specific where it says '**without the need for extension.**' It is my view that this policy wording is obsolete and arbitrary- in fact *punitive*- and if you step back and look at the realistic opportunities and possibilities of conversion of such buildings in our county, and for those members of our society looking to convert or adapt for this modern world and changing climate.

I do not believe that the wording is justifiable when you consider:

- a). the NPPF 2018 and where the plan-led law in this country says that there was already a presumption in favour of development (i.e. 'sustainable development and a core principle underpinning planning enshrined in the old Planning Policy Statement (PS1 2005): i.e. 'development that meets the needs of the present without compromising the ability of future generations to meet its own needs'), and in that;
- b). Planning permission should be granted, with or without conditions, unless there are sound planning reasons against the development proposed.

Page 57 of the new NPPF 2018 paragraph 202 notes: *'Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.'*

The old NPPF recognised the need to protect green belts, etc, and the historic and natural environment. That is undeniable. However it also deals with the need to sustain the quality of life in rural areas, and noted in paragraph 131: *'In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'* It does not state 'no extensions or over-modification'. The catchall here is 'raise the standard of design'.

(As an aside, we all appreciate the 2015 law which already allows isolated farm buildings -if 'sustainable', etc-with a scope of reuse and change under the GPDO 2015, Schedule 2, Part 3 Changes of Use, Class Q.)

And SLDC recognise that in the Policy DM16 paragraph 5.1.2.

Consider the quote, then, made in Autumn 2017: 'Some in rural areas are seen as resistant to new development. However I believe that well-designed, sensitive and incremental development can enhance both the landscape and character, and provide homes for the very people who are going to look after the countryside on behalf of the nation.' That was made by Lord Gardiner of Kimble, the then under secretary of state for Rural Affairs and Biosecurity. *[It was quoted in full on Heritage England's website on Historic Farm Buildings, and the release of updated and ancillary documentation on 'The Adaptive Reuse of Traditional Farm Buildings Historic England Advice Note 9'.]*

SLDC need to consider this in light of HE's expert opinion. Again the catchall here being 'well-designed, sensitive, incremental development'.

The NPPF 2018 says on page 39, paragraph 129, that: *'Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development.'* Why has SLDC not enacted on the expert opinion of Historic England? This expert written advice has been available since 2006. It encourages both owners, institutions, designers and local authorities to look positively at *converting, adapting and extending* rural farm buildings and on rural building adaptability best practice. The emerging DM16 policy is based on the original wording of H11 on the old 2006 saved plan. Your current policy wording remains inflexible and out of date with thinking more than a decade old.

More recently (published September 2017), Heritage England's 'Adapting Traditional Farm Buildings Best Practice Guidelines for Adaptive Reuse' (first published as 'The Conversion of Traditional Farm Buildings' by English Heritage September 2006), in page 18, it says: *'Consider extensions and new buildings: Avoid the construction of extensions that compromise the character and setting of the farm building. Instead, consider extensions and new buildings that work with and enhance the historic plan form of the farmstead. Extensions and new buildings can also be used to conserve the significance of buildings'*

which are too sensitive for intensive adaptive reuse requiring a high degree of subdivision. However, if a significant extension is required for adapting the building to a new use, that use may not be the most suitable one for the building.'

That does not say explicitly say 'no extensions' (like SLDC's policy DM16), but it does say '*consider extensions*' and '*Extensions and new buildings can also be used to conserve*'. Your criteria in H11 and DM13 is at odds with the spirit of this expert opinion.

Also on our own rural buildings in 'open countryside' around the South Lakes (outside of the Parks) some are often positioned very close to the boundaries of Large Service Centres, but are not defined under DM13, or under Part Q (i.e. redundant farm building on a deregistered farm). Consider also then the rural buildings around SLDC that were (and have been converted) to dwellings outside of the development boundaries without this policy constraint.

The wording of DM13 is vague in definition when considering rural buildings outside of Local Service Centres and possibly out of open countryside. In your original ancillary Consultation Statement, on page 91, it says- 'It is considered that a settlement size of 'normally 10 or more dwellings' provides appropriate guidance on the minimum size of a small village or hamlet, while allowing some flexibility for slightly smaller settlements to be also be considered on their merits. However a settlement size in low single figures is considered too small and risks promoting sporadic development in the countryside' So, does that mean a barn or other rural building that is near 10 dwellings or not 10 dwellings (quote: 'slightly smaller settlements')? This is open-ended and on whose final definition and decision?

Earlier this year I again made points in my 9th April 2018 email to SLDC and also to Miss Kerry Trueman (Programme Officer), and in regards to the old NPPF 2012 paragraphs 126,156 and 157, and also Historic England's guidance on best adaptive uses for rural buildings.

This should have been picked up way earlier in the process of SLDC's SA's and on policy DM16, etc.

In this case we link to English Heritage comments in the **SOUTH LAKELAND DISTRICT COUNCIL LOCAL PLAN - LAND ALLOCATIONS DEVELOPMENT PLAN DOCUMENT**. Back in 2014 it references correspondence to English Heritage going back in 2008, a decade ago:

1. The Sustainability Appraisal and Habitats Regulations Assessment Post Adoption Statement back in December 2014. On page 5, Paragraph 3, sub 24: 'The statutory bodies Environment Agency, English Heritage and Natural England were consulted on the initial draft of the SA Scoping Report and their comments were incorporated into the document. Very few comments were received, but where possible, comments received resulted in amendments to the document'.
2. However, in the contents of 'SLDC's Local plan/land allocations/10 Land Allocations Discussion Paper 08-09/Service Provider Responses' folder, here Judith Nelson (English Heritage Regional Planner) wrote to Ms Lorayne Woodend of the SLDC Development Plans Team on the 28th November 2008 and noted: '*Opportunities exist and should be exploited which achieve development and at the same time secure effective protection of the historic environment.*' In reference to the wording of the current DM16 (and previous H11), SLDC is ignoring the best possible advice.

In the North West of England Plan Regional Spatial Strategy to 2021 [including the then The Secretary of State's proposed changes published for consultation on 20 March 2008], here the RSS policy RDF2 highlighted this even more: 'Exceptionally, new development will be permitted in the open countryside where it...• is an extension of an existing building; or • involves the appropriate change of use of an existing building...'. Of course some information in Ms Nelson's letter was related to the withdrawn RSS, but was still relevant.

For instance page 23 - 'Policy DP4: Make the Best Use of Existing Resources and Infrastructure.'
- Development should accord with the following sequential approach: • first, using existing

buildings (including conversion) within settlements, and previously developed land within settlements...sustainable construction and efficiency in resource use (including reuse and recycling of materials) should be promoted.' Link here to letter:

<http://applications.southlakeland.gov.uk/documentbrowser/DocumentBrowserFiles/local%20plan/land%20allocations/10%20Land%20Allocations%20Discussion%20Paper%202008-09/Service%20Provider%20Responses/English%20Heritage%20Nov%202008.pdf>

3. Also referring to SLDC's 'Scoping Report for the Sustainability Appraisal (SA) of the Land Allocations Development Plan Document (DPD)' dated May 2012, a number of points:

- a). Page 16, Culture and Heritage: Relevant aims and / or objectives, bulleted point:
'Recognising the regenerative potential of the historic environment, exploiting opportunities to achieve development at the same time as securing effective protection and enhancement of the built environment including the adaptive reuse of historic buildings specially those that particularly contribute towards the area's character.'
- b). Page 19, Built Environment and Design: Relevant aims and / or objectives, bulleted point:
'Ensuring that locally distinctive and sustainable designs and construction methods are employed and that new development seeks to exploit opportunities to enhance the built environment.'
- c). Page 31; Topic: Built Environment and Design:
'South Lakeland has a wealth of distinctive, high quality built environments. However, there is potential to enhance these, particularly in the main town and village centres, for instance, through high quality, sustainable, sensitive design and through thoughtful enhancement of the public realm and the conservation of important buildings.'
- d). Page 47 EFFECTIVE PROTECTION OF THE ENVIRONMENT: Sustainability Appraisal Objectives EN3:
'EN3.3 Will policies promote repair, maintenance and adaptive reuse of buildings, incorporating sustainable design, sustainable construction, the use of locally sourced materials and low impact operation?'

4. We also note in the 2012 Scoping Report under APPENDIX 1 - Plans and Programmes Reviewed that the only English Heritage document referred to in this is 'English Heritage in the North West 2006 – 2008 (English Heritage, 2006)'. This document doesn't seem to exist, and is not referenced by EH online or on their listings unless it is meant to mean 'The North West: English Heritage Volume 8 (England's Landscape, Book 8) published from 2006.

That is woeful, and in considering the breadth of exemplar information available to SLDC from EH over several years. For instance, the guide 'The Conversion of Traditional Farm Buildings' was first published by English Heritage in September 2006. And EH's 'Historic Farmsteads: Preliminary Character Statement - North West region' was published in August 2006.

5. We also wonder if SLDC looked over EH's later document 'The Historic Environment in Local Plans' dated March 2015. Link: <https://content.historicengland.org.uk/images-books/publications/gpa1-historic-environment-local-plans/gpa1.pdf>

Here, Page 8: Strategic Environmental Assessments (SEA)/Sustainability Appraisals (SA) paragraph 27:

'In identifying the significant environmental effects that are likely to occur, an SEA/SA will recommend an appropriate response to the conservation and enhancement of the historic environment. English Heritage published revised advice on preparing SEA/SAs in 2013.'

In this, it seems SLDC hasn't and in relation to the wording of DM16 in the DMDPD.

In all this is the underlying question on DM16 (ex H11) and its current wording. Is it relevant? No. Especially if you consider the then NPPF 2012 and now NPPF 2018.

Heritage England noted that Local Plans need to:

- a). Be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area – which would include the historic environment. In particular this up-to-date evidence should be used to assess the significance of heritage assets and the contribution they make to the environment (NPPF 2012, Paragraphs 158 and 169);
- b). Set out a positive and clear strategy for the conservation, enjoyment and enhancement of the historic environment (NPPF2012, Paragraphs 126 and 157);
- c). Contain strategic policies to deliver the conservation and enhancement of the historic environment (NPPF2012, Paragraph 156);
- d). And identify land where development would be inappropriate because of its (environmental or) historic significance (NPPF2012, Paragraph 157).

Obviously, 'extending' is highlighted as a positive intervention and as such, multi-beneficial, in Heritage England's guidance. Their guidance doesn't categorically state 'no extension'.

I write as a concerned resident of Kendal, a local business owner, and a consultant who has been working in practice (both RIBA and RICs) on the adaptations of historic buildings in Cumbria, the North West region and parts of the UK for the last 25 years.

Many thanks,

Regards,

Mr Jonathan Petrie
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