

GROWTH, INFRASTRUCTURE AND RESOURCES SCRUTINY PANEL

22 MARCH 2018

THE CONVERSION OF DUTCH BARNs TO DWELLINGS

Report of the Director for Places (Environment, Planning & Transport)

Strategic Aim:	Sustainable Growth	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr O Hemsley, Deputy Leader and Portfolio Holder for Growth, Trading Services and Resources (except Finance)	
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Ward Councillors	All	

DECISION RECOMMENDATIONS

That the Panel:

1. Endorses the Council's current position in relation to applications to convert Dutch barns to dwellings and that there is no need to prepare supplementary planning guidance.

1 PURPOSE OF THE REPORT

To review the Council's approach to interpreting the regulations on the conversion of agricultural buildings to dwellings (Class Q of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and in particular in relation to open sided Dutch barns. In addition, to consider whether a supplementary planning document is required on the conversion of Dutch barns.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 In 2014 the Government introduced regulations that grant planning permission for the conversion of agricultural buildings to dwellings. This was the subject of Members training in 2014 and has been a recurring issue in such training. The regulations have been amended several times already and the Government has signalled further changes to come. The Government did not issue any guidance

on the subject until 2015.

- 2.2 The result is the Council receives a prior notification application but can only consider a limited range of issues as specified in the regulations.
- 2.3 The regulations are complex and the lack of guidance led to many different interpretations from 2014 through 2015. Planning appeal decisions were also inconsistent. The guidance in 2015 addressed some of the issues but by no means all. As with other councils Rutland has been following these cases and we have been sharing decisions with other authorities. Officers have been changing our approach as we learn of appeal decisions. We also follow a planning law blog which has repeatedly featured Class Q as it is proving such a difficult planning law issue. We are now starting to see decisions made by the courts and these provide better authority for our current approach.
- 2.4 In relation to Dutch barns our current position is that they do not fall within the regulations. As they are open-sided your officer's view is that they cannot be converted to dwellings under Class Q. Any applications for such conversions received now would be refused, subject to any further change in guidance by the Government or new case law.
- 2.5 The second issue is whether the Council should prepare a supplementary planning document on Class Q. A supplementary planning document needs to relate to a policy in the Development Plan and cannot be prepared in isolation. As the Core Strategy predates the introduction of Class Q it does not refer to Class Q or the issues it raises.
- 2.6 Another issue in relation to policy is that the regulations do not specify planning policy as one of the criteria that can be considered. There was some lack of clarity however in 2014 and Rutland with other councils did try to reject some applications on policy grounds of sustainability. There were also mixed appeal decisions on this issue. The guidance issued in 2015 clarified this issue and as a result we ceased to use planning policy as a basis for refusal. In practical terms therefore even if a policy was prepared it would have little effect on decisions made.
- 2.7 Finally the question this report has been asked to address is specifically in relation to open sided Dutch barns. As the Council's current position is that these are not permissible under the regulations there is no need for a policy.

3 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 3.1 The Council's approach to the conversion of open sided Dutch barns to dwellings is consistent with current case law on the subject and does not need to change. On this basis a supplementary planning document on the issue is not needed and for other reasons as set out in the report it is not practical.

4 BACKGROUND PAPERS

There are no additional background papers to this report.

5 APPENDICES

None

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