

KENNET DISTRICT COUNCIL

PLANNING POLICIES SCRUTINY TASK GROUP AGRICULTURAL BUILDINGS AND PARKING POLICIES

Report by Ted Howles, Planning Services Manager

1. PURPOSE OF REPORT

1.1 This report is to provide members with the information requested to enable planning decisions taken in the last two years on applications for agricultural and equine buildings in the countryside to be assessed against the relevant government guidance and local plan policies. Secondly the report contains similar information on decisions regarding the provision of car parking in development proposals.

2. RESOURCE AND STAFFING IMPLICATIONS

2.1 No direct financial or staffing implications result from this report.

3. LEGAL IMPLICATIONS

3.1 In accordance with Part III of the Local Government Act 2000 the Council is required to monitor its work, including planning decisions to ensure the preservation of the integrity of the planning system as open and fair to all parties.

4. AGRICULTURAL BUILDINGS

4.1.1 The policies of the Kennet Local Plan are intended to protect the countryside from development that is not essential for agricultural purposes, and to allow small scale developments for tourist, sport and recreation purposes. The policies are set out in appendix I together with an assessment against recent government guidance in PPS 7. This concludes that the local plan policies generally conform to new government advice.

4.1.2 Details of the council's decisions over the last two years on agricultural dwellings and equestrian dwellings are given in Appendix II and III.

4.1.3 For agricultural dwellings, officer's decisions and recommendations have followed the advice of our independent agricultural consultant, based on the policy guidance in PPS 7. There are however two exceptions where the Regulatory Committee overturned the officer recommendation and granted consent. This was when a second dwelling was approved at Sleight Farm

Devizes contrary to officer recommendation and when a temporary mobile home was granted at Lower Green Farm Great Cheverell contrary to officer recommendation. In both cases the local member spoke in favour of the application.

- 4.1.4 None of the refusals have been challenged on appeal, suggesting that these decisions were correct. Where they have been new starts on bare holdings supported by the consultant, temporary permission for a mobile home has been granted, as recommended by PPS7. Second dwellings have had occupancy conditions imposed on both the new and original house to ensure no subsequent abuse. New permanent dwellings on existing holdings with farm buildings have been tied to those buildings by legal agreements.
- 4.1.5 For equestrian dwellings, the issue is whether the dwelling is required to meet an essential employment need. Applicants are asked to provide a professional appraisal to justify the dwelling on employment in the countryside grounds. Those applications without professional appraisals were refused and again none of these decisions have been challenged on appeal. There were no committee overturns during the two year period. The ones permitted were supported by a professional appraisal. Mobile homes have been the way forward for new enterprises, with the one exception of the equine clinic at Upper Slope End Farm where the accommodation was integrated into a purpose built structure that was tied to the land and buildings with an agreement.

5 PARKING POLICIES

- 5.1 The Kennet Local Plan contains policies on the provision of public and private car parking. These policies are set out in appendix IV. Our policies are led by government guidance which aims to reduce the use of the motor cars to reduce CO2 emissions, reduce congestion, and contribute towards sustainable development. However the local plan contains a maximum standard of 2 spaces per residential unit, this compares to government guidance of 1.5 spaces per unit. The difference has been justified by ministerial statements that recognise the reality where public transport alternatives are not available in rural areas.
- 5.2 Details of the Council's decisions over the last two years on major commercial and residential schemes are given in appendix V and VI. The schedules give the number of car parking spaces for each development and the number per unit for the residential schemes.
- 5.3 The residential schemes show a range of parking provision of 1.1 – 2.0 per unit, excluding sheltered accommodation. No schemes have exceeded the local plan maximum of 2 spaces.

- 5.4 The issue is that developers are using the government's lower figure of 1.5 spaces because it produces a higher density and therefore a more profitable scheme. Officers have accepted this where the design and layout of the scheme is acceptable. The county council is not raising objections to these schemes because the standard of 2 spaces per unit in the local plan is a maximum. Also government guidance in PPG 13 is that local planning authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances such as highway safety. However, local residents and members have expressed concerns about overcrowded parking areas, parking on pavements, in front gardens and spilling out into neighbouring streets.
- 5.5 At a recent Regulatory Committee the reserved matters application for the Kvernerland site was refused contrary to officer recommendation because it provided 1.5 car parking spaces per unit. A revised application showing 1.75 spaces was subsequently approved. The applicant has appealed the first scheme and the decision will be interesting because the Inspector must choose between government guidance and local policy.
- 5.6 For the commercial schemes the picture is different. Four of the five schemes determined exceeded the maximum car parking provision. There was no objection from the county council, although on one scheme it had achieved a reduction from a higher figure.

6. CONCLUSIONS

- 6.1 The Council's policies for controlling agricultural dwellings in the countryside are generally in conformity with government guidance and officers are following these policies correctly. However two dwellings out of a total of 12 considered in the last two years were allowed in the countryside following member overturns of the officer recommendation at the Regulatory Committee. In both cases the appropriate agricultural workers occupancy condition was applied.
- 6.2 The Council's policies for controlling equestrian dwellings depend on a local interpretation of government guidance which allows development in the countryside for essential employment purposes. This policy has not been tested at appeal. It is being applied consistently by officers and members.
- 6.3 To conclude on developments in the countryside there is a need to be cautious about allowing any more agricultural workers dwellings in the countryside that are contrary to policy. Secondly there is a need to review the policy on equestrian dwellings in the local development framework with a view to providing an explicit local justification for these dwellings as being essential for employment in the countryside.

- 6.4 The Council's policies for controlling residential car parking provision depend on a local interpretation of ministerial statements which allow a higher standard of residential parking because Kennet is a rural area. This policy is to be tested on appeal with the Kvernerland application. Officers have accepted lower car parking provision on schemes because the local standard is a maximum. However, members have recently expressed a preference for a higher car parking provision up to the 2 space per unit standard.
- 6.5 The Council's policies for controlling commercial parking provision are in accordance with government guidance. However the evidence from the last two years shows that more parking has been allowed than the standards allow. This would seem to be another case of applying a rural factor, only in these cases it is to individual schemes rather than to the policy itself. This practice has not been tested at appeal. There appears to be no difference in approach between officers and members on commercial parking.
- 6.6 To conclude on car parking policies there is a need for the policies and standards to be reviewed in the local development framework with the emphasis on presenting a local justification for allowing higher car parking standards in Kennet because of its rural situation.

7. RECOMMENDATIONS

7.1 Recommend that the Council :

- a) Remains cautious about allowing any more agricultural workers dwellings in the countryside that are contrary to policy;**
- b) review its policy on equestrian dwellings and/or other land based issues in the local development framework with a view to providing an explicit local justification for these dwellings as being essential for employment in the countryside;**
- c) reviews its policies and standards for car parking in the local development framework, taking in to account draft PPG3 guidance with the emphasis on presenting a local justification for allowing higher car parking standards in Kennet because of its rural situation.**

8. BACKGROUND PAPERS

Report Author

Ted Howles

Planning Services Manager