
Delegated report Officer: James Norton

Application ref. DMPA/2019/1444

Change of use of farm bungalow (use class C3) to commercial office space (use class B1(a)) at Bungalow adj. Breach Farm, Cadley Lane, Caldwell, Swadlincote, DE12 6RJ

Valid date: 25/02/2020

Consults expired: 02/10/2020

EIA development? No

Section 106 agreement? Not required

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

9/0489/0007 - Erection of an agricultural workers Dwelling - Approved 11/09/1989

9/2004/1252 - The change of use of part of the stack-yard for caravan storage - Refused - 16/11/2004

9/2004/1253 - The change of use of buildings for caravan storage, DIY (domestic) storage, B1 & B2 business uses and ancillary office uses - Approved - 16/11/2004

9/2017/0541 - Construction of a 40mw energy storage scheme with 1 no building (sui generis) to provide back up electricity services to the grid for a period of 25 years from the date of commission of the battery storage scheme - Approved 15/08/2017

9/2018/0223 - The variation of condition 7 of planning permission ref: 9/2017/0541 (relating to the construction of a 40mw energy storage scheme with 1 no building (sui generis) to provide back up electricity services to the grid for a period of 25 years from the date of commission of the battery storage scheme) - Approved 16/04/2018

Responses to consultations and publicity

Environmental Health - Unlikely that this proposal would result in any significant impact on the local amenity and I don't anticipate that the proposed B1(A) use would experience any significant adverse impact on its use from the surrounding land use. Therefore no objection and no conditions proposed.

County Highways - Whilst the proposed change of use from dwelling to commercial offices may have the potential to increase traffic trips associated with that building in question, taking into account the other uses served off this access driveway, the overall traffic generation is unlikely to increase by any significant level. Therefore the Highway Authority has no objections to the application and propose no conditions.

Planning Policy - Planning Policy set out the policy context, in this case the proposal turns on the criteria set out in BNE5, and in particular E7. They also consulted Economic Development who commented on the business Plan and the need for small-scale offices in the district. So long as the proposal complies with these criteria the proposal is considered acceptable.

No response received from Parish Council or neighbours.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

- 2016 Local Plan Part 1: S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), E7 (Rural Development), SD1, (Amenity and Environmental Quality), INF2 (Sustainable Transport); and
- 2017 Local Plan Part 2: SDT1 (Sustainable Boundaries and Development) and BNE5 (Development in Rural Areas).

The relevant National Guidance is:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

Planning considerations

Taking into account the application made, the documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issue(s) central to the determination of this application is/are:

- Principle of development;
- Amenity; and
- Highway Safety

Planning assessment

Principle of development

The proposed change of use from agricultural workers dwelling to offices is in part due to the agricultural tie on the building. The agent states that *'the occupation by a non-family member would not be suitable due to the conflict with uses on the farm and due to the limited market for rental of restricted dwellings the applicant seeks to change the use to one which is compatible to the surrounding farmstead'*. Breach farm has managed to diversify and a number of commercial permissions have been granted to support the agricultural business with the result that there is no longer a functional need to retain the dwelling. This proposal for the change of use of the dwelling to offices is a further diversification of the buildings on the site.

The application site lies outside of a settlement boundary, therefore policy BNE5 'Development in Rural Areas' is of relevance. The policy allows development within Rural Areas subject to a list of criteria, one of which is "allowed for by policies H1, H22, E7, INF10, H24, H25, H26, H27 or H28".

Policy E7 'Rural Development' allows for "development proposals which diversity and expand the range of sustainable employment activities on land outside of settlement boundaries provided they support the social and economic needs of the rural communities in the District" and the following criteria is met:

- i) "It is supported by a sound business case;
- ii) The local highway network is capable of accommodating the traffic generated;
- iii) Development will not give rise to any undue impacts on neighbouring land;
- iv) It is well designed and of a scale commensurate with the proposed use;
- v) Visual intrusion and the impact on the character of the locality is minimised."

The proposal is for the change of use of an existing residential dwelling to small scale offices utilising existing facilities. Due to the size of the units, they could be used by small scale local businesses. The Economic Development Team has stated that the Council is aware of the lack of suitable small accommodation for office-based businesses, and at the right price would be expected to let given the limited supply in the area. In terms of the business case submitted, the Economic Development Team states: "As previously mentioned it is more of a property development proposal than a business proposal. It is at the upper end in terms of current local office rental costs and the lower end of serviced office values, but it all depends on the finish and what is included in the unspecified service charge. Given the applicant already owns the property, the conversion costs are likely to be recouped within a few years and on this basis the looks to be a viable proposition. On this basis the proposal appears to comply with E7 and paragraph 84 of the NPPF. In addition, paragraph 89 of the NPPF states that small-scale rural offices should not be subject to the sequential assessment for uses that are considered main town centre uses.

Amenity

As the current use is as a dwelling tied to the agricultural use it is not considered that the proposed use would suffer adversely given the mix of uses on the wider site. This is supported by Environmental Health who raise no objection and propose no conditions. Notwithstanding this, a condition setting out hours of operation has been added in line with the hours of operation set out in the application form. The proposed parking appears to indicate the loss of some minor planting at the front of the former dwelling but has little or no impact on wider visual amenity, the site being a long way from the public highway and seen in the context of the wider setting. The proposal is therefore considered to comply with SD1 and BNE5.

Highway Safety

The site is some distance from the public highway but the proposal is served by a dedicated driveway serving the farm and the existing commercial uses on site. parking provision is indicated on the proposed block plan identifying 14 staff spaces and three visitor spaces. The Highway Authority has no objection to the proposal and no conditions are proposed. The proposal is therefore considered to comply with INF2.

Recommendation

Approve with Conditions

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	14/12/2021
Report agreed:	17/12/2021
Authorised officer:	Steffan Saunders
