

MAIN CASE

Proposal: Change of use of former stable block for the relocation of an existing hat hire business

Location: Land adjacent to Trinity Hall Farm, Collins Hill, Fordham, Cambridgeshire

Applicant: Trinity Hall

Agent: Bidwells

Reference No: 11/00207/FUL

Case Officer: Yvette Mooney

Parish: Fordham
Ward: Fordham Villages
Ward Councillor/s: Councillor Michael Allan
Councillor Joshua Schumann

Date Received: 16 March 2011 Expiry Date: 11 May 2011

[L15]

1.0 **EXECUTIVE SUMMARY**

- 1.1 This application seeks planning permission for a change of use of an existing outbuilding, which immediately adjoins No.19 Collins Hill, to a hat hire business (A1 use).
- 1.2 The application site is located within the open countryside where development is strictly controlled and restricted to that which is essential to the efficient operation of local agriculture etc. The use of the existing outbuilding for A1 retail purposes does not fall within the categories of acceptable development, nor does it constitute a farm diversification scheme. As such, the basic principle of locating a 'shop' in this unsustainable rural location fails to comply with the relevant Policies of the Core Strategy.
- 1.3 The application has been referred to Planning Committee, following a request by Councillor Michael Allan.

A site visit has been arranged for 12:15 prior to the meeting.

2.0 **THE APPLICATION**

2.1 This application seeks planning permission for a change of use of the existing outbuilding, which immediately adjoins No.19 Collins Hill, to a hat hire business.

2.2 The hat hire business would be open to the public between the hours of 10am – 4pm, weekdays and 10am – 4pm on Saturdays. The business employs two members of staff.

3.0 **THE APPLICANT'S CASE**

3.1 The applicant's case as set out in the Design and Access Statement can be viewed on ECDC Public Access.

4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The application site is located in the countryside, outside any settlement boundary and includes dilapidated stables, positioned at the rear of No.19 Collins Hill. The proposed physical works, which do not actually require planning permission, involve general repairs and the insertion of doors and windows etc. within the existing building.

4.2 The application site is accessed via an existing entrance to the west of the site and is physically detached from Trinity Hall Farm, which is located to the south of the site.

5.0 **PLANNING HISTORY**

10/01018/FUL	Change of use of former stable block for the relocation of existing hat hire business	Withdrawn	11.02.2011
09/00029/FUL	Change of use of redundant farm buildings at Trinity Hall Farm to four residential dwellings.	Approved	26.03.2009

6.0 **REPLIES TO CONSULTATIONS**

6.1 NEIGHBOURS: 4 adjoining properties consulted. No comments received.

6.2 PARISH COUNCIL: No comments received.

6.3 WARD COUNCILLOR: Councillor Michael Allan requested the application to go before the Planning Committee.

6.4 COUNTY HIGHWAYS: *The business intensifies the use of an existing access and the applicant should submit a copy of the plan previously approved for 09/00029/FUL (namely 08-94-4 Revision C) to show how the access is to be improved. Section 3.2 of the Transport Statement refers to a proposed layout being attached as Appendix A but I could not find this on the web site documents. Those parts of conditions 4, 5*

and 8 of the consent for 09/00029/FUL that apply to the northern consent access plus conditions 6 and 9 of 09/00029/FUL should be applied to any consent granted.

7.0 **THE PLANNING POLICY CONTEXT**

7.1 **East Cambridgeshire Core Strategy 2009**

- CS1 Spatial Strategy
- CS5 Retail and town centre uses
- S1 Location of retail and town centre uses
- EC3 Non-residential reuse or replacement of buildings in the countryside
- EC5 Farm diversification

7.3 **National Planning Policy**

- PPS4 Planning for Sustainable Economic Growth
- PPS7 Sustainable Development in Rural Areas

8.0 **PLANNING COMMENTS**

8.1 The main issue to consider when determining this application relates to whether the principle of retail use in this rural location is acceptable or not. Other relevant issues relate to visual and residential amenity and the impact of the proposal on highway safety.

8.2 *Background History*

The existing hat hire business, which currently operates from Trinity Hall Farm, has, according to the supporting text of this application, been in operation since 1994. The business however does not appear to have any relevant planning history.

Consent was granted in 2009 (application 09/00029/FUL) to convert the existing farm buildings of Trinity Hall to residential use. This scheme, which has not yet been implemented, involves the loss of the building that contains the existing hat hire business, and is the reasoning behind the proposed relocation of the premises to No.19 Collins Hill. As consent was not previously sought for the business, the proposed relocation to an alternative address now gives the Local Planning Authority an opportunity to properly assess the suitability of the business in this rural location.

8.3 *Countryside*

The application site is located in the countryside where development is strictly controlled, and restricted to that which is essential to the efficient operation of local agriculture, horticulture, forestry, permitted mineral extraction, and outdoor recreation, or to other uses specifically identified in the Core Strategy. Use of the building for shop or retail purposes does not fall within any of these permissible categories.

8.4 *Policy*

Promoting the health of the district's town and village centres is one of the key strategic objectives underpinning the East Cambridgeshire Core Strategy. Both the Core Strategy and government guidance actively seek to encourage 'town centre uses' in economically competitive and sustainable locations. The relevant Policies specifically state that retail provision should be focused within the town/village centre,

wherever possible. Retail use will only be permitted in the countryside in exceptional circumstances, for example, on out of town sites, which meet the terms of Policy S1 or, for example, small scale 'farm shops' linked to farm diversification schemes, which meet the terms of Policy EC5.

8.5 *Farm Diversification*

Contrary to what the applicant has argued, the proposed hat hire business is not considered to constitute a farm diversification scheme as outlined in Policy EC5 of the Core Strategy. Whilst this Policy allows for a diverse range of non-agricultural activities, such as a farm shop, a craft workshop, the conversion of farm buildings into offices etc. all of these possible uses have a direct link to the use of the land or farm based produce. The hiring out of hats, however, has no relationship to the farm and is as random as any other A1 use, like a dry cleaners or travel agent. Apart from convenience for the applicant, there is no justification as to why this type of business use requires a countryside location.

8.6 *General Principle*

It goes without saying that business overheads may be less outside existing centres, but there are distinct advantages to both individual businesses and to the retail centres as a whole, to have an expanding and consolidated retail provision. Although it could be argued that locating the business adjacent to the owners dwelling is a convenient and sustainable option for the applicants, the number of trips generated by the daily commute to work are unlikely to outnumber those directly associated with the business i.e. visiting public, commuting staff, deliveries etc. In other words, locating this type of business in a rural location is not a sustainable option, nor is it one that complies with the relevant Policies outlined in the Core Strategy.

8.7 *Sustainability*

Whilst the proposed relocation of the business would certainly benefit the applicant, it would not be in the interest of settlements, where there is a surplus of vacant A1 premises. If the hat hire business were to relocate to any of these locations, the likelihood of loyal and existing customers combining trips, thereby benefiting other businesses and adding to the vitality and success of the centre, is a certainty, and something that the Council is keen to encourage. In return, it is also likely that the hat hire business would profit from an increased footfall in a more sustainable location.

8.8 *Operating the Business Without the Need for Planning Permission*

Whilst the proposal is contrary to adopted Policy, there are circumstances where an individual can operate a business from home without the need for planning permission. One of the conditions of this would be that, for example, the business would operate by appointment only and would not be open to the general public. Other conditions relate to restrictions on the employment of staff and maintaining the residential character of the site.

8.9 *Visual Amenity*

The proposed change of use would not have any physical implications, as the planned works to the existing outbuilding, which is located within the curtilage of No.19 Collins Hill, do not require planning permission.

8.10 *Residential Amenity*

Bearing in mind the distance away from any of the neighbouring properties, including the proposed new dwellings at Trinity Hall Farm, the proposed shop is unlikely to have an adverse impact on residential amenity.

8.11 *Highway Safety*

County Highways have no objections in principle and recommend that an additional plan is submitted, which links the proposed access with the 2009 application for residential development. Sufficient customer parking would be provided onsite.

8.12 *Summary*

The application site is situated in the countryside where development is restricted to that which is essential to the efficient operation of local agriculture etc. The use of the existing building as a hat hire business/shop (A1 use) does not fall within the categories of acceptable development, nor is it an existing business looking to expand. As such, the application is considered to be inappropriate for this rural location and fails to comply with the relevant Policies. The restrictive policies are not intended to penalise small businesses, but instead, their purpose is to benefit and enhance the economic vitality as a whole. It is therefore important that Policies that seek to consolidate and enhance retail centres are supported. Setting precedents can weaken the ability of the Local Planning Authority to realise its vision for the future.

8.13 **RECOMMENDATION:** Refuse

- 1 The site lies in the designated countryside where development is strictly controlled, and restricted to that which is essential to the efficient operation of local agriculture, horticulture, forestry, permitted mineral extraction, and outdoor recreation, or to other uses specifically identified in the Core Strategy. Use of the existing outbuilding for retail purposes does not fall within any of the permissible categories. For this reason the proposal is contrary to Policy CS1 of the East Cambridgeshire Core Strategy, 2009 and the aims and objectives of PPS7 - Sustainable Development in Rural Areas.
- 2 The location of a retail unit at this countryside address is considered to be in an unsustainable location and if permitted, would not only set an undesirable precedent, but would jeopardise and weaken the economic vitality of existing retail provision in settlements and encourage the use of private cars. The proposed change of use within this rural location is therefore contrary to the requirements of Policies CS5, S1, EC3 and EC5 of the East Cambridgeshire Core Strategy 2009 and the aims and objectives of PPS4 - Planning for Sustainable Economic Growth, which advise that town centre uses should be focussed within existing settlements.

<u>Background Documents</u>	<u>Location(s)</u>	<u>Contact Officer(s)</u>
Application Files: 11/00207/FUL 10/01018/FUL 09/00029/FUL	Yvette Mooney Room No. 011 The Grange Ely	Yvette Mooney Planning Officer 01353 665555 yvette.mooney@eastcamb.gov.uk
Core Strategy, 2009 PPS4 and PPS7		

