

North Northamptonshire North Area Planning Committee Wednesday 3rd April 2024

Application Reference	NC/23/00495/COU
Case Officer	Mr Fernando Barber-Martinez
Location	74 High Street, Gretton, near Corby, NN17 3DF
Development	Change of Use from offices (B1 now Class E) to dwelling house (C3) (Buckworth Barn)
Applicant	Mr T Forsey
Agent	RMC Designs Ltd
Ward	Corby Rural
Original Expiry Date	15th February 2024
Agreed Extension of Time	9th April 2024

List of Appendices

Appendix A - statement of personal circumstances (confidential) (TO FOLLOW)
Appendix B – Site Plan

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because in the opinion of the relevant senior planning officer the application has a finely balanced officer recommendation.

1. Recommendation

- 1.1. That TEMPORARY planning permission be GRANTED subject to conditions listed in the report.

2. The Proposal

2.1 The proposal involves the formal change of use of the listed barn (Buckworth Barn) from an office use (B1 now Class E) to a residential (C3) use also involving the provision of:

- two allocated parking spaces.
- small fence to enclose yard area to provide garden yard area (in-situ).
- internally two bedrooms (at first floor) and living space and facilities at on the ground floor (in-situ).

[See associated NC/21/00196/LBC (approved 13.08.2021). The works permitted by NC/21/00196/LBC [Listed Building Consent for a residential conversion] have been implemented/completed on site.

2.2 The applicant has - recently provided a new statement of personal circumstances in support of this application (confidential).

3. Site Description

3.1 The site comprises a curtilage listed barn (known as Buckworth Barn) within the grounds of No 74 High Street which includes the Barn House, and Coach House which separately was permitted to be used as a bed and breakfast in 2018. The listed barn (Buckworth Barn) was converted into office use in around 2004 and sits behind the gated entrance to the site (fronting the High Street) with Barn House (Grade II listed) facing it. These buildings are all under the control of the applicant.

3.2 The site lies in Gretton Conservation Area.

3.3 Until June 2021 the application site accommodated up to six employees of the applicant's business until their relocation into a business park in Corby itself. The listed barn had two office rooms at ground floor and two office rooms at first floor level but is now converted into a stand-alone two bedroom dwelling having implemented the Listed Building consent for such works.

4. Relevant Planning History

04/00130/COU and 04/00132/LBC Change of use of barn to offices. Approved 5.4.2004

NC/21/00196/LBC Change of use from offices to dwelling house (internal and external alterations). Approved 13.08.2021 (Listed Building Consent).

NC/21/00200/COU Change of use from offices to dwelling house: Refused 13.08.2021 for the following reason: -

"The proposal would be contrary to the Policy BE1 of the Gretton Neighbourhood Development Plan (adopted June 2021) in that the proposal would lead to a loss of a commercial premises (listed barn) or land that provides for employment or potential future employment opportunities."

NC/23/00288/COU Change of Use from offices (B1) to dwelling house (C3) (Buckworth Barn). Refused 10.8.2023 for the following reason:

“The development is contrary to the Policy BE1 of the Gretton Neighbourhood Development Plan (adopted June 2021) in that the proposal would lead to a loss of a commercial premises (listed barn) or land that provides for employment or potential future employment opportunities, and there are no new material planning considerations of sufficient weight to indicate otherwise. The application has not overcome the earlier reason for refusal.”

5. Consultation Responses

A full copy of all comments received can be found on the Council’s website

5.1 Gretton Parish Council

The applicant and his agent have questioned the Parish Council's objection to NC/23/00495/COU and asked for clarification as to our decision and why the same objection had not been raised for NC/23/00402/DPA. The below was sent to the agent by the Parish Council in an endeavour to clarify the rationale for the objection:

"As you are aware the Garage site at Craxford Road has not existed as an ongoing business for many years - indeed there had been a previous application approved on the site to make it into a residential site in 1999, although this lapsed. Rather than allow the buildings to become decrepit it was considered that the new planning application would save the heritage of the building in a sympathetic manner, and hence we supported the development.

In the previous planning application for Buckworth Barn, the applicant states:

“The barn was renovated in 2004, following a Change of Use application, to be used as offices for the owner’s business. The demand for their services and the lack of available space for expansion within the building meant that the business had to move to offices in The Enterprise Centre in Corby in 2021”.

This is despite the applicant having successfully received permission to extend the property under 20/00454/LBC and 20/00453/DPA to presumably enable the expansion of the business.

As you will be aware the Neighbourhood Plan was made in May 2021, and therefore the policy BE1 was considered applicable. The title of the policy is "Support for **existing** businesses & employment opportunities". The policy clearly states:

Applications for a change of use to an activity that does not provide employment opportunities will only be supported if it can be demonstrated that:

- a) the commercial premises or land in question has not been in active use for at least 12 months; and
- b) the commercial premises or land in question has no potential for either reoccupation or redevelopment for employment generating uses and as

demonstrated through the results both of a full valuation report and marketing campaign lasting for a continuous period of at least six months

The site at the Garage, Craxford Road was not an existing business, nor had it been for over 23 years and therefore fulfilled section (a) of the policy, whereas the business being run from Buckworth Barn had been in existence for at least the previous 12 months (evidenced by a request to extend the building in October 2020), nor was it marketed for a continuous period of at least six months, therefore failing to fulfil both policies (a) and (b).

I trust the above demonstrates that due consideration has been given to both applications in a fair manner and that the reason for the objection is now clarified."

The Parish Council would like to make it clear that because the original application NC/21/00200/COU was made in April 2021 and the business had been located at the site within the preceding twelve months the decision to object under Policy BE1 was applicable. We are now concerned that the applicant, who changed the use of the building prior to this application being completed, and without permission, will now try to use the rationale that more than 12 months has lapsed since the business moved. In our view, the objection on the grounds of policy BE1 is applicable to any subsequent application, thus extending the timeline of the requirement for the premises to be marketed for at least six months (policy BE1(b)). It is imperative to understand the implications of this case as a precedent. If the timeline for marketing is not extended, then any application made and objected to under this policy will simply allow applicants a period of time to lapse, making the policy redundant and inapplicable, which brings into question both the Parish Council and NNC's ability to support the Neighbourhood Plan. We are also concerned that the applicant's decision to change the use of the property without the authorised permission is in breach and is a matter for planning enforcement.

5.2 Neighbours/Responses to Publicity

The Case Officer visited the site on 8th January 2024 with a Site Notice posted the same day. A newspaper notice was placed in the Northants Telegraph on 11th January 2024 (expiry 1 February 2024).

The following neighbours were notified on 28th December 2023 and 7th March 2024.

72,76 High Street (notified on 28th December 2023).
21-33 (odds) Kirby Road
1A School Road

76A High Street
41a, 43, 45, 47 and 49 High Street (notified on 7th March 2024 expiry 31st March 2024)

To date no letters of representation have been received.

5.3 Local Highway Authority (LHA)

(No objection). In respect of the above planning application, the local highway authority (LHA) has the following observations, comments, and recommendations: -
Observations:

1. The LHA do not object in principle as the level of parking required for a 2-bed C3 use would be less than the existing B1 use as per the minimum requirements set out within Northamptonshire Parking Standards (2016).

The application site is not affected by a Public Right of Way Planning Permission does not give or imply permission for adoption of new highway or to implement any works within the highway and / or a Public Right of Way.

5.4 Environmental Health Officer (EHO)

Thank you for consulting me on this application, on behalf of Environmental Health within Regulatory Services, I have reviewed the information submitted by the applicant and have no objection, and no comments to make.

5.5 Archaeologist

Thank you for consulting me on the above application. I have no comments to make on the proposals.

5.6 Waste Team

No comment.

5.7 Conservation Officer

Notified.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

6.2 National Policy

National Planning Policy Framework (NPPF) (December 2023)

National Planning Practice Guidance (NPPG): Temporary Permissions: -

Under section 72 of the Town and Country Planning Act 1990 the local planning authority may grant planning permission for a specified temporary period only.

Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.

A temporary planning permission may also be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward (a 'meanwhile use').

It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently.

6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)

Policies 1 (sustainability), 2 (historic environment), and 8 (place shaping principles), 11 (network of urban and rural areas),

6.4 Part 2 Local Plan for Corby (adopted 2021)

The site lies within Gretton Conservation Area (identified as a planning constraint).

6.5 Gretton Neighbourhood Plan (adopted 2021):

POLICY H3: DESIGN POLICIES - Development proposals should demonstrate a high quality of design, layout and use of materials in order to make a positive contribution to retaining the special character of the Parish.

POLICY BE1: SUPPORT FOR EXISTING BUSINESSES & EMPLOYMENT OPPORTUNITIES - There will be a strong presumption against the loss of commercial premises or land that provides employment or future potential employment opportunities. Applications for a change of use to an activity that does not provide employment opportunities will only be supported if it can be demonstrated that: a) The commercial premises or land in question has not been in active use for at least 12 months; and b) The commercial premises or land in question has no potential for either reoccupation or redevelopment for employment generating uses and as demonstrated through the results both of a full valuation report and a marketing campaign lasting for a continuous period of at least 6 months.

7.0 Other Relevant Documents

Listing Building Description (as follows):-

GRETTON HIGH STREET SP8994 (South side) 10/74 Outbuilding approx. 10m. N of 25/02/51 Barn House (Formerly listed as Ivy House and barns)

GV II

Stables, now outhouse. Probably late C17. Squared coursed limestone with C20 slate roof. Probably originally range of stables with haylofts over. One stable door under wood lintel with C20 door to left. Ashlar gable parapets and kneelers. Left

gable elevation abutting road has 2 casement windows under wood lintels. Right gable rebuilt C20 and building reduced in size. Interior not inspected. Included for group value.

Listing NGR: SP8993994183

7. Evaluation

The key issues for consideration are:

- Principle of Development.
- Impact on the Character of the Conservation Area/Listed Building
- Neighbouring Amenity
- Highway Safety
- Loss of Employment Land/ Premises/ Other Material Considerations

Principle of Development

In general, the use of an existing converted barn for new residential purposes is supported in principle within a village setting subject to the consideration of heritage asset, amenity, highway safety and employment implications, and any other material considerations. Therefore, the proposal is considered to comply with Policy 1 and Policy 11 of the Core Strategy.

Policy 2 of the Core Strategy part states: *“proposals should conserve and, where possible, enhance the heritage significance and setting of an asset.... in manner commensurate to its significance.”*

Policy BE1 of the Gretton NDP is pertinent to the loss of the office/ employment use of Buckworth Barn and this states: *“There will be a strong presumption against the loss of commercial premises or land that provides employment or future potential employment opportunities.*

Applications for a change of use to an activity that does not provide employment opportunities will only be supported if it can be demonstrated that:

a) The commercial premises or land in question has not been in active use for at least 12 months; and

b) The commercial premises or land in question has no potential for either reoccupation or redevelopment for employment generating uses and as demonstrated through the results both of a full valuation report and a marketing campaign lasting for a continuous period of at least 6 months.”

The personal circumstances in this case are considered to be a material planning consideration, and a ‘meanwhile use’ in the form of a temporary residential use is considered to be an acceptable interim use which would not prejudice the long-term delivery of Policy BE1 above.

Impact on the Character of the Conservation Area/Listed Building and its Setting

There is no external change to the appearance of the building- the erection of a wooden fence to provide a garden area also being compatible in visual appearance within an existing yard area. This proposal will have no wider implications on the character and appearance of Gretton Conservation Area. The setting of the host listed building and adjoining Barn House would be preserved.

This accords with Policies 2 and 8 of the Core Strategy, and Policy H3 of the Gretton Neighbourhood Plan.

Impact on Neighbouring Amenity

The present authorised use of the barn is an office (Use Class B1). The proposed residential use would be more compatible with the adjoining residential uses- which is to be welcomed in principle, notwithstanding the provisions of Policy BE1 of the adopted Gretton Neighbourhood Plan.

This accords with Policy 8 of the Core Strategy in respect of amenity.

Highway Safety

The Highway Engineer raises no objection to the proposal on highway safety grounds. This is acceptable at this location within Gretton village. Two off-road car-parking spaces would be provided off road within the site.

This accords with Policy 8 of the Core Strategy in respect of highway safety.

Employment Land/ Premises Loss/ Other Material Considerations

The actual use of that building in relation to a formerly B1 use ceased in 2021 following a business relocation to elsewhere in Corby, in that Policy BE1 (a) in part appears to be satisfied.

No marketing evidence has been put forward by the applicant in the planning application to address the test required in Policy BE1 (b) of the Gretton NDP before an alternative non employment use can be acceptable.

The proposal therefore does not fully accord with the specific wording of Policy BE1 of the Gretton Neighbourhood Development Plan, however the agent and applicant have submitted confidential medical information which is a material consideration in the determination of this proposal which is of sufficient 'weight' in the overall planning balance. It is considered that a temporary 3-year planning permission in relation to a C3 (dwellinghouse) use of Buckworth Barn is reasonable - given the specific medical circumstances that are involved in this case.

8. Other Matters

- a. Neighbour comments: None received to date.
- b. Equality: No adverse implications.

c. Health Impact Assessment: Confidential.

9. Conclusion/Planning Balance

Overall, the proposed change of use would secure the long-term preservation of this Grade II listed building barn (with no harm arising) and has no wider visual implications within Gretton Conservation Area. Members are advised that listed building consent has already been granted for the residential conversion from office layout. No appreciable adverse amenity or highway implications arise.

However, the recent Gretton Neighbourhood Plan Policy BE1 seeks to retain such land (listed barn) for employment uses- and weight should be given to that policy given the Neighbourhood Development Plan's recent adoption (June 2021).

Personal circumstances can be a material planning consideration in determining planning applications, but they should only be considered as an exception to a general rule and only considered in special cases such as this.

In this case it is considered that the medical circumstances (confidential) identified by the applicant are a material consideration which would outweigh the harm caused by the temporary loss of office use on the site. The harm is further mitigated by the proposal being for temporary use and when weighed in the planning balance between other planning policies in the development plan and specifically Policy BE1 of the adopted Gretton Neighbourhood Plan the proposal is considered acceptable.

The National Planning Policy Framework has economic, environmental, and social strands to planning policy outcomes, and in the instance (subject to the imposition of a 3-year temporary planning permission) the social benefits of the proposal can be delivered without long term conflict with Policy BE1 of the adopted Gretton Neighbourhood Plan.

10. Recommendation

That TEMPORARY planning permission be GRANTED subject to conditions listed in the report.

11. Conditions

1. The temporary C3 (dwellinghouse) (carers) use of Buckworth Barn hereby permitted shall be discontinued on or before 9th February 2027.

Reason: In order to secure a temporary residential use with specific personal medical circumstances - which otherwise would be contrary to Policy BE1 of the adopted Gretton Neighbourhood Plan (2021).

2. The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local

Planning Authority in order to discharge other conditions attached to this decision:

Site Location Plan 21.12.2023
Site Layout Plan 21.12.2023
Dwg 7401 21.12.2023
Dwg 7402 21.12.2023

Reason: For the avoidance of doubt and to ensure a suitable form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

12. Informative Notes

None.