

Item No. 11**SCHEDULE A**

APPLICATION NUMBER	CB/10/00356/VOC
LOCATION	Land And Buildings At College Farm, Bourne End, Cranfield
PROPOSAL	Removal of Condition 8: from Planning Permission CB/09/01017/Full dated 20/07/09 in respect of the use of part of building B as shown on drawing no. 1907/3 for storage and office purposes (B1 and B8 use) shall be for a limited period of two years commencing from the date of this decision notice at the end of which time the uses shall cease.
PARISH	Cranfield
WARD	Cranfield
WARD COUNCILLORS	Cllr A Bastable & Cllr K Matthews
CASE OFFICER	Sarah Fortune
DATE REGISTERED	02 February 2010
EXPIRY DATE	30 March 2010
APPLICANT	Mr C Green
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Cllr Alan Bastable – Parish Council concerned about possible loss of jobs but would like to see a specific area designated for use
RECOMMENDED DECISION	Full Application - Refused

Site Location:

The site lies on the east side of the road in Bourne End Cranfield which supports a variety of old and new buildings. It lies in a rural location in a sporadic ribbon of development which lies outside of the built up area of Cranfield.

The Application:

This application is for the removal of condition 8 on 09/01017 - which restricted the applicant's office and storage use (in the rear corner of the building known as Building B - the Green Barn) - to a temporary period of two years.

RELEVANT POLICIES:**National Policies (PPG & PPS)**

PPS7 Sustainable development in the countryside
PPG4 Industrial and Commercial development.

Regional Spatial Strategy

East of England Plan (May 2008)

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

Bedfordshire Structure Plan 2011

Core Strategy and Development Management policy document dated November 2009.

CS11, DM3 and DM12 Re use of rural buildings.
DM3 Protection of amenity

Planning History - relevant

03/00558 Full: retention of existing and proposed alterations to units 1 - 5: B1 use of unit 1, B8 use of Unit 2 (personal to AIW Ltd) and alternative use of Unit 2 for B1 use and B1 use of units 3, 4 and 5.
Granted: 3/11/2003 subject to conditions.

CB/09/01017/FULL Full: Retrospective change of use of Unit 1 from B1 to B8, Retrospective (renewal) of Unit 5 for B1 and B2 use, retrospective use of part of building B for B8 (storage) and B1 (office) use and retrospective erection of outbuilding for electrical meter.
Granted: 20/07/2009

Representations: (Parish & Neighbours)

Parish Council No objections providing a condition can be applied to limit the operation to a specific square footage of the barn, and to the specific business operating there. If officers are minded to refuse the application this council requests that a site visit is carried out and that the application is brought to Committee.

Neighbours No observations received.

Consultations/Publicity responses

Ramblers No objections

Access Officer No comments regarding disabled access

Marston Vale Trust No comments.

Highways officer No objections

E.H/O. No objections

Determining Issues

The main considerations of the application are;

1. Background and Policy
2. Other Considerations

Considerations

1. Background and Policy

The site at College Farm comprises of a dwelling house as well as a range of other buildings - including a garage, residential annexe building to the rear of the house, a large older building to the front of the site which is made up of five industrial units and a new building to the rear of the site - which is the subject of this application and is being used by the applicants business for office and storage purposes.

Planning consent has been granted for the use of the five units to the front for industrial units under planning ref: 09/01017. (These units have been used for various industrial purposes for a number of years and the building in which they are located is considerably older than the building the subject of this planning application.) This latest permission was a 'renewal' of a previous planning permission ref: 03/00558 dated 3/11/2003 in respect of units 1 and 5 only. Unit 1 was for retrospective change of use from B1 to B8 and Unit 5 was for the retrospective renewal of B1 and B2 office and workshop. Various conditions were attached to the permission which restricted the hours of use, hours of deliveries, noise controls, restriction on outside storage etc .. as well as a condition - number 6 - which restricted the use of Units 1 and 5 to the present occupiers as it was felt that other tenants could create more problems than those existing in the units.

The above planning permission also included planning consent for the use of the building to the rear of the site - then known as Building B (the Green Barn) - to the use by the applicants own business - CN Packaging - which is in respect of B1 and B8 uses. Condition 8 on this permission states that:

The use of part of Building B shall be for a limited period of two years commencing from the date of this decision notice at the end of which time the uses shall cease.

The reason for this condition was:

'To enable the occupiers of this unit to find alternative accommodation for this business which is within a building built as a riding school.'

The applicant is now requesting in this current application for Condition 8 attached to planning permission ref: 09/01017 to be removed. The part of the

building that this condition relates to is currently being used by the applicants own business: on the ground floor as offices - 19m by 5m - and storage - 9m by 5m. There is 19m by 5m of offices on the first floor.

The applicant advises that Building B - known as the 'Green Barn' was originally granted planning permission to be used for the stabling and keeping of horses under planning consent ref: 84/450/B in 1986. The building was completed in January 2004 to be used for the above purposes in association with a riding school granted planning permission under 84/450/A.

Due to circumstances beyond the control of the applicant the building - Green Barn - and the riding school - were abandoned soon after completion in 2004 and the building became redundant. In January 2005 a family run internet business started operating under the name of CN Packaging in the rear corner of the building. The main area of the barn was retained for private and personal amenity use and this forms no part of this current application.

The applicant wishes to have the two year planning restriction on his business removed so that he can operate at the site on a permanent basis. He is of the view that the condition is very unreasonable and advises that his business use has less of an impact on the amenities of neighbours than any equestrian use. He states that the business is very low key and generates less traffic than the unrestricted use of the site as a riding school and the keeping of horses - which would operate on 7 days a week including evenings - whereas the business use is only operating Mondays to Fridays between 9am and 5pm. The horse use would create high volumes of HGV horse boxes as well as 4 by 4 vehicles with trailers.

He further advises that during the time that he has been at the site great care has been put into practice to keep the site on a low key footing to eliminate traffic concerns. All vehicular movement is monitored by a CCTV system. Also, the vehicles that collect for units 1 - 5 also often collect for Building B - and these vehicles are predominantly small postal vans.

The applicant further advises that he respects condition 6 - which restricts the uses of the rear corner of the building to only by CN Packaging - but he feels that condition 8 is unreasonable. This small family business employs 12 people from the surrounding villages and has generated local employment for the past five years. He exports to Europe and America - supporting the UK trade deficit and generating valuable support within the local economy. He is of the view that the time restriction condition - 8 - makes no provision for the security of the long term employment of the workers or the business that would otherwise be unaffordable to operate in a different location, forcing closure and unemployment.

Whilst planning officers fully appreciate the concerns and comments from the applicant the site lies in a rural location where there is a strong presumption against the granting of planning permission for new industrial and residential uses unless there are very exceptional circumstances. In this case, the building was built as a riding school for horse uses in the last few years - but has not been used for this purpose.

Whilst this council also supports the re-use of buildings for alternative uses - in

particular industrial ones - it is felt that in this case the building in question is not an old redundant rural barn but one which was built specifically for horse uses and could be used for such purposes in the future. The Local Planning Authority gave temporary consent on the basis that whilst they were of the view that these commercial uses were unacceptable and in conflict with planning policies they wanted to give the applicant the opportunity to find some alternative premises - and that is why a temporary permission for two years was given rather than a refusal.

Officers fully appreciate the comments raised by the applicant and his wish to keep his staff employed at the site. However, this condition was only attached for two years to enable the applicant to relocate an active business. For this authority now to take a different view on the matter there would have to have been a change in circumstances in respect of the site itself or a change in planning policies in relation to the use of new buildings for industrial purposes in the countryside.

However, there has not been a change either in circumstances relating to the site itself nor in respect of planning policies for barn conversions. The new Core Strategy and Development Management Policy document states in Policy DM12 that the council supports the diversification of redundant horticultural or farm buildings in settlements - or in the countryside - for employment purposes. Clearly the application building is not a redundant building falling in either of the above categories. It was intended for equestrian use but has never been used for this purpose. Such a scale of development in the open countryside is acceptable only for agricultural use or equestrian purposes and to condone its immediate use for commercial purposes would be in conflict with the general constraint on such development in this rural area.

It is therefore considered that the removal of condition 8 is not acceptable in that it would fail to meet planning policies in the Core Strategy and Development Management Policy document as well as Central Government Policy advice. The application should therefore be refused.

2. Other Considerations

The highways officer has advised that she has no objections to the removal of this condition

There are no objections regarding the impact of the removal of this condition on the Public Footpaths in the vicinity.

With regard to the impact on the amenities of neighbours if this condition were to be removed there are no close by neighbours the nearest one being College Farm itself where the site owner /applicant lives and then there is Brock Cottage some distance away to the north of the site. It is not felt that the removal of this condition and the extra noise that will be experienced by neighbours will be significant enough as to withhold planning permission on these grounds. The office and storage activities in the barn are not noisy ones and the amount of traffic that is generated by this use is not sufficiently greater than the total traffic generated by the other industrial uses in the adjacent building to the front of the College farm site such that a refusal could be sustained.

Reasons for refusal

In view of the fact that there are still planning policy reasons as to why this condition should not be removed in that the council will only allow buildings to be converted in the countryside where they are redundant agricultural ones and not - as in this case a recently erected horse building - the application is recommended for refusal as being in conflict with planning policies in the Core Strategy and Development Management Policy Document and PPS7.

Recommendation

That Planning Permission be refused for the following reason.

- 1 The removal of condition 8 attached to Planning Permission ref; CB/09/01017/FULL dated 20/07/2009 would be in conflict with planning policies in the Core Strategy and Development Management Policy document dated November 2009 in that the building is not a redundant agricultural one but was erected for the purposes of keeping and stabling of horses and should be retained for this purpose.

DECISION

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