



**West Berkshire Local Plan Review 2022-2039**  
**Proposed Submission Representation Form**

**Ref:**

*(For official use only)*

Please complete online or return this form to:	<b>Online:</b> <a href="http://consult.westberks.gov.uk/kse">http://consult.westberks.gov.uk/kse</a>
	<b>By email:</b> <a href="mailto:planningpolicy@westberks.gov.uk">planningpolicy@westberks.gov.uk</a>
	<b>By post:</b> Planning Policy, Development and Regulation, Council Offices, Market Street, Newbury, RG14 5LD
<b>Return by:</b>	<b>4:30pm on Friday 3 March 2023</b>

This form has two parts:

- Part A - Your details: need only be completed once
- Part B - Your representation(s): please fill in a separate sheet for each representation you wish to make

**PART A: Your Details**

*Please note the following:*

- *We cannot register your representation without your details.*
- *Representations cannot be kept confidential and will be available for public scrutiny, however, your contact details will not be published.*
- *All information will be sent for examination by an independent inspector*
- *All personal data will be handled in line with the Council's Privacy Policy on the Development Plan. You can view the Council's privacy notices at <http://info.westberks.gov.uk/privacynotices>*

	Your details	Agent's details (if applicable)
Title:		Mr
First Name:*		Gareth
Last Name:*		Johns
Job title (where relevant):		
Organisation (where relevant):		Pro Vision
Address* Please include postcode:		The Lodge, Highcroft Road, Winchester, SO22 5GU
Email address:*		████████████████████
Telephone number:		01962 677044

\*Mandatory field

**Part B – Your Representation*****Please use a separate sheet for each representation***

The accompanying guidance note available at: <https://www.westberks.gov.uk/lpr-proposed-submission-consultation> will assist you in making representations.

*Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s) as there will **not normally** be a subsequent opportunity to make further representations, **further submissions will ONLY be at the request of the Inspector, based on the matters and issues they identify for examination.***

Your name or organisation (and client if you are an agent):	Pro Vision obo Mr and Mrs Gent
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**Please indicate which part of the Local Plan Review this representation relates to:**

Section/paragraph:	Paragraph 11.50
Policy:	Policy DM24: Conversion of Existing Redundant or Disused Buildings in the Countryside to Residential Use
Appendix:	
Policies Map:	
Other:	

**1. Legally Compliant**

*Please see the guidance notes for an explanation of what 'legally compliant' means.*

**Do you consider the Local Plan Review is legally compliant?**

Yes

No

*Please give reasons for your answer:*

## 2. Soundness

Please see the guidance notes for an explanation of what 'soundness' means.

### Do you consider the Local Plan Review is sound?

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
<b>Positively Prepared:</b> The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		
<b>Justified:</b> the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		X
<b>Effective:</b> the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		
<b>Consistent with national policy:</b> the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		X

Please give reasons for your answer:

Please see accompanying letter for our full representations.

## 3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what 'Duty to Cooperate' means.

### Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

**4. Proposed Changes**

**Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).**

*You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.*

Please see accompanying letter for our full representations.

**5. Independent Examination**

**If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?**

Yes  No

*If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:*

*We wish to appear at the examination to present our evidence and technical information to support these representations*

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

**6. Notification of Progress of the Local Plan Review**

**Do you wish to be notified of any of the following?**

*Please tick all that apply:*

*Tick*

The submission of the Local Plan Review for Independent Examination	X
The publication of the report of the Inspector appointed to carry out the examination	X
The adoption of the Local Plan Review	X

*Please ensure that we have either an up to date email address or postal address at which we can contact you. You can amend your contact details by logging onto your account on the Local Plan Consultation Portal or by contacting the Planning Policy team.*

<b>Signature</b>	<b>Gareth Johns</b>	<b>Date</b>	<b>02/03/2023</b>
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**Your completed representations must be received by the Council by 4:30pm on Friday 3 March 2023.**



Our ref: 51188/GJ

Planning Policy  
West Berkshire Council  
Council Offices  
Market Street  
Newbury  
Berkshire  
RG14 5LD

Submitted via email: [planningpolicy@westberks.gov.uk](mailto:planningpolicy@westberks.gov.uk)

2<sup>nd</sup> March 2023

Dear Sir/Madam

[REDACTED] Proposed Submission (Regulation 19) West Berkshire Local Plan Review - Policy DM24:  
[REDACTED] Redundant or Disused Buildings in the Countryside to Residential Use

Pro Vision is instructed by Mr and Mrs Gent to submit representations in response to the West Berkshire Council ('the Council') Regulation 19 Consultation on the proposed submission version of the Local Plan Review (LPR) to 2039, herein after referred to as the 'the Plan'.

## Background

Specifically, this representation is made in relation to Policy DM24. The Policy confirms that the conversion of redundant or disused buildings in the 'countryside' to residential use will be supported provided they meet the criteria listed.

This Policy follows a similar content and structure to Policy C4 of the Housing Site Allocations DPD (adopted 2017). Furthermore, the support for conversion of buildings to new homes in the 'countryside' is supported in the National Planning Policy Framework ('the Framework') at paragraph 80 c.

Our client, in principle, supports the inclusion of Policy DM24 in the Plan. However, they have concerns regarding the soundness of some of the specific criteria and wording in the Policy which has the potential to undermine its success in delivery housing in the 'countryside'.

## Submissions on the criteria and wording of Policy DM24

### The Policy

It is considered that some of the criteria (e.g heritage c., amenity e., ecology i.) in the Policy simply require consideration of other Development Plan policies. Therefore, for clarity and ease these should be removed as they are unnecessary duplication. There also appears to be no justification why some matters are included and others

not. For example, there is no criteria/cross reference to policies on highway safety or drainage. Alternatively, the Policy could simply state that any proposal should comply with other relevant policies within the Development Plan.

*f. It has no adverse impact on rural character*

This criteria is not justified and does not accord with national policy and paragraph 80 c which simply refers to an enhancement of the immediate setting. It cannot be sensibly applied that this is a 'zero harm' policy/criteria - indeed, if it were, any conversion of agricultural buildings to residential use would infringe it. The criteria should be re-worded to: '*seeks to respect the prevailing rural character of the area*'. This should advocate a balanced planning judgement.

*g. The existing vehicular access is suitable in landscape terms for the use proposed*

This criteria goes beyond that required by national policy and is essentially 'double counting' as any harm to the [REDACTED] landscape from the proposal (including its access) would also be considered under [REDACTED]. It is not clear what the Council is trying to achieve with this criteria.

*h. The creation of the residential curtilage would not be visually intrusive, have a harmful effect on the rural character of the site, or its setting in the wider landscape; and*

Similar comments to criteria f and g. The impact of the curtilage would be considered under criteria f and it cannot sensibly be applied that this is a 'zero harm' policy/criteria. All proposed changes from agriculture to residential use would involve the need to provide amenity space (e.g. garden land) as part of the residential curtilage which would by definition include a degree of harm to the character of the area/landscape.

*There will be a presumption against permission being granted for replacement building(s) pursuant to a change to a residential use established under this Policy*

This statement is contrary to Section 38(6) of the Planning and Compulsory Purchase Act 2004. This confirms that there may be other material considerations that indicate that a proposal should be determined other than in accordance with the Development Plan. The statement is also vague and ambiguous.

It appears that the Council are concerned that a proposal that accords with this conversion Policy could subsequently be used as a 'fallback' position to support new build development in the countryside. However, there may be circumstances where a new build/replacement proposal, in comparison to a conversion scheme, will have significant benefits and be considered preferable.

As a result, it is considered that rather than seeking to restrict development the Policy could be positively worded to allow new build/replacement proposals - where it has been proven that the conversion of the existing building(s) would comply with the criteria of Policy DM24 - that deliver an improved and enhanced development.

This approach follows the Government's agenda of promoting and increasing high quality design and paragraph 8 of the Framework that seeks opportunities to secure 'net gains' across the different sustainability objectives, including environmental. The North Wessex Downs AONB Management Plan also supports achieving 'net gains' in landscape character and natural beauty.

## Supporting Text

Paragraph 11.50 notes that the Policy applies to all structurally sound buildings, including traditional farmsteads or buildings. The paragraph however goes on to add that the Policy is not intended to encourage the retention of buildings that currently have adverse visual/landscape impact such as large agricultural sheds.

As such, whilst the paragraph notes that the Policy applies to all structurally sound buildings, the Council appear to be implying that traditional and historic farm buildings are more likely to be considered acceptable for conversion under this Policy than more 'modern' large agricultural sheds. The Council's approach is unsound as it is not justified and national Policy does not make any such distinction or assume that all 'large agricultural sheds' are not structurally sound or inappropriate for conversion to residential use. This text therefore may influence the decision-makers assessment of these types of buildings when considered against the criteria in the Policy.

It is considered that this last sentence in the supporting text should be removed as each case should be considered on its merits against the appropriate evidence e.g structural survey.

### **Policy DM24**

Accordingly, the Council's approach to conversion of existing buildings in the countryside to residential use does not clearly set out the tests for soundness: justified or consistent with national Policy and paragraph 80 c. The Policy is not clearly written with issues muddled between criteria and repetition of other policies that may only be relevant in some circumstances. As such, the Policy as currently worded is likely to lead to uncertainty in decision-making.

For the Policy to be sound it is recommended that the following changes are made:

#### **Policy DM24**

##### ***Conversion of Existing Redundant or Disused Buildings in the Countryside to Residential Use***

*The conversion of existing redundant or disused buildings in the countryside to residential use will be supported provided that the following criteria are satisfied:*

- a. The proposal involves a building that is structurally sound and capable of conversion without substantial rebuilding, extension or alteration;*
  - b. The applicant can prove the building is genuinely redundant or disused;*
  - c. ~~Any internal and external changes do not harm the significance of a heritage asset in accordance with Policies SP9 and DM12;~~*
  - d. The proposal respects and retains the character, fabric and distinctive features of the building and uses matching materials where those materials are an essential part of the character of the building and locality;*
  - e. ~~The site and location is suitable for residential use and gives a satisfactory level of amenity for occupants;~~*
  - f. ~~It has no adverse impact on~~ seeks to respect the prevailing rural character of the area;*
  - g. ~~The existing vehicular access is suitable in landscape terms for the use proposed;~~*
  - h. ~~The creation of the residential curtilage would not be visually intrusive, have a harmful effect on the rural character of the site, or its setting in the wider landscape; and~~*
  - i. ~~The impact on any protected species is assessed and appropriate avoidance and mitigation measures are implemented to ensure any protected species are not adversely affected.~~*
- [new criteria] accords with other relevant policies in the Development Plan (e.g on heritage, amenity and ecology)*



~~There will be a presumption against permission being granted for replacement building(s) pursuant to a change to a residential use established under this Policy.~~

*There is a presumption in favour of the conversion of existing buildings in the countryside to residential use in accordance with the above criteria unless there are clear benefits for doing otherwise (e.g a new build/replacement proposal) when considered against other policies in the Plan. For example, this may include [but not limited to]: enhancement to the setting of heritage assets and the landscape/character of the area; energy efficiency gains; remediation of contamination or reducing flood risk.*

We trust this Statement clearly sets out our client's position at this stage and respectfully request that the above is given due consideration as part of the West Berkshire Local Plan Review.

Yours faithfully



**GARETH JOHNS BSc (Hons) MSc MRTPI**  
Associate Director

