

ned that the government still intends to announce its response to the review in next month's autumn budget. Iain Gilbey, partner at law firm sent Masons, said that a local infrastructure target as recommended in the review, would be a welcome change in providing a "top slice" of funding for infrastructure without affecting viability or reducing funds available for affordable housing.

London affordability advice proves popular, official says

Applicants have responded positively to London Mayor Sadiq Khan's affordable housing and viability supplementary planning guidance. John Wacher, viability team leader at the Greater London Authority (GLA), said that since the draft guidance was published last autumn there has been an increase in the number of applications submitted meeting its 35 per cent affordable housing threshold, thus avoiding the need for a separate GLA viability assessment. Pidgley welcomed the GLA's position as "very straightforward".

90 Ninety per cent of planning decisions follow advice, council leader claims

Cherwell District Council leader Barry Wood said the vast majority of applications are decided in accordance with officer advice. Wood said committee decisions are "rarely party political" and tend to be based more on local knowledge. Milton Keynes Council leader Peter Marland advised applicants to "do their homework" ahead of committee meetings, engage early, familiarise themselves with community aspirations and get to know the "wants and needs" of planning committee members.

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CONVERSIONS

Why the government is to look again at barn conversion guidance

By Richard Garlick

A High Court ruling last year has made it much harder for agricultural buildings with few structural elements to win approval for conversion to housing under permitted development rights, delegates at a conference earlier this month heard.

When do the works required to make a building suitable for a new use become so extensive that the process should be seen as a rebuild rather than a conversion? It may sound an academic question, but for applicants seeking prior approval to convert agricultural buildings to housing under the permitted devel-



High Court: limit to work that can be undertaken by applicants seeking to use permitted development rights

opment right (PDR) outlined in Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, it is of huge commercial importance.

Class Q permits building operations that are reasonably necessary to convert an agricultural building into housing. But a High Court ruling last year said that there was a limit to the extent of the work that could be undertaken by applicants seeking to use the PDR. In *Hibbitt & Anr v Secretary of State for Communities and Local Government & Anr*, Mr Justice Green ruled that an inspector had been correct to conclude that works proposed to convert a Nottinghamshire barn that was largely open on three sides into housing were 'so extensive that they would not constitute permitted development under Class Q. He said that the works would be of such a scale they would comprise rebuilding the barn.

Delegates at this month's British Institute of Agricultural Consultants (BIAC) Rural Planning Conference heard that the *Hibbitt* judgment had made it much harder for agricultural buildings with few structural elements to win approval for conversion to housing. Pre-*Hibbitt*, such buildings were being accepted, said BIAC rural planning division secretary Tony Kernon. "Post-*Hibbitt*, they are not," he added.

Department for Communities and Local Government (DCLG) chief planner Steve Quartermain told delegates that the government would look at the issue. He said the DCLG was already committed to revising guidance to clarify what constituted building operations "reasonably necessary" to convert agricultural buildings to residential use. He added that the department would look at the *Hibbitt* judgment "to see do we need to change our guidance to make it clearer".

Quartermain added that DCLG would be revis-

ing its planning practice guidance more broadly, alongside its revisions to the National Planning Policy Framework (NPPF). The DCLG was aiming for a "March-ish" publication date for the revised framework, he said. "It may be a bit longer, but that's our ambition. If we change the NPPF we'll also need to revise the guidance that goes with it," he added. "Whether we get all the guidance out at the same time, we'll see."

The DCLG's chief planner also told delegates that respondents to the government's 2016 rural planning review had made it clear that under-resourced and therefore slow-moving planning authorities were hampering the rural economy. He said regulations to allow planning authorities to raise fees by 20 per cent, as long as they were ring-fenced to fund planning teams, should be in place by the end of the year. "I used to run planning departments," he said. "And I'd want my planning department to be able to answer the phone if you rang up. I'd want them to be able to meet you if you want to meet them".

Bourne Rural Planning Consultancy managing director Jill Scrivener told delegates that the presumption in favour of brownfield development, proposed in the government's draft NPPF revisions, could create opportunities to develop sites approved for equestrian use. "There are a number of exclusions set out in the definition of previously developed land as given at Annex 2 to the NPPF," she said. "Agricultural and forestry buildings are specifically excluded - but equestrian buildings are not." Scrivener later told *Planning* that there had been several appeals to convert equestrian facilities to housing in which the inspector had treated the site as previously developed land.

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