

# HEWITSONS

## RURAL PLANNING



Our planning team has considerable expertise in dealing with rural planning matters. Our understanding of the issues affecting landowners, farmers and rural businesses means we are able to provide top quality and practical advice on a whole range of rural planning matters, from major development proposals and renewable energy schemes, to agricultural buildings and farm workers dwellings.

We have nationally recognised specialist expertise in relation to intensive livestock development, undertaking a range of work in connection with this type of development. We believe that our understanding of the issues in relation to these developments is second to none, with our expertise on environmental matters and understanding of the practicalities of the business being key.

We are experienced in providing advice, in cooperation with our property colleagues, to landowners who are, either alone or in collaboration with others, working to obtain planning permission with a view to sale. We also advise landowners who are looking to develop land themselves.

A significant area of work is the negotiation and drafting of **section 106 agreements**, both in connection with the development of land for residential and mixed use urban expansions, and for farm and domestic developments.

- We often deal with section 106 agreements for the development of sites owned by trustees where protection is needed for the interests of the trustees, especially where the land may be sold to developers in tranches.
- We have acted for landowners on a regular basis in connection with the development of large sites for mixed use development including work on s106 agreements.

We have experience of preparing section 106 agreements regulating the use of livestock buildings to address ecological and environmental concerns.

We have been involved in a wide range of **planning appeals**, and undertake advocacy at public inquiries with great success. This allows us to offer a seamless service to clients in contentious matters which is unrivalled by many firms.

- We have acted as advocate at public inquiries relating to appeals against the refusal of permission for poultry developments where environmental and heritage issues are commonly key concerns.
- We successfully secured consent on appeal for the erection of a grain store where the main issues were the impact of the proposal on traffic and highway safety, on the street scene, settlement pattern and landscape character of the area, and on the setting of a nearby listed church.

We undertake a significant amount of work in relation to High Court matters, including **Judicial Review** and act for clients in connection with a range of **enforcement issues**, including advocacy in the criminal courts.



We regularly advise on legal issues arising in relation to **planning applications**, in particular issues surrounding Environmental Impact Assessment. In addition, we advise on applications for **certificates of lawfulness** of existing and proposed use and development, including in the preparation of statutory declarations where these are needed in support of certificate applications.

- We assisted the owner of a farm business in securing a certificate of lawfulness in relation to 4 static homes that had been permanently located at the site for in excess of 4 years, together with an application to regularise some business uses at the farm.

Issues relating to **agricultural workers dwellings** are familiar ground for us, both where permission is wanted and where applications are being made to remove conditions.

- We have advised clients on the interpretation of conditions where they wish to show that a breach has been continuous in support of an application for a certificate of lawfulness, and also where they wish to show compliance.
- We successfully lodged a judicial review against a planning permission for an agricultural workers dwelling on the basis that the planning committee had not properly considered the relevant policy tests.

We advise in connection with **permitted development** relating to agriculture, dwellings and businesses in the countryside.

- We have advised clients in relation to permitted development rights for the conversion of farm buildings to dwellings, particularly in relation to the structural integrity of those buildings and the scope for operational works pursuant to those rights.
- We have advised in relation to the conversion of commercial buildings in the countryside to dwellings in the light of the constraints of the permitted development rights for such change of use.

We have expertise in the field of **minerals and waste** planning, both in terms of securing consent and dealing with enforcement issues.

- We have advised one client as to whether certain works constituted lawful implementation of a permission for the extraction of sand and gravel, in the light of various pre-commencement conditions.
- We advised the landowners in connection with a project for the restoration of land for grazing, following earlier quarrying, in the context of planning enforcement action and environmental permitting issues.
- We have acted for a landowner and waste contractor in connection with a series of complex interrelated issues concerning the remediation of land in the green belt, which involved the submission of an application for a certificate of lawfulness for the deposit of material, and appeals against enforcement notices concerning the creation of a new access.

**Listed Buildings** are an area in which we have considerable experience, whether they are listed in their own right or curtilage listed.

- We have advised clients as to the status of buildings associated with a listed farmhouse and as to the extent of works which may be done without the need for listed building consent.
- We have advised clients in relation to whether buildings are curtilage listed, or are within the curtilage of listed buildings, and how that impacts on permitted development rights.

We also advise in connection with **tree preservation orders** and other special protections, such as **scheduled ancient monuments** and **conservation areas**. We also advise in relation to the **compulsory acquisition of land** and compensation issues, including dealing with references to the upper tribunal.

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This document is written as an outline guide only and any action should not be based solely on the information given here. Appropriate professional advice should always be taken in specific instances.

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