

1. SUMMARY

1.1. There is a new emphasis in the National Planning Policy Framework (NPPF) on promoting the 'rural economy', but markedly less detailed guidance on how issues arising from development proposals should be considered.

1.2 There are, however, a number of safeguards available in both the NPPF and more detailed planning regulations which can protect countryside against damaging development. The key safeguard is paragraph 17 of the NPPF which recognises '*the intrinsic character and beauty of the countryside*'. New planning practice guidance on the natural environment reinforces this by describing this as 'One of the core principles' in the NPPF. It adds that local plans should include 'strategic policies for the conservation and enhancement of the natural environment, including landscape' and specifies that this includes 'the wider countryside' not only designated landscapes.

1.3 In March 2014 there was significant liberalisation of permitted development rights for change use of agricultural buildings to use as a 'dwelling house'.

2. TOP TIPS

- Always refer to NPPF paragraph 17 and guidance as context. Examine the case for a development critically to ensure there is a proven need. Where appropriate, support proposals that will help maintain and develop farming, land-based and other economic activities that maintain and enhance both a sense of place and natural assets such as landscape character, wildlife habitats and local food networks.
- Challenge applications to build isolated dwellings for 'rural workers' or for rural diversification where the evidence of an essential need is inadequate, or there is significant adverse environmental impact.
- Highlight the need to protect Best and Most Versatile (BMV) agricultural land from permanent sealing or development to ensure we are able to meet future demand for food.

PLANNING CAMPAIGN BRIEFING SERIES:

1. Development Plans
2. Green Belts
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10. Wider Countryside and Protected Areas
11. Tranquillity
12. Minerals

We welcome case studies and feedback to inform future versions of these briefings.

(E mail to info@cpre.org.uk)

3. PLANNING REFORM LAW AND POLICY AT A GLANCE

PRE-REFORM	LOCALISM ACT / NPPF / PLANNING PRACTICE GUIDANCE (PPG) / CHANGES TO REGULATIONS
Qualified support for the economic development and diversification of farm enterprises. New development outside established settlements should be strictly controlled (PPS7 para. 1[iv], 27, 30/1).	Plans should support sustainable growth and expansion of <u>all</u> types of businesses and enterprise in rural areas specifically through conversion of existing buildings and 'well designed new buildings'. PPG says that all settlements can play a role in delivering sustainable development, and so blanket rules restricting development in some settlements and preventing others from expanding have to be supported by robust evidence.

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	Rural tourism and leisure developments are expected to respect the character of the countryside. LPAs should understanding economic markets in their area and their needs including those of the food production industry
Detailed guidance provided on housing and tests for proposed new dwellings for 'agricultural workers' (PPS7 Annex A).	Avoid isolated new homes in the countryside, but these can be allowed if there is an essential need for a 'rural worker' to live permanently at or near their place of work in the countryside. Under changes to the General Permitted Development Order agricultural buildings can now be converted to up to 3 dwellings with certain limitations.
Significant development of Best and Most Versatile (BMV) land allowed where unavoidable. (PPS7 paras. 28/29; MPS2 para.4).	Weaker test of where significant development of agricultural land is 'demonstrated to be necessary'; economic and other benefits of BMV land should be taken into account. Guidance emphasises assessment of 'economic and other benefits' of BMV land should be considered when land is allocated at plan-making stage. Poorer quality land should be used. The instruction to restore and provide aftercare for BMV land affected by mineral working remains unchanged.

4. BACKGROUND

4.1 The purpose of this briefing is to assist understanding of reforms to the town and country planning system that have taken place since 2011. It outlines the main changes and the issues to be aware of (Analysis) and advises on specific campaign topics (Campaign Advice).

4.2 CPRE is keen to ensure that our precious countryside continues to be protected and valued, and to highlight significant threats to it where they arise. We will collect evidence of outcomes (good and bad), in the form of cases that illustrate the issues we highlight. We welcome public assistance with this, as well as feedback on the briefing.

5. WHAT ISSUES ARE YOU LIKELY TO FACE?

5.1 **Business development in rural areas:** The most significant policy change in the NPPF is para. 28 which states 'plans should support sustainable growth and expansion of all types of businesses and enterprise in rural areas'. This represents a significant weakening of policy protection of the character of the countryside: the reference to 'all types' implies that development is not limited to land-based activity, or any functional link to rural resources. The potential effect is that various businesses that are unrelated to countryside will be able to locate in rural areas creating more dispersed patterns of economic activity. In addition, the PPG says that all settlements can play a role in delivering sustainable development, and so blanket rules restricting development in some settlements and preventing others from expanding have to be supported by robust evidence. In the absence of proper public transport in such areas this could generate more car-based travel and more traffic on rural roads. It could also weaken the role of market towns as hubs for rural businesses and as a location for businesses which outgrow rural premises. There is potential for many forms of activity to be visually intrusive in rural areas and landscapes,



especially if insensitively developed and even if they re-use existing buildings. Inappropriate developments can be countered by reference to the need to protect 'the intrinsic character and beauty of the countryside' (NPPF para. 17) and by pointing out why some business development will not be sustainable.

5.2 Conversion of agricultural buildings to non-agricultural use: This raises particular concerns because once a farm building has been converted it is unlikely to be used for farming or other land-management activities. It may also need to be replaced by another building. Loss of farmsteads from agriculture may also make it harder for people to start a business in farming. However, an agricultural building often will have outlived its original function often, due to its age and changes to farming practices and equipment. Where this is the case, any conversion of a farm building or any new building replacing it should be designed and sited in a way that is sensitive to its setting in the landscape and to the character of other buildings and the countryside around it. The need for good design is emphasised in the NPPF as integral to sustainable development. It requires local plans to have policies to achieve development which 'respond[s] to local character and history, and reflect[s] the identity of local surroundings and materials' (Para 58). Guidance reinforces this view that securing high quality design is a core planning principle across all forms of development.

5.3 Agriculture and related activities: The agricultural use of land is specifically outside planning control as it is not within the legal definition of 'development'. Section 336 of the Town and Country Planning Act 1990 defines 'agriculture' as including:

- 'horticulture, fruit growing, seed growing, dairy farming;
- the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land);
- the use of land as grazing land, meadow land, osier land, market gardens or nursery grounds; and
- the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes.'

5.4 Buildings or engineering operations for agricultural purposes are, however, within the legal definition of development. The Town and Country Planning (General Permitted Development) Order 1995 (as amended) - 'the GPDO' - provides a general automatic grant of planning permission (known as 'permitted development rights') for certain types of minor development. Following recent changes - see below- these now include conversion to dwellings and use for schools. Permitted development rights are not available for new farm or forestry workers' dwellings, or for siting livestock units near residential and similar buildings. The types of permitted development most likely to be of benefit to farmers include:

- temporary uses of land;
- agricultural buildings below a certain size;
- forestry buildings and forestry roads;
- caravan sites and related buildings in some circumstances; and
- conversion of agricultural buildings to up to three dwellings.

5.5 Landowners are able to use their land for any use for up to 28 days a year (with the limit reduced to 14 days in certain cases such as motorbike scrambling) under the GPDO. This is seen as particularly important to the 'rural economy' because it allows landowners to make money from renting out their land for events such as car boot sales and clay pigeon shooting. Sometimes these events can have a major effect on the beauty and tranquillity of a surrounding

area, especially when activity and noise levels are high or unsightly permanent structures are put in place to service the event(s). If the temporary use is very damaging the local planning authority (LPA) can serve an Article 4 Direction on the land in question. The service of a Direction means that the permitted development rights no longer apply and the landowner will need to formally apply for planning permission for the uses covered. Following recent changes to the GPDO, LPAs no longer need the formal approval of the Secretary of State to serve Directions of this kind. LPAs should however have regard to para. 200 of the NPPF which states that the use of Directions should be limited to situations where they are necessary to protect local amenity or the wellbeing of an area. In some cases temporary uses take place on more days than the GPDO allows. If this can be evidenced, the local planning authority should seek control through a planning application or enforcement.

5.6 Up until 1995 agricultural buildings of up to 465m² gross floor area had 'permitted development rights' subject to certain criteria. If a building met the threshold and criteria it did not normally require an application for planning permission. Since 1995 these developments have been subject to the 'prior approval' procedure. This procedure allows the LPA some degree of control over siting and design of the proposed building. But there are important differences between 'prior approval' and an application for planning permission. First, there is not the same requirement to publicise a prior notification or notify the relevant parish council(s), and interested third parties will need to check the local planning register directly. Second, if a local planning authority fails to make a decision on the prior approval application within 28 days, then planning permission is granted automatically. There has been growing pressure to reinstate the former permitted development rights approach for buildings of this size which resulted in changes to the GPDO. These changes came into effect in April 2014.¹

5.7 Changes to the GPDO in April 2014 introduced a new class MB which authorises change of use from an agricultural building to a dwelling house (Use Class 3) so-called 'barn conversions'. A number of exceptions and limitations apply; these are principally:

- the site must have been used solely for an agricultural use as part of an established agricultural unit on 20th March 2013 or, if not in use at that date, then when it was last in use previously
- the cumulative floor space that can be developed is 450 square metres on that established agricultural unit for no more than three separate dwelling houses
- -on sites under agricultural tenancies express consent of tenant and landlord is required to avoid change of use forcing termination of tenancies
- agricultural buildings constructed or extended under the GPDO since 20th March 2013 cannot be converted to residential use
- the rules allow various building operations for conversion to a dwelling house including partial demolition potentially of existing walls, though allowance of full demolition is unlikely and the converted building must fit within the envelope of the existing building
- -development under the new MB class is not permitted on sites that are: on Article 1(5) land [National Parks, AONBs, Conservation Areas or World Heritage Sites) nor SSSIs or Scheduled Ancient Monuments.

It should be noted that the new PDR is subject to a prior notification procedure which applies both to the change of use and associated building works. In both cases the developer must apply to the LPA for a determination as to whether prior approval is required from the LPA. For change of use this covers transport and highways and noise impacts of the development as well as

¹ These were introduced by The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014. <http://www.legislation.gov.uk/ukxi/2014/564/contents/made>

contamination and flooding risks on the site. Additionally, the LPA must determine whether ‘the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to residential use’. This gives LPAs some limited discretion to refuse such changes of use and, invoking paragraph N of part 3 of the GPDO, that in determining these applications LPAs must take into account the NPPF ‘as if the application were a planning application’. This also applies to the issue of design or external appearance under prior notification procedures. It has also been suggested this process is a “sort of ‘planning-permission-lite’”.

5.7 Environmental Impact Assessment (EIA): This is a formal procedure under statutory regulations for ensuring that the potential significant effects on the environment of certain new developments and land use changes are fully considered before the development is allowed. Although an EIA will not normally be required for most smaller-scale development, EIA is mandatory for certain agricultural developments, such as installations for the intensive rearing of poultry or pigs according to certain thresholds on the numbers of animals. Smaller intensive livestock installations and fish farming installations normally require EIA only if, in the view of the local planning authority, they are likely to have significant environmental effects. For some forms of agricultural activity, an EIA may be required even when a formal application for planning permission is not i.e. via permitted development rights. The LPA advises on whether a development proposal or agricultural activity will require an EIA. Planning practice guidance offers some indicative criteria for whether developments relating to agriculture might require an EIA and which aspects would be considered (see the PPG section titled: Indicative Screening Thresholds).

5.8 Housing for rural workers: The NPPF (para. 55) continues the established planning policy of discouraging isolated new houses in the countryside. A potentially important change in policy however is to support, as an exception to this rule, residential development for ‘rural’ rather than agricultural workers. This is provided there is an ‘essential need’ to live ‘permanently’ at or near to their place of work in the countryside’. This is a much wider definition especially when coupled with the scope to develop all kinds of enterprise in rural areas. Theoretically anyone working from their home in the countryside could be considered a ‘rural worker’.

5.9 Previously, planning applications for an agricultural worker’s dwelling were considered against the guidance within Annex A of PPS7 (attached to this briefing), which provided a functional and financial test. This guidance has not been included in either the NPPF or the PPG, and Annex A was formally cancelled when the NPPF came into force. There have however been examples since the publication of the NPPF of Planning Inspectors referring to Annex A as an established means of evaluating proposals². Previous guidance also requested that commercial use should be considered before conversion to residential use but the NPPF allows conversion to residential use where there is ‘an enhancement to the immediate setting’.

5.10 It is therefore up to each LPA to assess and define what an ‘essential need’ or ‘rural worker’ should be. Much will depend on the perspective of planning officers. It will be important to influence each local authority’s policy on ‘essential need’ and to seek a definition of what enhancement to the immediate setting means in practice. Currently, it seems that many LPAs will continue to follow the general guidance provided in Annex A of PPS7 and apply similar principles to non-agricultural rural activities, and CPRE would encourage them to do so. We reproduce it here for this reason. This Annex states that agricultural worker dwellings must pass a ‘functional’ test, which shows that they are necessary for the workers’ role to be fulfilled, and

² See, for example, appeal decision letters APP/D380/C/11/2152132, APP/D3830/C/11/2152133 and APP/D3830/A/2153792. For details of how to download these go to ‘Further Useful Information’ below.



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an 'economic' test which demonstrates that the business associated with the dwelling is financially viable and has been for some time.

5.11 Best and Most Versatile (BMV) Agricultural Land: The Agricultural Land Classification System used in England assesses the quality of farmland in order to facilitate informed choices about its future use. The system assesses the inherent potential of the land under a range of farming systems, not just the current use of the land. . There are 5 grades and two subdivisions of grade 3 land; 1, 2, 3a and b, and 4 and 5. BMV land is defined as grades 1, 2 and 3a. The NPPF provides little explanation of BMV but guidance usefully makes it clearer that Grades 1, 2 and 3a is the land which is "most flexible, productive and efficient in response to inputs and which can best deliver food and non-food crops for future generations". The NPPF also weakens the burden of proof when 'significant' development is proposed, as it is now merely required to demonstrate that development is 'necessary' rather than 'unavoidable' (NPPF para. 112). LPAs should, however, seek to use land of a lower quality, and development involving a significant loss of agricultural land is likely to require EIA (see above), which in turn would require the developer to consider whether significant impacts could be avoided.

5.12 Rural Development Programme for England (RDPE): This programme of measures and funding forms part of the next Common Agricultural Policy (CAP) for 2014-2020 following recent reform in 2013. It is in addition to direct payments to farmers based on the area of land they farm (known as the Basic Farm Payment). Rural development funding is made available to farmers and rural businesses for implementing environmental measures through green farming schemes and to start up or expand businesses to benefit the rural economy. The majority of money in the RDPE (87%) is spent on England's agri-environment scheme and forestry schemes and some £2.2 billion of £3.5 billion available is already committed to existing agreements which will continue into the new period and up to or beyond 2020. As existing Environmental Stewardship schemes - Entry Level and Higher Level Schemes - gradually come to an end their coverage of England's land area will reduce and as the new scheme - the New Environmental Land Management Scheme or NELMS - is taken up. This scheme is more targeted to achieve landscape-scale change and so is expected to cover around 40% of England's farmed land only (against 70% coverage at present). Some £925 million will be available for new agreements until 2020. Its main focus will be on achieving biodiversity and water quality targets but we expect measures to support maintenance and restoration of landscape features. Precise details of the scheme are awaited but should appear by July 2014.

5.13 As well as improving the environment via NELMS, other priorities of the RDPE are to increase the productivity and efficiency of farming and forestry businesses and to promote strong rural economic growth. These other priorities will receive broadly the remaining 13% of RDPE funding within three schemes: a Farming and Forestry Productivity Scheme (FFPS) - £141 million or 5% of funding; the LEADER programme - £138 million or 4% of funding; and the Growth Programme - £177 million or 5% of funding. The last will be delivered via Local Enterprise Partnership (LEP) investment strategies agreeing with LEADER local development strategies to deliver jobs and growth in rural areas. . The Farming and Forestry Productivity Scheme may offer opportunities for funding to strengthen cooperation across the supply chain between land owners, primary producers and other businesses, although this appears to aspire to national and global supply. There is scope within the Rural Development Regulation for these measures to support cooperation and competitiveness at SME level and CPRE could usefully press for this via any engagement through LEADER with Local Action Groups. For the rural growth scheme the priorities for LEADER investment are to support: micro and small enterprises and farm diversification; increasing farm productivity; rural tourism; increasing forestry productivity; cultural and heritage activity; and provision of rural services. 70% of funding is expected to go

towards directly supporting growth in the rural economy for instance by creating and developing rural micro and SMEs. This offers the opportunity to direct support to small local food-related businesses and to build on CPRE's local food web work. 30% of the funding is expected to go to projects which indirectly support the rural economy for example, by boosting visitor numbers so increasing local spend in rural areas.

5.14 LEPs have been given responsibility by Government for determining local economic priorities and leading economic growth and job creation within their local area. They will also provide strategic coordination of a portion of rural development funding not paid directly to land managers or via the LEADER approach. It is unclear as yet how effectively they will engage with the needs of micro and small businesses, consult local rural communities and stakeholders, or take into account wider environmental issues. CPRE believes that LEPs should set up Rural Sector groups to engage more widely with local stakeholders on rural economic development issues. Where possible CPRE should engage through its own networks to encourage them to support sustainable forms of growth and to recognise and support micro and SMEs in delivering this. Where CPRE branches are represented on the local Rural and Farming Network or have links with it then this is a way to give feedback to Defra on how RDPE funding is working and the impact it is having.

5.15 The LEADER approach under the RDPE is based on local decision-making by community partnerships (including local authorities) known as Local Action Groups which operate in geographically defined rural areas. Each group identifies the local priorities for action and then draws upon RDPE funds to support local projects that address these priorities. Each application for RDPE funding, whether for environmental or socio-economic measures, will be judged on its individual merits and the priorities that need to be addressed in that area, but it's important that funding is spent in a way and on equipment and buildings that delivers a more sustainable future for the countryside. LEADER and Local Action Groups provide an opportunity to influence how RDPE funding is spent and what the rural development priorities for an area should be, for example supporting local food production.

6. CAMPAIGN ADVICE

6.1 Proposals for new agricultural buildings or diversification projects can divide opinion within rural communities. It will be important that landowners and farmers explain their reasons for proposing a new development and hear the concerns of those affected. Consider contacting the proposer and ask if they are planning on setting up a site visit or meeting so more information can be provided about the proposed development. Explain that CPRE recognises the important role of farming in managing the countryside and highlight our work on local food networks and through our farming vision, and that we welcome opportunities to discuss the needs of farming businesses and to share our perspectives on the future of the countryside and sustainable development. Make the detailed arguments about likely environmental impacts on the intrinsic qualities and beauty of the countryside at meetings and site visits.

6.2 Any new building should aim to use building materials local and traditional to the area and new buildings should be sensitively sited to minimise the visual impact on the countryside. The aim should be to prevent noise and visual impacts resulting in a loss of tranquillity, amenity and character. Consider what mitigation measures such as landscaping and screening are needed. Further details are provided in CPRE's Rural Economy Policy Guidance Note which contains a sustainable rural growth checklist. This is intended to help branches to assess whether new developments for economic growth are sustainable and can be supported.

6.3 Detailed issues to consider are whether there will be an increase in the demand for water and how this will be addressed. How will energy be supplied to the building? Will the development result in additional traffic? Will machinery such as generators need to be installed and will this create noise pollution? What times of day will they need to operate? Both high and low frequency noise from machinery can be much more noticeable in rural areas where there is little background noise.

6.4 If planning permission for a home for a rural worker is likely to be granted, you could argue that, as with many agricultural workers' dwellings, the dwelling should be 'tied' to the occupation that justified its construction. Appendix A to the now otherwise cancelled Circular 11/95 (see Further Information) is still extant, and gives guidance on model occupancy conditions. A condition attached to the planning permission in this way would help to discourage vexatious applications using the 'rural worker' clause, by preventing occupation of the property by anyone but a particular type of worker. Conditions could also be used to limit the permitted development rights usually enjoyed by dwellings, so that the dwellings cannot be extended beyond the size necessary to pass the 'functional' test included in Annex A of PPS7. Given that the 'functional test' is an established means of evaluating applications for agricultural workers' dwellings, it is likely to remain a part of planning practice even though it is no longer officially part of Government policy. Useful information about this issue is available here:

<http://planninglawblog.blogspot.co.uk/2012/04/agricultural-development-after-nppf.html>

Further information on general housing is provided in Briefing 3.

6.5 Find out what Best and Most Versatile (BMV) land mapping data is available in your area and where any significant developments are proposed on farmland. Check whether the land has been given one of the top three BMV grades: 1, 2 or 3a. If it has, you can emphasise the importance of protecting BMV land, given predictions that we will need to produce more food in the future with less environmental impact in order to address food security concerns. This should be done in responses to local plan consultations (see Briefing 1 Development Plans). Ask for the sustainability appraisal to include assessment of BMV land loss. When assessing greenfield planning applications check if BMV land is affected. If it is, raise the profile of the issue as it is currently not high on the agenda of LPAs - BMV land will become increasingly valued as a long-term strategic resource as fears for food security grow.

6.6 Examine development proposals to see if they might affect an agri-environment scheme agreement, for example Environmental Stewardship. Will the development hinder or undermine the potential of an agreement to deliver its environmental objectives? Check whether a development proposal will be using funding provided by the Rural Development Programme for England (RDPE). The sustainable development criteria for those applying for funding may be more prescriptive than that set out in the NPPF. If possible, find out if there is a LEADER Local Action Group and what its priorities are. If an agricultural diversification project is receiving RDPE funding it should be able to demonstrate that it is sustainable and that it is delivering economic, social and environmental benefits to the rural community around it. If it is not clear what benefits will be provided or it appears that the development could hinder other rural development measures, such as an Environmental Stewardship agreement, contact the local Natural England office or the Defra RDPE Delivery Team in your area to raise your concerns. Contact details are provided in the additional information section.

6.7 Seek to influence the detailed policies on agricultural diversification in local and neighbourhood plans. Criteria-based local policies can discourage unsuitable business development.

6.8 A range of resources to help you plan an effective campaign, communicate your message, and gather people to your cause can be found on Planning Help:

<http://www.planninghelp.org.uk/improve-where-you-live/campaign-tips>

7. FURTHER INFORMATION

CPRE Resources:

General advice on the planning system is available at:

www.planninghelp.org.uk

CPRE publications about the rural economy:

A Pox on the Countryside, 2004

Undermining the Land-Based Economy, 2004

The Rural Challenge - (document produced by the Rural Coalition), August 2010

CPRE's Vision for the future of farming, January 2012 and accompanying sector specialist farming reports on arable, beef and sheep, dairy, horticulture, pig and poultry;

From field to fork: The value of England's local food webs, June 2012

<http://www.cpre.org.uk/what-we-do/farming-and-food/local-foods/update/item/2896-local-food-is-recipe-for-economic-success>

Policy Guidance Note on the rural economy, June 2014

Case Studies:

Case studies relevant to the briefings and to future national campaigns will be stored on our website: www.cpre.org.uk/what-we-do/housing-and-planning/planning

Other Useful Information:

Department for Communities and Local Government:

Planning appeal decisions can be downloaded from www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp.

Circular 11/95: *The Use of Conditions in Planning Permission*. Contains guidance on the use of agricultural occupancy conditions. <https://www.gov.uk/government/publications/the-use-of-conditions-in-planning-permissions-circular-11-1995>



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The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014.

<http://www.legislation.gov.uk/uksi/2014/564/contents/made>

Defra:

Website - Rural Development Programme for England (RDPE)

<http://rdpenetwork.defra.gov.uk/>

Defra, *Rural Economy Growth Review*,

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/183289/rural-economic-growth-review.pdf

Information on Leader Approach for RDPE Delivery:

<http://rdpenetwork.defra.gov.uk/funding-sources/leader-resources>

RDPE Delivery Team contacts: <http://rdpenetwork.defra.gov.uk/contact-us/general-contacts>

Natural England contacts: http://www.naturalengland.org.uk/about_us/contact_us/

See also <http://www.naturalengland.org.uk/ourwork/farming/funding/developments.aspx>

Note Natural England's website is due to migrate to the .gov.uk website.

Best and Most Versatile Land:

Publication - Agricultural Land Classification: protecting the best and most versatile agricultural land (TIN049)

<http://publications.naturalengland.org.uk/publication/35012>

English Heritage:

Publication - The Conversion of Traditional Farm Buildings: A guide to good practice

<http://www.english-heritage.org.uk/publications/conversion-of-traditional-farm-buildings/>

PPS7 - Annex A: Agricultural, Forestry and Other Occupational Dwellings - Crown Copyright - Published by Office of the Deputy Prime Minister - August 2004

1. Paragraph 10 of PPS7 makes clear that isolated new houses in the countryside require special justification for planning permission to be granted. One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work. It will often be as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside. However, there will be some cases where the nature



and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.

2. It is essential that all applications for planning permission for new occupational dwellings in the countryside are scrutinised thoroughly with the aim of detecting attempts to abuse (e.g. through speculative proposals) the concession that the planning system makes for such dwellings. In particular, it will be important to establish whether the stated intentions to engage in farming, forestry or any other rural-based enterprise, are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period of time. It will also be important to establish that the needs of the intended enterprise require one or more of the people engaged in it to live nearby.

Permanent agricultural dwellings

3. New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing:

- (i) there is a clearly established *existing* functional need (see paragraph 4 below);
- (ii) the need relates to a *full-time* worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
- (iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so (see paragraph 8 below);
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (v) other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

4. A *functional test* is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night:

- (i) in case animals or agricultural processes require essential care at short notice;
- (ii) to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems.

5. In cases where the local planning authority is particularly concerned about possible abuse, it should investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings, or buildings suitable for conversion to dwellings, have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need.

6. The protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not by itself be sufficient to justify one. Requirements arising from food processing, as opposed to agriculture, cannot be used to justify an agricultural dwelling. Nor can agricultural needs justify the provision of isolated new dwellings as retirement homes for farmers.



7. If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant.

8. New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A *financial test* is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain. In applying this test (see paragraph 3(iii) above), authorities should take a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned. Some enterprises which aim to operate broadly on a subsistence basis, but which nonetheless provide wider benefits (e.g. in managing attractive landscapes or wildlife habitats), can be sustained on relatively low financial returns.

9. Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding.

10. Local planning authorities may wish to consider making planning permissions subject to conditions removing some of the permitted development rights under part 1 of the Town and Country Planning (General Permitted Development) Order 1995 for development within the curtilage of a dwelling house. For example, proposed extensions could result in a dwelling whose size exceeded what could be justified by the functional requirement, and affect the continued viability of maintaining the property for its intended use, given the income that the agricultural unit can sustain. However, it will always be preferable for such conditions to restrict the use of specific permitted development rights rather than to be drafted in terms which withdraw all those in a Class (see paragraphs 86-90 of the Annex to DOE Circular 11/95).

11. Agricultural dwellings should be sited so as to meet the identified functional need and to be well-related to existing farm buildings, or other dwellings.

Temporary agricultural dwellings

12. If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:

- (i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);
- (ii) functional need (see paragraph 4 of this Annex);
- (iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (v) other normal planning requirements, e.g. on siting and access, are satisfied.

13. If permission for temporary accommodation is granted, permission for a permanent dwelling

should not subsequently be given unless the criteria in paragraph 3 above are met. The planning authority should make clear the period for which the temporary permission is granted, the fact that the temporary dwelling will have to be removed, and the requirements that will have to be met if a permanent permission is to be granted. Authorities should not normally grant successive extensions to a temporary permission over a period of more than three years, nor should they normally give temporary permissions in locations where they would not permit a permanent dwelling.

Forestry dwellings

14. Local planning authorities should apply the same criteria to applications for forestry dwellings as to those for agricultural dwellings. The other principles in the advice on agricultural dwellings are equally relevant to forestry dwellings. Under conventional methods of forestry management, which can involve the use of a peripatetic workforce, new forestry dwellings may not always be justified, except perhaps to service intensive nursery production of trees.

Other occupational dwellings

15. There may also be instances where special justification exists for new isolated dwellings associated with other rural based enterprises. In these cases, the enterprise itself, including any development necessary for the operation of the enterprise, must be acceptable in planning terms and permitted in that rural location, regardless of the consideration of any proposed associated dwelling. Local planning authorities should apply the same stringent levels of assessment to applications for such new occupational dwellings as they apply to applications for agricultural and forestry workers' dwellings. They should therefore apply the same criteria and principles in paragraphs 3-13 of this Annex, in a manner and to the extent that they are relevant to the nature of the enterprise concerned.

Occupancy conditions

16. Where the need to provide accommodation to enable farm, forestry or other workers to live at or near their place of work has been accepted as providing the special justification required for new, isolated residential development in the countryside, it will be necessary to ensure that the dwellings are kept available for meeting this need for as long as it exists. For this purpose planning permission should be made subject to appropriate occupancy conditions. DOE Circular 11/95 gives further advice and provides model occupancy conditions for agricultural dwellings and for other staff accommodation.

17. Changes in the scale and character of farming and forestry may affect the longer-term requirement for dwellings for which permission has been granted subject to an agricultural or forestry occupancy condition. Such dwellings, and others in the countryside with an occupancy condition attached, should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness. Local planning authorities should set out in LDDs their policy approach to the retention or removal of agricultural and, where relevant, forestry and other forms of occupancy conditions. These policies should be based on an up to date assessment of the demand for farm (or other occupational) dwellings in the area, bearing in mind that it is the need for a dwelling for someone solely, mainly or last working in agriculture or forestry in an area as a whole, and not just on the particular holding, that is relevant in the case of farm or forestry workers' dwellings.



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Information and appraisals

18. Planning authorities should be able to determine most applications for occupational dwellings in the countryside, including cases involving the imposition or removal of occupancy conditions, on the basis of their experience and the information provided by the applicant and any other interested parties. If this is not the case, agricultural or other consultants may be able to give a technical appraisal. This should be confined to a factual statement of the agricultural, or other business considerations involved and an evaluation of the specific points on which advice is sought; no recommendation for or against the application should be made.