

Technical Paper

Report to LDF Steering Group

Criterion for assessing rural worker

dwelling

1. Background

2.1 The Taunton Deane Local Plan contained two policies (H12 and H13) covering agricultural and forestry dwellings (see Appendix 1). Under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 a number of policies were 'saved' beyond the three year time limit allowed following adoption of the Local Plan (November 2004).

2.2 Policy H12 relating to functional need and viability for such dwellings was not 'saved' as the Council and Government Office for the South West considered that the requirements replicated advice in PPS7 (Sustainable Development in Rural Areas, 2004).

2.3 Policy H13 relating to applications to remove occupancy conditions was 'saved' as it contained criteria not included in PPS 7 or elsewhere in the Local Plan.

2.4 In March 2012 the Coalition Government replaced the existing suite of Planning Policy Statements/Guidance with a single document, the National Planning Policy Framework (NPPF).

2.5 Policy DM2 (7) of the Core Strategy covers conversion of existing buildings in rural areas to farm or forestry dwellings. However, a policy vacuum was theoretically created with the publication of the NPPF since Annex A to PPS7 contained a set of criteria to assess need, viability and other related matters for new dwellings. As this was covered in PPS7 a policy was not included in the Core Strategy

2. Discussion

2.1 Is the Plan silent on new rural worker dwellings?

2.2 Yes, due to coverage in PPS7 Annex A at time of Core Strategy publication the Plan does not provide criteria for new rural worker dwellings. The NPPF states that where a Plan is silent permission should be granted unless *"specific policies in this framework indicate development should be restricted"*

2.3 Paragraph 55 of the NPPF states that *"Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside"*.

2.4 What constitutes a rural worker?

2.5 PPS7 Annex A refers to 'Agricultural, Forestry and other occupational' activities. The first two are self explanatory, other 'rural occupations' less so, lacking definition and may need to be considered on their merits, through submission by the appellant. For example, it may be easier to demonstrate a 'need' for a dwelling associated with the breeding of game birds rather than for repair of agricultural machinery.

2.6 Need and Viability

2.7 In all instances, need and viability would remain a requirement. Although the NPPF is silent on this, assessment can and should only be judged on an objective basis. It would be unreasonable for all authorities across the country adopting different criteria or any applicant simply adopting their own criteria to help their individual circumstances.

2.8 The methodology in PPS7 Annex A is well established, is understood and has formed the basis for case law. Although no longer part of government policy it would be logical to continue to base decisions on the criteria contained in Annex A at least until/if Government provides clarification on this matter.

2.9 Re-use of buildings

2.10 If a need and viability can be successfully demonstrated for a dwelling 'on-site', on the grounds of sustainability the Council will require assessment of opportunities for conversion of existing buildings before acceptance of a 'new build' property.

3. Recommendations

- The Council continues to follow the criteria specified in PPS 7 Annex A when considering proposals for 'rural worker dwellings' in the countryside;
- Where a requirement for a rural worker dwelling can be successfully demonstrated, the applicant will firstly need to demonstrate that there are no suitable buildings for conversion prior to consideration of new-build.

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Roger M

9th July 2012.

Ref: U/LDF/General

APPENDIX 1

H12 Dwellings for agricultural or forestry workers will be permitted outside the limits of settlements provided there is a proven functional need for the dwelling there and the farm or forestry unit for which it is sought is proven to be financially viable.

H13 Where agricultural or forestry dwellings are permitted in accordance with H12, appropriate conditions will be used to retain the dwelling for agricultural occupation. Applications to remove these conditions will not be permitted unless:

(A) the dwelling is no longer needed on that unit for the purposes of agriculture or forestry;

(B) there is no current demand for dwellings for farmers, farm workers and foresters in the locality; and

(C) the dwelling cannot be sold or let at a price which reflects its occupancy condition within a reasonable period.



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Creating sustainable communities

Planning shapes the places where people live and work and the country we live in. It plays a key role in supporting the Government's wider economic, social and environmental objectives and for sustainable communities.



PLANNING

Planning Policy Statement 7:
Sustainable Development in
Rural Areas



Planning Policy Statement 7: Sustainable Development in Rural Areas

Planning Policy Statements (PPS) set out the Government's national policies on different aspects of land use planning in England. The policies in this statement apply to the rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas. **These policies complement, but do not replace or overrule, other national planning policies and should be read in conjunction with other relevant statements of national planning policy.** This PPS replaces Planning Policy Guidance (PPG) Note 7, *The Countryside – Environmental Quality and Economic and Social Development*, published in February 1997.¹

The policies set out in this PPS will need to be taken into account by regional planning bodies in the preparation of Regional Spatial Strategies, by the Mayor of London in relation to the Spatial Development Strategy in London and by local planning authorities in the preparation of local development documents. They may also be material to decisions on individual planning applications.

¹ However, Annex E to PPG 7 which provides further guidance on permitted development rights for agriculture and forestry, will remain extant, pending completion of a review by the Office of the Deputy Prime Minister of the General Permitted Development Order 1995, and subsequent issue of any updated guidance to replace this annex.

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1 Sustainable Development in Rural Areas



The Government's Objectives

The Government's objectives for rural areas that are relevant to this Planning Policy Statement (PPS) are:

- (i) **To raise the quality of life and the environment in rural areas through the promotion of:**
 - thriving, inclusive and sustainable rural communities, ensuring people have decent places to live by improving the quality and sustainability of local environments and neighbourhoods;
 - sustainable economic growth and diversification;
 - good quality, sustainable development that respects and, where possible, enhances local distinctiveness and the intrinsic qualities of the countryside; and
 - continued protection of the open countryside for the benefit of all, with the highest level of protection for our most valued landscapes and environmental resources.
- (ii) **To promote more sustainable patterns of development:**
 - focusing most development in, or next to, existing towns and villages;
 - preventing urban sprawl;
 - discouraging the development of 'greenfield' land, and, where such land must be used, ensuring it is not used wastefully;
 - promoting a range of uses to maximise the potential benefits of the countryside fringing urban areas; and
 - providing appropriate leisure opportunities to enable urban and rural dwellers to enjoy the wider countryside.
- (iii) **Promoting the development of the English regions by improving their economic performance so that all are able to reach their full potential** – by developing competitive, diverse and thriving rural enterprise that provides a range of jobs and underpins strong economies.
- (iv) **To promote sustainable, diverse and adaptable agriculture sectors** where farming achieves high environmental standards, minimising impact on natural resources, and manages valued landscapes and biodiversity; contributes both directly and indirectly to rural economic diversity; is itself competitive and profitable; and provides high quality products that the public wants.

Planning authorities have an important role to play in delivering the Government's objectives for rural areas, through their operation of the planning system and the application of the policies set out in this and other PPS and Planning Policy Guidance Notes.

National Planning Policies

KEY PRINCIPLES

1. Sustainable development is the core principle underpinning land use planning. **The following key principles should be applied in combination with all the policies set out in this PPS:**

- (i) Decisions on development proposals should be based on sustainable development principles, ensuring an integrated approach to the consideration of:
 - social inclusion, recognising the needs of everyone;
 - effective protection and enhancement of the environment;
 - prudent use of natural resources; and
 - maintaining high and stable levels of economic growth and employment.

The approach to planning for sustainable development is set out in more detail in Planning Policy Statement 1 (PPS1).

- (ii) Good quality, carefully-sited accessible development within existing towns and villages should be allowed where it benefits the local economy and/or community (e.g. affordable housing for identified local needs); maintains or enhances the local environment; and does not conflict with other planning policies.
- (iii) Accessibility should be a key consideration in all development decisions. Most developments which are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking and cycling, in line with the policies set out in PPG13, *Transport*. Decisions on the location of other developments in rural areas should, where possible, give people the greatest opportunity to access them by public transport, walking and cycling, consistent with achieving the primary purpose of the development.
- (iv) New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.
- (v) Priority should be given to the re-use of previously-developed ('brownfield') sites in preference to the development of greenfield sites, except in cases where there are no brownfield sites available, or these brownfield sites perform so poorly in terms of sustainability considerations (for example, in their remoteness from settlements and services) in comparison with greenfield sites.

- (vi) All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

SUSTAINABLE RURAL COMMUNITIES, ECONOMIC DEVELOPMENT AND SERVICES

2. Planning policies in Regional Spatial Strategies (RSS) and Local Development Documents (LDDs) should facilitate and promote sustainable patterns of development and sustainable communities in rural areas. This should include policies to sustain, enhance and, where appropriate, revitalise country towns and villages (including through the provision of affordable housing) and for strong, diverse, economic activity, whilst maintaining local character and a high quality environment. To ensure these policies are relevant and effective, local planning authorities should be aware of the circumstances, needs and priorities of the rural communities and businesses in their area, and of the interdependence between urban and rural areas. Where there is a lack of up to date, robust information, local authorities should consider commissioning surveys and assessments of rural economic and social conditions and needs, including local housing needs.

Location of development

3. Away from larger urban areas, planning authorities should focus most new development in or near to local service centres where employment, housing (including affordable housing), services and other facilities can be provided close together. This should help to ensure these facilities are served by public transport and provide improved opportunities for access by walking and cycling. These centres (which might be a country town, a single large village or a group of villages) should be identified in the development plan as the preferred location for such development.
4. Planning authorities should set out in LDDs their policies for allowing some limited development in, or next to, rural settlements that are not designated as local service centres, in order to meet local business and community needs and to maintain the vitality of these communities. In particular, authorities should be supportive of small-scale development of this nature where it provides the most sustainable option in villages that are remote from, and have poor public transport links with, service centres.

Economic development and employment

5. Planning authorities should support a wide range of economic activity in rural areas. Taking account of regional priorities expressed in RSS, and in line with the policies in paragraphs 2-4 above, local planning authorities should:
 - (i) identify in LDDs suitable sites for future economic development, particularly in those rural areas where there is a need for employment creation and economic regeneration;
 - (ii) set out in LDDs their criteria for permitting economic development in different locations, including the future expansion of business premises, to facilitate healthy and diverse economic activity in rural areas.

Community services and facilities

6. People who live or work in rural areas should have reasonable access to a range of services and facilities. Local planning authorities should:
 - (i) through their LDDs, facilitate and plan for accessible new services and facilities, particularly where;
 - planning permission is granted for new developments in country towns or other local service centres; or
 - settlements, or the population of their rural catchments, are expanding; or
 - there is an identified need for new or expanded services to strengthen the role of a particular local service centre.
 - (ii) where possible, ensure that new development in identified service centres is supported through improvements to public transport, and to walking and cycling facilities, provided in partnership with the developer where appropriate;
 - (iii) identify suitable buildings and development sites for community services and facilities to meet the needs of the whole community, including disabled users;
 - (iv) support mixed and multi-purpose uses that maintain community vitality; and
 - (v) support the provision of small-scale, local facilities (e.g. childcare facilities) to meet community needs outside identified local service centres, particularly where they would benefit those rural residents who would find it difficult to use more distant service centres. These local facilities should be located within or adjacent to existing villages and settlements where access can be gained by walking, cycling and (where available) public transport.

7. Planning authorities should adopt a positive approach to planning proposals designed to improve the viability, accessibility or community value of existing services and facilities, e.g. village shops and post offices, rural petrol stations, village and church halls and rural public houses, that play an important role in sustaining village communities. Planning authorities should support the retention of these local facilities and should set out in LDDs the criteria they will apply in considering planning applications that will result in the loss of important village services (e.g. as a result of conversion to residential use).

Housing

8. The Government's planning objectives and policies for housing are set out in PPG3, *Housing*. The key aim is to offer everyone the opportunity of a decent home. The needs of all in the community should be recognised, including those in need of affordable and accessible, special needs housing in rural areas. It is essential that local planning authorities plan to meet housing requirements in rural areas, based on an up to date assessment of local need. To promote more sustainable patterns of development and make better use of previously developed land, the focus for most additional housing in rural areas should be on existing towns and identified service centres. But it will also be necessary to provide for some new housing to meet identified local need in other villages.
9. In planning for housing in their rural areas, local planning authorities should apply the policies in PPG3. They should:
 - (i) have particular regard to PPG3 guidance on the provision of housing in villages and should make sufficient land available, either within or adjoining existing villages, to meet the needs of local people; and
 - (ii) strictly control new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans.
10. Isolated new houses in the countryside will require special justification for planning permission to be granted. Where the special justification for an isolated new house relates to the essential need for a worker to live permanently at or near their place of work in the countryside, planning authorities should follow the advice in **Annex A** to this PPS.
11. Very occasionally the exceptional quality and innovative nature of the design of a proposed, isolated new house may provide this special justification for granting planning permission. Such a design should be truly outstanding and ground-breaking, for example,

in its use of materials, methods of construction or its contribution to protecting and enhancing the environment, so helping to raise standards of design more generally in rural areas. The value of such a building will be found in its reflection of the highest standards in contemporary architecture, the significant enhancement of its immediate setting and its sensitivity to the defining characteristics of the local area.

Design and the character of rural settlements

12. Many country towns and villages are of considerable historic and architectural value, or make an important contribution to local countryside character. Planning authorities should ensure that development respects and, where possible, enhances these particular qualities. It should also contribute to a sense of local identity and regional diversity and be of an appropriate design and scale for its location, having regard to the policies on design contained in PPS1 and supported in *By Design*². Planning authorities should take a positive approach to innovative, high-quality contemporary designs that are sensitive to their immediate setting and help to make country towns and villages better places for people to live and work.
13. Local planning authorities should prepare policies and guidance that encourage good quality design throughout their rural areas, in accordance with Annex C to PPS1, and utilising tools such as Landscape Character Assessments and Village or Town Design Statements, and the design elements of Village or Parish Plans prepared by local communities.

THE COUNTRYSIDE

14. The policies in this section apply to the largely undeveloped countryside that separates cities, towns and villages. Whilst much of the land use activity in the countryside is outside the scope of the planning system, planning has an important role in supporting and facilitating development and land uses which enable those who earn a living from, and help to maintain and manage the countryside, to continue to do so. RSS should recognise the environmental, economic and social value of the countryside that is of national, regional or, where appropriate, sub-regional significance. Policies in RSS and LDDs should seek to maintain and enhance these values, so enabling the countryside to remain an important natural resource, contribute to national and regional prosperity and be enjoyed by all.

² *By Design*, a better practice guide published May 2000 by the former Department of the Environment, Transport and the Regions and the Commission for Architecture & the Built Environment.

Countryside protection and development in the countryside

15. Planning policies should provide a positive framework for facilitating sustainable development that supports traditional land-based activities and makes the most of new leisure and recreational opportunities that require a countryside location. Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced. They should have particular regard to any areas that have been statutorily designated for their landscape, wildlife or historic qualities where greater priority should be given to restraint of potentially damaging development.
16. When preparing policies for LDDs and determining planning applications for development in the countryside, local planning authorities should:
 - (i) support development that delivers diverse and sustainable farming enterprises;
 - (ii) support other countryside-based enterprises and activities which contribute to rural economies, and/or promote recreation in and the enjoyment of the countryside;
 - (iii) take account of the need to protect natural resources;
 - (iv) provide for the sensitive exploitation of renewable energy sources in accordance with the policies set out in PPS22; and
 - (v) conserve specific features and sites of landscape, wildlife and historic or architectural value, in accordance with statutory designations.

Re-use of buildings in the countryside

17. The Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations, and for some types of building. Planning authorities should therefore set out in LDDs their policy criteria for permitting the conversion and re-use of buildings in the countryside for economic, residential and any other purposes, including mixed uses.

These criteria should take account of:

- the potential impact on the countryside and landscapes and wildlife;
- specific local economic and social needs and opportunities;
- settlement patterns and accessibility to service centres, markets and housing;
- the suitability of different types of buildings, and of different scales, for re-use;
- the need to preserve, or the desirability of preserving, buildings of historic or architectural importance or interest, or which otherwise contribute to local character.

18. Local planning authorities should be particularly supportive of the re-use of existing buildings that are adjacent or closely related to country towns and villages, for economic or community uses, or to provide housing in accordance with the policies in PPG3, and subject to the policies in paragraph 7 of this PPS in relation to the retention of local services.

Replacement of buildings in the countryside

19. The Government is also supportive of the replacement of suitably located, existing buildings of permanent design and construction in the countryside for economic development purposes. The replacement of buildings should be favoured where this would result in a more acceptable and sustainable development than might be achieved through conversion, for example, where the replacement building would bring about an environmental improvement in terms of the impact of the development on its surroundings and the landscape. Local planning authorities should set out in their LDDs the criteria they will apply to the replacement of countryside buildings. These should take account of the considerations set out in paragraph 17 that apply to the conversion and re-use for economic purposes of existing buildings in the countryside. Authorities should also set out the circumstances where replacement would not be acceptable and clarify the permissible scale of replacement buildings.
20. The replacement of non-residential buildings with residential development in the countryside should be treated as new housing development in accordance with the policies in PPG3 and, where appropriate, paragraph 10 of this PPS.

Nationally designated areas

21. Nationally designated areas comprising National Parks, the Broads, the New Forest Heritage Area and Areas of Outstanding Natural Beauty (AONB), have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas. The conservation of wildlife and the cultural heritage are important considerations in all these areas. They are a specific purpose for National Parks, where they should also be given great weight in planning policies and development control decisions. As well as reflecting these priorities, planning policies in LDDs and where appropriate, RSS, should also support suitably located and designed development necessary to facilitate the economic and social well-being of these designated areas and their communities, including the provision of adequate housing to meet identified local needs.

22. Major developments should not take place in these designated areas, except in exceptional circumstances. This policy includes major development proposals that raise issues of national significance. Because of the serious impact that major developments may have on these areas of natural beauty, and taking account of the recreational opportunities that they provide, applications for all such developments should be subject to the most rigorous examination. Major development proposals should be demonstrated to be in the public interest before being allowed to proceed. Consideration of such applications should therefore include an assessment of:
- (i) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - (ii) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
 - (iii) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
23. Planning authorities should ensure that any planning permission granted for major developments in these designated areas should be carried out to high environmental standards through the application of appropriate conditions where necessary.

Local landscape designations

24. The Government recognises and accepts that there are areas of landscape outside nationally designated areas that are particularly highly valued locally. The Government believes that carefully drafted, criteria-based policies in LDDs, utilising tools such as landscape character assessment, should provide sufficient protection for these areas, without the need for rigid local designations that may unduly restrict acceptable, sustainable development and the economic activity that underpins the vitality of rural areas.
25. Local landscape designations should only be maintained or, exceptionally, extended where it can be clearly shown that criteria-based planning policies cannot provide the necessary protection. LDDs should state what it is that requires extra protection, and why. When reviewing their local area-wide development plans and LDDs, planning authorities should rigorously consider the justification for retaining existing local landscape designations. They should ensure that such designations are based on a formal and robust assessment of the qualities of the landscape concerned.

The countryside around urban areas

26. While the policies in PPG2 continue to apply in green belts, local planning authorities should ensure that planning policies in LDDs address the particular land use issues and opportunities to be found in the countryside around all urban areas, recognising its importance to those who live or work there, and also in providing the nearest and most accessible countryside to urban residents. Planning authorities should aim to secure environmental improvements and maximise a range of beneficial uses of this land, whilst reducing potential conflicts between neighbouring land uses. This should include improvement of public access (e.g. through support for country parks and community forests) and facilitating the provision of appropriate sport and recreation facilities.

AGRICULTURE, FARM DIVERSIFICATION, EQUINE-RELATED ACTIVITIES AND FORESTRY

Agricultural development

27. The Government recognises the important and varied roles of agriculture, including in the maintenance and management of the countryside and most of our valued landscapes. Planning policies in RSS and LDDs should recognise these roles and support development proposals that will enable farming and farmers to:
 - (i) become more competitive, sustainable and environmentally friendly;
 - (ii) adapt to new and changing markets;
 - (iii) comply with changing legislation and associated guidance;
 - (iv) diversify into new agricultural opportunities (e.g. renewable energy crops); or
 - (v) broaden their operations to 'add value' to their primary produce.

Best and most versatile agricultural land

28. The presence of best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification), should be taken into account alongside other sustainability considerations (e.g. biodiversity; the quality and character of the landscape; its amenity value or heritage interest; accessibility to infrastructure, workforce and markets; maintaining viable communities; and the protection of natural resources,

including soil quality) when determining planning applications. Where significant development of agricultural land is unavoidable, local planning authorities should seek to use areas of poorer quality land (grades 3b, 4 and 5) in preference to that of a higher quality, except where this would be inconsistent with other sustainability considerations. Little weight in agricultural terms should be given to the loss of agricultural land in grades 3b, 4 and 5, except in areas (such as uplands) where particular agricultural practices may themselves contribute in some special way to the quality and character of the environment or the local economy. If any undeveloped agricultural land needs to be developed, any adverse effects on the environment should be minimised.

29. Development plans should include policies that identify any major areas of agricultural land that are planned for development. But local planning authorities may also wish to include policies in their LDDs to protect specific areas of best and most versatile agricultural land from speculative development. It is for local planning authorities to decide whether best and most versatile agricultural land can be developed, having carefully weighed the options in the light of competent advice.

Farm diversification³

30. Recognising that diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises, local planning authorities should:
- (i) set out in their LDDs the criteria to be applied to planning applications for farm diversification projects;
 - (ii) be supportive of well-conceived farm diversification schemes for business purposes that contribute to sustainable development objectives and help to sustain the agricultural enterprise, and are consistent in their scale with their rural location. This applies equally to farm diversification schemes around the fringes of urban areas; and
 - (iii) where relevant, give favourable consideration to proposals for diversification in Green Belts where the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. (Where farm diversification proposals in the Green Belt would result in inappropriate development in terms of PPG2, any wider benefits of the diversification may contribute to the 'very special circumstances' required by PPG2 for a development to be granted planning permission).

³ The research report, *The Implementation of National Planning Policy Guidance (PPG7) in Relation to the Diversification of Farm Businesses*, published in October 2001 by the former DTLR and now available from the Office of the Deputy Prime Minister, sets out a number of recommendations for local planning authorities, and contains some examples of 'good practice'.

31. A supportive approach to farm diversification should not result in excessive expansion and encroachment of building development into the countryside. Planning authorities should:
- (i) encourage the re-use or replacement of existing buildings where feasible, having regard to paragraphs 17-21; and
 - (ii) have regard to the amenity of any nearby residents or other rural businesses that may be adversely affected by new types of on-farm development.

Equine-related activities

32. Horse riding and other equestrian activities are popular forms of recreation in the countryside that can fit in well with farming activities and help to diversify rural economies. In some parts of the country, horse training and breeding businesses play an important economic role. Local planning authorities should set out in LDDs their policies for supporting equine enterprises that maintain environmental quality and countryside character. These policies should provide for a range of suitably located recreational and leisure facilities and, where appropriate, for the needs of training and breeding businesses. They should also facilitate the re-use of farm buildings for small-scale horse enterprises⁴ that provide a useful form of farm diversification.

Forestry

33. Whilst forestry operations mostly lie outside the scope of planning controls, the planning system is the principal means for regulating the rate at which land is transferred from woodlands to other rural and urban uses. The Government's forestry policy, set out in the England Forestry Strategy (1999) has two main aims:
- (i) the sustainable management of existing woods and forests; and
 - (ii) a continued steady expansion of woodland area to provide more benefits for society and the environment.

Regional planning bodies and local planning authorities should have regard to these aims, the forthcoming Regional Forestry Frameworks and forest areas of regional or sub-regional significance (e.g. the National Forest), when preparing RSS and LDDs, and deciding planning applications.

⁴ That is, enterprises involving up to ten horses.

TOURISM AND LEISURE

34. Regional planning bodies and local planning authorities should recognise through RSS and LDDs that tourism and leisure activities are vital to many rural economies. As well as sustaining many rural businesses, these industries are a significant source of employment and help to support the prosperity of country towns and villages, and sustain historic country houses, local heritage and culture. RSS and LDDs should:
- (i) support, through planning policies, sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which utilise and enrich, but do not harm, the character of the countryside, its towns, villages, buildings and other features⁵;
 - (ii) recognise that in areas statutorily designated for their landscape, nature conservation or historic qualities, there will be scope for tourist and leisure related developments, subject to appropriate control over their number, form and location to ensure the particular qualities or features that justified the designation are conserved; and
 - (iii) ensure that any plan proposals for large-scale tourism and leisure developments in rural areas have been subject to close assessment to weigh-up their advantages and disadvantages to the locality in terms of sustainable development objectives. In particular, the policy in PPG13 should be followed in such cases where high volumes of traffic may be generated.

Tourist and visitor facilities

35. The provision of essential facilities for tourist visitors is vital for the development of the tourism industry in rural areas. Local planning authorities should:
- (i) plan for and support the provision of general tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. Where new or additional facilities are required, these should normally be provided in, or close to, service centres or villages;
 - (ii) allow appropriate facilities needed to enhance visitors' enjoyment, and/or improve the financial viability, of a particular countryside feature or attraction, providing they will not detract from the attractiveness or importance of the feature, or the surrounding countryside.

⁵ In line with the Department for Culture, Media and Sport's strategy document *Tomorrow's Tourism*.

36. Wherever possible, tourist and visitor facilities should be housed in existing or replacement buildings, particularly where they are located outside existing settlements. Facilities requiring new buildings in the countryside may be justified where the required facilities are needed in conjunction with a particular countryside attraction; they meet the criteria in paragraph 35(ii); and there are no suitable existing buildings or developed sites available for re-use.

Tourist accommodation

37. The Government expects most tourist accommodation requiring new buildings to be located in, or adjacent to, existing towns and villages.
38. The conversion of suitable existing rural buildings to provide hotel and other serviced accommodation should be allowed, taking into account the policies on the re-use of rural buildings in paragraphs 17 and 18. Similarly, planning authorities should adopt a positive approach to proposed extensions to existing tourist accommodation where the scale of the extension is appropriate to its location and where the extension may help to ensure the future viability of such businesses.
39. In considering planning policies and development proposals for static holiday and touring caravan parks and holiday chalet developments, planning authorities should:
 - (i) carefully weigh the objective of providing adequate facilities and sites with the need to protect landscapes and environmentally sensitive sites, and examine the scope for re-locating any existing, visually or environmentally-intrusive sites away from sensitive areas, or for re-location away from sites prone to flooding or coastal erosion;
 - (ii) where appropriate (e.g. in popular holiday areas), set out policies in LDDs on the provision of new holiday and touring caravan sites and chalet developments, and on the expansion and improvement of existing sites and developments (e.g. to improve layouts and provide better landscaping); and
 - (iii) ensure that new or expanded sites are not prominent in the landscape and that any visual intrusion is minimised by effective, high-quality screening.
40. Local planning authorities should support the provision of other forms of self-catering holiday accommodation in rural areas where this would accord with sustainable development objectives. The re-use and conversion of existing non-residential buildings for this purpose may have added benefits, e.g. as a farm diversification scheme.

Annex A

AGRICULTURAL, FORESTRY AND OTHER OCCUPATIONAL DWELLINGS

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.

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.

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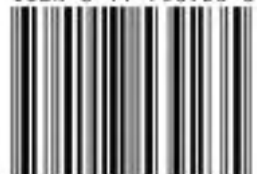
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