



Planning Advice Note 6

Agricultural and Other Essential Rural Workers Dwellings

This Advice Note seeks to advise applicants and other interested parties how applications for agricultural and other essential rural workers' dwellings will be assessed by the National Park Authority.

The main planning policy document covering the National Park is the Core Strategy and Development Policies document. Paragraph 9.14 of the Core Strategy and Development Policies document states that 'proposals for dwellings in the open countryside for people employed in agriculture, forestry and other essential land management activities will be assessed against the criteria set out in Annex A of Planning Policy Statement 7'.

The National Planning Policy Framework adopted on 27 March 2012 meant that Planning Policy Statement 7 and Annex A were superseded and they no longer form part of national planning policy. The advice in paragraph 55 of the National Planning Policy Framework is that 'local planning authorities should avoid 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'. The financial and functional tests are not included. However, as the Authority's stated position in the Core Strategy and Development Policies document is that such proposals will be assessed against the tests in the former Annex A, the Authority has agreed that this approach will continue.

This note therefore sets out the tests that will be applied.

Agricultural, Forestry and Other Occupational Dwellings

1. Paragraph 55 of the National Planning Policy Framework 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. 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.
3. 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

4. New permanent dwellings will 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.
5. 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.
 6. In cases where there is concern about possible abuse, the history of the holding will be investigated 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.
 7. 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.
 8. 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.
 9. 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), a realistic approach to the level of profitability will be taken, 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.
 10. 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, will 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.
 11. Planning permissions may be granted 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).
 12. 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

13. 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.
14. If permission for temporary accommodation is granted, permission for a permanent dwelling will not subsequently be given unless the criteria in paragraph 3 above are met. The period for which the temporary permission is granted will be made clear together with 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. Successive extensions to a temporary permission over a period of more than three years will not normally be granted and permission and temporary permissions will not normally be granted in locations where a permanent dwelling would not be permitted.

Forestry Dwellings

15. Applications for forestry dwellings will be subject to the same criteria as 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

16. 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. The same levels of assessment as for agricultural and forestry workers' dwellings will be applied to applications for such new occupational dwellings. The same criteria and principles in paragraphs 3-13 of this Note will be applied in a manner and to the extent that they are relevant to the nature of the enterprise concerned.

Occupancy Conditions

17. 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 will be made subject to appropriate occupancy conditions. Circular 11/95 gives further advice and provides model occupancy conditions for agricultural dwellings and for other staff accommodation.
18. 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. The Core Strategy and Development Policies document sets out the policy approach to the removal of agricultural and, where relevant, forestry and other forms of occupancy conditions. The policy is based on whether there is a need for a dwelling for someone solely, mainly or last working in agriculture or forestry in the area as a whole, and not just on the particular holding in the case of farm or forestry workers' dwellings.

Information and Appraisals

19. Applications for occupational dwellings in the countryside, including cases involving the imposition or removal of occupancy conditions may be able to be determined on the basis of experience of dealing with such cases and the information provided by the applicant and any other interested parties. If this is not the case, a technical appraisal from an agricultural or other consultant may be required. 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.