



**SUPPLEMENTARY PLANNING  
GUIDANCE :**

**AGRICULTURAL OCCUPANCY**

**September 1997**

***PRODUCED BY THE POLICY &  
IMPLEMENTATION UNIT  
OF EAST LINDSEY DISTRICT COUNCIL***

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**DEPARTMENT OF PLANNING AND REGENERATION**

## **AGRICULTURAL DWELLINGS**

### 1.0 BACKGROUND

- 1.1. It is Government policy that the countryside should be safeguarded for its own sake, and that the argument that an individual property in the open countryside "does no harm", should not be accepted. This can be repeated too many times, to the detriment of the countryside. It is, however, accepted that the countryside is a working environment, and that there are occasions when it is essential for those employed in agriculture to live at or near their place of work. This is reflected in Policy DC1 of the East Lindsey Local Plan which states that development in the countryside should have an overriding need to be located there, (see Appendix A). Normally, it is expected that workers should live in nearby towns or villages convenient for their work, but there are cases where this is not appropriate. Government advice points to potential abuses of this system and the need to carefully scrutinise applications, hence the need for this guidance.
- 1.2 Policy DC3 of the Local Plan is the relevant policy for both new agricultural dwellings in the countryside. and the lifting of agricultural occupancy conditions, (see Appendix A). However. the guidance below *is* intended to provide further explanation of this policy to assist applicants. and anyone else who may use it.
- 1.3 Although the number of people employed in agriculture continues to fall, by 10% in the last 10 years throughout the United Kingdom, there is a continuing demand for housing in the countryside. Continuing demand nationally is likely to come from:
- changes to agricultural enterprises (changes to new areas of production, or expansion),
  - relocation of farmyards as settlements grow,
  - new methods of farming e.g. ILUs which need more remote locations, due to potential for noise and smell nuisance conflicting with residential uses,
  - security (need to be closer to livestock and crops),
  - retiring farmers staying on the land (new house needed for new owners),
  - new units erected following the break-up of land

(Information from "Planning Controls over Agricultural and Forestry Development and Rural Building Conversions -Department of the Environment Research Programme, HMSO, 1995).

However, it is for the Council to judge whether such demand represents a genuine need in each case.

- 1.4 Appeal cases quoted in this document are taken from Development Control Practice, published by Ambit Publications Ltd.

## 2 NEW AGRICULTURAL DWELLINGS

2.1 Annex I of the recently published revision to Planning Policy Guidance Note 7 (PPG7) (The Countryside -Environmental Quality and Economic and Social Development) deals with Agricultural and Forestry Dwellings, and is attached as Appendix c. Paragraph 1.5 states that new permanent agricultural dwellings should only be permitted where:-

a) there is a clearly established functional need;

b) 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;

c) the unit and 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;

d) the functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and other normal planning requirements, for example on access, are satisfied.

2.2 Two types of tests have been identified by Central Government to assess this need; financial and functional. Functional tests look at whether it is essential for the proper functioning of the enterprise to have a new permanent dwelling on site, whereas financial tests provide further evidence of the continued viability of the enterprise (paragraphs I.S-13 of PPG7).

2.3 Paragraph I.IO suggests that financial tests may be appropriate to provide evidence of the size of dwelling which the unit can sustain

### 2.4 FUNCTIONAL TEST

National guidance and case studies from appeal decisions have revealed a number of elements which must be considered in determining functional need. These are:

2.5 Is the use genuinely agriculture?

Section 336(1) of the Town and Country Planning Act 1990 defines agriculture as:

*"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 furs, or the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodland where that use is ancillary to the farming of land for other agricultural purposes. "*

2.6 Generally, the definition of agriculture is quite straightforward, but there are a number of quasi-agricultural or marginal uses which have sought classification as agriculture. Case history through appeals has deemed that some uses do not constitute agriculture e.g. :

- lairage (the temporary housing of animals prior to transshipment elsewhere), (*Warnock v Secretary of State Dover District Council 1980, Devon County Council v Dartmoor National Park, 1991*) keeping

of horses, (Belmont Farm Ltd. v Ministry of Housing and Local Government 1962, and Sykes v Secretary of State 1981)

- processing of agricultural products, (paragraph 18 PPG7)
- agricultural services, (Rochford District Council, 1995 Bassetlaw, 1988)
- maggot production (this is considered an industrial process under Class B2 of the 1987 Use Classes Order, as amended - Glanford Borough Council, 1990).

2.7 Some of these businesses, which are more appropriately located away from residential areas, in the countryside, may still be permissible. However, they do not meet the definition of agriculture and are not considered under this policy. Instead they are subject to policies relating to countryside businesses or industry in the countryside.

2.8 **B. Is there a Genuine intention to operate the business?**

Applicants must demonstrate, through the Council's questionnaire (see Appendix B), that the enterprise can support the personnel it is seeking to house, in a full time capacity, either through expansion of the existing business or start up. Applicants must also show financial or practical undertakings to demonstrate commitment to the proposed venture, e.g. investment in machinery, buildings, or livestock. A business plan would help in deliberations because, if the business cannot be shown to be capable of supporting its workers, permission will not be given for a new dwelling.

2.9 **C. Is there an essential need to live on the holding?**

In order to justify an exception to normal policy, applicants must be able to show that having one or more workers available at most times -day and night, is an essential part of the operation of the farm. For example, where essential care is required at short notice which could lead to the loss of crops or livestock. Security is not considered to be sufficient reason in itself for a dwelling in the countryside, but may form part of the overall justification. However, this will only be relevant in the case of operations where the product is readily saleable, and so more vulnerable, i.e. market garden type crops and livestock. It is important to repeat the Government's assertion that most workers will be expected to live in convenient towns and villages where they will be easily accessible to the holding. Appeal cases have pointed to the use of modern monitoring systems for horticultural, greenhouse/poly tunnel operations which, with standby systems for heating, irrigation etc., could be regularly monitored by staff resident in neighbouring settlements, (Woodsprings District Council, 1987, Hambleton District Council, 1991).

2.10 **D. Can any other dwelling: on the holding be made available?**

Once the need to be located on the holding has been established, applicants should show, if there are existing dwellings on the holding, why it is unsuitable, or impossible/impractical to make available. Otherwise, the Council would expect the existing dwelling to be used and would refuse permission for an additional dwelling.

2.11 **E. Is there any other housing available nearby?**

In cases where there is need to live close to the holding but not on- site the availability of existing dwellings in the locality should be investigated. Whilst it is accepted that the price of houses in the countryside and villages may exceed the ability of farm workers to purchase. applicants should demonstrate how attempts have been made to negotiate a suitable price. The local knowledge of Parish Councils and local estate agents may help with information of properties for sale. The Council will also take into consideration the site history, in terms of the sale of dwellings previously associated with the land. For instance, it would not normally support an application for a new

dwelling on a holding which had recently subdivided to exclude or sell off an existing dwelling.

## 2.12 **F Size of proposed dwelling**

Paragraph III of Planning Policy Guidance Note 7 (PPG7), produced by the Department of the Environment, is particularly concerned that dwellings should not be overlarge or expensive to construct. It is the needs of the farm and not the occupier which are relevant and the size of the dwelling should reflect the financial viability potential of the enterprise shown by the business plan. Aside from the potential impact of a large dwelling on the open countryside, dwellings which are unduly large limit the market available if sold in the future, which is restricted to those who comply with the agricultural occupancy condition. This may also have the effect, in the future, of making it difficult to resist removing an occupancy condition due to lack of interest in the property.

## 2.13 **G. Siting: and Design**

Care should also be taken to choose a site which is well related to existing farm buildings or other dwellings. Design is also an important issue, and given that the locations of new dwellings will generally be sensitive, and where the area is of special designation e.g. the Area of Outstanding Natural Beauty, more sympathetic architectural solutions will be expected. Good siting and design will not make an unacceptable proposal for a dwelling into an acceptable one. But poor siting and design may make an otherwise acceptable proposal into an unacceptable one.

## 2.14 **FINANCIAL TEST**

Advice in paragraph I.10 of PPG7 states that new permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A financial test will be necessary to demonstrate that the existing business is financially sound, or that the proposed expansion is on a sound basis. It should be demonstrated that the business can provide sufficient level of income to support the occupants of the dwelling while being able to meet the existing outgoings of the farm, and provide evidence of the size of dwelling which a unit can support.

## 2.15 **CARAVANS**

If there is some doubt as to the financial viability of the business, it may be deemed appropriate to allow a trial period of occupation of a residential caravan, or other temporary structure, to allow time to assess the prospects of the business. If this is considered, a time limit should be put on the permission. Paragraph I.14 of PPG7 suggests that three years should be an adequate length of time to assess the viability and the degree of investment (both financially and personally) in the business.

2.16 Paragraph 1.14 goes on to state that such temporary structures should be able to satisfy the following criteria:-

a) 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);

b) functional need (as with a permanent agricultural dwelling);

c) clear evidence that the proposed enterprise has been planned on a sound financial basis;

d) the functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and

e) other normal planning requirements, for example on siting and access are satisfied.

2.17 At the end of this period the Council will consider the ongoing viability and investment in the business in order to determine the need for permanent residential use on site as outlined in paragraph 2.1 of this report.

### **3.0 THE OCCUPANCY CONDITION**

3.1 The occupancy condition used by East Lindsey District Council is that recommended by central Government, and reads:

"The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture, or in forestry, or a widow or widower of such a person, and to any resident dependants. "

3.2 Paragraph 1.19 Planning Policy Guidance Note 7 also states that Local Planning Authorities should consider imposing an occupancy condition on existing dwellings on a unit which are under the control of the applicant but do not have occupancy conditions, if they are used in conjunction with the farm. The Council will pursue this policy in order to further safeguard the housing available to the agricultural sector.

3.3 The Council will also consider the use of planning obligations to tie a farmhouse to adjacent buildings or land of the unit to prevent them being sold separately without further application to the Council. This will prevent the undermining of the viability of the unit, which may lead to future requests to remove agricultural occupancy conditions as outlined in paragraph 1.19 of PPG7.

3.4 While the occupancy condition is fairly precise, there has been some confusion over its meaning, and appeal decisions have provided further guidance on this.

#### **3.5 'Solely or mainly employed'**

A regular income should be derived from the holding, sufficient to support the individual, i.e. this excludes casual workers who cannot predict their employment, and that over 50% of the normal working week of 48 hours should be undertaken on the unit.

#### **3.6 'In agriculture'**

This has been considered above, (paragraph 2.4), for the purposes of obtaining an agricultural dwelling, however appeals relating to occupancy conditions have reinforced the point that the persons employment must be dependant upon agriculture itself, and not the agricultural service sector, or a diversification project.

#### **3.7 'In the locality'**

Some flexibility may be allowed. as the distance a person is able to travel to carry out their work will vary according to transport available. conditions of roads (i.e. road type) and nature of work. i.e. it may be more important to work close to a livestock farm where animal welfare is an issue than an arable farm. This issue becomes more critical when considering removing a condition. when need in the locality is an important criteria. However. the Local Plan. paragraph 5.25. states that "the parish or adjoining parishes" is appropriate. There has been some confusion over the importance of the origins of workers in the past. so it should be pointed out that the terms "locality" or" local" relate simply to the distance between home and place of employment. People moving into an area to take up employment would meet this criteria. provided they live "locally" to their place of work.



#### **4.0 REMOVING AGRICULTURAL OCCUPANCY CONDITIONS**

4.1 As paragraph 5.24 of the East Lindsey Local Plan states " Planning conditions which stipulate agricultural occupancy are essential if houses developed as an exception to Policy DC1 are to remain for that purpose. Houses with such restrictive conditions form an important supply of housing for workers in the countryside at a relatively cheap price. The Council feels that this pool of housing should remain available for those who need *it* most."

4.2 These dwellings have been permitted against normal policy and it is important to maintain the integrity of policies protecting the countryside from unnecessary development. Therefore, the Council will need clear evidence as to why an occupancy condition should be removed from a property. It is not enough to reverse the arguments used to obtain the dwelling, by saying the house is no longer needed for the business. However, this is one aspect applicants will need to address, along with other criteria relating to the potential for use by other agricultural workers which are outlined below.

#### **4.3 Why is the dwelling: no longer needed on the holding?**

The application should be able to demonstrate that there is no longer the need for the dwelling on the unit, nor that there will be any need in the future. Applicants may also argue that the condition was incorrectly imposed in the first place, through lack of justification or that an unrestricted house should have been permitted at that time. However, this is rarely successful, particularly with modern properties, as the evidence required to prove agricultural need in the first place is rigorous.

4.4 The Council will also take into account previous development and/or sale of properties on the land when considering the past, present and future requirements of the holding.

#### **4.5 What is the potential for occupancy by other agricultural workers?**

The Council is seeking to retain agricultural dwellings for those workers who need them, in order to maintain a supply of low cost housing and prevent a proliferation of new dwellings in the open countryside. Therefore, proof is required that concerted efforts have been made to sell or rent the property to someone who complies with the occupancy condition. Applicants will need to demonstrate in writing that:-

- (i) Sustained attempts have been made to sell the property over a period of at least 12 months at a financially realistic price, -applicants should be able to provide details of when and where advertisements have been placed. Advice on an appropriate price for the dwelling will be taken from the Council's Estates and Valuation Officers. Previous appeal decisions have set a reasonable reduction in value for a dwelling with an agricultural occupancy condition to be 30% of that of an unencumbered dwelling.
- (ii) The marketing of the property has been correctly targeted i.e. farming press, specialist publications ~ local agents with experience of selling agricultural properties. It is suggested that at least quarterly advertising by such means would demonstrate active marketing.  
- evidence has emerged through appeals (particularly Clark v Tandrige District Council, 1995) that additional marketing, such as the circulation of details to farmers appearing on the agents database, or any other structured targeting of farms in the area, can assist an applicant in demonstrating the level of demand in the locality.
- (iii) There has been insufficient interest in the property. As a guide, the Council will judge the level of interest shown in the property so far on:-



- the number of offers made on the property,
- any serious interest shown through the planning system e.g. planning applications, or lawful use certificates,
- the number of Enquiries, through either source, from people able to fulfil the conditions

*(It would be useful in determining cases such as this if local agents kept a log of interest, in agricultural properties, on specific properties and in general).*

- (iv) There is no clear potential interest in the locality. to judge this, the Council will consider.
- the number of agricultural dwelling applications received in the parish and adjoining parishes,
  - the number of agricultural workers on the Council house waiting list.
  - the number of applications to lift agricultural occupancy conditions.
- (v) The property has been marketed for rent. Where there is more than one property on the unit, evidence should be provided of attempts to rent the property to a person who complies with the occupancy condition.

## **5.0 CONCLUSION**

- 5.1 The Council does not wish to see any individuals suffer personal or financial hardship. However, agricultural wages are generally low, and such workers can rarely afford the high prices which houses in the countryside often command on the open market. It is, therefore, important that housing which has been obtained at a lower than average cost for agricultural purposes, is retained in this sector, unless evidence can be produced that there is no longer demand for the property. Also, applications for new housing must demonstrate an overriding need to be located there. In both instances, this is to prevent a proliferation of new dwellings in the open countryside, which government advice says should be protected for its own sake.
- 5.2 It is in this light, that this guidance sets out the evidence required in these circumstances, and how it will be judged.

**Policy DC1 Development in Areas of Countryside Character**

**New development in the countryside will not be permitted unless it can be shown that there is an overriding need for it to be in that location .**

**In addition, all new development here will be required to:-**

- a) protect or enhance the particular character of the locality by its design, layout and appearance;**
- b) protect grades 1, 2 or 3A agricultural land (as defined by the Ministry of Agriculture, Fisheries and Food's agricultural land classification) from significant loss;**
- c) be constructed to a scale and form, and in materials which are consistent with, or sympathetic to, the local character;**
- d) be accompanied by a landscaping scheme which shall show how adequately it can relate to its setting, how important natural features can be incorporated on and about the site and how any elements of amenity or wildlife value can be enhanced.**

5.8. The underlying theme of the Plan is to promote a sustainable pattern of development based on maintaining healthy and viable communities which can offer a range of employment, housing and other facilities. Other Chapters of the Plan make provision for developments within and alongside the identified settlements and where a countryside setting is essential. In East Lindsey where the countryside is the dominant feature, it is important that all development in the countryside can be fully justified. Development in the countryside carries with it several potential risks and problems:-

- it places relatively greater pressure on infrastructure and services, the extra costs of which must largely be met by the wider community;
- it increases the need for travel which, in turn, adds to costs, uses up finite energy resources, adds to local pollution and increases disturbance in the countryside;
- it introduces uses and activities which may not be compatible with farming activities, natural history or the quiet enjoyment of the countryside;
- it reduces the stock of agricultural land;
- it sets a precedent for isolated development which may be difficult to resist in future;
- it detracts from the service role and benefits of economies of scale offered by settlements;
- it blurs the essential contrast between the countryside and the urban or village character.

5.9. *Individual developments, if allowed to be repeated, will accumulate over time to magnify the effects of these problems. Therefore, it is essential that these potential problems are addressed when considering development proposals in the countryside for, once developed, the effect and change is usually permanent and cannot be reversed.*

5.10 *In PPG7, the Government advocates that development may be appropriate in rural areas - particularly those which help the local economy along provided that it focuses development on the towns and larger villages. It adds that new development elsewhere in the countryside should be strictly controlled to protect the countryside for the sake of its beauty, the diversity of its landscape, the wealth of its natural resources and its ecological, agricultural and recreational value. The countryside is, perhaps, the District's greatest asset and the Council intends to follow Government directives to protect it for its own sake.*

5.11 *Sufficient land has been allocated and several other policies are included in the Plan to cater for the built development needs of the District over the period 1991 to 2001. It should not be necessary to impinge further on the open countryside. Houses will only be allowed in the countryside, therefore, where there is an exceptional and proven need.*

5.12 *As well as preventing the spread of urban uses into the countryside, the Council aims, in conformity with PPG7, to reduce the loss of the best and most versatile agricultural land. Where agricultural land loss is involved it should be minimised wherever possible by the use of lower grades in preference to best quality land. Protecting the countryside for its agricultural and amenity value will help in raising the quality of life of the district's residents and add to its recreation and tourism potential.*

5.13 *The Council feels it appropriate that the smaller settlements be included in Policy DC1 to highlight their strong essential relationship with the countryside. It is important that any permitted new development takes account of this. Policies H4 and H5 in Chapter 8 further describe the criteria for new housing in these smaller settlements.*

5.14 *Clearly, it is important, in the first instance, to test the overriding need of any proposal which lies within the DC1 policy area. If it satisfies that criterion then the criteria of any other relevant policy should be applied.*

5.15 *The Policies of this Chapter deal with those proposals which are specific to agricultural and countryside business developments.*

5.16 *All planning applications for development in the countryside should address these matters, as a minimum requirement. More complex or environmentally significant development proposals may need an environmental assessment.*

5.17 *The proposed replacement of a non-conforming or bad neighbour use by a seemingly more "acceptable" development is not, in itself, a sound reason for an exception to this policy. It is important that any new development on such a site in the countryside vacated by a non-conforming use does not compromise good planning principles and it should, therefore, comply with relevant criteria of Policy DC1.*

5.18 *The Council will need to be satisfied that any building or house built to serve a permitted use in the countryside shall remain firmly connected to that use and not merely provide a long term means of developing an ordinary house in the countryside. To this end, a planning condition may be attached to any such planning permission restricting the occupancy or operation of the building to a person solely and directly connected with it.*

5.19 *Even though proposals may satisfy other relevant policies of the Plan, the Council will not grant planning permission for any development which does not respect the character of its site or surroundings. This is particularly important in the policy DC1 area where the design and amenity criteria of the policies of Chapter 2 will be strictly applied. Where available, Village Design Statements which have been approved by the Council, will be used to assess the value of local character when applying design and amenity criteria.*

### **Policy DC3 Agricultural Occupancy**

***A dwelling which is shown to be essential for the needs of agriculture or forestry will normally be permitted in the countryside provided it cannot reasonably be located elsewhere.***

***The following occupancy condition will be attached to any such planning permission: "The occupancy of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture, or in forestry, or a widow or widower of such a person, and to any resident dependants.***

***An occupancy condition will not normally be removed unless it is clearly shown that the dwelling is, and would remain in the long term, unnecessary for the efficient management of agriculture or forestry and that the dwelling cannot be sold or rented with the occupancy condition attached.***

***Exceptionally, the occupancy condition may be removed or altered to provide housing for those associated with other rural enterprises.***

5.21 One of the few occasions where residential development in the countryside may be justified is when accommodation is required to allow farm or forestry workers to live at or close to their place of work. Normally, it will be as convenient for them to live in nearby towns or villages but there may be cases where the nature of the farm work makes it essential for one or more farm workers to live at or very close to their work. Any application for farm workers dwellings in the countryside must be accompanied by clear evidence of need to be in that location.

5.22 *The Council will be guided by the tests in Annex I of PPG7, The Countryside - Environmental Quality and Economic and Social Development, which states that new permanent agricultural dwellings will only be permitted where:-*

- (a) there is a clearly established existing functional need;*
- (b) 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;*
- (c) the unit and 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;*
- (d) the functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and*
  - (e) other normal planning requirements, for example on siting and access, are satisfied.*

*5.23 The Council's approach is more fully explained in its Supplementary Planning Guidance - Agricultural Occupancy (1997). For instance, the need for security is not, in itself, sufficient reason for a dwelling but it may form part of the overall justification. That document also sets out the information the Council will require when application is made to lift an agricultural occupancy condition.*

5.24 Planning conditions which stipulate agricultural occupancy are essential if houses developed as an exception to Policy DC1 are to remain for that purpose. Agricultural occupancy conditions should not be removed as each approved case results in an extra isolated dwelling which bears no functional relationship with its setting in the countryside. In implementing Policy DC3 the Council will not compromise the aim of Policy DC1 to protect the countryside from unrelated built development. Also, houses with such restrictive conditions form an important supply of housing for workers in the countryside at relatively cheap prices. The Council feels that this pool of housing should remain available for those who need it most.

5.25 In applying for the removal of such a condition, therefore, an applicant must show clearly that the house cannot be any longer used in connection with the enterprise or be made available for purchase or rental to other enterprises in the parish or adjoining parishes. In any case, the applicant must provide written evidence that attempts have been made, over a period of twelve months, to sell the house at a value which reflects the restrictive occupancy condition.



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**AGRICULTURAL DWELLING HOUSES / CARAVANS**

**LOCAL PLANNING AUTHORITY - INFORMATION REQUIREMENTS**

**1.0 INTRODUCTION**

Planning Policy Guidance Note No.7 "The Countryside and Rural Economy," provides guidance to help Local Planning Authorities deal with applications for agricultural development. Annex E gives detailed guidance on agricultural and forestry dwellings and in particular sets out functional and financial tests.

The questions set out below should be answered as completely as possible so that the Planning Officer and Planning Committee, when considering your application, can take all the relevant factors into account when making a decision.

As you will appreciate, there will inevitably be some delay in dealing with the application, and it may be necessary to clarify certain information which you supply. The Local Planning Authority must be fully satisfied that there is an essential need for a dwelling / caravan before making an exception to its establishment policy of exercising strict control over all development outside villages in the interests of preserving the character of the open countryside.

**2.0 DETAILS OF THE APPLICATION (in**

**block capitals)APPLICATION No:**

**APPLICANT AGENT (if any) to whom correspondence should be sent**

Name:	_____
Address:	_____
	_____
	_____
Postcode:	_____
Tel.No:	_____

Name:	_____
Address:	_____
	_____
	_____
Postcode:	_____
Tel.No:	_____

**PROPOSAL:**

_____
_____
_____

**LOCATION:**

_____
_____
_____

### 3.0 THE FARM BUSINESS (in block capitals)

#### THE LAND

**a)** The area of land owned and / or occupied; if rented, the basis of tenure. (Note that if land is not held on a secure basis e.g. mowing or grazing licence, the business may not be sustained for a reasonable period of time). A plan showing the location of the land and its boundary is required. The location of farm buildings and dwellings should be annotated.


#### LAND USE b) Cropping (in acres or hectares)

- . • Amount of quota if applicable.
- . • The area of each crop grown (if relevant, give location).
- . • Area and location of land set aside.
- . • What markets are crops grown for? (e.g. stock feed, human consumption, etc).


#### c) Area of grassland, permanent or temporary, whether conserved for hay or silage


#### d) Area of woodland


#### e) Any other relevant land uses.


#### LIVESTOCK

#### f) Livestock numbers by type (e.g. cattle, sheep, pigs, etc). Further broken down into breeding and other animals.

- . • Details of quotas.
- . • Average numbers on holiday at any one time.
- . • If animals are produced for sale.
- . • Numbers produced per annum, age and weight at sale.
- . • For which market (e.g. pigs - pork, bacon, heavy etc).


#### LABOUR g) Number and type of workers (e.g. full-time, part-time, casual), including family.



- . • Nature of employment (e.g. stockman, tractor driver, etc).
- . • Details of their home location and its distance from the agricultural holding.


**FARM BUILDINGS AND FIXED EQUIPMENT**

The purpose here is not to request a detailed building schedule, but to judge whether the holding has, or is likely to have in the future, an adequate level of buildings and equipment to accommodate the enterprises described.

**h) List the principal buildings and fixed equipment at each location, type of construction** (e.g. traditional, framed, etc).

- . • Size (e.g. for a cattle building, how many can be housed).
- . • Any special features relating to internal layout and accommodation.
- . • Services - electricity, water, sewage, etc, mains or private.
- . • Waste handling systems and storage.
- . • Details of any recent investments in farm buildings etc. over the last five years.

**FARM DWELLINGS i) Location and type of existing dwellings;** are any covered by an agricultural tenancy condition?

- . • Occupation (family members, workers, etc).
- . • Other dwellings in applicant’s control.
- . • Have any dwellings recently been sold separately from the farmland concerned.
- . • Why existing dwellings in the applicant’s control do not meet the need for workers to live on the holding.
- . • Location of proposed dwelling(s), size and accommodation.

**NEW DWELLING / CARAVAN j) Why is a new dwelling / caravan required, who will occupy it and why**


**FARMING SYSTEMS AND HUSBANDRY PRACTICES k) Summary of the main enterprises on the farm, nature and throughput.**

- . • Details of husbandry practices which significantly add to the functional requirements (e.g. pedigree stock, high value crops, automatic equipment for watering, feeding or ventilation, calving patterns, etc).
- . • Describe housing systems which may be labour intensive (e.g. cow sheds as opposed to loose housing, are outdoor sheep and cattle housed in winter for lambing, calving, etc).
- . • Are there special marketing or other arrangements which may add to labour requirements or lead to unsocial hours (e.g. early morning lorry movements, etc).

**SECURITY**

**l) Describe the features which increase the risk of theft, trespass and / or vandalism** (e.g. due to high value crops, equipment or the location of the farmstead). **N.B. You may wish to mark this information “Confidential” to protect your interests, and reply on a separate sheet of paper marked “Confidential Information”. This information may contribute to your case but will not, by itself, be sufficient to justify a new dwelling.**


**CHANGES TO EXISTING OR PROPOSED FARMING SYSTEM**

**m) In cases where the need for accommodation is said to be due to a change to an existing farming system, or where there is to be a newly established farm business, the information required is the same and should be set out as described in k above.**


**AVAILABILITY OF ACCOMMODATION OUTSIDE THE APPLICANT'S CONTROL IN THE LOCALITY n) Location, and distance from farmstead.**


**DIVERSIFICATION / NON AGRICULTURAL ENTERPRISES o) How do they relate to the agricultural business?**

- Scale and type of enterprise.
- Numbers employed, if any.

The information that you provide will only be used for Council purposes unless there is a legal authority to do otherwise

## ANNEX I: AGRICULTURAL AND FORESTRY DWELLINGS from PPG7 (1997)

**11** One of the few circumstances in which isolated residential development in the countryside may be justified is when accommodation is required to enable farm or forestry workers to live at or in the immediate vicinity of their place of work. Normally it will be as convenient for such workers to live in nearby towns or villages as it will be for them to live where they work, This may have domestic and social advantages as well as avoiding potentially intrusive development in the countryside.

12 There will be some cases, however, in which the demands of the farming or forestry work concerned may make it essential for one or more of the people engaged in this work 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 farm or forestry enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.

13 Despite planning policies that impose strict controls on new residential development in the open countryside, and the substantial reduction in agricultural employment, the demand for such development remains high. Some of this demand may be justified by the genuine needs of farming and forestry, but much is speculative and stems from applicants seeking to exploit the physical or financial advantages of a new house in the countryside. It is, therefore, essential that all applications for planning permission for new agricultural or forestry dwellings are scrutinised thoroughly with the aim of detecting attempts to abuse the concession that the planning system makes for such dwellings.

14 In particular, it will be important to establish that stated intentions to engage in farming or forestry 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*

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

- (a) there is a clearly established *existing* functional need (see paragraph 16);
- (b) 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;
- (c) 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 110);
- (d) the functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (e) other normal planning requirements, for example on siting and access, are satisfied.

16 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:

- .in case animals or agricultural processes require essential care at short notice;
- .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.

17 In cases where the local planning authority is particularly concerned about possible abuse, it may be helpful to 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.

18 The protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for an 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 new dwellings as retirement homes for farmers.

19 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.

110 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,

III Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings which 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 normally be permitted. It is the requirements of the enterprise rather than of the owner or occupier which are relevant to determining the size of the dwelling that is appropriate to a particular holding.

112 There will be some cases in which the planning circumstances of the site are such that, if a new permanent dwelling is approved, the local planning authority may wish to consider making permission subject to a condition removing some of the permitted

113 Care should be taken to choose a site which is suitably located to meet the identified functional need and well-related to existing farm buildings or other dwellings. Local planning authorities are able where necessary to control the siting of agricultural buildings erected under permitted development rights (see paragraph 3.6 and Annex E). When they are considering the siting of such buildings, the possible need for an agricultural dwelling in connection with them is capable of being a material consideration.

#### *Temporary agricultural dwellings*

114 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:

- (a) 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);
- (b) functional need (see paragraph 16);
- (c) clear evidence that the proposed enterprise has been planned on a sound financial basis;
- (d) the functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (e) other normal planning requirements, for example on siting and access, are satisfied. ,

115 If permission for temporary accommodation is granted, permission for a permanent dwelling should not subsequently be given unless the criteria in paragraph 15 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. It will be unsatisfactory to grant successive extensions to a temporary permission over a period of more than three years. Local planning authorities should not grant temporary permissions in locations where they would not permit a permanent dwelling.

#### **Forestry dwellings**

116 Local planning authorities should apply the same criteria to applications for forestry dwellings as to agricultural dwellings (paragraphs **II** -IS). The other principles in the advice on agricultural dwellings are equally relevant to forestry dwellings. Under conventional modern methods of forestry management, which use a largely peripatetic workforce, a new forestry dwelling is unlikely to be justified except perhaps to service intensive nursery production of trees.

### *Occupancy conditions*

117 Where the need to provide accommodation to enable farm or forestry workers to live at or near their place of work has been accepted as justifying isolated residential development in the countryside, it will be necessary to ensure that the dwellings are kept available for meeting this need. For this purpose planning permission should be made subject to an occupancy condition. The following model condition is recommended:

"The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants."

118 It should not be necessary to tie occupation of the dwelling to workers engaged in one specific farm or forestry business even though the needs of that business justified the provision of the dwelling. The model occupancy condition recommended above will, however, ensure that the dwelling is kept available to meet the needs of other farm or forestry businesses in the locality if it is no longer needed by the original business, thus avoiding a proliferation of dwellings in the open countryside. DOE Circular 11/95 gives further advice on agricultural occupancy conditions.

119 When granting permission for a new agricultural dwelling, local planning authorities should be aware of the scope for imposing an occupancy condition not only on the dwelling itself but also on any existing dwellings on the unit which are under the control of the applicant, do not have occupancy conditions and need at the time of the application to be used in connection with the farm. This should help to protect the countryside against the risk of pressure for new houses. The Courts have confirmed the scope for imposing such a condition (*Macklin and others v. Secretary of State for the Environment and Basingstoke and Deane Borough Council*, 27 September 1995). In appropriate circumstances, authorities may use planning obligations to tie a farmhouse to adjacent farm buildings or to the agricultural land of the unit, to prevent them being sold separately without further application to the authority. Advice on the use of planning obligations is given in DOE Circular 1/97.

120 Local planning authorities should monitor the operation of occupancy conditions, and take enforcement action where appropriate. They may serve notices under section 187 A of the Town and County Planning Act 1990 for breaches of occupancy conditions, provided the breach has not operated continuously for ten years or more. This may be particularly appropriate in cases where the claimed justification for a permanent dwelling to support a proposed new agricultural or forestry enterprise, which could be permitted under the guidance in the 1992 version of this PPG, has failed to materialise.

121 Changes in the scale and character of farming and forestry in response to market changes may affect the longer-term requirement for dwellings for which permission has been granted subject to an occupancy condition of the type set out above. Such dwellings 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. Applications for the removal of occupancy conditions should be considered on the basis of realistic assessments of the existing need for them, bearing in mind that it is the need for a dwelling for someone solely, mainly or last working in agriculture in an area as a whole and not just on the particular holding that is relevant.

### *Information and appraisals*

122 Planning authorities should be able to determine most applications for agricultural and forestry 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 consultants may be able to give a technical appraisal. This should be confined to a factual statement of the agricultural considerations involved and an evaluation of the specific points on which advice is sought; no recommendation for or against the application should be made.

123 Some local planning authorities ask for applications for dwellings to be supported by a technical appraisal commissioned by the applicant. Such authorities may wish to prepare a select list of consultants likely to provide independent and unbiased advice, to state the criteria for inclusion in it, and to make it available to applicants.