

Rural Dwellings

NEW PROPERTIES

Government planning policy allows for the building of dwellings essential to agriculture in the open countryside, including within the Green Belt. The National Planning Policy Framework paragraphs 78 & 79 (as revised July 2018) state:-

Paragraph 78

'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.'

Paragraph 79

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a. *There is an essential need for a rural worker, including those taking majority control of a farm business to live permanently at or near their place of work in the countryside;*
- b. *The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c. *The development would re-use redundant or disused buildings and enhance its immediate setting;*
- d. *The development would involve the subdivision of an existing residential dwelling; or*
- e. *The design is of exceptional quality, in that it:*
 - *is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area*

Local Planning Authorities (LPA) will usually include a similar policy to NPPF paragraph 79a within their Local Plan.

The Government Planning Practice Guidance was revised in July 2019 and has provided guidance relating to the interpretation of National Planning Policy, as follows:-

'Considerations that it may be relevant to take into account when applying paragraph 79a of the NPPF could include:

- *evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal*



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health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);

- *the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;*
- *whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;*
- *whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and*
- *in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.*

Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings’.

Given the sensitivity of such proposals, applications for rural dwellings must be well prepared and contain sufficient information to demonstrate to the LPA that a genuine need exists for the on-site accommodation. If permission is granted it will usually be subject to an occupancy condition and sometimes a Section 106 agreement (i.e. ‘tying’ the property to the holding).

TEMPORARY ACCOMMODATION

Where a farm enterprise is in its infancy planning permission can often only be obtained for temporary accommodation (e.g. a static caravan) to give time for the business to develop. The planning consent would usually be granted for a 3 year period. Then, if the business objectives are met the next stage would be to apply for a permanent dwelling at the site.

NON AGRICULTURAL ENTERPRISES

It can be possible to obtain permission for accommodation required for non agricultural enterprises, such as equine, where again an essential need for on-site accommodation can be demonstrated i.e. ‘a rural worker’.

RETIREMENT

It is not possible to argue for a new dwelling for retirement purposes in England. However, appeal cases have successfully argued that where an existing house is occupied legally and legitimately by a retired person that dwelling can be discounted in any assessment regarding the availability of dwellings on a farm holding. Also, with the revised wording of the NPPF paragraph relating to rural workers (i.e. *there is an essential need for a rural worker, including those taking majority control of a farm business to live permanently at or near their place of work in the countryside*) it provides the possibility/opportunity for a new dwelling for the next generation.

OUR SERVICES

Acorus Rural Property Services offer a full planning consultancy service regarding rural dwellings, including the preparation of appraisals.

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