

Agricultural and Forestry Workers' Dwellings

1 INTRODUCTION

- 1.1 This Note is one of a series of Supplementary Planning Guidance Notes (SPGs), amplifying the development plan policies and other issues in a clear and concise format with the aim of improving the design and quality of new development. The Notes are intended to offer broad guidance which will assist members of the public and officers in discussions prior to the submission of planning applications and assist officers in handling and members in determining planning applications.

2 STATUS AND STAGES IN PREPARATION

- 2.1 The Council's SPG Notes are not part of the adopted plan. However, they have been the subject of both a formal Council resolution and public consultation. The Welsh Assembly Government (The Assembly) has confirmed that following public consultation and subsequent Local Planning Authority (LPAs) approval, SPG can be treated as a material planning consideration when LPAs, Planning Inspectors and the Assembly determine planning applications and appeals. This Note was approved by Full Council on January 21st 2003 for use in development control. A statement of the consultation undertaken, the representations received and the Council's response to these representations is available on request.
- 2.2 These Notes have been prepared in accordance with guidance contained in Planning Policy Wales; Unitary Development Plans (Wales); Technical Advice Notes.

3 BACKGROUND

- 3.1 This particular guidance note is intended to assist with proposals for new agricultural or forestry workers dwellings, as new residential development in the open countryside within the County is very carefully controlled.
- 3.2 National Planning Guidance and policies contained in the Council's Unitary Development Plan adopted 3rd July 2002, allows consideration to be given for the erection of dwellings for occupation by agricultural or forestry workers where the needs of the farm unit/forestry enterprise demand an all year round presence for its operation.

4 POLICY

- 4.1 The Council's broad policy is set out in the **UDP Policy HSG 6 - New Dwellings in the Open Countryside**, and also **TAN (W) 6 – Agricultural & Rural Development 2000**. The objective of this policy is to ensure that new dwellings in the open countryside are only developed for established and essential need for an agricultural or forestry worker. All applications will be decided on their individual merits judged against the criteria contained within this policy guidance.
- 4.2 The aim of this Supplementary Planning Guidance Note is to highlight to potential applicants for agricultural/forestry worker's dwellings, the criteria which will be taken into account by the Local Planning Authority in:-
- (a) establishing whether there is a proven "essential need" to enable the principle of a new dwelling to be given favourable consideration.
 - (b) outlining siting/design requirements of any new dwelling in relation to the existing farm unit/forestry enterprise.
- 4.3 It is recognised that the guidelines cannot hope to cover all individual circumstances which may exist and applicants/agents are advised to discuss their proposals with a Planning Officer prior to submitting a formal planning application.

5 ESTABLISHING “ESSENTIAL NEED”

In assessing the “essential need” element of a specific application for a new dwelling the Local Planning Authority will commission an independent consultant to undertake agricultural appraisals on its behalf, at the applicant’s expense.

5.1 To assist in streamlining this process the Local Planning Authority have formulated a questionnaire which is available to potential applicants and agents drafted in accordance with TAN (W) 6 which outlines the tests to be applied in consideration of any applications for a new dwelling. The tests relate to the functional need for a dwelling and the financial viability of an enterprise.

5.2 Functional Tests

- The main consideration of the case for a new dwelling will be in the form of a functional test as outlined in TAN (W) 6. This is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be "on the spot". A key consideration will be the labour requirements of the enterprise in terms of the "standard labour units", i.e., employee hours involved in an enterprise over a year.
- In assessing the case for a new dwelling it will be necessary to clearly distinguish the requirement for the labour to be on the unit. It does not automatically follow that the labour unit figures in themselves establish the case for an "on the spot" presence as the work undertaken may be seasonal in nature and would not require an employee on site throughout the year.
- Relevant matters for consideration when determining applications for essential workers dwellings are whether the intended occupant would be required to provide essential care to animals at short notice or deal quickly with emergencies to prevent serious loss of crops or to protect livestock from theft or injury, although security on its own would not be sufficient justification.
- Other factors to be considered are the scale and nature of the enterprise, the likely future requirements, the availability of existing accommodation and the need to be within sight and sound of the hub of the unit/enterprise.

5.3 Financial Tests

- In cases where the functional test alone is not conclusive, the Authority may also require the application of a financial test outlined in TAN (W) 6. In reality the cases where a financial test is required will be minimal.
- The financial test is intended to provide further evidence of the genuineness of stated intentions to engage in farming, or the size of the dwelling which the unit can sustain. It is not intended to judge the likely present or future viability of the enterprise as such, but the land use implications for the site, which may include the likelihood of the development being carried into effect and the size of the dwelling.
- It may be necessary to provide business accounts or financial projections in support of an application, to a basic level to assist a financial appraisal. In situations where an application for a dwelling relates to the intention to set up a completely new farm business or a major change in the nature or scale of an existing business, detailed financial information will be essential to support a case, as for example it may show significant investment in new farm buildings as a good indication of intention.

5.4 Supporting Appraisals Submitted by Applicants

- The Local Planning Authority will have regard to agricultural appraisals by applicants/agents but will rely on the conclusions of an independent appraisal in assessing “essential need”. It is therefore considered that the only supporting documentation required when submitting an application is that included within the Local Planning Authority’s standard questionnaire.

5.5 Additional Information Required by the Local Planning Authority

- Sequential test to ascertain whether there are any existing buildings on the farm unit/forestry enterprise which are capable of conversion into a dwelling. The Local Planning Authority’s approach is to

encourage the use of existing traditional buildings rather than allow the erection of a new dwelling. Further advice on conversions can be obtained in Supplementary Planning Guidance Note 16 Conversion of Rural Buildings.

- History of recent development on the holding, clarifying whether the applicant presently owns or there have been any dwelling(s) previously sold on the unit/enterprise and the reasons for this occurring.
- Clarification on whether there may be other dwellings for sale or rent in the locality either within the open countryside or nearest settlement which may be suitable to fulfil the applicant's requirements.

NOTE: The need for a security presence will not in itself form an acceptable basis to justify a new dwelling.

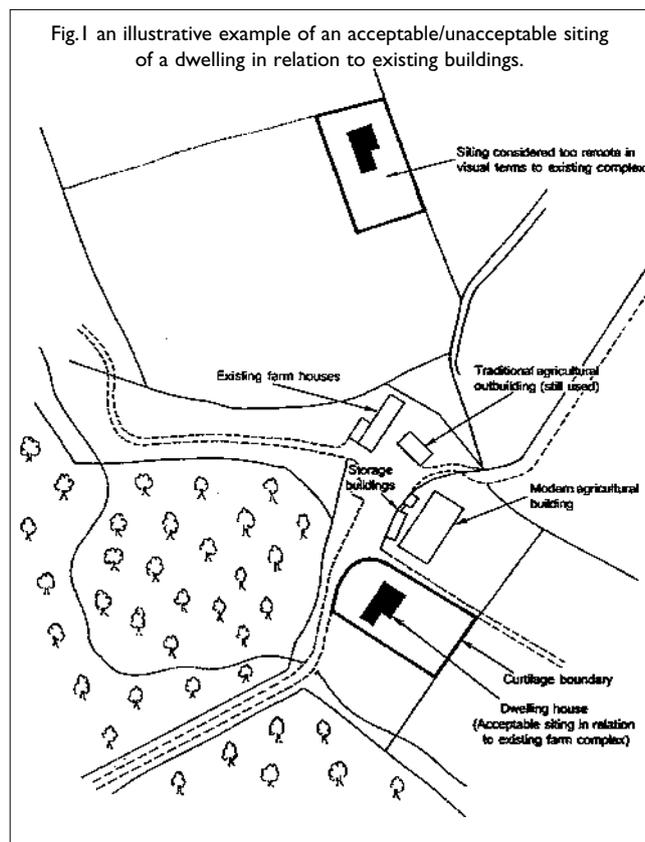
- 5.6 It is not the purpose of the system to allow for retirement dwellings or dwellings for occupation by the children of farm/forestry workers; it being the essential needs of the unit/enterprise and not personal circumstances which are important.
- 5.7 In circumstances where the Local Planning Authority is uncertain about the long term viability of a newly established unit/enterprise it may consider the possibility of granting temporary permission for the siting of a caravan or other temporary accommodation to allow a business to become established.

6 SITING AND DESIGN

6.1 Once the principle of a new dwelling has been established in accordance with the favourable conclusions of an agricultural/forestry appraisal there are a number of site specific factors to be considered.

6.2 Siting

- Where a new dwelling is considered acceptable, it is important that it is located in relation to other farm buildings and / or natural features such as woodland or other landscape features. The need to ensure adequate standards of amenity between existing and proposed dwellings and farm buildings will be of importance. The Local Planning Authority would not however, look favourably on a dwelling located some distance away from the farm/building complex. (Fig.1 provides an illustrative example of an acceptable/unacceptable siting of a dwelling in relation to existing buildings).



6.3 Design

- The use of appropriate building materials will be important to ensure that the dwelling is sympathetic to the character of the buildings it relates to and development within the locality, particularly within sensitive landscape areas including the Area of Outstanding Natural Beauty and Area of Outstanding Beauty. Modern innovative designs utilising high quality materials may however be acceptable in some cases.

6.4 Size of Dwelling

- The size of the dwelling should be commensurate with the established functional requirement of the unit/enterprise. A dwelling which is unusually large in relation to the established needs of an agricultural/forestry worker or profitability of an enterprise will not be given favourable consideration.

6.5 Temporary Agricultural Dwellings

- Where it is considered that a new dwelling is justified for a new farming activity but the case is not totally proven then the dwelling for the first three years should be a caravan or similar wooden structure which can be easily dismantled. The building should satisfy normal planning requirements and must be removed at the end of the permission period. Permission will not be granted for temporary dwellings in locations where permanent dwellings would not be permitted.

6.6 Occupancy Condition

- The occupation of a new dwelling will be restricted by a planning condition to ensure that the dwelling is occupied by a worker who last worked in agriculture or forestry, or his/her dependants, having particular regard to the exceptional circumstances advanced. This will ensure that the dwelling is not subsequently sold on the open market and ensures that sporadic development is carefully controlled.

6.7 It will also be necessary for the Local Planning Authority to impose an occupancy condition on the existing dwelling where there is an established case for two or more full time workers on a unit. Where the existing dwelling does not form part of the planning application then an occupancy condition will be negotiated as part of a legal agreement.

6.8 Deletion of Occupancy Conditions

- In order to justify the removal of an occupancy condition the applicant must:-
 - outline the changes which have occurred since the granting of the original permission; a minimum time period of 5 years since the granting of the original permission must have elapsed before an application to remove an occupancy condition will be considered;
 - demonstrate that there is no longer a need for an agricultural/forestry worker's dwelling on the unit/enterprise or in the area;
 - provide documentary evidence to show that an attempt has been made to let or sell the property at a realistic price (less than full market value) for at least one year with the occupancy condition.

Note:

- The argument that the dwelling is not suitable for an agricultural worker i.e. too large and expensive will not be considered as a relevant issue.
- In addition personal circumstances will not be relevant as it is the needs of the holding and not the individual which must be the overriding issue.



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