

Rural Enterprise Dwellings and PPS7 Topic Paper

Broads Authority April 2016

1. Introduction

Rural enterprise dwellings are those dwellings needed to support agriculture, forestry, boatyards, tourism and other rural employment. Essentially these operations may need staff to be near to the operation in case of emergencies or because they may effectively be on duty for 24 hours a day.

Being a predominantly rural area with many rural enterprises, the Broads Authority does receive applications for these types of dwellings.

Prior to the NPPF, Planning Policy Statement (PPS) 7 was the relevant Government policy and guidance which helped to determine such applications. PPS7 has been withdrawn. The Authority already has adopted policy DP26 which helps determine such applications, however there is a lack of guidance and some elements of PPS7 are not included in DP26. DP26 was adopted in 2011 and is copied below.

DP26 Permanent and Temporary Dwellings for Agricultural, Forestry and Other Workers

Development of a new dwelling or a residential mooring for agricultural, forestry or rural workers, including boatyard workers, will be permitted outside the defined development boundaries if:

- (a) There is a demonstrable existing need for full time worker(s) to be available at all times for the enterprise to function properly;
- (b) The need is arising from a worker employed full-time or one employed primarily in the Broads in agriculture, forestry or a rural business;
- (c) Evidence is submitted that demonstrates that the business has been established for at least three years, has been profitable for at least one of them, is currently financially sound and has a clear prospect of remaining so;
- (d) The functional need cannot be met by an existing dwelling on the site or in the locality and there has been no sale on the open market of another dwelling on the site that could have met the needs of the worker in the past three years;
- (e) The dwelling would be commensurate in size and scale with the needs of the enterprise; and (f) It would not adversely affect protected species or habitats.

Should a new dwelling be permitted under this policy, the Authority will impose a condition restricting its initial and successive occupation to a person solely or mainly employed in agriculture, forestry or a Broads related rural enterprise. The removal of an occupancy condition will only be permitted in exceptional circumstances where it can be demonstrated that:

(g) There is no longer a long-term need for the dwelling on the particular enterprise on which the dwelling is located; and

(h) Unsuccessful attempts have been made to sell or rent the dwelling at a price that takes account of the occupancy condition.

Applications for a temporary mobile home or residential mooring for agricultural, forestry or rural workers, including boatyard workers, will be permitted provided that:

- (i) Residential occupation would be for a period of up to three years;
- (j) There is clear evidence that the proposed enterprise has been planned on a sound financial basis;
- (k) The functional need cannot be met by an existing dwelling on the site or in a nearby settlement; and
- (I) In relation to temporary mobile homes, the proposed temporary dwelling would not be located in Flood Risk Zone 3.

After three years, if there is no planning justification for a permanent dwelling, then the mobile home must be removed or, for a residential mooring, the vessel's residential use must cease.

The NPPF says the following in relation to rural workers at paragraph 55.

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. 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

DP26 was produced prior to the NPPF. The Authority's internal assessment of DP26 against the NPPF¹ concludes that the aim of policy is broadly consistent with the NPPF. However, majority of detailed policy content is not reflected in NPPF and neither is much of PPS7.

2. <u>Incorporating more of PPS7 into a new Rural Enterprise Dwellings policy</u>

The issue with regards to rural enterprise dwellings and isolated dwellings in the Broads is not one of number of applications, but rather the impact of the isolated dwellings. Such applications propose development in areas where permission would not normally be granted due to the isolated nature. However, the Authority considers it important to support rural enterprises. Generally the Authority supports proposals in the right place, but will protect the special qualities of the Broads if proposals are in the wrong place.

The Authority considers it important to have an objective set of criteria to expand on the requirements of the NPPF. There are useful and important criteria within PPS7 as well as guidance which are currently missing from local and national policy. Such criteria and guidance can help the Authority interpret and consider applications for rural enterprise dwellings.

¹ http://www.broads-

3. Proposed Policy and Reasoned Justification

This is the proposed refreshed and updated rural enterprise policy. The changes take into account experience from using the policy as well as brings in some important elements of PPS7.

Policy X: Permanent and Temporary Dwellings for Rural Enterprise Workers

Development of a new dwelling or a residential mooring for rural workers will only be permitted outside the defined development boundaries if:

- a) Satisfactory evidence is submitted that demonstrates an existing essential need for full time worker(s) to be available on site or nearby at all times for the enterprise to function properly;
- b) The need is arising from a worker employed either full-time or one employed primarily in the Broads in a rural enterprise;
- c) Evidence is submitted that demonstrates that the business has been established for at least three years, has been profitable for at least one of them, is currently financially sound and has a clear prospect of remaining so;
- d) The functional need cannot be met by an existing dwelling on the site or nearby and there has been no sale on the open market of another dwelling on the site that could have met the needs of the worker in the past three years;
- e) Where practicable and appropriate, first consideration has been given to the conversion of an existing building;
- f) The dwelling is commensurate in size and scale with the needs of the enterprise and the cost would be viable in relation to the finances of the enterprise;
- g) The dwelling is sited so as to meet the identified functional need and is well related to the existing buildings of the enterprise; and
- h) The proposal would not adversely affect protected species or habitats.

Should a new dwelling be permitted under this policy, the Authority will impose a condition restricting its occupation to a person solely or mainly employed in agriculture, forestry or a Broads related rural enterprise, as appropriate.

The removal of an occupancy condition will only be permitted in exceptional circumstances where it can be demonstrated that:

- i) There is no longer a long-term need for the dwelling on the particular enterprise on which the dwelling is located; and
- j) Unsuccessful attempts have been made to sell or rent the dwelling at a price that takes account of the occupancy condition.

Applications for a temporary mobile home, caravan or residential mooring for rural enterprise workers, will only be permitted if;

- k) Residential occupation would be for a period of up to three years;
- There is clear evidence that the proposed enterprise has been planned on a sound financial basis for the same period (or longer) which the application seeks permission for a temporary dwelling/residential mooring for;
- m) The functional need cannot be met by an existing dwelling on the site or nearby;

- n) In relation to temporary caravans and mobile homes, the proposed temporary dwelling would not be located in Flood Risk Zone 3;
- o) The temporary structure can easily dismantled or taken away; and,
- p) The proposal would not adversely affect protected species or habitats.

Any planning permission granted will specify the period for which the temporary permission is granted and the date by which the temporary dwelling/mooring will have to be removed. Successive extensions to a temporary permission will not normally be granted unless material considerations indicate otherwise.

After three years (or such other period as the temporary permission may be for), if there is no planning justification for a permanent dwelling, then the mobile home or caravan must be removed or, for a residential mooring, the vessel's residential use must cease.

Reasoned Justification

The erection of dwellings outside defined development boundaries has the potential to have a negative impact on the openness and special character of the Broads. Rural Enterprise dwellings outside dev boundaries will require special justification for planning permission to be granted. The NPPF states that one such instance is when accommodation is required to enable agricultural, forestry and certain other full-time rural workers to live at, or nearby, their place of work.

For the purposes of this policy, the term 'rural workers' relates to those who work in agriculture, horticulture, forestry, tourism and boatyards And other enterprises which require a rural location. Any application would need to fully justify why it considers the dwellings to be linked to a rural enterprise.

While proposals which support the proper functioning of rural enterprises will generally be supported because of the contribution such enterprises make to the local economy, in order to protect the landscape character of the Broads essential workers dwellings will only be permitted where there is a demonstrable need for a full time worker(s) to live at, or very close to, the site of their work and this functional need cannot be met by an existing dwelling on the site or in the locality.

When judging locality, the Authority will take into account what the requirement of the business is for an employee to live nearby and what a reasonable distance to travel to the business is. This will vary on a case-by-case basis and an application should explain what distance is appropriate and why.

To ensure that this demand for a dwelling is likely to be sustained, proposals must be accompanied by evidence to demonstrate that the business has been established for at least three years, profitable for at least one of them, currently financially sound and has a clear prospect of remaining so. A business plan for the subsequent three years will assist in assessing the future prospects.

Any proposals to convert buildings to become a rural enterprise dwelling (criterion e) will be considered against the relevant conversion policies in the Local Plan. When looking at dwellings that

already exist nearby (criterion d), properties available for rent need to be considered as well as those available to buy and it should be demonstrated what price the enterprise can reasonably afford.

Any new dwelling permitted under this policy will be restricted in size and scale to one which is commensurate with the needs of the enterprise to ensure that the proposal does not have an unacceptable impact on the special landscape character of the Broads. Furthermore, the cost of constructing the dwelling in relation to what can be afforded by the enterprise is an important consideration as the erection of a dwelling should not affect the finances such that the enterprise would no longer be financially viable. Permitted development rights for future extensions and alterations may be removed in order to maintain control over the size of the dwelling, in the interests of protecting the landscape and local character.

If a proposal is considered in the context of this policy to potentially have an effect on an internationally designated site then it will need to be considered against the Habitats Regulations and a project level Appropriate Assessment undertaken.

Applicants should be aware that the Authority will use appropriate external expertise when necessary to assess the more technical information required to accompany proposals.

Where a new dwelling is permitted, the occupancy will be restricted by condition to ensure that it is occupied by a person, or persons currently or last employed working in local agriculture, horticulture, forestry, and other rural activities, or their surviving partner or dependant(s).

Due to changing farm practices, the vulnerability of the agricultural sector and potential decline in other rural businesses, there may be instances where a dwelling or mooring for a rural worker is no longer required. The Authority will only consider favourably applications to remove occupancy conditions where it can be demonstrated that there is no longer a need for the dwelling on the particular enterprise on which the dwelling is located, either due to changes in the nature of the business or because the business is no longer viable. Applications for the removal of occupancy conditions will also need to be accompanied by robust information to demonstrate that unsuccessful attempts have been made, for a continuous period of at least 12 months, to sell or rent the dwelling at a reasonable price which takes account of the occupancy condition, including offering it to a minimum of three local Registered Social Landlords operating locally on terms which would prioritise its occupation by a rural worker as an affordable dwelling, and that option has been refused. With regards to criterion J, unless there are special circumstances to justify restricting the dwelling to the particular enterprise where the dwelling is located, an occupancy condition is likely to allow occupation by other workers in the locality, in which case it should be considered whether there is other demand locally, and not just whether the demand for this particular enterprise has ceased.

Proposals for a temporary mobile home or residential mooring for rural workers will only be permitted for a period of up to three years. In order to protect the landscape character of the Broads, a planning condition will be attached to any permission to ensure that any mobile home or vessel is removed at the end of this three year period. The NPPG lists caravans and mobile homes for permanent occupation as a 'highly vulnerable' use. Accordingly, proposals to site a caravan or

mobile home in an area defined as being within Flood Zone 3 will be contrary to the NPPG on flood risk.

Any new or converted dwelling needs to address the requirements of other policies in this Local Plan such as:

- The proposed dwelling needs to be sensitively designed and in keeping with its rural surroundings and will not adversely affect the setting of any heritage asset;
- The proposed dwelling will have satisfactory access; and,
- The proposed dwelling will be well landscaped, is sited to minimise visual intrusion and is in close proximity to existing buildings to meet the functional need of the business.

Alternative Options

- No policy using the NPPF instead would not assist DM Officers in assessing applications now
 provide detail for applicants to address in their applications. With the special qualities of the
 Broads Executive Area, a policy that is more detailed than the NPPF is deemed necessary by the
 Authority.
- Keep existing policy with no changes the changes bring into the policy and reasoned
 justification some useful guidance and criteria for preparing and assessing such applications.
 With the special qualities of the Broads Executive Area, a policy that is more detailed than the
 NPPF and more detailed than the existing policy is deemed necessary by the Authority.

Comments received as part of the Issues and Options:

Broaedland Council felt that the NPPF provides sufficient policy to address this issue but a short guidance note for determining planning applications may be of assistance also.

<u>Sustainability Appraisal Summary</u>

<u>Evidence used to inform this section</u> PPS7

Monitoring Indicators

Green shading means this PPS7 requirement is already addressed in DP26.

PPS7	New Rural Enterprise Dwelling Polciy
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.	General thrust included in the reasoned justification.
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.	General thrust included in the reasoned justification in a manner consistent with the NPPF.
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 or 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.	General thrust included in the reasoned justification.
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.	(c) Evidence is submitted that demonstrates that the business has been established for at least three years, has been profitable for at least one of them, is currently financially sound and has a clear prospect of remaining so;
Permanent Agricultural Dwellings. 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 re function test below);	Development of a new dwelling or a residential mooring for agricultural, forestry or rural workers, including boatyard workers, will be permitted outside the defined development boundaries if: • There is a demonstrable existing need for full time worker(s) to be available at all times for the enterprise to function properly; The need is arising from a worker employed full-time or one
(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;	employed primarily in the Broads in agriculture, forestry or a rural business;
(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);	 Evidence is submitted that demonstrates that the business has been established for at least three years, has been profitable for at least one of them, is currently financially sound and has a clear prospect of remaining so;
(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	 The functional need cannot be met by an existing dwelling on the site or in the locality and there has been no sale on the open market of another dwelling on the site that could have met the needs of the worker in the past three years;
(v) other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.	Unlikely to be needed as all applications are tested against relevant local and national policies. A reference made in the Reasoned Justification of the new policy.
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:	not needed
(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.	Generally covered in the policy in relation to function.
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.	Generally addressed in policy in relation to functional need and check of any building being sold recently.
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.	Not needed
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.	Generally covered in the policy in relation to function.
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	Generally covered in the policy in relation to financial elements.

PPS7	New Rural Enterprise Dwelling Polciy
provide wider benefits (e.g. in managing attractive landscapes or wildlife habitats), can	The state of the s
be sustained on relatively low financial returns.	
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 dwelling would be commensurate in size and scale with the needs
the long-term, should not be permitted. It is the requirements of the enterprise, rather	of the enterprise;
than those of the owner or occupier, that are relevant in determining the size of dwelling	of the enterprise;
that is appropriate to a particular holding.	
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	New reasoned justification covers this by ensuring the dwelling
could result in a dwelling whose size exceeded what could be justified by the functional	remains commensurate in size and scale and is not developed in a way
requirement, and affect the continued viability of maintaining the property for its	that adversely affects the viability of the enterprise. In the Broads, it may be appropriate to remove permitted development rights through
intended use, given the income that the agricultural unit can sustain. However, it will	conditions.
always be preferable for such conditions to restrict the use of specific permitted	0.1.0.10.10.10.10.10.10.10.10.10.10.10.1
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).	
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.	Addressed in refreshed policy.
Temporary Agricultural Dwellings	Applications for a temporary mobile home or residential mooring for
If a new dwelling is essential to support a new farming activity, whether on a newly-	agricultural, forestry or rural workers, including boatyard workers, will
created agricultural unit or an established one, it should normally, for the first three	be permitted provided that: (i) Residential occupation would be for a
years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:	period of up to three years
(i) clear evidence of a firm intention and ability to develop the enterprise concerned	Generally covered now through reference to business plan for next
(significant investment in new farm buildings is often a good indication of intentions);	three years.
(ii) functional need (see paragraph 4 of this Annex);	Already in policy
(iii) clear evidence that the proposed enterprise has been planned on a sound financial	There is clear evidence that the proposed enterprise has been planned
basis;	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	The functional need cannot be met by an existing dwelling on the site
occupation by the workers concerned; and	or in a nearby settlement
	Unlikely to be needed as all applications are tested against relevant
(v) other normal planning requirements, e.g. on siting and access, are satisfied.	local and national policies. Reference to this included in the reasoned
	justification.
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	Temporary Dwellings: After three years, if there is no planning
permission is granted, the fact that the temporary dwelling will have to be removed, and	justification for a permanent dwelling, then the mobile home must be
the requirements that will have to be met if a permanent permission is to be granted.	removed or, for a residential mooring, the vessel's residential use must
Authorities should not normally grant successive extensions to a temporary permission	cease.
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	
Local planning authorities should apply the same criteria to applications for forestry	Development of a new dwelling or a residential mooring for
dwellings as to those for agricultural dwellings. The other principles in the advice on	agricultural, forestry or rural workers, including boatyard workers, will
agricultural dwellings are equally relevant to forestry dwellings. Under conventional	be permitted outside the defined development boundaries if
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	The need is arising from a worker employed full-time or one employed primarily in the Broads in agriculture, forestry or a rural business;
nursery production of trees.	primarily in the broads in agriculture, lorestry or a rural business,
Other occupational dwellings	
There may also be instances where special justification exists for new isolated dwellings	
associated with other ruralbased 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	Development of a new dwelling or a residential mooring for agricultural, forestry or rural workers , including boatyard workers , will
consideration of any proposed associated dwelling. Local planning authorities should	be permitted outside the defined development boundaries if
apply the same stringent levels of assessment to applications for such new occupational	The need is arising from a worker employed full-time or one employed
dwellings as they apply to applications for agricultural and forestry workers' dwellings.	primarily in the Broads in agriculture, forestry or a rural business ;
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	
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	Should a new dwelling be permitted under this policy, the Authority
required for new, isolated residential development in the countryside, it will be	will impose a condition restricting its initial and successive occupation
necessary to ensure that the dwellings are kept available for meeting this need for as	to a person solely or mainly employed in agriculture, forestry or a
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	Broads related rural enterprise.
model occupancy conditions for agricultural dwellings and for other staff	
accommodation.	

PPS7	New Rural Enterprise Dwelling Polciy
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.	The removal of an occupancy condition will only be permitted in exceptional circumstances where it can be demonstrated that: (g) There is no longer a long-term need for the dwelling on the particular enterprise on which the dwelling is located; and (h) Unsuccessful attempts have been made to sell or rent the dwelling at a price that takes account of the occupancy condition.
Information and appraisals 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.	It could be that expertise to assess information provided is required and this will be mentioned in the reasoned justification.