

# Planning Policy Guidance 7: Countryside

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## **Key to Abbreviations**

ALC	Agricultural Land Classification
AONB	Area of Outstanding Natural Beauty
DOE	Department of the Environment
EC	European Community
ESA	Environmentally Sensitive Area
ISBN	International Standard Book Number
MAFF	Ministry of Agriculture, Fisheries and Food
NSA	Nitrate Sensitive Area
PPG	Planning Policy Guidance note
RDA	Rural Development Area
SSSI	Site of Special Scientific Interest
WFA	Water Fringe Area

## Summary

Planning Policy Guidance notes (PPGs) set out the Governments policies on different aspects of planning. Local planning authorities must take their contents into account in preparing their development plans. The guidance may also be material to decisions on individual planning applications and appeals.

This PPG provides guidance on land use planning in rural areas of England. Part 1 sets out the Governments general policy approach, and economic and environmental trends. Part 2 presents the planning framework, and planning policies for the countryside. Part 3 provides advice on different types of development. Part 4 gives guidance on planning policies in areas with special designations. The Annexes give fuller advice on particular aspects.

This revision replaces the 1992 version of PPG7, which for England is hereby cancelled. The main changes are to:

- take account of the White Paper Rural England, and of PPGs published since 1992;
- advise on achieving good quality development and respecting the character of the countryside;
- re-state and clarify policy on protecting the best agricultural land
- clarify policy on the re-use of rural buildings, allow greater discrimination in favour of re-use for business rather than residential purposes, and advise on incorporating a residential element within a scheme for business re-use;
- stress the importance of thoroughly checking the lawfulness of developments to be carried out under agricultural permitted development rights, and advise on the possible removal of new buildings erected under them but not used for agriculture;
- strengthen the agricultural dwellings concession to counter abuse; and
- advise on local countryside designations and on the planning implications of Rural Development Areas and European Union Objective 5(b) areas.

# 1. Countryside Policies and Trends

## Introduction

1.1 The Government's policies for the countryside are set out in the White Paper Rural England: A Nation Committed to a Living Countryside. They are based on ensuring both rural prosperity and the protection and enhancement of the character of the countryside.

1.2 The White Paper stated six principles for the future of the countryside:

- the pursuit of sustainable development;
- shared responsibility for the countryside as a national asset, which serves people who live and work there as well as visitors;
- dialogue to help reconcile competing priorities;
- distinctiveness, approaching rural policies in a way which is flexible and responds to the character of the countryside;
- economic and social diversity; and
- sound information as the basis for effective policies.

## Sustainable development

1.3 Sustainable development is the cornerstone of both the Government's rural policies and its planning policies. It means managing the countryside in ways that meet current needs without compromising the ability of future generations to meet theirs. This entails accommodating necessary change in rural areas while maintaining and, where possible, enhancing the quality of the environment for local people and visitors. Wealth creation and environmental quality are increasingly interconnected. The appeal of the countryside is central to its economic prosperity, and healthy economic activity in rural areas facilitates investment to protect and improve the countryside. New development should respect, and where possible enhance, the environment in its location, scale and design.

1.4 Sustainable development includes integrating the Government's objectives to:

- meet the economic and social needs of people who live and work in rural areas, by promoting the efficiency and competitiveness of rural businesses, and encouraging further economic diversity to provide varied employment opportunities (especially in areas still heavily reliant on agriculture);
- maintain or enhance the character of the countryside and conserve its natural resources, including safeguarding the distinctiveness of its landscapes, its beauty, the diversity of its wildlife, the quality of rural towns and villages, its historic and archaeological interest, and best agricultural land;
- improve the viability of existing villages and market towns, reduce the need for increased car commuting to urban centres, and reverse the general decline in rural services, by promoting living communities, which have a reasonable mix of age, income and occupation and which offer a suitable scale of employment, affordable and market housing, community facilities and other opportunities; and

- recognise the interdependence of urban and rural policies.

1.5 This Planning Policy Guidance note gives guidance on how the Government's objectives for rural areas should be reflected in land use planning. It is for local authorities through their development plans to determine more specific policies that integrate these objectives in ways which reflect the different types of countryside and the economic and social circumstances found in their areas. Government Departments and statutory agencies also help safeguard the interests of rural areas (see Annex A).

### **Change in the countryside**

1.6 Recent decades have seen considerable change in the countryside. Over a quarter of the population live in the most rural districts, and almost a quarter of employees work there. Many rural communities have altered, as facilities have become more centralised and car use has increased. The rural environment has come under increasing pressure. New enterprises and technologies have developed, while employment in agriculture, mining and quarrying have fallen steeply. As a result of these changes, employment patterns have become increasingly similar across the country aided by an improved road network and better telecommunications. Nevertheless, substantial economic and social diversity remains, and areas close to large towns have generally done better economically than more remote areas and experienced the pressures of growth more sharply.

1.7 Farming uses occupy around three quarters of the land surface of England. Food production and a competitive agricultural industry continue to be highly important, and provide a basis for many other economic activities in rural areas. Agriculture will remain the major user of rural land, and the use that most influences the physical appearance and character of the countryside. Environmental objectives are being integrated into agricultural policies. Farmers are increasingly diversifying into other activities to supplement their incomes. Landowners need the flexibility to consider a range of options for the economic use of their land, including non-food crops, planting more woodland, recreation and leisure enterprises, the management of land to provide environmental benefits, and the restoration of damaged landscapes and habitats.

1.8 Woodland occupies about 7.5% of the land area of England and is increasing. The Government would like to see woodland cover double over the next half century. Well planned and managed woodland will improve the appearance of the countryside, create new jobs, enrich wildlife habitats, open up new opportunities for recreation, and help improve air quality and carbon dioxide absorption.

1.9 Urban uses accounted for an estimated 10.6% of England's land area in 1991. These broadly mean land that has been built on and so include some land in the countryside and exclude green uses in towns. Projections suggest that the number of households could increase by 4.4 million between 1991 and 2016. The Housing White Paper Our Future Homes sets a target of building half of all new homes on re-used sites by 2005. On this basis, if the projections were fulfilled, the land area in urban uses would increase by 1.3% by 2016 (or 6,800 hectares a year). The Government wishes to see as many homes as are consistent with good quality development built on re-used sites and, at the date of publication of this PPG, is consulting on this issue.

## **2. Planning in the Countryside**

### **The role of the planning system**

2.1 The planning system guides the development and use of land in the public interest. It aims to reconcile the needs of development and conservation, and secure economy, efficiency and amenity in the use of land. By seeking to integrate the twin objectives of development and environmental protection, the planning system contributes to sustainable development.

2.2 Whilst much activity in the countryside is outside its scope, the planning system helps to integrate the development necessary to sustain economic and social activity in rural communities with protection of the countryside for the sake of its beauty, the diversity of its landscape and historic character, the wealth of its natural resources and its ecological, agricultural, recreational and archaeological value. It is also the principal means for regulating the rate at which land is transferred from agriculture, forestry and other rural uses to urban uses.

### **Planning policies for the countryside**

2.3 The guiding principle in the countryside is that development should both benefit economic activity and maintain or enhance the environment (see paragraphs [2.8](#) and [2.9](#)). Rural areas can accommodate many forms of development without detriment, if the location and design of development is handled with sensitivity. New development should be sensitively related to existing settlement patterns and to historic, wildlife and landscape resources. Building in the open countryside, away from existing settlements or from areas allocated for development in development plans, should be strictly controlled. In areas statutorily designated for their landscape, wildlife or historic qualities, policies give greater priority to restraint.

### **The role of plans**

2.4 Development plans are means by which development to sustain economic activity in rural areas can be promoted whilst protecting the countryside. Section 54A of the Town and Country Planning Act 1990 provides that development control decisions must be made in accordance with the development plan unless material considerations indicate otherwise (see PPGs 1 and 12). Development plans should state the criteria to be used in assessing proposals for development in all areas of countryside, whether inside or outside nationally designated areas. They should consider how any acceptable development would best respect or enhance the character of the countryside.

2.5 The Government's *regional planning guidance* sets out regional policies, relevant to the preparation of development plans, and which are of a wider geographical basis than individual structure plans. The topics covered depend on the circumstances of each region. They normally include the natural environment and rural development. In some regions, the existence of National Parks and Areas of Outstanding Natural Beauty are major strategic factors.

2.6 *Structure plans* should state the overall development strategy for each county, indicating how conservation and development have been reconciled geographically. The general policies on new housing, conservation, the economy of rural areas, major development, and tourism will all impinge on the countryside.

2.7 *Local plans* should set out more detailed policies and proposals as a clear guide to development control decisions. Unitary development plans perform the functions of structure and local plans,

mainly in metropolitan districts, many of which include areas of countryside. All plans must include policies in respect of the conservation of the natural beauty and amenity of the land.

### **Development plan policies**

*Paragraph 2.8 was amended as below on 21 March 2001 - see [Answer to Parliamentary Question in the House of Commons, Vol 365, Col 254-255W](#) which clarified policy on diversification of farm businesses*

2.8 When preparing their development plans and deciding planning applications, local planning authorities should take account of any statutory designation (see part 4 of this PPG) and then weigh the need to:

- encourage rural enterprise, including the diversification of farm businesses;
- protect landscape, wildlife and historic features;
- safeguard best and most versatile agricultural land (see paragraphs [2.17](#) and [2.18](#));
- have regard to the quality and versatility of land for use in forestry and other rural enterprises;
- protect other non-renewable resources;
- strengthen rural communities by encouraging new employment, facilitating an adequate supply of affordable and market housing and underpinning services and community facilities;
- achieve good quality development which respects the character of the countryside; and
- secure safe development by taking account, where appropriate, of the stability of the land (see [PPG14](#)).

2.9 Local planning authorities should take account of the advice in Planning for Rural Diversification: A Good Practice Guide on:

- assessing the economic and social needs of their areas;
- devising positive development plan policies for economic activity which respects the countryside; and
- taking a constructive approach to planning applications.

### **Rural Strategies, Village Appraisals And Local Agenda 21s**

Some local planning authorities have prepared non-statutory Rural Strategies, in partnership with other bodies and local communities. Comprehensive strategies for responding to rural needs which integrate conservation with economic and social development should be taken into account in preparing development plans. The countryside agencies have published guidelines on rural strategies (see Annex J).

Village Appraisals and Local Agenda 21s may also inform development plans. Village Appraisals identify a local community's needs and priorities for the future. Local Agenda 21s seek to identify what sustainable development means at local level.

## **Villages and market towns**

2.10 Development plans should help promote healthy rural communities where people can both live and work. The main focus of new development should be on existing towns and villages (including networks of small villages) and other areas allocated in development plans, where employment, housing (including affordable housing) and other facilities can be provided close together. This can help to promote sustainable development by strengthening villages and market towns, protecting the open countryside, sustaining local services and moving towards a better balance between employment and housing in rural communities, thereby reducing the need to travel (see PPG13 and PPG13: A Guide to Better Practice). Development plans should encourage employment opportunities suitable in scale to rural centres and should indicate the circumstances in which new development will be allowed within and adjacent to villages and country towns.

## **Achieving good quality development**

2.11 New building in rural areas should contribute to a sense of local identity and regional diversity, and be of an appropriate design and scale for its location. Modern designs should have proper regard to the context for development, in relation to both the immediate setting and the defining characteristics of the wider local area, including local or regional building traditions or materials. Good design helps to maintain or enhance local distinctiveness, and can help to make new development more acceptable to local people. Account should be taken of feasibility and cost constraints when appraising development proposals. PPG1 provides general guidance about design issues in relation to new development.

2.12 The Countryside Commission has developed two techniques to promote good design in rural areas (see Annex J). Countryside Design Summaries are for local planning authorities to prepare. They can supplement the design policies in development plans and help encourage a more regionally and locally based approach to design and planning. They are neither prescriptive nor expensive to produce. Village Design Statements are prepared by local communities. They offer a framework for engaging local people in constructive debate about ensuring that new development in their area fits its surroundings and is in keeping with local character. They can help developers to understand local views and perceptions at the outset of the design and development process, and thus enable them to promote new buildings that are likely to gain local support rather than generate uninformed opposition. Village Design Statements provide a tool to help manage long-term change, not prevent it.

2.13 Should it be desirable to remove an existing building which does not accord with the principles of high quality development (see paragraph [2.11](#)) and the building is not in use, this might in certain circumstances be required in connection with a planning application. If the application would (if granted) result in intensification of the development, it would sometimes be lawful for the local planning authority to make planning permission conditional on the demolition of the existing building in order to avoid over-intensive development of the site. There would need to be clear land use planning reasons for imposing the condition in a particular case, and the building should be under the applicant's control. It may also be appropriate to attach a planning condition which seeks to improve the appearance of an existing building, which is under the applicant's control.

## **The character of the countryside**

2.14 The Government's policy is that the countryside should be safeguarded for its own sake and non-renewable and natural resources should be afforded protection. Since the Second World War conservation efforts have concentrated on designating and protecting those areas of countryside

which are most important for landscape and wildlife. The priority now is to find new ways of enriching the quality of the whole countryside while accommodating appropriate development, in order to complement the protection which designations offer (see part 4 of this PPG).

## **The Character Of England**

The Countryside Commission and English Nature have analysed the distinctive features of the whole English countryside in both landscape and nature conservation terms, and English Heritage have contributed their knowledge of the historic features of the landscape. This approach identifies the unique character of different areas of the countryside without making judgments about their relative worth. Such character is derived from the interaction of physical and ecological features (including geology, landform, soil and wildlife) with land use and other human activity such as farming patterns, settlement form and building design. The agencies have identified broad areas of cohesive character which can be described in terms of their landscape character, sense of place, local distinctiveness, characteristic wildlife and natural features, and nature of change. The agencies have published a national map and a set of summary statements (see Annex J). In 1997 the Countryside Commission will publish countryside character descriptions and English Nature will publish natural area profiles.

2.15 The character approach, outlined above, should help in accommodating necessary change without sacrificing local character. It can help ensure that development respects or enhances the distinctive character of the land and the built environment. It is descriptive, and not an additional layer of countryside protection or designation. It can provide a context for Countryside Design Summaries and Village Design Statements, and a consistent framework against which to set the finer-grain information which local authorities often hold from their own landscape and ecological assessments. These local assessments may guide change and inform the preparation of development plans. The Countryside Commission will be updating its published advice on landscape assessment techniques (see Annex J), and conducting research into the application of the character approach to planning. Local planning authorities may find the character approach helpful as they have occasion to review their local countryside designations.

## **Protecting the best agricultural land**

2.16 In preparing development plans and considering planning applications, local planning authorities should take account of the quality of any agricultural land that would be lost through development proposals. Annex B explains the grading of agricultural land according to its quality, and gives detailed advice on development affecting it.

*The previous paragraph 2.17 was withdrawn and substituted by the paragraph below on 21 March 2001- see [Answer to Parliamentary Question in the House of Commons, Vol 365, Col 254-255W](#) which clarified policy on protection of best and most versatile agricultural land in the light of the announcement in the Rural White Paper - Our Countryside the Future*

2.17 Development of greenfield land, including the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification), should not be permitted unless opportunities have been assessed for accommodating development on previously-developed sites and on land within the boundaries of existing urban areas (see [PPG3](#) in respect of housing development). Where development of agricultural land is unavoidable, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality, except where other sustainability considerations suggest otherwise. These might include, for example, its importance for biodiversity, the quality and character of the landscape, its amenity value or heritage interest, accessibility to infrastructure, workforce and markets, and the protection

of natural resources, including soil quality. Some of these qualities may be recognised by a statutory wildlife, landscape, historic or archaeological designation, such as a National Park or Site of Special Scientific Interest.

*The previous paragraph 2.18 was withdrawn and substituted by the paragraph below on 21 March 2001 - see [Answer to Parliamentary Question in the House of Commons, Vol 365, Col 254-255W](#) which clarified policy on protection of best and most versatile agricultural land in the light of the announcement in the Rural White Paper - *Our Countryside the Future**

2.18 Local authorities planning to allow the development of greenfield land, where soil or agricultural quality is a consideration, should seek advice from MAFF and from other relevant bodies such as English Nature, the Countryside Agency, the Environment Agency or English Heritage, as appropriate. They may also be required to consult one or more of these agencies of any intention to allow development under the Town and Country Planning (General Development Procedure) Order 1995, and in respect of development plan proposals as described in [Annex C to PPG12](#). The decision whether to utilise BMV land for development is for each local planning authority, having carefully weighed the options in the light of competent advice.

2.19 Agricultural land in grades 3b, 4 and 5 is of moderate or poor quality and is less significant in terms of the national agricultural interest. In making the assessment set out in paragraph [2.8](#), little weight in agricultural terms should be given to the loss of this land, except in areas such as hills and uplands where particular agricultural practices themselves contribute in some special way to the quality of the environment or the local economy. The policies set out elsewhere in this PPG for protecting the countryside for environmental and other non-agricultural reasons apply equally to agricultural land, including land in lower grades.

2.20 Structure, local and unitary development plans should include policies for the protection of the best and most versatile agricultural land, and make clear the approach adopted to the protection of the different grades of agricultural land within the area. Regional Planning Guidance should address these issues where necessary. If undeveloped land needs to be developed, any adverse effects on the environment should be minimised. Once land is built on, the restoration of semi-natural and natural habitats and landscape features is rarely possible and usually expensive and archaeological and historic features cannot be replaced. Minerals Planning Guidance notes advise on minerals underlying agricultural land.

### **Environmental assessment**

2.21 An environmental statement will need to accompany a planning application where proposed development is of a type listed in Schedule 1 to the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988, as amended, or is of a type listed in Schedule 2 and is likely to have significant effects on the environment. For any given proposal, the more environmentally sensitive the location, the more likely it is that environmental effects will be significant and that an environmental statement will be required. Further guidance is in DOE Circulars 15/88, 7/94 and (for permitted development and environmental assessment) 3/95; in PPG9 for Sites of Special Scientific Interest; and in paragraph 4.6 for National Parks. The Forestry Authority can require environmental statements to be prepared for potentially damaging forestry operations.

### 3. Types of Development

#### **Agriculture, forestry and farm diversification**

3.1 The use of land for the purposes of agriculture or forestry (including afforestation), and the use for those purposes of existing buildings on the land, do not constitute "development" under section 55 of the Town and Country Planning Act 1990 and so do not require planning permission. The carrying out of building, engineering, mining or other operations, and the making of any material change in the use of buildings or land, do constitute "development".

#### **Agriculture**

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

- 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 fur, or for 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 woodlands where that use is ancillary to the farming of land for other agricultural purposes.

3.2 An efficient and flexible agricultural industry is essential. The Town and Country Planning (General Permitted Development) Order 1995 grants planning permission for certain agricultural and forestry developments. These "permitted development rights" mean that a specific planning permission is not needed if a development falls within one of the categories set out in the General Permitted Development Order and meets all the conditions laid down in it.

3.3 Developments that are not covered by agricultural and forestry permitted development rights require planning permission in the usual way. Agricultural businesses need to adapt to new environmental, hygiene and welfare legislation and to changing market requirements. Local planning authorities should take account of the need to maintain an efficient and flexible agricultural industry in preparing their development plans, and should include policies for considering planning applications for agricultural development, including farm buildings and structures and agricultural dwellings.

***Paragraph 3.4 was withdrawn and substituted by paragraphs 3.4A and 3.4B below on 21 March 2001 - see [Answer to Parliamentary Question in the House of Commons, Vol 365, Col 254-255W](#) which clarified policy on diversification of farm businesses***

3.4A The Government's long term strategy for farming was set out in *A New Direction for Agriculture* published in December 1999 and was taken a step further with the launch of the *Action Plan for Farming* in March 2000. The England Rural Development Programme (ERDP) was launched in October 2000. Together, these are providing opportunities to help the industry become more competitive and diverse and to promote environmental aims. Farming continues to make a significant contribution to the economy of rural areas but increasingly, diversification into non-agricultural activities is vital to the continuing viability of many farm businesses. Local planning authorities should set out in their development plans the criteria to be applied to planning applications for farm diversification projects. Local planning authorities should be supportive of

well-conceived farm diversification schemes for business purposes that are consistent in their scale with their rural location.

3.4B The ERDP will, through the Rural Enterprise Scheme (RES) and the Processing and Marketing Grant (PMG), provide support for selected diversification proposals, subject to competition. Success in securing RES and PMG funding may depend upon obtaining prior planning permission for diversification proposals, but the potential availability of any grant funding is not a material consideration when determining a relevant planning application. Further guidance on development related to agriculture (other than that covered by permitted development rights) and to farm diversification is given in Annex C, which includes a non-exclusive list of examples of potential farm diversification. It is usually preferable for farm diversification schemes to re-use good quality existing buildings and put them to a new business use, rather than build new buildings in the countryside. New buildings, either to replace existing buildings or to accommodate expansion of enterprises, may also be acceptable provided that they satisfy sustainable development objectives and are of a design and scale appropriate to their rural surroundings.

3.5 Agricultural and forestry permitted development rights are granted to meet farming and forestry needs (and not, for example, for diversification). They should not be abused to circumvent normal planning policies on new building in the open countryside. Local planning authorities should thoroughly check the lawfulness of developments to be carried out under them. New farm buildings must be sited on land which is in use for agriculture for the purposes of a trade or business, and must be reasonably necessary for the purposes of agriculture within an agricultural unit which is at least 5 hectares in area, as well as meeting other conditions.

3.6 Under the General Permitted Development Order, local planning authorities must be notified in advance of the intended exercise of permitted development rights to undertake new farm and forestry buildings, significant extensions and alterations (all extensions and alterations in the case of National Parks and certain adjoining areas, as defined as Article 1(6) land in Schedule 1 Part 3 of the GPDO), farm and forestry roads, and certain excavations, waste deposits and fish tanks. The Courts have held that it is the responsibility of local planning authorities to use this procedure to establish whether or not the intended development benefits from permitted development rights. If it does, local planning authorities may require details of siting, design and external appearance to be submitted for approval before work starts. This enables them to consider the landscape impact of the development, as well as the desirability of preserving sites of recognised historic or nature conservation value.

3.7 Amendments to Classes A and B of Part 6 of Schedule 2 to the General Permitted Development Order will have implications for the erection, significant extension or significant alteration of buildings on or after 1 April 1997 (subject to the completion of parliamentary procedures), in the following cases: where such development permanently ceases to be used for agriculture within ten years of its substantial completion, and planning permission has not been granted authorising development for purposes other than agriculture within three years of the permanent cessation of the agricultural use, and there is no outstanding appeal, the building or extension must be removed unless the local planning authority have otherwise agreed in writing. If the local planning authority have good reason on the facts to believe that the building did not benefit from agricultural permitted development rights (for example because inadequate evidence has been put forward or is available from inspection that it was used for the purpose for which it was claimed to have been built), they may, having regard to all material considerations, refuse permission for re-use and trigger removal. Where abuse of permitted development rights is not an issue, the guidance in paragraphs [3.14-3.17](#) on the re-use of rural buildings applies. In this case a building should only be removed if proposed re-uses are unacceptable on planning grounds. The Order requires the

developer to notify the local planning authority of the date of substantial completion; the authority should keep a record of this. Annex E provides further guidance on agricultural and forestry permitted development rights.

## **Rural business**

3.8 The range of industries that can be successfully located in rural areas is expanding. Many commercial and light manufacturing activities can be carried on in rural areas without causing unacceptable disturbance. There are attractions to the firms and their staff in a countryside environment, and there are benefits to the local economy and employment. These firms also help to bring new life and activity to rural communities, and so are generally welcomed and quickly assimilated. Local planning authorities should bear in mind the vital role of enterprises, especially small-scale enterprises, in promoting healthy economic activity in rural areas, which can contribute to both local and national competitiveness.

3.9 Local planning authorities should make provision in development plans for commercial and industrial development. They should have regard to the locational considerations in paragraph 2.10, and should avoid major developments in locations not well served by public transport or otherwise readily accessible (currently or potentially) to a local residential workforce. Planning for Rural Diversification: A Good Practice Guide advises on assessing the economic and social needs of rural areas. Local authorities may carry out surveys of their areas under sections 11 or 30 of the Town and Country Planning Act 1990, and may set out priorities for the types of economic development they hope to see there (see PPG12).

3.10 In many rural areas, provision needs to be made for new buildings, as well as the re-use of existing buildings (see paragraphs [3.14](#) and [3.15](#)). Sensitive, small-scale new development can be accommodated in and around many settlements. Structure plans should set out the overall strategy for such development. Local plans should provide a guide to the scale of allowable development and the criteria against which planning applications will be considered. In their local plans authorities should identify suitable sites for future employment use, particularly in villages and country towns. They may also wish to express a preference for the retention of land currently in employment use.

3.11 Local plans should set out the authority's policy towards the future expansion of business premises in the countryside, allowing where possible for reasonable future expansion on site. Planning conditions or planning obligations may be used to prevent over-intensive development (see DOE Circulars 11/95 and 1/97 respectively). Local planning authorities should devise plan policies and planning conditions adapted to the characteristics of their areas and the businesses concerned.

## **Tourism, sport and recreation**

3.12 Rural tourism makes a major and growing contribution to rural economic activity and the rural labour market. It needs to develop in a way which draws on the character of the countryside and does not destroy the very asset on which its popularity depends. Given that guiding principle, a wide variety of tourist developments, in terms of nature and scale, can be acceptable in the right location. PPG21 gives further advice. Annex B of PPG21 sets out guidance on caravan parks, which provide a significant proportion of all tourist accommodation.

3.13 Increasing opportunities for people to enjoy the countryside for sport and recreation provides new uses of land in the countryside and is an important source of income and employment. PPG17 advises on providing for the needs of residents and visitors while respecting the rural environment.

Footpaths, bridle ways, byways, cycle routes and tow paths increase opportunities to enjoy the countryside. When deciding planning applications authorities should take account of the effect of the proposed development on public rights of way, and draw the attention of developers to the separate consent provisions for diverting rights of way. [Development should avoid interfering with the rights of way network wherever possible]. Horse riding is increasingly popular in the countryside. Guidance on development involving horses is in Annex F.

### **Re-use of buildings**

3.14 The re-use and adaptation of existing rural buildings has an important role in meeting the needs of rural areas for commercial and industrial development (see paragraphs [3.9](#) and [3.10](#)), as well as for tourism, sport and recreation. It can reduce demands for new building in the countryside, avoid leaving an existing building vacant and prone to vandalism and dereliction, and provide jobs. There should be no reason for preventing the conversion of rural buildings (including modern buildings) for business re-use, subject to the further advice in Annex G, provided that:

- a. they are of permanent and substantial construction
- b. conversion does not lead to dispersal of activity on such a scale as to prejudice town and village vitality (see paragraphs 2.10);
- c. their form, bulk and general design are in keeping with their surroundings; and
- d. imposing reasonable conditions on a planning permission overcomes any legitimate planning objections (for example on environmental or traffic grounds) which would otherwise outweigh the advantages of re-use; and
- e. if the buildings are in the open countryside they are capable of conversion without major or complete reconstruction.

3.15 Local planning authorities should cooperate with local bodies to compile and promote registers of rural buildings with unimplemented planning permission for business re-use. The conversion of buildings which are currently in industrial or commercial use to dwellings may have an adverse impact on local economic activity. Residential conversion of buildings which have ceased to be used for industrial or commercial purposes can have a minimal economic impact, while business conversion may have a more positive impact on local employment. Residential conversions may however have a part to play in meeting identified needs for new market or affordable housing. Residential conversions are often detrimental to the fabric and character of historic buildings, although in some cases it may not be possible to find a suitable re-use for a listed or other rural building. Local planning authorities should consider the needs of their areas for business, and residential, conversions. Especially in areas where the creation of local employment is a priority, they may include policies in their development plans which do not allow residential re-use unless either:

- a. the applicant has made every reasonable attempt to secure suitable business re-use, and the application is supported by a statement of the efforts which have been made; or
- b. residential conversion is a subordinate part of a scheme for business re-use.

3.16 Local planning authorities should in any case apply the five criteria in paragraph [3.14](#) to applications for residential re-use of buildings. They should examine applications in the open countryside with particular care. It may be appropriate to apply similar strict control to that over new housing in the open countryside (see paragraph [3.21](#)), especially if the existing building is

unsuitable for conversion without extensive alteration, rebuilding or extension, or if the creation of a residential curtilage would have a harmful effect on the character of the countryside.

3.17 Where residential conversion is part of a scheme for the re-use of a building or complex of buildings for employment purposes, local planning authorities should consider whether to impose a condition requiring the works necessary for the establishment of the enterprise to have been completed before the dwelling is occupied, so as to ensure that the scheme materialises. This may be particularly appropriate in the open countryside. They may also wish to consider whether to impose a condition to tie occupation of the dwelling to the operation of the enterprise, in order to prevent it being sold separately without further application to the authority. Alternatively, they may seek a planning obligation to tie the dwelling to the rest of the building re-use.

## **Housing**

3.18 The Government's policies for meeting new housing needs are based on the principles of focusing new development on existing towns and villages, making the best use of existing housing, making the best use of land which has already been developed (which may include sites in the countryside, such as former defence bases which are no longer needed), making cities more attractive places in which to live, and considering how best to accommodate the rising number of households.

3.19 New housing will continue to be required in rural areas, to sustain healthy economic activity and the viability of village communities. Many villages can accommodate modest development without damage to their character or to the countryside. New housing can help to sustain villages by providing the basis for maintaining local services. Local planning authorities should have regard to the locational principles in paragraph 2.10, and the guidance in PPG3 and PPG13. New housing developments in the countryside should be designed and sited with particular care and sensitivity. They should respect the principles of good design, such as responding to local distinctiveness (including building traditions or materials, without ruling out equivalent materials that are not local, and traditional street patterns).

3.20 The pattern of new development should be determined through the development plan process, and should be well-related in scale and location to existing development. Expansion of villages and towns should avoid creating ribbon development or a fragmented pattern of development.

3.21 New house building and other new development in the open countryside, away from established settlements or from areas allocated for development in development plans, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not by itself a good argument; it could be repeated too often. Isolated new houses in the countryside require special justification - for example, where they are essential to enable farm or forestry workers to live at or near their place of work. Advice on the special considerations which may arise in relation to agricultural and forestry dwellings is given in Annex I. An isolated new house in the countryside may also exceptionally be justified if it is clearly of the highest quality, is truly outstanding in terms of its architecture and landscape design, and would significantly enhance its immediate setting and wider surroundings. Proposals for such development would need to demonstrate that proper account had been taken of the defining characteristics of the local area, including local or regional building traditions and materials. This means that each generation would have the opportunity to add to the tradition of the Country House which has done so much to enhance the English countryside. Sensitive infilling of small gaps within small groups of houses or minor extensions to groups may also be acceptable though much would depend on the character of the surroundings and the number of such groups in the area.

3.22 In an increasing number of rural areas there are pressures on the limited housing stock from people outside the local community. Some will bring new businesses and skills to rural areas; others will include retired people and long-distance commuters. Many can afford to pay more for their housing than local people. The result can be a serious shortage of affordable housing for those with modest incomes who already live and work in the area. PPG3 and DOE Circular 13/96 advise on the provision of land to meet local needs for affordable housing, including the exceptions policy in rural areas, and arrangements for ensuring that the benefits are passed to successive occupants.

### **Services**

3.23 People who live in rural areas should have reasonable access to a range of services. Local planning authorities can facilitate provision and help retain existing services by, for example, assessing the nature and extent of rural needs, identifying suitable sites and buildings for development to meet these needs, and promoting mixed and multi-purpose uses.

### **The Urban Fringe**

3.24 Despite strict control of urban sprawl, land use conflicts and environmental problems are evident in areas of urban fringe around some conurbations. The urban fringe often accommodates essential but unneighbourly functions such as waste disposal and sewage treatment, and contains areas of derelict, vacant and under-used land as well as agricultural land and woodland suffering from a range of urban pressures. Tackling these problems requires a positive approach to planning and management, aimed at securing environmental improvement and beneficial use of land, reducing conflicts between neighbouring land uses, improving public access, and catering for appropriate leisure and recreation facilities so as to reduce pressure on the wider countryside and reduce the need to travel.

### **Mineral extraction and waste disposal**

3.25 Most mineral extraction takes place in rural areas. There is a tradition of quarrying in many rural areas and it can make a significant contribution to the local economy. Mineral resources can only be worked where they naturally occur and are accessible, and local planning authorities should make appropriate provision in their development plans. Careful planning and control of mineral extraction is needed to avoid causing undue disruption to the environment or character of rural areas. Proper restoration and aftercare of mineral sites can ensure that land is returned to a beneficial condition and, in certain circumstances, provide positive gains for conservation or recreation. Full guidance is given in Minerals Planning Guidance notes.

3.26 Waste disposal operations also frequently take place in rural locations because voids used for landfill are often former mineral workings. Rural areas may also be appropriate locations for other forms of waste processing such as composting or recycling. Planning guidance for waste disposal is given in PPG23.

## **4. Special Considerations in Designated Areas**

### **Introduction**

4.1 In those parts of the countryside where special statutory designations apply planning policies and development control decisions should take full account of the specific features or qualities which justified designation of the area, and sustain or further the purposes of that designation. In some designated areas additional statutory planning controls or procedures apply, for example, through tighter controls over permitted development (see Annex H). Other designations have statutory implications beyond the planning system, but the factors that led to the designation may also be material to planning decisions. Advice on non-statutory local countryside designations is in paragraph [4.16](#).

### **National Parks**

4.2 National Parks are designated by the Countryside Commission, subject to confirmation by the Secretary of State, under the National Parks and Access to the Countryside Act 1949. The Government regards National Park designation as conferring the highest status of protection as far as landscape and scenic beauty are concerned. The statutory purposes of National Parks (as amended by the Environment Act 1995) are to conserve and enhance their natural beauty, wildlife and cultural heritage, and to promote opportunities for public understanding and enjoyment of their special qualities. Where it appears that there is a conflict between these purposes, greater weight shall attach to the first. National Park Authorities, other public bodies and other "relevant authorities" have a statutory duty to have regard to National Park purposes. National Park Authorities also have a statutory duty, in pursuing their primary purposes, to seek to foster the economic and social well-being of their local communities.

4.3 The Environment Act 1995 provides for the establishment of new, freestanding National Park Authorities to protect and manage the Parks. They take over their full functions from 1 April 1997. As the sole local planning authority for its area, a National Park Authority will be responsible for maintaining structure and local plan coverage, or if the Secretary of State so orders for preparing a unitary development plan. It will also exercise development control functions for its area.

### **The Norfolk and Suffolk Broads and The New Forest Heritage Area.**

Under the Norfolk and Suffolk Broads Act 1988, the Broads have a status equal to that of a National Park. The Broads Authority exercises in its area similar functions to those of the National Park Authorities. The Broads Authority is responsible for the local plan and development control but not for the structure plan (or the minerals and waste local plan). Planning applications in the Broads Authority area are submitted to the district council in which the proposed development lies, who pass applications to the Authority for decision (except minerals and waste planning applications).

The Government announced in July 1994 that the same planning principles apply to the New Forest Heritage Area as to a National Park (Commons Written Answers, 14 July 1994, column 768). In the New Forest Heritage Area all development plan and development control matters are dealt with by the relevant local authority.

4.4 National Park Authorities, the Broads Authority and the local planning authorities in the New Forest Heritage Area determine planning applications on the basis of the policies in the development plan. These policies may be supplemented by more detailed guidance on appropriate

materials or design for new developments or extensions to existing buildings. Such guidance should be given wide publicity.

4.5 Conservation of the natural beauty of the countryside, and of its wildlife and cultural heritage, should be given great weight in planning policies and development control decisions in the National Parks, the Broads and the New Forest Heritage Area. Due regard should also be had to the economic and social well-being of local communities. Special considerations apply to major development proposals, which are more national than local in character. Major development should not take place in the National Parks, the Broads and the New Forest Heritage Area save in exceptional circumstances. Because of the serious impact that major developments may have on these areas of natural beauty, applications for all such developments must be subject to the most rigorous examination. Major developments should be demonstrated to be in the public interest before being allowed to proceed. Consideration of such applications should therefore normally include an assessment of:

- i. the need for the development, in terms of national considerations, and the impact of permitting it or refusing it upon the local economy;
- ii. the cost of and scope for developing elsewhere outside the area or meeting the need for it in some other way;
- iii. any detrimental effect on the environment and the landscape, and the extent to which that should be moderated.
- iv. Any construction or restoration should be carried out to high environmental standards.

4.6 DOE Circular 12/96 gives further advice on the implementation of the National Parks provisions of the Environment Act 1995. Advice on environmental assessment is in paragraph 2.21 above. In National Parks, the Broads and the New Forest Heritage Area a greater proportion of Schedule 2 proposals may require environmental assessment than in the wider countryside, because of possible effects on conservation and opportunities for public enjoyment. There is no statutory provision on the form of an environmental assessment, although the information required to be included is specified in Schedule 3 to the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988. National Park Authorities, the Broads Authority and the local planning authorities in the New Forest Heritage Area may reasonably expect a prospective developer to address the issue of the impact of the proposal on these areas and to place more explicit emphasis on the consideration of alternative options.

### **Areas of Outstanding Natural Beauty**

4.7 Areas of Outstanding Natural Beauty (AONBs) are designated by the same means and under the same legislation as National Parks. The primary objective of designation is conservation of the natural beauty of the landscape. Local authorities should reflect this objective in their structure and local plans and development control. AONBs differ from National Parks in that the promotion of recreation is not an objective of their designation, though these areas should be used to meet the demand for recreation so far as that is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses. There are no special statutory arrangements for the administration of AONBs although the Government endorses the practice of setting up joint advisory committees to bring together local authorities and amenity groups, farming and other interests to encourage a coordinated approach to their management. This will be especially important where AONBs cover the area of several local authorities, who will wish to ensure that their policies are broadly compatible.

*Paragraph 4.8 was amended as below on 13 June 2000 - see [Answer to Parliamentary Question in the House of Commons, Vol 613, Col 555-556](#) which clarified policy in relation to AONBs*

4.8 In general, policies and development control decisions affecting AONBs should favour conservation of the natural beauty of the landscape. In all cases the environmental effects of new proposals will be a major consideration, though it will also be appropriate to have regard to the economic and social well-being of the areas. In relation to major projects, it is the Government's view that, henceforth, the assessment required in paragraph 4.5 of PPG7 in National Parks should also apply in to proposals for major development in AONBs. Such proposals should be demonstrated to be in the public interest before being allowed to proceed. Consideration of applications should therefore normally include an assessment of:

- i. the need for the development, in terms of national considerations, and the impact of permitting it or refusing it on the local economy;
- ii. the cost of and scope for developing elsewhere outside the area or meeting the need for it in some other way; and
- iii. any detrimental effect on the environment and the landscape, and the extent to which that should be moderated.

4.9 Applications for new mineral workings, or extensions to existing works, in AONBs must be subject to the most rigorous examination. If permission is granted, it should be subject to appropriate standards of operation, restoration and aftercare. Further advice is given in Minerals Planning Guidance notes.

4.10 Similar considerations apply to proposals for new road construction. The methods of assessment used to appraise trunk road proposals already take account of their impact on the landscape, but schemes affecting AONBs should be examined with particular care to ensure that a new road is needed and that the route and design chosen do as little damage to the environment as practicable. Wherever possible, new routes should be kept away from AONBs.

### **Green Belts**

4.11 Policy on Green Belts is set out in PPG2, and is not modified by this PPG. They are established through development plans, to check urban sprawl, safeguard the surrounding countryside, prevent neighbouring towns from merging, preserve the setting and special character of historic towns, and assist urban regeneration. Their most important attribute is their openness. Within Green Belts there is, in addition to the general policies controlling development in the countryside, a presumption against inappropriate development. Some urban fringe areas are found within Green Belts (see Paragraph 3.24). Paragraph D3 of PPG2, which reproduces advice on residential conversions from PPG7 (1992), is hereby cancelled - such advice is in paragraphs 3.15-3.17.

### **Nature conservation sites**

4.12 PPG9 advises on planning and nature conservation, both in designated sites (including international, national and local nature conservation designations) and in undesignated areas. The Government's policy is to protect the nature conservation interest of Sites of Special Scientific Interest (which are designated by English Nature under section 28 of the Wildlife and Countryside Act 1981), to meet its international obligations for nature conservation, and to sustain or enhance the biodiversity of the wider countryside. Some SSSIs are also Ramsar Sites under the Convention on Wetlands of International Importance, Special Protection Areas under the EC Directive on the

Conservation of Wild Birds, or Special Areas of Conservation to be designated under the EC Directive on the Conservation of Natural Habitats and Wild Fauna and Flora.

### **Historic and archaeological sites**

4.13 PPG15 gives advice on conservation areas, listed buildings and the historic environment. The countryside contains a large number of historic buildings and areas, some of which are subject to more stringent planning controls as well as to the requirement for listed building and conservation area consents. Conservation areas are designated as areas of special architectural or historic interest, in which local authorities must pay special attention to the desirability of preserving or enhancing their character or appearance in exercising their planning powers. A number of conservation areas are found in villages, while some cover parkland around historic buildings. English Heritage maintain a Register of Parks and Gardens of special historic interest, and these sites should be taken into account in planning new development.

4.14 Advice on archaeology and planning is in PPG 16. The countryside is rich in the remains of human activity over thousands of years. The Secretary of State has a duty under the Ancient Monuments and Archaeological Areas Act 1979 to compile and maintain a schedule of monuments which have statutory protection. Any works which might affect them require the prior consent of the Secretary of State. The desirability of preserving an ancient monument and its setting is a material consideration in determining planning applications, whether or not that monument is scheduled.

### **Environmental land management schemes**

4.15 MAFF operates a range of voluntary schemes to encourage environmentally beneficial farming practices. Three operate in specially designated areas - Environmentally Sensitive Areas, Nitrate Sensitive Areas and Habitat Scheme Water Fringe Areas. The designation of land as an ESA, NSA or WFA does not affect the status of the area in terms of national planning policies or development control regulations. However, the features which contributed to the designation of the area may sometimes also be important features in local countryside planning policies and development control decisions.

### **Environmentally Sensitive Areas, Nitrate Sensitive Areas and Habitat Scheme Water Fringe Areas**

Environmentally Sensitive Areas are areas of special landscape, wildlife or historic interest which can be protected or enhanced by supporting specific agricultural practices.

Nitrate Sensitive Areas cover groundwater sources where significant changes in agricultural practices will help protect the viability of drinking water supplies.

In Habitat Scheme Water Fringe Areas farmers are encouraged to take waterside land out of production or manage it extensively to benefit wildlife.

### **Local countryside designations**

4.16 Over the years local authorities have introduced a multiplicity of local countryside designations, such as Areas of Great Landscape Value. These local designations carry less weight than national designations, and development plans should not apply the same policies to them. They may unduly restrict acceptable development and economic activity without identifying the particular features of the local countryside which need to be respected or enhanced. Local planning

authorities should only maintain or extend local countryside designations where there is good reason to believe that normal planning policies cannot provide the necessary protection. They should state in their development plans what it is that requires extra protection and why. When they review their development plans, they should rigorously consider the function and justification of existing local countryside designations. They should ensure that they are soundly based on a formal assessment of the qualities of the countryside, or the contribution of sites such as "strategic gaps" or "green wedges" to urban form and urban areas. This advice does not affect the guidance on local nature conservation designations in PPG9.

### **The coast**

4.17 PPG20 sets out planning policy for coastal areas. Parts of the coast valued for their landscape or nature conservation importance are included in statutorily designated areas such as National Parks, AONBs and SSSIs, and may be defined as Heritage Coasts in development plans. Rural Development Areas and Objective 5(b) areas

4.18 Development plan policies should take account of Rural Development Areas or Objective 5(b) status and strategies where relevant. The factors which led to designation should also be taken into account when considering the economic and social well-being of those parts of National Parks and AONBs which are within RDAs or Objective 5(b) Areas (see paragraphs [4.2](#) and [4.10](#)).

### **Rural Development Areas and Objective 5(B) Areas**

Rural Development Areas are designated by the Rural Development Commission. The selection criteria include persistent high unemployment, narrow industrial and employment structure, lack of local services, and disadvantage as a result of location. RDAs are the focus for financial assistance through the Rural Development Commission to encourage economic regeneration.

Objective 5(b) Areas are designated by the European Commission, on the basis of proposals made by Member States, to develop rural areas where agricultural incomes are low and the level of social and economic development is below average. They receive financial help under the European Regional Development Fund, the European Social Fund and the European Agricultural Guidance and Guarantee Fund.

## **Annex A: Statutory Agencies And Government Departments**

### **The Countryside Commission**

A1 The Countryside Commission advises on the conservation and enhancement of the beauty of the countryside, and the promotion of its enjoyment by the public. It aims to make sure that the countryside is protected and can be used and enjoyed now and in the future.

### **English Heritage**

A2 English Heritage advises on archaeology and the built heritage, and promotes the conservation, public understanding and enjoyment of the historic landscape.

### **English Nature**

A3 English Nature advises on wildlife conservation, and is responsible for monitoring, research and promotion of wildlife and natural features (see PPG9).

### **The Environment Agency**

A4 The Environment Agency advises on the production and enhancement of the environment in relation to its functions throughout England and Wales in both rural and urban areas. The Agency has a range of functions regarding regulation, management, monitoring and understanding of the environment and of processes that affect it. The main aim of the Agency is to contribute towards attaining the objective of achieving sustainable development when undertaking its functions to protect and enhance the environment.

### **The Farming and Rural Conservation Agency**

A5 FRCA provides, on behalf of MAFF, professional and technical advice and services on policy issues relating to agriculture and the environment. This includes advice on development plans, strategies and major individual planning applications.

### **The Forestry Commission**

A6 The Forestry Commission, through the Forestry Authority, provides advice and grant-aid to woodland owners, sets environmental standards for forestry and promotes the forestry industry. It consults local planning authorities on grant and felling applications and will advise on forestry issues. The Commission also manages a large woodland estate.

### **The Government Offices for the Regions**

A7 The ten Government Offices for the Regions bring together the regional offices of four Departments: Environment, Trade and Industry, Education and Employment, and Transport. They work in partnership with local people to promote competitiveness, sustainable economic development and regeneration. They also have an important role in planning and housing. Their work is increasingly involved with rural areas, and they work closely with the statutory agencies, MAFF and the Forestry Commission.

## **The Ministry of Agriculture, Fisheries and Food**

A8 MAFF works with farmers and other rural interests to promote an efficient and flexible agricultural industry, farm and rural diversification, and sustainable economic development in rural areas. It advises planning authorities on these issues, and has particular responsibilities related to the protection of the rural environment, including the protection of the best and most versatile agricultural land.

## **The Rural Development Commission**

A9 The RDC advises on economic and social development in the countryside, and on the concerns of people who live and work there. It also encourages economic regeneration in priority Rural Development Areas, and supports on a countrywide basis a network of voluntary action and key services such as village shops and rural transport.

## **Annex B: Development Involving Agricultural Land**

### **Agricultural Considerations**

#### **Agricultural land quality**

B1 To assist in assessing land quality, the Ministry of Agriculture, Fisheries and Food (MAFF) has developed a method for classifying agricultural land by grade according to the extent to which its physical or chemical characteristics impose long term limitations on agricultural use for food production. The MAFF Agricultural Land Classification (ALC) system classifies land into five grades numbered 1 to 5, with grade 3 divided into two sub-grades (3a and 3b). The system was devised and introduced in the 1960s. Revised technical guidelines and criteria for grading using this system will be published in 1997, under the title Agricultural Land Classification of England and Wales. These guidelines update the system without changing the original concepts.

B2 The best and most versatile agricultural land falls into grades 1 and 2 and 3a. This land ranges from excellent (grade 1) to good quality (grade 3a) and is the most flexible, productive and efficient in response to inputs. It is thus best suited to adapting to the changing needs of agriculture and maintaining the competitiveness of UK agriculture vis a vis our international competitors. Such land collectively comprises about one third of the agricultural land in England and Wales.

B3 Land in grade 3b is of moderate quality with lower yields and/or a more restricted cropping range. Grades 4 and 5 are poor and very poor quality land with severe or very severe limitations respectively.

B4 Proposed changes to the use of the best and most versatile land are the most significant in terms of the national agricultural interest. Changes to land in sub-grade 3b or grades 4 or 5 would not normally be opposed on agricultural land quality grounds although in some areas, especially the hills and uplands, 3b and 4 land can have special importance for rural economic activity and management of individual farms.

B5 ALC maps covering the whole of England at a scale of 1:250,000 are available (see Annex J). These reconnaissance maps are produced for use in strategic planning and therefore provide only a generalised indication of the distribution of land quality. They do not differentiate between grades 3a and 3b. The maps are not suitable for use in evaluating individual sites where development is proposed. In such cases a re-survey at a large scale is necessary to obtain a definitive grade. Local planning authorities should discuss their requirements with MAFF.

#### **Set-aside of agricultural land**

B6 Set-aside under the Arable Areas Payments Scheme is a means of taking land temporarily out of agricultural production. The permitted uses of set-aside land, for example non-food cropping or coppicing, ensure that the land may be returned to productive agricultural use when a farmer's obligations under the scheme have ended. The Government's policy in respect of the best and most versatile agricultural land applies equally to land under set-aside, even when it is used temporarily for non-agricultural purposes.

#### **Other factors**

B7 Land quality will normally be the most important factor in considering the impact of development on agriculture. The effects of a proposed development on local agriculture may be

also material to its consideration. The factors indicated below may be relevant in deciding between sites of similar agricultural land quality, determining applications on lower quality land, and designing developments to minimise impact on local agriculture.

*B8 The location of development in relation to farms* - The proximity of other development to farms, and its nature, can influence the type of farming and the extent to which inherent land quality can be exploited. Certain locations may have agricultural advantages such as the accessibility to markets, processing plant and certain industries associated with agriculture. Conversely, farms with development close to them may suffer from trespass and other forms of disturbance which may affect the efficiency and upkeep of holdings. It may be possible to reduce any detrimental effects of development by locating compatible uses adjacent to farm land, by landscaping or by detailed provision in the layout of residential development.

*B9 Farm size and structure* - Farms vary considerably in size, type of farm business and layout. The loss of part of a holding can have important implications for the remainder. The effect of severance and fragmentation upon the farm and its structure may be relevant.

*B10 Buildings and other fixed equipment* - The efficiency of farms can be affected by the conditions and extent of buildings and other fixed equipment. The full use of these assets could be impaired by the loss of specific sites to development and there may be proposals to improve buildings and equipment which are tied to investment decisions already taken. The effect on the capital investment of a farm should, therefore, be taken into account as part of the consideration of the agricultural case.

*B11 Irrigation* - When irrigation is practised and water supplies are adequate and reliable, the productive capacity of agricultural land and its importance relative to non-irrigated land of the same grade will often be significantly increased.

*B12 Other effects of development on agriculture* - In addition to the factors referred to above development may have further consequences for agriculture. For example, it may be necessary to redesign land drainage systems disturbed by development and, where major development is involved, the drainage of surface water may require water courses to be re-aligned or improved to accept the increased flow. Freshwater and marine fisheries may be affected by discharges from industrial and other forms of development.

## **Procedural Arrangements For Consultation with MAFF**

### **Consultation on development plans and Regional Guidance**

*B13* Local planning authorities preparing development plans or alterations to such plans under the Town and Country Planning Act 1990 are advised to consult Government Departments where plan proposals appear to affect their interests. Local planning authorities preparing plans should therefore continue to consult MAFF and other Government Departments where appropriate. PPG12 on development plans and regional planning guidance gives further guidance. MAFF will continue to offer comment as they consider necessary on the preparation of plans, regardless of site size. MAFF will also continue to advise local planning authorities on the relative quality of agricultural land in the plan area and on identifying the best and most versatile land. The Secretary of State will consult MAFF when preparing or revising Regional Planning Guidance.

*B14* Section 44(3) of the Town and Country Planning Act 1990 gives MAFF a statutory right to require that the Secretary of State should call in local plans to which MAFF continue to object.

Under Section 18(3) of the Act MAFF have similar rights in respect of unitary development plans. These rights will continue to be exercised only in the most exceptional circumstances.

*Consultation on individual planning applications for non-agricultural development not in accordance with the development plan.*

B15 There may from time to time be proposals for development for non-agricultural purposes involving significant amounts of higher quality agricultural land. In such cases MAFF have the statutory right to be consulted, so that local planning authorities are made fully aware of the agricultural implications. Article 10(w) of the Town and Country Planning (General Development Procedure) Order 1995 requires the local planning authority to consult MAFF before granting any planning application which is not in accordance with the development plan, and would involve (i) the loss of 20 hectares or more of grades 1, 2 or 3a agricultural land or (ii) a loss which is less than 20 hectares but is likely to lead to further losses amounting cumulatively to 20 hectares or more. If the local planning authority are uncertain whether the land involved is grades 1, 2 or 3a they may seek advice from MAFF on its classification.

B16 Different administrative thresholds apply to consultations covering minerals and waste planning applications where the proposed afteruse is agriculture. Under Schedule 5 of the Town and Country Planning Act 1990 (as amended), minerals planning authorities must consult MAFF before imposing aftercare conditions in these circumstances. This requirement applies irrespective of site size or agricultural land quality. MAFF will also provide advice on restoration conditions. Advice on policy and procedures is contained in Minerals Planning Guidance note 7, The Reclamation of Mineral Workings.

### **Turf stripping**

B17 Local planning authorities may wish to consult MAFF about commercial cutting or stripping of turf from agricultural land, where this is judged to be a non-agricultural activity requiring planning permission. Most turf stripping is carried out on sites below the 20 hectare threshold at which MAFF must be consulted (see paragraph [B15](#)). The long-term agricultural potential of land may however be significantly reduced if substantial amounts of soil are removed. MAFF can advise on appropriate technical conditions.

### **Non-statutory consultation with MAFF: Non-agricultural development**

B18 There may be other planning applications with significant agricultural implications which come to the attention of MAFF but which are not subject to the statutory requirements described in paragraphs [B15](#) and [B16](#). MAFF may on occasion wish to take the initiative in commenting to the local planning authority on applications of this type.

B19 In circumstances which do not require the specific consultations with MAFF outlined in paragraph [B15](#) it is expected that local authorities should normally be able to determine applications for development on agricultural land in the light of the evidence before them. Where they do not feel able to determine the application satisfactorily, it is open to them to seek more information or technical advice, eg as to the agricultural quality of the land or other agricultural implications, either from MAFF or from agricultural consultants.

B20 In addition, when a planning application is submitted for "hard" development on former agricultural land of grades 1, 2 or 3a, which has previously been developed for a use which would allow the land to be returned to agriculture, the local planning authority should consult MAFF about the proposals.

## **Non-statutory consultation with MAFF: Agricultural development**

B21 This PPG provides comprehensive guidance to help authorities dealing with applications for agricultural development and agricultural dwelling houses. Local planning authorities should generally be able to determine planning applications satisfactorily on the basis of this advice and the information before them. If this is not the case an appraisal should be obtained as appropriate from agricultural consultants. MAFF no longer provides such a service, but is willing to offer general guidance on any aspect of agricultural development.

## **Refusal of permission or imposition of planning conditions for agricultural reasons**

B22 When any views expressed by MAFF are material to the refusal of planning permission, or to the imposition of conditions on a permission granted, it will be necessary for the authority to refer to them in their notice of decision, in accordance with the provisions of Article 22(1) of the Town and Country Planning (General Development Procedure) Order. Where, apart from any views expressed by MAFF, agricultural considerations are a reason for refusal of planning permission this should be stated in the notice of a decision in the usual way.

## **Appeals**

B23 It will be open to the Secretary of State, or in cases decided by Inspectors to the Inspector, to ask MAFF to provide a technical appraisal if this is considered necessary to ensure that agricultural issues are fully covered in the course of an appeal. Such a technical appraisal would be made available to the parties on the same basis as if it had been requested by the local planning authority at the application stage.

## **Pre-inquiry statements and representation at inquiries**

B24 Where an application is called-in for the Secretary of State's determination or an appeal is made, and a local inquiry is to be held, the relevant Town and Country Planning Inquiries Procedure Rules apply (SI 1992/2038 and SI 1992/2039; see also DOE Circular 15/96). These provide that, where MAFF have expressed a view to the local planning authority that permission should not be granted, either wholly or in part, or should only be granted subject to conditions:

- MAFF will be informed by the authority of the inquiry and should, unless they have already done so, give a written statement of the reasons for their view;
- the authority must include the terms of MAFF's expression of view in their pre-inquiry statement of case; and
- the appellant will be able to require MAFF to provide a representative at the inquiry.

These arrangements apply whether or not the consultation with MAFF has been carried out under statutory arrangements. The authority may also wish to ask MAFF to be represented at an inquiry.

## **Forestry**

B25 The Forestry Authority may be able to assist local planning authorities to form a view of the value of woodland which is affected by development proposals.

## **Annex C: Development Related To Agriculture And To Farm Diversification**

### **Development Related To Agriculture**

#### **New environmental, hygiene and welfare legislation**

C1 Local planning authorities should in general adopt a positive approach towards development proposals which are designed, or are necessary, to achieve compliance with new environmental, hygiene and welfare legislation. For example, the Welfare of Pigs Regulations 1991 prohibit the installation of stall and tether systems from 1 October 1991, and the Welfare of Livestock Regulations 1994 ban the use of these systems altogether from 1 January 1999. Currently, around 25 per cent of sows in the UK are housed in stall and tether systems. Farms using these close confinement systems are likely to need to double the space allocation for sows and provide extra storage space for bedding straw and solid manure. Planning applications for associated building development may therefore be necessary. As a further example, compliance with environmental measures will place increasing demands on livestock farmers. Designation of Nitrate Vulnerable Zones is likely to lead to more planning applications for storage facilities for farm waste where livestock are farmed in these areas.

#### **Livestock units and slurry**

C2 Permitted development rights under Part 6 of the Town and Country Planning (General Permitted Development) Order 1995 do not extend to buildings to be used for the accommodation of livestock, or to associated structures such as slurry tanks and lagoons, when these are to be built within 400 metres of the curtilage of a 'protected building'. This applies to new buildings and structures, to ones created by the conversion of other farm buildings and structures erected under Part 6 since 2 January 1992, and to ones extended or altered under Class B. These may however be used for livestock in special circumstances (as defined in paragraph D.3 of Part 6 of the General Permitted Development Order).

C3 The term 'protected building' includes most residential and other permanent buildings, such as schools, hospitals and offices, that are normally occupied by people. It excludes any building on the same agricultural unit, and any farm dwelling or other farm building on another agricultural unit. The 400 metres will usually be measured from the boundary of the land on which the 'protected building' stands - for example, from the end of the garden of a house.

C4 To minimise the potential for future conflict between neighbouring land uses, local planning authorities should exercise particular care when considering planning applications for houses or other new 'protected' buildings within 400 metres of established livestock units. By requiring planning permission for livestock units within the 400 metre cordon, the Government has recognised the potential risk of nuisance. This recognition should similarly apply to applications for new protected buildings. It is important also for local planning authorities to keep incompatible development away from polluting or potentially polluting uses (see PPG23, paragraph 2.18).

C5 The spreading of slurry from livestock units for the purposes of agriculture is not subject to planning control. It remains important, however, to minimise the risk that such activities may cause nuisance from noise or smell. Accordingly, those responsible for the operation of livestock units should follow the advice given in the Codes of Good Agricultural Practice for the Protection of Water, Soil and Air published by MAFF (See Annex J).

C6 The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 (SI 1991/324) set minimum standards for new, substantially reconstructed or enlarged silage, slurry or fuel oil facilities. The Regulations also empower the Environment Agency to serve notice requiring action to improve existing installations when they consider that there is a significant risk of pollution. They form an important part of the Government's commitment to reduce agricultural pollution of rivers. Local planning authorities are therefore encouraged to consider sympathetically development proposals aimed at meeting their requirements. The Department of the Environment has issued guidance on them (see Annex J).

### **Fish farming**

C7 Article 10 of the Town and Country Planning (General Development Procedure) Order 1995 requires local planning authorities to consult the Environment Agency before granting permission for development for the purposes of fish farming (whether for food or for any other purpose).

### **Central grain stores**

C8 Central grain stores are large agricultural buildings used as collection and distribution points for the produce of several farms. The UK is a net exporter of grain and it is important that the harvest is handled and marketed to the best advantage nationally. The advantages of central grain stores for the farmers concerned are that equipment for drying, cleaning, and preparing grain may be operated at lower cost than on individual farms, that different types or qualities of grain can be assembled separately, and that they are suitably located relative to the main grain growing areas and/or docks. Such buildings also enable grain to be stored near where it is to be processed. As older on-farm stores are due for replacement, some growers may wish to use centralised storage that meets modern marketing requirements.

p>C9 In view of their potentially obtrusive appearance, central grain stores should be designed and located with particular care to minimise their effect on the landscape. In considering applications for central grain stores local planning authorities should have regard to the advantages of such stores, as indicated above, to the extent to which they blend with their surroundings, and to traffic and other relevant planning considerations. In some instances it may be possible to locate new central grain stores in industrial areas on the edge of settlements rather than in open countryside.

### **Glasshouse construction**

C10 Horticulture is included in the definition of agriculture for planning purposes. Commercial glasshouses normally exceed the area for which permitted development rights are available. The UK faces intense competition from overseas growers, and it is important that the horticultural industry is not held back by over-restrictive approaches to developments which could be sited without detriment to the surrounding area. Glasshouses can have a significant environmental impact and wherever practicable new ones should be sited adjacent or close to existing ones.

### **Temporary structures**

C11 The Courts have held that some temporary structures used for agriculture are not 'buildings' in planning terms but are a use of land and so outside the general scope of planning control. Thus, temporary accommodation for livestock, such as 'pig arks' and moveable poultry shelters, may not be 'buildings' for planning purposes. The status of particular structures is ultimately a matter for the Courts to decide, on the facts of each case. A structure placed on foundations, secured to the ground and with, for example, facilities such as an integral water supply may constitute a building, while a structure without such features may constitute a use of land. In case of doubt an application may be

made to the local planning authority for a certificate of lawfulness of proposed use or development under section 192 of the Town and Country Planning Act 1990 (as amended).

### **Reservoirs on farms**

C12 Permitted development rights under Part 6 of the Town and Country Planning (General Permitted Development) Order 1995 extend to structures and excavations which are reasonably necessary for the purposes of agriculture, within an agricultural unit of 5 hectares or more. A reservoir for irrigating farmland would generally be regarded as reasonably necessary for this purpose, and as such should not require a planning application, subject to the stipulations set out in Class A of Part 6. The classification of an on-farm reservoir as an excavation or a building, structure or works will reflect the physical form of the development. For example, a simple hole in the ground would be an excavation, while a dam or precast concrete tank would be a structure. Developments of this type would normally be intended to store surplus winter water, reducing the demand for water in the drier summer months.

Where a planning application is required, local planning authorities should consider proposals for on-farm reservoirs positively.

To help consideration of such proposals, local planning authorities in areas where there is high demand for water resources may wish to set out in supplementary guidance the information which should accompany applications for farm reservoirs and the criteria on which such applications will be assessed.

### **Development Related To Farm Diversification**

#### **Farm shops**

C13 It is normally assumed that if a farm shop is used only for the sale of unprocessed goods produced on that farm, with a minimal quantity of other goods, that it is a use which is ancillary to the use as a farm and therefore does not require specific planning permission. However, use as a farm shop selling a significant amount of produce from elsewhere is a separate use and therefore requires planning permission.

C14 Farm shops help meet demand from consumers who want fresh produce at the point of production and can provide new sources of jobs and services in rural areas and outlets for producers of regional speciality foods. When planning applications are needed, local planning authorities should take account of:

- the desirability for the farmer to provide a service throughout the year, which may require bringing in non-local produce to overcome the problems of seasonality and provide continuity of employment and to ensure that a sufficiently wide selection of produce can be offered;
  - the potential impact on nearby village shops; and
  - the transport effects in terms of the traffic likely to be generated and the highways, access and parking arrangements.
- advice on farm shops in PPG 6 Town Centres and Retail Developments

C15 In individual cases where the development of an unrestricted retail use on a farm would be likely to result in a significant adverse effect on a nearby village shop, the local authority may wish

to consider the scope for using planning conditions to limit the broad types of produce sold in the farm shop so as to enable permission to be given. Guidance on the use of conditions is in DOE Circular 11/95.

C16 In paragraph [C14](#), non-local produce means produce originating from beyond the farm holding and its environs. Local planning authorities should not discriminate against produce originating outside the United Kingdom.

### **Farm-based food processing**

C17 On-farm food processing adds value to farm produce and increases local employment opportunities. Small operations, especially those processing mostly local produce housed in farm buildings, including re-used ones and small purpose-built ones, should be encouraged. Local planning authorities should consider the nature and scale of activity that would be appropriate, and may have scope to use conditions to limit them where there is concern about the impact of future expansion.

### **Farm-based food packing**

C18 Farm-based fruit and vegetable packing operations, including those packing the produce of other farms, can help bring necessary economic diversification and assist farmers in competing effectively at home and abroad. The Government attaches great importance to encouraging new sources of jobs and services in rural areas, and maintaining a strong agricultural and horticultural industry. Development which is necessary to sustain the economic activity should be properly integrated with protection of the rural environment.

### **Farm sports**

C19 Demand for sports and recreation services is increasing, and diversifying into these areas can provide a useful source of employment. The main aim of such diversification in rural areas should be to reconcile the interests of these activities with those of conservation. Further information is contained in the MAFF publication *Success with Sporting Enterprises on Farms* (See Annex J).

### **Energy crops**

C20 The Government wishes to encourage the production of non-food crops and renewable energy. In particular, short rotation coppice has significant potential. Annexes to PPG22 give advice on wood fuel, and on the combustion and anaerobic digestion of farm waste and slurry, including the planning implications of generation plant.

### **Farm services**

C21 One increasingly important form of diversification involves farmers providing services to other farms. Services may include workshop facilities, equipment hire and maintenance, labour and consultancy. Such services can allow fuller utilisation of buildings and equipment and give economies in the purchase of larger and more specialised machinery. They can also enable the retention of jobs on farms and the continued use of farm buildings.

## **Farm workshops**

C22 Workshops for the central maintenance of agricultural equipment do not require planning permission where they serve the needs of one farm business. When they carry out a significant amount of work for other farms, this constitutes a separate use which requires planning permission.

## **Woodland**

C23 To help ensure the long-term sustainability of small woodlands, the Government wishes to maintain and develop markets for woodland produce and to encourage woodland-based enterprise that adds to rural diversification. Woodland can be particularly suitable for commercial recreation, catering for numbers of people and activities that might be intrusive in open countryside. The Forestry Authority can advise local planning authorities on woodland recreation.

## **Farm plans**

C24 Farm plans may usefully support applications relating to farm diversification proposals, although they should not be made a requirement of applicants. They can demonstrate how a proposal fits into the wider farming picture and set out its environmental consequences.

## **Signs**

C25 Signs and other outdoor advertisements are as important to commercial activity in rural areas as elsewhere. PPG19 gives guidance on Outdoor Advertisement Control.

## **Good practice**

C26 Planning for Rural Diversification: A Good Practice Guide gives further advice on farm diversification.

## **Annex D: Community Forests**

D1 Tree planting close to centres of population can create new recreational activities and enhance the countryside. The Community Forest programme aims to improve the quality of the urban fringe, and enable more people to enjoy the countryside close to home. It promotes the creation, regeneration and multi-purpose use of well-wooded landscapes, providing wildlife and amenity benefits and opportunities for economic diversification.

### **Planning and community forests**

D2 The designation of a Community Forest has no direct statutory implications for the planning process. It does not confer a more restrictive, or more permissive, land use planning designation on the area. The planting of trees and the provision of public access are voluntary. The statutory role and responsibilities of the local planning authorities are unaffected. Local Community Forest teams do not have any status within the statutory land use planning system.

D3 Planning applications are determined in accordance with the statutory development plan, and any other material considerations. Each Community Forest has a non-statutory Forest Plan, which describes how the Forest Team working with a variety of partners propose to create the Forest. Since new woodlands on a significant scale may have implications for other land uses, local planning authorities should take approved Community Forest Plans into account in formulating their policies and proposals for development and use of land in development plans. Although an approved Community Forest Plan might be a material consideration in deciding a planning application within a Forest, policies and proposals that are likely to provide the basis for deciding such applications or determining conditions to be attached to relevant planning permissions should be set out in the development plan, which is subject to statutory procedures.

D4 Community Forests should be shown on structure plan key diagrams and on local plan proposals maps. Development plans should facilitate the establishment of agreed Community Forests and provide that any development proposals within them should respect the woodland setting. Local planning authorities should be flexible in their approach to negotiating planting and landscaping requirements with developers. Any planting or landscaping required, whether on-site or off-site, should be directly related to the particular development proposal and should be no more than is necessary to overcome planning objections to it. Conversely, planning permission should not be granted simply because applicants are prepared to plant trees.

D5 Any development proposal within Community Forests in the Green Belt should be subject to the normal policies controlling development in Green Belts. Community Forests provide an effective mechanism for achieving the positive objectives for the use of Green Belt land set out in PPG2.

D6 The twelve Community Forests are the Forest of Avon, the Cleveland Community Forest, the Great North Forest (Tyne and Wear and north-east Durham), the Great Western Forest (around Swindon), the Greenwood (north Nottinghamshire), Marston Vale (south of Bedford), the Forest of Mercia (south Staffordshire), the Mersey Forest, the Red Rose Forest (west Manchester), the South Yorkshire Forest, Thames Chase (east of London) and Watling Chase (south Hertfordshire and north London).

D7 The Countryside Commission and the Forestry Commission, with the relevant local authorities, have appointed a locally-based project team in each Community Forest. The Forest Team prepares the Forest Plan, in consultation with local partners, landowners and the public.

## **The national forest**

D8 The National Forest is a major new multi-purpose forest being established in Leicestershire, Derbyshire and Staffordshire. Planting there will promote economic regeneration in a landscape damaged by industrial dereliction, while creating new recreational opportunities and wildlife habitats. Similar principles apply to planning and the National Forest as to Community Forests.

## **Annex E: Permitted Development Rights For Agriculture And Forestry**

### **Permitted development rights for agricultural holdings**

E1 Part 6 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 grants permitted development rights for a range of agricultural buildings and operations. Rights for erecting, extending or altering a building, and for excavations and engineering operations, are available to agricultural units of at least 5 hectares under Class A. More limited rights, including extensions and alterations adding not more than 10% to the content of the original building, are available to smaller units of at least 0.4 hectare under Class B.

E2 Class A rights are not available on separate parcels of land of less than 1 hectare, while Class B rights are not available on separate parcels of less than 0.4 hectare. Parcels may be separated from the rest of the unit by, for example, land in different ownership or a public road. The rights are subject to various other limitations and conditions, the most important of which are mentioned below.

### **E3 Under both Classes, development:**

- must be on agricultural land, which means land in use for agriculture for the purposes of a trade or business, and excludes any dwelling house or garden;
- must be reasonably necessary for the purposes of agriculture within the unit. This condition does not require that a new building should necessarily accommodate an agricultural use already existing in the unit. Agricultural developments which are entirely self-contained and have no direct relationship with the rest of the unit may thus benefit from permitted development rights;
- must not give rise to, or alter or extend, a dwelling;
- must not be within 25 metres of the metalled part of a trunk or classified road.

### **E4 Under Class A:**

- development giving rise to buildings, structures or works not designed for agricultural purposes is not permitted. The courts have held that this condition relates to the physical appearance and layout of a building, not its function;
- buildings, structures or works must not exceed 12 metres in height, or 3 metres within 3 kilometres of the perimeter of an aerodrome;
- the ground area of any works or structure (other than a fence) for accommodating livestock or any plant and machinery arising from engineering operations, or of any building erected or extended under this Class, must not exceed 465 square metres. The relevant calculation is: (i) the ground area of the proposed development; plus (ii) the ground area of any building (other than a dwelling), structure, works, plant, machinery, ponds or tanks which is (a) within the same agricultural unit, (b) less than 2 years old, and (c) within 90 metres of the proposed development. Hardstandings should be included in (i) only if they are for accommodating livestock, but in (ii) whether or not they are so used;
- there are restrictions on livestock units and stores for slurry and sewage sludge located near 'protected buildings' (see Annex C, paragraphs C2 and C3);

- development consisting of the significant extension or significant alteration of a building may be carried out only once. Any extension or alteration where the cubic content of the original building would be exceeded by more than 10%, or the height of the original building would be exceeded, is defined as "significant";
- local planning authorities may require their prior approval to be obtained for details of new buildings, significant extensions and alterations (or in National Parks and some adjoining areas - which are known in the General Permitted Development Order as Article 1(6) land - all extensions and alterations), farm roads, and certain excavations and waste deposits (see paragraphs [E12](#) to [E36](#)).

E5 Subject to the completion of parliamentary procedures, if a building or extension erected under specified agricultural permitted development rights on or after 1 April 1997 permanently ceases to be used for agriculture within ten years of its substantial completion, and planning permission has not been granted authorising development for purposes other than agriculture within three years of the permanent cessation of its agricultural use, and there is no outstanding appeal, the building or extension must be removed unless the local planning authority has otherwise agreed. Local planning authorities should determine re-use applications promptly. Further advice is given in paragraph 3.7. The requirements do not apply to buildings or extensions in respect of which planning permission has been granted or deemed to be granted under Part III of the Town and Country Planning Act 1990.

E6 Class B rights are subject to the limitation that the external appearance of the premises must not be materially affected. There are similar limitations on developments for livestock and slurry/sewage sludge to those under Class A. Extensions and alterations to agricultural buildings:

- must not increase the height of the building;
- must not increase the cubic content of the original building by more than 10%;
- must not bring the ground area of the building to more than 465 square metres;
- on Article 1(6) land are subject to the same conditions concerning prior approval of details as extensions and alterations under Class A.

E7 Rights are also available under Class B for certain development in connection with private ways, for apparatus such as sewers and cables, for certain waste deposits, and - subject to limitations on area - for additional or replacement plant or machinery and for hard surfaces. The details of private ways are subject to the prior approval conditions on Article 1(6) land. Any plant or machinery must not exceed 12 metres in height (or 3 metres within 3 kilometres of the perimeter of an aerodrome), and in any case replacement plant and machinery must not exceed the height of what it replaces. Waste deposits must not materially increase the height of the land.

E8 Local planning authorities should consider including in their local plans policies for development on agricultural units of less than 5 hectares (in addition to the policies for agricultural development advised in paragraph 3.3).

E9 Fish farming for food can benefit from the permitted development rights available under Classes A and B. However, under Class A:

- on Article 1(6) land no rights are available for excavations or engineering operations connected with fish farming;

- elsewhere the placing or assembly of a fish tank (defined to include a cage or other structure for use in fish farming) in any waters is permitted subject to the prior approval conditions;

and under Class B:

- certain rights specific to fish farming are available in connection with repair and maintenance and installing equipment;
- development is not permitted if it involves the placing or assembly of a fish tank on land or in any waters, the construction of a fish pond, or an increase in the size of a fish tank or pond (except by removing silt).

E10 The definition of livestock in Classes A and B includes fish. Fish farm excavations which exceed 0.5 hectare, when added to other excavations and waste deposits on the unit, are subject to the prior approval conditions under Class A.

### **Permitted development rights for forestry**

E11 Part 7 of Schedule 2 to the General Permitted Development Order grants certain permitted development rights for erecting, extending or altering a forestry building, for forming, altering or maintaining private ways, and for other operations (excluding engineering and mining). Development is not permitted for dwellings, or exceeding 3 metres in height within 3 kilometres of an aerodrome, or within 25 metres of a trunk or classified road.

## **The determination procedure**

### **Introduction**

E12 In certain cases, the permitted development rights for development on agricultural units of 5 hectares or more and for forestry cannot be exercised unless the farmer or other developer has applied to the local planning authority for a determination as to whether their prior approval will be required for certain details (General Permitted Development Order, Part 6, A.2(2) and (3)). The local planning authority have 28 days for initial consideration of the proposed development. Within this period they may decide whether or not it is necessary for them to give their prior approval to these details of development involving new agricultural and forestry buildings, significant extensions and alterations, agricultural and forestry roads, certain excavations or waste deposits, and the placing or assembly of fish tanks in any waters. In National Parks and certain adjoining areas ('Article 1(6) land'), all extensions and alterations to buildings are subject to this procedure and the placing or assembly of fish tanks in any waters requires a specific planning application to be made to the local planning authority.

E13 The permitted development rights for development on smaller agricultural units (between 0.4 hectares and 5 hectares) are not subject to the determination procedure, except on Article 1(6) land, where the procedure applies to extensions and alterations of buildings and the provision, rearrangement or replacement of roads.

E14 The determination procedure provides local planning authorities with a means of regulating, where necessary, important aspects of agricultural and forestry development for which full planning permission is not required by virtue of the General Permitted Development Order. They should also use it to verify that the intended development does benefit from permitted development rights, and does not require a planning application (see paragraphs 3.5 and 3.6 above). There is no scope to extend the 28 day determination procedure, nor should the discretionary second stage

concerning the approval of certain details be triggered for irrelevant reasons. A local planning authority will therefore need to take a view during the initial stage as to whether Part 6 rights apply.

E15 Provided all the General Permitted Development Order requirements are met, the principle of whether the development should be permitted is not for consideration, and only in cases where the local planning authority considers that a specific proposal is likely to have a significant impact on its surroundings would the Secretary of State consider it necessary for the authority to require the formal submission of details for approval. By no means all the development proposals notified under the Order will have such an impact.

E16 In operating these controls as they relate to genuine permitted development, local authorities should always have full regard to the operational needs of the agricultural and forestry industries; to the need to avoid imposing any unnecessary or excessively costly requirements; and to the normal considerations of reasonableness. However, they will also need to consider the effect of the development on the landscape in terms of visual amenity and the desirability of preserving ancient monuments and their settings, and sites of recognised nature conservation value. They should weigh these two sets of considerations. Long term conservation objectives will often be served best by ensuring that economic activity, including farming and forestry which are prominent in the rural landscape, is able to function successfully.

## **Handling**

E17 The 28 day determination period runs from the date of receipt of the written description of the proposed development by the local planning authority. If the local planning authority give notice that prior approval is required they will then have the normal 8 week period from the receipt of the submitted details to issue their decision, or such longer period as may be agreed in writing (see Article 21 of the Town and Country Planning (General Development Procedure) Order 1995. Development undertaken in breach of the conditions imposed by the Order or by the local planning authority may be the subject of enforcement action.

E18 The Secretary of State attaches great importance to the prompt and efficient handling of applications for determination and of any subsequent submissions of details for approval under the provisions of the General Permitted Development Order. Undue delays can have serious consequences for agricultural and forestry businesses, which are more dependent than most on seasonal and market considerations. The procedures adopted by authorities should be straightforward, simple, and easily understood. Delegation of decisions to officers will help to achieve prompt and efficient handling, and should be extended as far as possible. Authorities should use their discretion over consulting parish councils and other groups about particular proposals, having regard to the need to reach decisions within the required timescales. Requests for more time from consultees should not be used as a reason for requiring the submission of details.

E19 Authorities should prepare forms which developers can use to apply for determination, along the lines of the example in the Appendix. This will help to minimise the number of cases in which submission of details may be necessary. Authorities should acknowledge the receipt of the written description, giving the date of receipt. Where the authority do not propose to require the submission of details, it would be helpful and courteous to inform the developer as soon as possible, to avoid any unnecessary delay or uncertainty.

E20 There will often be scope for informal negotiations with the developer, as an alternative or preliminary to requiring a formal submission of details. Developers for their part may find it useful to provide more than the minimum information required by the Order when informing authorities of their proposals, if this is readily available. For example, a sketch showing the proposed elevation

of a building may clarify the effect of the proposal. If, as a result of discussions, the developer's original proposal is modified by agreement, he or she is not required to re-submit it formally to the authority in order to comply with the terms of the General Permitted Development Order condition, but the authority should give their written approval to the modification to make it clear that the developer has authority to proceed with the modified proposals.

E21 Planning authorities should generally be able to deal with applications on the basis of their experience and the information provided. Where authorities do not have the necessary expertise to consider the operational requirements of the agricultural or forestry enterprise, they may need to seek a technical appraisal. Where this is necessary they should aim to do this within the 28 day period, and not simply call for details on a precautionary basis. Extending the decision period may hamper business operations unreasonably.

### **Scope of controls**

E22 The arrangements do not impose full planning controls over the developments to which they apply - those developments remain "permitted development" under the General Permitted Development Order. The principle of development will not be relevant providing the Order conditions are satisfied, nor will other planning issues. When details are submitted for approval under the terms of the Order, the objective should be to consider the effect of the development upon the landscape in terms of visual amenity, as well as the desirability of preserving ancient monuments and their settings, known archaeological sites, listed buildings and their settings, and sites of recognised nature conservation value (i.e. Sites of Special Scientific Interest and Local Nature Reserves). Details should be regarded in much the same light as applications for approval of reserved matters following the grant of outline planning permission. Subject to the normal criteria governing the use of conditions in planning permission, conditions may be imposed when approval is given. (DOE Circular 11/95 gives further advice in this respect.) Developers required to submit details for approval will have the right of appeal to the Secretary of State if approval is refused or is granted subject to conditions with which they disagree, or if notice of a decision on the details submitted is not given within the period for a decision (normally eight weeks). There is no right of appeal against the decision of a local planning authority to require approval of details. No compensation is payable under Section 108 of the Town and Country Planning Act 1990 if approval of submitted details is withheld by the planning authority.

E23 Special considerations apply to forestry roads. Usually a new road will be to assist new planting or timber harvesting, which in nearly all cases are the subject of a Woodland Grant Scheme or felling licence application to the Forestry Authority. These applications are subject to consultation with local authorities and other bodies, in accordance with revised procedures that came into effect in August 1996. The Forestry Authority will be pleased to advise further. Applicants should set out any roading proposals in their application. If there is an objection from a local authority which cannot be resolved, the Forestry Authority will not approve an application without reference to Ministers. In addition, landowners have an obligation to undertake environmental assessments of potentially damaging operations, and the Forestry Authority can require an environmental statement. These procedures ensure that the environmental acceptability of new roads and the siting and landscaping of the woodland are considered together. The Forestry Authority will produce guidance on the design of forest roads. The Secretary of State would not expect local planning authorities to exercise their right to call for full details of roads which had been included in a Plan of Operations approved by the Forestry Commission after consultation on the full details with the authority. The Secretary of State would expect normally to allow appeals against refusal of permission for details in such circumstances.

## **Siting, design and appearance**

E24 Local planning authorities may concern themselves with:

- the siting, design and external appearance of a proposed new agricultural or forestry building and its relationship to its surroundings;
- the siting and means of construction of roads;
- the siting of those excavations or waste deposits which individually or collectively exceed 0.5 hectare within the unit; and
- the siting and appearance of fish tanks (cages).

E25 To ensure consistency of decision-taking, and to help applicants, local planning authorities should consider preparing guidelines on the principles which they would wish to be taken into account when details of such buildings' design, materials and siting are being prepared. Guidelines are an aid to communication, both with developers and with the agricultural buildings industry. The guidelines should identify where possible the situations or circumstances in which authorities would normally require the submission of details. They should preserve the scope for flexibility of approach; and note that the combination of siting, design and colour can particularly influence the degree of intrusion. Guidelines should not need to cover forest road construction, as guidance on the design and construction of forest roads is available from the Forestry Authority.

E26 In preparing guidelines, authorities should consult those with an interest, for example local farming and conservation interests and MAFF. Continuing liaison with building designers and contractors will be important. Many farmers seek planning and design advice from building contractors, and such advice ought to reflect the policies and practices of the local planning authority. Planning authorities' attention is drawn to British Standard BS5502 Buildings and Structures for Agriculture, Part 20 Code of Practice for general design considerations, which gives information on matters referred to in this guidance, together with reference to choice of colours, and their use. Local planning authorities may find the following advice helpful in preparing guidelines.

### **Siting**

E27 The siting of a new agricultural or forestry building, road, excavation or waste deposit, or fish tank can have a considerable impact on the site and the surrounding landscape. Developments should be assimilated into the landscape without compromising the functions they are intended to serve. New buildings should normally form part of a group rather than stand in isolation, and relate to existing buildings in size and colour. (New buildings of modern design may sometimes best be separated from a group of traditional buildings to avoid visual conflict.) Sites on skylines should be avoided if possible. To reduce their visual impact buildings should be blended into the landscape or, on sloping sites, set into the slope if that can be achieved without disproportionate cost.

E28 While a well-sited building or road may benefit from some additional screening, the visual impact of a poorly situated one cannot easily be reduced. In some cases a minor repositioning or realignment can considerably improve the proposals. In others, a site elsewhere on the agricultural land would be preferable if this can be achieved without imposing undue operational or constructional difficulties. The options for siting of agricultural buildings and private ways will be influenced by their functional relationship to other buildings and services, so that alternatives may be limited. Where constructional problems emerge after proposals have been notified or approved,

authorities will need to take a flexible approach to requests for approval of departures from the original proposals.

E29 The siting of new agricultural or forestry buildings adjacent (but not too close) to existing woods may help to assimilate them into the landscape. Suitable woodland management is required to maintain this effect. Elsewhere judicious tree planting and external works may enhance new buildings. The aim should not be to hide a building from sight, but rather to soften a hard outline, break up a prominent silhouette, and help 'anchor' a new building to the surrounding landscape. Any new planting should reflect the vegetation type already existing in the locality, or be part of an approved Woodland Grant Scheme application.

### **Design and appearance**

E30 In exercising control over the design and external appearance of proposed developments, local planning authorities should have regard to the guidance in PPG1.

E31 The choice of design and materials, and the relationships of texture and colour to existing development, local traditions, and the landscape, can be important considerations for both agricultural and forestry buildings and roads. For example, a single large building may have a greater impact on the countryside than one or more smaller buildings, which can be more easily incorporated into an existing group and provide greater flexibility, although the function of the building will be material to shaping its form. Roof overhang reduces apparent scale, as does the use of different materials for roof and walls. Well-designed features such as rainwater downpipes and gutters, ventilators, eaves and gable overhang emphasise the shape of a building.

E32 The colours chosen should be compatible with the rural setting, not to camouflage the building, but to allow it to relate to existing buildings. Careful choice of colour reduces the apparent scale of a large agricultural building (eg if the roof of a building is coloured darker than the walls, its visual impact on its surroundings is reduced). The use of reflective materials should be avoided.

E33 Guidelines may include information on local building design. Traditional building styles may be important in devising local design criteria for modern buildings. It will normally be appropriate to use traditional or sympathetic materials for developments taking place in the setting of a listed building or in a conservation area.

E34 Alterations and extensions should not pose the same difficulty as new buildings, but similar considerations concerning design and appearance should be taken into account. Materials similar to the original should normally be used.

E35 Although choices of design and materials may be constrained by operational needs, the standardisation of modern agricultural buildings and economic considerations, it should be possible to reconcile proposals for development with the need to conserve and wherever possible enhance the landscape.

### **Crown development**

E36 Development by the Forestry Commission (including the Forestry Authority and Forest Enterprise) is Crown development. In carrying out developments the Commission and other Crown developers will follow the procedure for notifying local planning authorities described in DOE Circular 18/84.

## **Annex F: Development Involving Horses**

F1 High standards of design, construction and maintenance of buildings and care of land are necessary to ensure that equestrian activities do not have an adverse effect on the countryside and that the horses are well housed and cared for.

F2 As for all development in the countryside, applicants for planning permission for development involving horses should take particular care to minimise the effect their proposals will have on the appearance of the countryside. Buildings should be sited and designed to blend with their surroundings. Applicants may need to undertake to remove jumps and other equipment when not in frequent use; attention to design and maintenance may help reduce possible concerns about the unsightly nature of some jumps and equipment. Applicants may also be invited to assess the affects of their proposed development on erosion, on the vegetation of the land to be used and on the rights of way network. When considering such planning applications, local planning authorities should bear in mind recommended standards for the safety and comfort of horses as well as other material planning considerations. Further advice, including a code of practice for horse owners and riders, is given in the Countryside Commission booklet *Horses in the Countryside*.

F3 Planning permission is not needed for the use of land for the purposes of agriculture. The definition of agriculture in section 336 of the Town and Country Planning Act 1990 includes the breeding and keeping of livestock and the use of land as grazing land. Livestock has been held to relate only to livestock bred or kept for agricultural purposes. Land can be said to be used for grazing if horses are turned onto it with a view to feeding them from it, but not if they are kept on it for some other purpose (such as exercise or recreation), when grazing is seen as completely incidental and inevitable. A planning application is normally required for the use of land for keeping horses and for equestrian activities, unless they are kept as livestock or the land is used for grazing.

F4 Buildings used for housing horses used in farming qualify as agricultural permitted development, and so benefit from the permitted development rights in Part 6 of the Town and Country Planning (General Permitted Development) Order 1995. Stables or loose boxes erected within the curtilage of a dwelling house (i.e. in a large garden but not a separate paddock) for horses kept as pet animals ... for the domestic needs or personal enjoyment of the dwelling house enjoy permitted development rights under Part 1 of the Order. Unless they qualify as permitted development, a planning application is normally required for buildings to house horses.

F5 Within the framework set out in this PPG, the Government wishes to see a positive approach towards planning applications for horse-based development which respect the rural environment.

## **Annex G: Re-Use And Adaptation Of Rural Buildings**

G1 This guidance supplements that in paragraphs 3.14 to 3.17, and should be read in conjunction with it.

G2 When assessing planning applications for the re-use or adaptation of a rural building, the primary consideration (subject to paragraph 3.7 of this PPG) should be whether the nature and extent of the new use proposed for the building are acceptable in planning terms. It should not normally be necessary to consider whether the building is no longer needed for its present purposes (although, in the case of a tenanted agricultural building, the value in planning terms of the existing use should be taken into consideration). Evidence that a building is not redundant for its present use is not by itself sufficient grounds for refusing permission for a proposed new use. However, in circumstances where planning authorities have reasonable cause to believe that an applicant has attempted to abuse the system by constructing a new farm building with the benefit of permitted development rights, with the intention of early conversion to another use, it will be appropriate to investigate the history of the building to establish whether it was ever used for the purpose for which it was claimed to have been built.

### **Visual amenity**

G3 Conversion proposals may be more acceptable if they respect local building styles and materials, though the use of equivalent natural materials that are not local should not be ruled out.

G4 If a planning application is submitted for the re-use of a building which the local planning authority considers has a significant adverse effect on the landscape in terms of visual amenity, it may be appropriate in connection with any proposed structural changes to impose conditions to secure an improvement in the external appearance of the building.

### **Size and cumulative impact**

G5 Local planning authorities should consider setting out in local plans their approach to proposals for the re-use of complexes of buildings with a large aggregate floor area, and of individual buildings which are especially large. The economic and social needs of the area may be particularly relevant to such proposals, as may criteria (b) and (c) in paragraph 3.14, and environmental and traffic considerations. Beyond a certain point, the cumulative impact of the re-use of a series of buildings in close proximity to one another may raise similar issues.

### **Agricultural buildings**

G6 Paragraph 3.7 of this PPG advises on the provision, in the Town and Country Planning (General Permitted Development) Order 1995 (as amended), for the removal of buildings erected under agricultural permitted development rights on or after 1 April 1997 if they cease to be used for agriculture within ten years of their completion and planning permission has not been given for re-use within a further three years and a planning appeal is not in progress.

G7 Local planning authorities should examine particularly carefully applications for re-use of buildings erected under agricultural permitted development rights. This should alert them to the possibility that the building was in breach of planning control when it was substantially completed, because there was no genuine agricultural justification.

G8 Where there are sound planning reasons for wishing to control the replacement of old farm buildings by new ones, a local planning authority may wish to consider attaching to the grant of planning permission for the use of agricultural buildings for non-agricultural purposes a condition withdrawing permitted development rights for new farm buildings in respect of that particular agricultural unit or holding. This course will generally only be appropriate where proliferation of farm buildings could have a seriously detrimental effect on the landscape. Such a condition should be used with great care, and must fairly and reasonably relate to the proposed development. While a restriction on additions to a particular group of farm buildings without specific permission might be reasonable, a restriction which sought to cover the whole of a large holding in connection with the re-use of a single building might well be unreasonable. Authorities should, where appropriate, include in their local plans a policy indicating the factors that they would take into account.

G9 If re-use is associated with farm diversification (see paragraph 3.4), a local planning authority may wish to seek a planning obligation under section 106 of the Town and Country Planning Act 1990 to tie the building to the land, so as to discourage the subsequent fragmentation of the agricultural unit by separate sale of the building.

### **Agricultural dwellings**

G10 Separate considerations apply to agricultural dwellings (see Annex I).

### **Holiday conversions**

G11 While residential conversions have a minimal impact on the rural economy, conversions for holiday use can contribute more and may reduce pressure to use other houses in the area for holiday use.

### **Listed buildings**

G12 If a building is listed, listed building consent may be needed for its conversion as well as planning permission (see PPG15).

## **Annex H: Permitted Development Rights in Designated Areas**

H1 Permitted development rights allow a range of minor development to take place without the need for a planning application.

H2 In National Parks, certain surrounding areas, the Broads, AONBs and conservation areas some permitted development rights are reduced, and others withdrawn entirely, so that some types of normally minor development require specific planning permission. There are lower volume limits for the extension of dwelling houses, and for the erection of buildings within the curtilage of dwelling houses. Extensions to industrial buildings and warehouses that can be undertaken using permitted development rights are subject to lower volume and floorspace allowances. Permitted development rights are not available at all for:

- roof extensions to dwelling houses;
- the application of stone and some other forms of cladding to the outside of a dwelling house;
- the installation of a satellite dish on chimney stacks and on walls or roof-slopes fronting a highway (or a waterway in the Broads) as well as on buildings over 15 metres in height; or
- the installation or alteration of a microwave antenna by a "code systems operator" licensed under the Telecommunications Act 1984.

H3 In National Parks, certain surrounding areas, and the Broads:

- permitted development rights are not available for fish farm excavations and engineering operations; and
- all proposals to extend or alter an agricultural building under permitted development rights may be subject to controls over siting and design.

H4 When the New Forest Heritage Area has been defined through local plans, the Government intends to amend the General Permitted Development Order to bring permitted development rights there into line with those in National Parks and the Broads.

## **Annex I: Agricultural And Forestry Dwellings**

I1 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.

I2 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.

I3 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.

I4 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**

I5 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 [I6](#));
- 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 [I10](#));
- 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.

I6 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:

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

I7 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.

I8 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.

I9 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.

I10 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.

I11 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 dwelling that is appropriate to a particular holding.

I12 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 development rights under part 1 of the Town and Country Planning (General Permitted Development) Order 1995 for development within the curtilage of a dwelling house. For example, proposed extensions could result in a dwelling whose size exceeded what could be justified by the functional requirement, and affect the continued viability of maintaining the property for its intended use given the income which the agricultural unit can sustain. However, it will always be preferable for such conditions to restrict the use of specific permitted development rights rather than to be drafted in terms which withdraw all those in a Class (see paragraphs 86-90 of the Annex to DOE Circular 11/95).

I13 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**

I14 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 [I6](#));
- 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.

I15 If permission for temporary accommodation is granted, permission for a permanent dwelling should not subsequently be given unless the criteria in paragraph [I5](#) 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**

I16 Local planning authorities should apply the same criteria to applications for forestry dwellings as to agricultural dwellings (paragraphs [I1 - I5](#)). 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**

I17 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."*

I18 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.

I19 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.

I20 Local planning authorities should monitor the operation of occupancy conditions, and take enforcement action where appropriate. They may serve notices under section 187A 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.

I21 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**

I22 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.

I23 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.

## **Annex J: Bibliography**

Planning Policy Guidance notes (PPGs) are listed on the back cover. Other publications mentioned in this PPG are listed below. They are available as Her Majesty's Stationary Office publications (see back cover), unless otherwise indicated. International Standard Book Numbers (ISBNs) are shown in brackets.

### *White Papers*

#### **Rural England: A Nation Committed to a Living Countryside**

Department of the Environment, Ministry of Agriculture, Fisheries and Food - 1995  
(ISBN 0-10-130162-6)

#### **Our Future Homes: Opportunity, Choice, Responsibility - The Government's housing policies for England and Wales**

Department of the Environment, Welsh Office - 1995  
(ISBN 0-10-129012-8)

### *Good Practice Guides*

#### **Planning for Rural Diversification: A Good Practice Guide**

Department of the Environment - 1995  
(ISBN 0-11-753164-2)

#### **PPG13: A Guide to Better Practice - Reducing the need to travel through land use and transport planning**

Department of the Environment, Department for Transport - 1995  
(ISBN 0-11-753144-8)

#### **Greening the City: A Guide to Good Practice**

Department of the Environment - 1996  
(ISBN 0-11-753336-6)

### *Department of the Environment Circulars*

DOE Circular 18/84 **Crown Land and Crown Development**  
(ISBN 0-11-751744-5)

DOE Circular 15/88 **Environmental Assessment**  
(ISBN 0-11-752117-5)

DOE Circular 16/91 **Planning and Compensation Act 1991: Planning Obligations**  
(ISBN 0-11-752451-4)

DOE Circular 24/92 **The Town and Country Planning: (Inquiries Procedure) Rules 1992; Appeals (Determination by Inspectors) (Inquiries Procedure) Rules 1992**  
(ISBN 0-11-752707-9)

DOE Circular 7/94 **Environmental Assessment: Amendment of Regulations**  
(ISBN 0-11-752844-5)

DOE Circular 3/95 **Permitted Development and Environmental Assessment**  
(ISBN 0-11-753078-6)

DOE Circular 11/95 **Use of Conditions in Planning Permissions**  
(ISBN 0-11-753130-8)

DOE Circular 12/96 **Environment Act 1995, Part III: National Parks**  
(ISBN 0-11-753314-9)

DOE Circular 13/96 **Planning and Affordable Housing**  
(ISBN 0-11-753319-X)

*Other Department of the Environment publications*

**The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil)  
Regulations 1991: Guidance Notes for Farmers - 1991**

[Available from:

Water Quality Division, WQ3,

DOE,

Room A405,

Romney House,

43 Marsham Street, London SW1P 3PY]

**Ministry of Agriculture, Fisheries and Food**

[Available from:

MAFF Publications,

Deptford,

London SE99 7TP

- telephone 01645 556000]

**Agricultural Land Classification of England and Wales - 1997**

**Agricultural Land Classification maps of England 1: 250,000**

**Code of Good Agricultural Practice on the Protection of Water - 1991**

**Code of Good Agricultural Practice on the Protection of Air - 1992**

**Code of Good Agricultural Practice on the Protection of Soil - 1993**

**Success with Sporting Enterprises on Farms - 1996**

*British Standards Institution*

**BS5502 Buildings and Structures for Agriculture, Part 20 Code of Practice for general design considerations**

**Countryside Commission**

[Available from:

Countryside Commission Postal Sales,

PO Box 124,

Walgrave,  
Northampton, NN6 9TL]

**Countryside Design Summaries - 1996** (ISBN 0-86170-467-3)

**Horses in the Countryside - 1993** (ISBN 0-86170-391-X)

**Landscape Assessment - 1987**

**Village Design, Parts 1 and 2 -1996**

*Countryside Commission/English Nature*

**The Character of England - 1996**

**Countryside Commission/English Nature/Rural Development commission**

**Rural Strategies - (no date)**

*Other Planning Policy Guidance notes (PPGs):*

**PPG1 General Policy and Principles, revised 1997**  
(ISBN 0-11-752630-4)

**PPG2 Green Belts, revised 1995**  
(ISBN 0-11-753037-9)

**PPG3 Housing, revised 1992**  
(ISBN 0-11-752628-2)

**PPG4 Industrial and Commercial Development and Small Firms, 1992**  
(ISBN 0-11-752723-8)

**PPG5 Simplified Planning Zones, 1992**  
(ISBN 0-11-752717-3)

**PPG6 Town Centres and Retail Developments, revised 1996**  
(ISBN 0-11-7532942-0)

**PPG8 Telecommunications, 1992**  
(ISBN 0-11-752747-5)

**PPG9 Nature Conservation, 1994** (ISBN 0-11-752787-4)

**PPG12 Development Plans and Regional Planning Guidance, 1992** (ISBN 0-11-752586-3)

**PPG13 Transport, 1994**  
(ISBN 0-11-752941-9)

**PPG14 Development on Unstable Land, 1990**  
(ISBN 0-11-752300-3)

**PPG15 Planning and the Historic Environment, 1994**  
(ISBN 0-11-752944-3)

**PPG16 Archaeology and Planning, 1990**  
(ISBN 0-11-752353-4)

**PPG17 Sport and Recreation, 1991**  
(ISBN 0-11-752520-0)

**PPG18 Enforcing Planning Control, 1991**  
(ISBN 0-11-752554-5)

**PPG19 Outdoor Advertisement Control, 1992**  
(ISBN 0-11-752555-3)

**PPG20 Coastal Planning, 1992**  
(ISBN 0-11-752711-4)

**PPG21 Tourism, 1992**  
(ISBN 0-11-752726-2)

**PPG22 Renewable Energy, 1993**  
(ISBN 0-11-752756-4)

**PPG23 Planning and Pollution Control, 1994**  
(ISBN 0-11-752947-8)

**PPG24 Planning and Noise, 1994**  
(ISBN 0-11-752924-9)

**The Index of Planning Guidance, 1995**

(ISBN 0-11-753119-7) lists PPGs, Regional Planning Guidance notes, Minerals Planning Guidance notes and other planning advice notes, and gives brief summaries and a subject index of their contents.