

13. ANNEX 2: RURAL LAND BASED WORKER DWELLINGS

- 13.1 Traditional farming and woodland management have helped to create Exmoor’s distinctive landscape. Sustainable agriculture and forestry are essential for maintaining the characteristic landscapes of the National Park, can play an important role in helping to manage and enhance Exmoor’s wildlife and the environment and are major contributors to the local economy.
- 13.2 This Annex provides additional information and guidance in relation to the following policies:
- a) HC-D4 Conversions to Dwellings in the Open Countryside
 - b) HC-D5 New Build Dwellings in the Open Countryside
 - c) HC-D6 Rural Workers
 - d) HC-D9 Residential Caravans
- 13.3 Policy HC-D7 ‘Succession Farming’ provides for a second dwelling on established farms that are financially sustainable where the criteria for a full time worker cannot be fully satisfied. This Annex will be applied in the case of applications under Policy HC-D7 save for paragraph 13.8(b) of this Annex which requires that the need relates to a full-time worker, primarily employed in a rural land-based activity and does not relate to a part-time requirement and paragraphs 13.19 and 13.20 which relate to ‘temporary rural land-based worker dwellings’ since succession dwellings will only be considered on established farms.
- 13.4 These policies and Annex 2, are based on long tested methodology which is considered to be an appropriate way to approach “the essential need for a rural worker to live permanently at or near their place of work in the countryside” (National Planning Policy Framework) in terms of proposals for new dwellings in the open countryside. Additionally, the NPPF recognises that National Parks are areas where development should be restricted⁵²⁰. It states that great weight should be given to conserving landscape and scenic beauty in National Parks which have the highest status of protection in relation to landscape and scenic beauty while the conservation of wildlife and cultural heritage are important considerations and should be given great weight.
- 13.5 The National Planning Policy Framework states that isolated new houses in the countryside should be avoided unless there are special circumstances. One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable the essential need for a rural worker to live permanently at or near their place of work in the countryside⁵²¹. Nevertheless, it will often be possible, as convenient and more sustainable for such workers to live in settlements, suitable existing dwellings, or by reusing/converting a suitable existing building on the holding or nearby within an established building group, so avoiding new and potentially intrusive development in the open countryside. However, there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in a rural land-based enterprise 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 enterprise concerned and not on the personal preferences or circumstances of individuals
- 13.6 Given the concession that the planning system makes for new occupational dwellings in the countryside, it is essential that all applications for planning permission for such dwellings in the countryside are scrutinised thoroughly so that only genuine proposals are approved. In particular, it will be important to establish whether the stated intentions to engage in agriculture, forestry or any other rural land-based enterprise, are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period of time. It will also be important to establish that the needs of the intended enterprise require one or more of the people engaged in it to live nearby.
- 13.7 A ‘rural land-based enterprise/activity’ is considered to include agriculture, forestry, and other land-based enterprise/activity which requires a location in the open countryside and obtains their primary inputs from the land holding they intend to be based at to sustain the business. Policy HC-D6 reflects National Park designation and states that the enterprise shall be extensive in

⁵²⁰ CLG National Planning Policy Framework (2012) Para 14 footnote 9

⁵²¹ Ibid – para. 55

nature, to ensure that the natural beauty and wildlife of the National Park is conserved and unacceptable adverse environmental impacts that can arise from more intensive forms of agriculture are avoided. Intensive activities, especially those that could be located in any location, will not be considered favourably under these policies.

PERMANENT RURAL LAND-BASED WORKER DWELLINGS

- 13.8 New permanent dwellings will only be allowed where they are required to support existing agricultural, forestry or other rural land-based activities on well-established land holdings. Applicants should provide a detailed independently prepared appraisal to accompany any application for a new rural worker's dwelling. The appraisal should provide information relating to the following points:
- a) there is a clearly established *existing* functional need (see paragraph 13.9 below);
 - b) the need relates to a *full-time* worker, primarily employed in a rural land-based activity and does not relate to a part-time requirement;
 - c) the holding and the 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 13.13 below);
 - d) the functional need cannot be fulfilled by another existing dwelling on the unit (or the subdivision of an existing dwelling (see policy HC-D12 Subdivision of Existing Dwellings) any other existing accommodation in the area which is suitable and available for occupation by the workers concerned, or through the conversion/change of use of an existing building on the holding; and
 - e) other planning requirements, including in relation to access, or impact on the countryside, are satisfied.
- 13.9 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.
- 13.10 In cases where the National Park Authority is particularly concerned about possible abuse, the history of the holding will be investigated 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 holding concerned either by the present applicant or previous owners. Such a sale could constitute evidence of lack of need for a new permanent dwelling for a rural worker.
- 13.11 The protection of livestock or other animals associated with the rural land-based enterprise from theft or injury by intruders may contribute on animal welfare grounds to the need for a new rural worker dwelling, although it will not by itself be sufficient to justify one. Requirements arising from food processing, as opposed to agriculture for example, cannot be used to justify a rural worker dwelling. Nor can agricultural needs justify the provision of isolated new dwellings as retirement homes for farmers; such a need may be met under policy HC-D7 Succession Farming – Second Dwellings on Established Farms. Under conventional methods of forestry management, which can involve the use of a peripatetic workforce, new forestry dwellings may not always be justified.
- 13.12 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.

- 13.13 New permanent accommodation cannot be justified on the grounds of a rural land-based enterprise unless the enterprise is economically viable. A *financial test* is necessary for this purpose, and in applying this test (see paragraph 13.8(c) above), the National Park Authority will take a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned. Some enterprises which aim to operate broadly on a subsistence basis, but which nonetheless provide wider benefits (e.g. providing ecosystem services and contributing to the conservation or enhancement of the natural beauty and wildlife of the National Park), can be sustained on relatively low financial returns.
- 13.14 The appraisal of functional requirement and financial viability should be confined to a factual statement of the agricultural, or other rural land-based business considerations involved and an evaluation of the specific points on which advice is sought; no recommendation for or against the application should be made. The evidence presented to prove the viability of a rural land-based enterprise will vary according to the type of enterprise and will depend upon the structure of the holding, tenure, the nature of the enterprise and how it is financed. It is considered that in terms of an agricultural enterprise, information on costs of stock, feed, vet care, transport, marketing, electricity, insurance, accountants, water charges, repairs, land rent and financing charges would be taken into account.
- 13.15 The statement should detail land in the applicant's ownership and land within a permanent agricultural tenancy separately from any other land that may be rented on a short term basis. The National Park Authority will base its assessment of the proposal only on land under the applicant's ownership or land held in a longer term tenancy and therefore a dwelling is unlikely to be permitted where the financial viability of a rural land-based enterprise depends upon an insecure or short term tenancy or where a significant proportion of land/buildings identified as part of the functional holding is rented.
- 13.16 The National Park Authority will duly consider the statement, all other evidence available, and may also procure additional advice from a qualified consultant prior to determining the application.
- 13.17 Rural worker dwellings should be of a size commensurate with the established functional requirement. Policy HC-D6 requires that the net floorspace will be 90sqm or less unless the Authority is satisfied that the needs of the holding require a larger dwelling. Larger dwellings should be of a size commensurate with the needs of the holding, and should not be expensive to construct in relation to the income it can sustain in the long-term. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of a dwelling larger than 90sqm net internal floorspace.
- 13.18 Rural worker dwellings should be sited so as to meet the identified functional need and to be well-related to existing buildings on the holding, or other dwellings.

TEMPORARY RURAL LAND-BASED WORKER DWELLINGS

- 13.19 If a new dwelling is essential to support a new rural land-based activity, whether on a newly-created holding 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 as set out under policy HC-D9 Residential Caravans. 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 13.9 of this Annex);
 - c) clear evidence that the proposed enterprise has been planned on a sound financial basis;
 - d) the functional need cannot be fulfilled by subdivision of an existing dwelling, another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
 - e) other normal planning requirements, e.g. on siting and access, are satisfied.

- 13.20 If permission for temporary accommodation is granted, permission for a permanent dwelling will not subsequently be given unless the criteria in paragraph 13.8 above are met. The National Park Authority will ensure that conditions are attached to any planning permission to state 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. Successive extensions to a temporary permission over a period of more than three years will not normally be granted, nor will temporary permissions be granted in locations where a permanent dwelling would not be permitted.

OCCUPANCY CONDITIONS

- 13.21 Planning permissions for a rural land-based dwelling will be subject to conditions and planning obligations.
- 13.22 Where the need to provide accommodation to enable farm, forestry or other rural land-based workers to live at or near their place of work has been accepted as providing the special justification required for new, 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 will be made subject to an occupancy restriction. Similar occupancy restrictions may also be attached to any existing dwelling on the holding, under the control of the applicant, where a new rural worker's dwelling is granted planning permission. A planning obligation will also be used to tie the dwelling to the holding to prevent them being sold off separately in the future without further application to the National Park Authority to vary the terms of the obligation. In such circumstances, the applicant should demonstrate that there are reasonable and valid grounds for doing so.
- 13.23 Changes in the scale and character of rural land-based enterprises may affect the longer-term requirement for dwellings for which permission has been granted subject to an agricultural/forestry or a rural worker occupancy condition. Should such dwellings, and others in the open countryside, become vacant or no longer required, policy HC-D10 Replacement of Rural Workers Occupancy Conditions sets out the requirements for the removal of a condition or variation of a planning obligation that limits the occupancy of a dwelling to a rural worker.