



Colchester Borough Council

Rural Workers Dwellings

Guidance Note for Applicants

Adopted 20 August 2012

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The National Planning Policy Framework

1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The NPPF establishes 12 core land-use planning principles which should underpin both plan-making and decision-taking. These include the following references to the countryside;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
 - contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the Framework;
 - encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
2. The NPPF affords particular weight to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.
3. Although the importance of the countryside is recognised, the NPPF also states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
4. The NPPF replaces Planning Policy Statement 7 (Sustainable Development in Rural Areas) which was supported by Annex A providing detailed national guidance for Agricultural, Forestry and Other Occupational Dwellings.
5. The NPPF still advises local planning authorities to avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. There are no further details provided as it will be for local authorities to determine what this means locally.

Local Planning Policies

6. The approach to housing development within the Borough is outlined in the Local Plan which comprises of the Core Strategy, Site Allocations and Development Policies DPD's. These documents make it clear that any new housing will be delivered within existing settlement boundaries with a focus on the urban area of Colchester.
7. Policies SD1, ENV1 and ENV2 of the Core Strategy set out the approach and extracts are detailed below;
8. Throughout the Borough, growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy. Development proposals will be expected to make efficient use of land and take a sequential approach that gives priority to accessible locations and previously developed land (PDL). Proposals should seek to promote sustainability by minimising and/or mitigating pressure on the natural, built and historic environment, utilities and infrastructure, and areas at risk of flooding. This approach will protect the countryside by minimising the amount of development occurring on greenfield land.
9. The countryside provides the attractive landscape setting that defines and characterises the villages and rural communities of Colchester Borough. Unallocated greenfield land outside of settlement boundaries will be protected and where possible enhanced, in accordance with the Landscape Character Assessment. Within such areas development will be strictly controlled to conserve the environmental assets and open character of the Borough. Where new development needs, or is compatible with, a rural location, it should satisfy a range of criteria.
10. The Council's policy approach to resist isolated new dwellings in the countryside reflects national policy and also recognises that in exceptional circumstances it may be appropriate to allow an isolated dwelling where there is adequate justification.
11. The approach is reflected in a recent appeal decision at Motts Lane, Marks Tey. An extract from the decision notice states;

'Policy ENV1 of the Council's Local Development Framework Core Strategy Adopted December 2008 states that within unallocated greenfield land outside settlement boundaries development will be strictly controlled to conserve the environmental assets and open character of the Borough. This is consistent with the Framework, which, although PPS1 and PPS7 are no longer extant, similarly requires that the intrinsic character and beauty of the countryside be recognised and states that new isolated

homes in the countryside should be avoided unless there are special circumstances. One such special circumstance would be the essential need for a rural worker to live permanently at or near their place of work in the countryside. I conclude that no such special circumstance has been demonstrated.'

12. The Council's preference for rural workers accommodation is for such workers to reside in nearby towns or villages or in existing properties nearby their place of work, which would avoid the need for new dwellings in the countryside. The Council accepts however that there may be cases where the nature and demands of the workers role requires them to live at or very close to the work place. Such instances will be judged on the needs of the workplace and not the personal preferences of the specific individuals.
13. The Local Plan along with Planning Policy Statement 7(PPS7) was considered sufficient to provide policy direction for applications involving agricultural, forestry and other occupational dwellings across Colchester. However following the revocation of PPS 7, the amount of guidance available has been reduced and therefore the purpose of this guidance note is to bridge that gap and provide advice at the local level to help applicants considering making a planning application. It sets out the type of information that should be submitted along with any planning application.

What is essential need?

14. The NPPF refers to all 'essential rural housing' not just dwellings related to agricultural and forestry. This guidance should therefore be used for all proposals for new dwellings in the countryside where the justification is based on housing need.
15. Policy DP24 of the Development Policies DPD relates to Equestrian Activities. The policy states that equestrian related development should relate to an existing dwelling and should not lead to pressure for the development of a new dwelling. However, if an application is made this guidance will be helpful in setting out the type of information that should be submitted.
16. Paragraph 55 of the NPPF makes clear that isolated new houses in the countryside require special justification for planning permission to be granted. One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work. It will often be as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially

intrusive development in the countryside. However, there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise 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 any of the individuals involved.

17. To help applicants make their planning applications the Council have set out guidance below which details what will be required to be submitted to enable an application to progress smoothly.

Permanent agricultural dwellings

18. In light of national and local policy about building in the countryside applicants should be aware that new permanent dwellings are only likely to be allowed to support existing business, and therefore it would be helpful; if the following could be demonstrated:

1. there is a clearly established existing functional need;
2. the need relates to a full-time worker, or one who is primarily employed in the business to which the application relates and does not relate to a part-time requirement;
3. the unit and 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;
4. the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
5. other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

19. 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:

1. in case animals or agricultural processes require essential care at short notice;
2. 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.

20. The applicant should provide a history of the holding and/or business to establish the recent pattern of use of land and buildings and whether, for

example, any dwellings, or buildings suitable for conversion to dwellings exist or have recently been sold separately from the site concerned. Such a sale could constitute evidence of lack of essential need.

21. The protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new rural workers dwelling, although it may not by itself be sufficient to justify one. Requirements arising from food processing, as opposed to agriculture, cannot be used to justify a new dwelling. Nor can agricultural needs justify the provision of isolated new dwellings as retirement homes for farmers.
22. 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. Applicants should address this in their submissions.
23. New permanent accommodation cannot be justified unless the related enterprise is economically viable. A financial test is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain. In applying this test, the Council will take a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned. It is acknowledged that some enterprises which aim to operate broadly on a subsistence basis, but which nonetheless provide wider benefits (e.g. in managing attractive landscapes or wildlife habitats), can be sustained on relatively low financial returns.
24. New dwellings should be of a size commensurate with the established functional requirement of the enterprise and it is useful to explain this in documentation.

Temporary agricultural dwellings

25. If a new dwelling is essential to support a new activity, whether on a newly-created unit or an established one, it should normally, for the first three years, be provided by a caravan or other temporary accommodation. The applicant should include the following information to support the application:
 1. clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new buildings is often a good indication of intentions);
 2. functional need
 3. clear evidence that the proposed enterprise has been planned on a sound financial basis;
 4. the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the

5. other normal planning requirements, e.g. on siting and access, are satisfied.
26. If permission for temporary accommodation is granted, permission for a permanent dwelling is unlikely to be granted within 3 years.

Additional Information

27. Traditionally it was desirable for agricultural workers to be in close proximity to their livestock so they could be on hand to attend to their needs as and when required. Circumstances which require a person to be on site or close by to attend to the needs of the enterprise outside of normal working hours could include dairy and poultry where the needs of the animals are constant in order to ensure productivity.
28. Requirements for dwellings to provide natural surveillance/security justification for a rural enterprise will not normally be considered sufficient justification for a dwelling because these type of issues could be overcome through surveillance from other adjacent properties (where applicable) and improving the on-site security of machinery and buildings which are part of the enterprise.
29. Many people work in rural areas in locations such as offices, schools, workshops, garages and garden centres but it is unlikely that they will have an essential need to live permanently at or near their place of work. Being employed in a rural location is not sufficient to qualify as a rural worker with an essential housing need.
30. Within the rural parts of the Borough there are many agricultural enterprises which employ a large number of seasonal employees especially during the summer months. As many of these roles are temporary they will not qualify for a permanent dwelling in the countryside. Should accommodation be required to satisfy the operational needs of these roles it should be provided in the existing housing stock across the Borough.
31. If you require further information prior to submitting your application please telephone Planning on 01206 282424 or email planning.services@colchester.gov.uk