

TRIAL BY ORDEAL
PLANNING PROBLEMS FACED
BY SMALL FARMERS

A Presentation to the
Conservative Rural Affairs Group

by Simon Fairlie
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“In two out of every three cases we see where new entrants succeed in getting residential permission, they are given it at appeal. Ultimately this is a satisfactory outcome for them, but the entire process can be slow, time-consuming, expensive and stressful; and it suggests that Local Planning Authorities are often making poor decisions.

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Chapter 7 is an informal organization campaigning for “access to land for all households through environmentally sound planning”. It campaigns on behalf of low income people seeking a home and a livelihood in the countryside, responds to Government consultations, and provides free telephone advice to people facing planning problems. It also has a regular section analysing planning issues in *The Land* magazine.

Simon Fairlie is an editor of *The Land* magazine, and director of Chapter 7. He is the author of two books: *Low Impact Development* (Jon Carpenter 1996) and *Meat: a Benign Extravagance* (Permanent Publications, 2010). He runs a microdairy in Dorset, supplying milk, cheese and yoghurt.

PART I

DIFFICULTIES FACED BY NEW ENTRANTS

Current Farming Trends

1. In 1995 a Department of the Environment Research Report observed that while on the one hand there was a trend for consolidation of farm ownership, with large farms increasing in size, yet paradoxically there was also a great deal of fragmentation of farmland.¹ Two decades later the same trend has become well established in many parts of the country. When medium-sized farms of say 100-150 acres come on the market, they are often sold in small lots; typically the farmhouse will be sold as market housing, some better quality land will be acquired by neighbouring farmers, while other plots will be bought by a range of private individuals, whose interest in the land may be for activities such as wildlife conservation, horseculture, amenity, or tourism. But some purchasers are new entrants into farming or forestry seeking to build up a viable commercial holding; and it is primarily the difficulties in obtaining planning permission for agricultural buildings and accommodation experienced by these people that I am looking at here.

2. This combination of consolidation and fragmentation mirrors a similar bifurcation in the farming economy. Many family farms of 100 to 200 acres, notably dairy farms, are struggling to survive in an increasingly globalized economy. The conventional strategy is to expand in order to benefit from economies of scale. But it stands to reason that not everyone can do that, and some farmers find that a better option is to downsize, and focus on local markets through direct sales and on-farm processing.² Existing farmers who downsize do not normally face the same planning issues as do new entrants, since they usually already have a home and agricultural buildings. But where succession is an issue similar difficulties relating to on-farm accommodation may apply (see below p.10)

3. Small farms selling produce locally tend to focus on the following; market gardening, fruit and juices, eggs and poultry, pigs, beef, sheep, specialist milk, and cheese — other words most agricultural products, but only rarely cereals and field-scale crops. Forestry workers may operate a small saw mill, exercise coppice crafts or produce charcoal. Diversification often involves engaging with the wider public, eg through training courses, care farming etc.

4. Small farms, unsurprisingly, employ many more people per hectare than larger farms. A survey of 69 holdings under 20 hectares, many of them growing vegetables and top fruit, revealed an average of 3.2 full-time workers per hectare. Twenty of the farmers (29 per cent) were under the age of 39. Productivity per hectare was on a par with larger farms, and superior in crops which required more intricate husbandry and hand-picking. Most farms were adding value by processing and direct sales.³ Most were not receiving any CAP subsidies — under five hectares they are not eligible.

Problems Faced by New Entrants

5. New entrants into farming and forestry face a number of constraints that are often not shared by existing farmers:

(i) The price of land is very high in relation to the agricultural income that can be earned from it. Currently the sale price of land is 70 or even 100 times its rental value, when 25 times is traditionally regarded as a normal balance.⁴ This is one reason why on-farm processing and direct sales make sense — there is more return per acre of land.

(ii) Renting land can be affordable but under existing conditions it is hard to obtain a lease that is secure enough to warrant investment.

1 Land Use Consultants et al, *Planning Control over Agriculture and Forestry Development and Rural Building Conversion*, DoE Planning Research Programme, HMSO, 2012

2 *Food for Thought*, Chapter 7, 2006 is a study of a 90 acre County Farm where the bulk of income came from a small proportion of the land devoted to produce for a farm shop, while much of the farm was producing milk for sale to processors at a very low return,

3 R Laughton, *A Matter of Scale*, Land Workers' Alliance and Centre for Agroecology Coventry University, 2017.

4 Adam Smith, *The Wealth of Nations*, Book II Chapter IV, 1776,

(iii) For the last fifteen years the thrust of policy has been to convert unused agricultural buildings to other uses — culminating in the Class Q Permitted Development Rights which allow a landowner to convert barns into up to three market dwellings. While occasionally a new entrant may be lucky enough to benefit from Class Q rights, on the whole they act against the interests of new entrants since they increase the value and hence the availability of land with agricultural buildings.

(iv) As a result of all the above, financial pressures force some new entrants into buying bareland holdings, or holdings with only very elementary agricultural buildings, meaning that they have to engage immediately upon a lengthy and complex series of planning applications.

(v) The price of renting a residence in the countryside is notoriously high and more than can be afforded by many otherwise viable agricultural enterprises.

(vi) The planning system is resistant to any development in the open countryside, and while agricultural buildings and dwellings are potentially a valid exception, there are persistent reports that many local authority planning departments are unco-operative and unnecessarily dismissive of new agricultural developments.

(vii) The process of applying for planning permission, particularly for an agricultural dwelling, is challenging, stressful and requires skills that some prospective farmers do not have and would rather not acquire. Planning consultants are expensive, and while there some very good ones, there are also unscrupulous and incompetent practitioners and it is hard for an applicant to know if they are in good hands.

(viii) There is increasing use of so-called “claw-back” clauses, which allow vendors of agricultural land to claim a proportion of any rise in land value resulting from subsequent planning consent. These can put agricultural land appearing on the market beyond the reach of new entrants planning agricultural development.

Current Policy

6. There is currently a dearth of national planning policy in respect of agricultural buildings and dwellings. The National Planning Policy Framework (NPPF) has little to say on the subject on the subject. Paragraph 29 states that development plans should

promote the development and diversification of agricultural and other land-based rural businesses

Paragraph 55 states:

Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work.

The National Planning Practice Guidance (NPPG) is equally reticent. Whereas there are 28 pages of advice on Advertisements and 50 pages on Tree Preservation Orders, there are just four paragraphs on Rural Housing — by far the shortest of the 51 chapters in the NPPG — and nothing on agricultural dwellings. This is a gap waiting to be filled.

7. In the absence of national policy, local plans forge their own policies. Although there are variations between different local authorities, policies for rural worker’s dwellings are usually based on the advice contained in Annex A of Planning Policy Statement 7, which was withdrawn when the NPPF was introduced. Typically they specify:

- That there should be an “essential need” for a full time worker to be available most of the time;
- That the enterprise should be financially viable for the foreseeable future
- That the need cannot be met through nearby housing.
- That the house is not of a size and scale that would make it unaffordable for a future buyer.
- That new enterprises should be given temporary permission for a trial period, sometimes specified as three years.

8. In principle these are sensible criteria and necessary to ensure the integrity of the policy. However terms such as “essential need” and “financially viable” are undefined and, in the absence of any further guidance are left open to interpretation, which varies from generous to highly restrictive. Further clarification on what exactly “essential need” means and why farmers often need to live on their land would be extremely helpful, and there are some suggestions in Part II of this presentation. The chapter on Rural Housing in the National Planning Practice Guidance would be a suitable place for such advice.

9. Agricultural and forestry dwellings are normally secured by model planning condition no 45 which states:

- *The occupation of the dwelling shall be limited to a person solely, or mainly or last employed in the locality in agriculture or in forestry or to a widow or widower of such a person and to any resident dependents.*

This is a weak condition since it fails to tie the dwelling to the enterprise or the land which provided the justification for it. Hence it is possible to run down an agricultural enterprise and claim that there is no further need for the agricultural tie. Indeed it is not unknown for landowners to sell the dwelling separate from the land as soon as permission has been obtained and before it is even built. Examples of this abuse, advertised openly in estate agents, are provided in an article published in *The Land* magazine.⁵

Examples of New Entrants Who Have Encountered Difficulties

10. Despite the advice in the NPPF to promote the development of land-based businesses, we receive persistent reports of LPA's being unsympathetic towards proposals for agricultural and forestry developments, particularly residential developments, but also sometimes farm buildings. Pre-application discussions often result in prospective applicants being told, erroneously, that they don't have any chance of getting planning consent, rather than receiving constructive advice about how to make their proposal acceptable. This bias is much less evident within the Planning Inspectorate and an unusually high proportion of refused applications are successful at appeal.

Over the years, Chapter 7 has documented many examples of new entrants whose enterprises have been set back or even destroyed by planning decisions and some of the more recent cases are listed here.

11. **Permitted Development.** Holdings over five hectares in size qualify for permitted development rights to build agricultural buildings. But even when permitted development rights apply, planning authorities can be unhelpful or even obstructive. For example it took the Bulworthy Project, a woodland enterprise, six months to get prior approval for a 3 x 6 metre shed hidden from public view.⁶ Hillyfields forestry enterprise in Dartmoor National Park is currently facing a public inquiry and enforcement proceedings arising initially out of a refusal to give prior approval to a machinery store and a timber drying barn.⁷

12. **Barns.** A bareland holding of five hectares costs at least £100,000 nowadays, so many new entrants start with holdings that are smaller than that threshold. Five hectares is more than enough to provide a living through horticulture or some other intensive farming activities, but planning officers can be slow to recognize this, or to acknowledge that intensive agricultural use of the land cannot normally be carried out without farm buildings. Chagfood, a well established community-run horticulture enterprise in Dartmoor National Park were twice refused permission for a 14 x 5 metre packing shed, despite support from the parish council; they were so desperate for it they went ahead and built it and were given permission, retrospectively, on the third application.⁸ Little Oak Farm, in West Dorset, made three separate proposals for a small barn on three different sites within the seven acre holding: one application was withdrawn and two were refused — yet the last of these was allowed at appeal. The entire process took well over two years.⁹

13. **Dwellings.** In two out of every three cases that Chapter 7 sees where new entrants succeed in getting residential permission, they are given it at appeal. Ultimately this is a satisfactory outcome for them, but the entire process can be slow, time-consuming, expensive, and stressful; and it suggests that LPAs are often making poor decisions. It has been likened to a trial by ordeal in which applicants run the gauntlet of planning professionals who batter them with a seemingly endless series of objections, quibbles, delays, refusals, threats and penalties; only dogged persistence and a thick skin sees them through to the point where the planners lay down their blunt instruments, and award planning permission. Many who go through the process wonder why farmers wishing to live on their holdings are subject to such intense scrutiny, while people with urban incomes can buy former farm labourers' cottages or Class Q conversions without having to supply any justification whatsoever as to why they need to live there.

14. But there are also appeal decisions where in our view the Inspector has taken an unduly stringent approach to the question of "essential need". Two examples are given in the box on the next page.

5 Chapter Seven, "The Scandal of Tied Dwellings", *The Land* 4, 2007-8, p.36.

6 <http://bulworthyproject.org.uk>

7 www.thehillyfield.co.uk

8 "Lesser of Two Evils" *The Land* 20, 2016, p.67.

9 Ibid,

Why New Entrants Meet Resistance from LPAs

15. There are understandable reasons for LPA's resistance to new agricultural and forestry projects — notably that planning consent for agricultural buildings is notoriously susceptible to abuse. Barns may be used or converted to some other use, and dwellings may be occupied by people who are not farmers. We can identify three different categories of people responsible for this abuse:

- (i) **Scammers** People deliberately taking advantage of the system to acquire a valuable rural dwelling.
- (ii) **The Over-Ambitious.** People who genuinely aim to start an agricultural enterprise but give up.
- (iii) **Lifestylers** People seeking an opportunity to self-build a low impact rural house with access to land for subsistence agriculture, renewable energy etc. Chapter 7 receives about one enquiry per day from such people. The best place for what they require would be on the edge of rural settlements, but as there are no policies providing for such developments, some try to gain consent on isolated plots of agricultural land.

16. Another reason may be that although their expertise is land use planning, many (not all) planning officers have scant understanding of or sympathy for agriculture and forestry. They are taught little about them in college or throughout their continuing professional development, whereas the unsustainability of dispersed development in the open countryside features strongly. Their attitude is exemplified by the following statement from a planning officer's recommendation for refusal of a caravan for a forestry worker in Kent, who was eventually given permission at a public inquiry:¹⁰

“Undeveloped countryside without residential occupation is characterized by the absence of domestic activity . . . quietness, lack of comings and goings or vehicle movements, (especially at night but also throughout the day), lack of noise and disturbance, and an overall lack of activity and human intrusion.”

10 Appeal ref APP/D0840/W/15/3132813; “Hearing Abandoned After QC Forces Public Inquiry”, *The Land* 17, 2014-5, p.69.

Boyd's Farm: Meat Production in the London Green Belt

Boyd's Farm is a smallholding in the London green belt rearing goats, pigs and turkeys on grazed land, supplemented with some of the abundant quantities of waste food available in the metropolis. In their appeal for the right to reside in a mobile home for period of three years, the Inspector agrees that the enterprise is viable and provides social and environmental benefits. He allows that there is a need for on site presence six months of the year, that there is a fox problem and several cases of vandalism (including goats killed). He acknowledges that the cost of accommodation in the neighbourhood is high. He notes that the caravan is sited in an inconspicuous place on land which is next to the

M25 and is traversed by a pylon cable. And he states: “I appreciate that the mobile home would make farming the land less difficult.” Yet he dismisses the appeal on the grounds that he is “unable to conclude that there is an essential, clearly established functional need.”

His other reason for dismissal is that the stationing of a residential mobile home as an agricultural dwelling is not listed among the six forms of development regarded as appropriate in the green belt in the NPPF (as if something so unusual were likely to be!), although agricultural buildings are deemed appropriate.

Appeal ref APP/A3655/W/16/3164914

Maple Field Farm: An Innovative Dairy in Hampshire

Maple Field Farm, owned and run by Nick Snelgar is a groundbreaking dairy, processing milk produced by local farmers and distributing it locally. It was started with a £40,000 grant from the Prince's Countryside Fund, and pays farmers 40 pence per litre for their milk, much more than they would receive from a major milk processor. Once the processing was fully established Mr Snelgar acquired a herd of 13 dairy cows.

In 2012, Mr Snelgar and his family were given temporary permission to live in a mobile home which also houses the milk processing unit; the permission was for three years, though Mr Snelgar had argued that five were necessary to establish his own herd. In 2015 New Forest DC refused permanent permission and in November 2016 a planning appeal hearing was held. The Inspector dismissed the appeal, concluding that there was no essential need to live on site “since around 50 per cent of the time calving occurs in the day” and hence there was no need for night time attendance — as if one could predict at what time of what day cows were

going to calve. The Inspector also found “no harm to the character or appearance of the countryside or AONB” and yet in respect of Snelgar's human rights concluded “I do not consider that the effect on the appellant and his family would outweigh the harm caused by the permanent siting of the mobile home in the countryside.”

A subsequent appeal against enforcement had little chance of success because Mr Snelgar did not make a ground (a) appeal because, in his words “the LPA demanded £700 up front plus imposition of ALL the costs should we lose.” The Inspector refused to entertain a ground (f) appeal to keep the mobile home for dairy processing and supervising calving, so it has to be removed. An innovative and celebrated microdairy enterprise has thus been completely destroyed through the unco-operative and vindictive attitude of the LPA, two unhelpful Appeal Inspectors, and, arguably, an unwise decision by the appellant or his consultant.

APP/B1740/W/16/3152221 and APP/B1740/C/17/3172639

PART II

SOME RECOMMENDATIONS AND SUGGESTIONS

Policy Clarifications

17. Local Food Provision The 1997 version of Planning Policy Guidance 7, produced when John Gummer was Secretary of State for the Environment, contains a policy supporting “farm-based enterprises supplying niche markets such as regional and speciality foods”. It observes that “these ventures can add value to local produce” and that, together with other forms of land-based diversification such as farm shops and woodland management, they “provide benefits for the local economy”.¹¹ This policy was axed from the PPG in 2001 by the Labour government on the curious grounds that it “no longer adequately reflects the significant changes now shaping the agricultural industry”, as the then planning minister Nick Raynsford explained. In fact there is ample evidence that consumer demand for local foods has risen since 2001.¹² In 2012, CPRE estimated the value of the local food sector at £2.7 billion.¹³

It would be helpful for new entrants into small-scale farming for the government to acknowledge the contribution of local food provision to the economic and cultural resilience of rural economies. In the forthcoming revision of the NPPF we suggest augmenting the second bullet point of paragraph 28 to read:

- promote the development and diversification of agriculture and other land-based rural businesses, *including the provision and distribution of local food and woodland products.*

18. It is in the interest of both farmers and an overburdened planning system to reduce the number of appeals. Providing clear guidance for LPAs on how to assess applications would help to achieve a reduction. The obvious place to provide such guidance, in respect of agricultural and forestry workers dwellings, is the *National Planning Practice Guidance*, where the chapter on Rural Housing is currently little more than a black hole.

19. Essential Need. This is the most common reason for refusal and the element of policy that most requires clarification. There are six main reasons why small-scale farmers often need to live on their farm:

- (i) It is at times essential to be on site, to deal with emergencies etc;
- (ii) It is in general much more practical and efficient to reside on site;
- (iii) Farmers sometimes have to work unsociable hours.
- (iv) Commuting, sometimes more than once in a day, can be very draining, even if the distance is relatively short; and it is undesirable in respect of traffic generation and carbon emissions;
- (v) An agricultural enterprise may generate sufficient income to provide a livelihood and enable the farmer to build a dwelling or live in a mobile home on site — but not be adequate to afford the very high cost of renting a rural dwelling;
- (vi) Protection from theft and vandalism.

20. We therefore propose that the NPPG provide guidance along these lines:

When assessing essential need, LPAs should give weight to the following considerations:

- (a) whether there is a need to live on site to deal with emergencies;**
- (b) whether living off site would make day to day management of the enterprise appreciably more inefficient and difficult than living on site;**
- (c) whether there is a need to work unsociable hours**
- (d) whether living off-site would generate appreciably higher levels of car use than living on-site;**
- (e) whether the cost of accommodation in the locality is so high as to render an otherwise viable enterprise impossible to sustain;**
- (f) whether the enterprise is likely to suffer significant damage from theft or vandalism if no one resides on site.**

¹¹ PPG7 1997, para 3.4.

¹² Eg James Ridler, *Local Authentic British Food Gets a Boost*, 14-Mar-2017, www.foodmanufacture.co.uk; *People Want to Buy Healthy, Local Food, Survey Shows*, DEFRA 6 April 2011, www.gov.uk

¹³ *From Field to Fork*, CPRE 2012.

21. Financial Test The financial test, which is not specifically mentioned in the NPPF, is less of a problem than it was in the days when MAFF was a statutory consultee, and farm profits were assessed through a formula which took into account costs such as notional rent and notional wages. The judgment in the Court of Appeal case *Petter and Harris v Secretary of State* established that the purpose of the viability test was not to “consider operations . . . against abstract financial criteria” but to assess whether an operation was “sustainable”, that is to say “in its own terms had a proper chance of continuing over the period for which planning permission was sought”. Small-scale enterprises supplying, processing and selling food for local consumption cannot always be judged by the standards established for larger enterprises selling at farm gate prices; subsistence production of food, energy, housing and clean water has a significant value that helps to maintain the viability of a holding. Some LPAs and their agricultural advisors need reminding of this.

22. Full time worker. Similarly, accounting manuals such as Nix’s *Farm Management Pocketbook* are often not appropriate for assessing the labour requirements for agricultural products sold direct to the consumer. The value of these products, and hence the time that can be spent on, them is often considerably greater than for produce sold at farm gate prices.

23. Temporary Permission LPAs need reminding that the purpose of the temporary trial period is to assess whether a new enterprise is as viable as it claims it will be. A measure of doubt in this respect is not a reason for refusal but a reason for having a trial period. If there were no uncertainty there would be no point in having the trial period.

24. The customary period for temporary permission is three years. In the draft PPG7 for 1997 it was five years, but this got amended to three, I believe at the request of the National Farmers’ Union. Three years is no doubt sufficient to assess the success of something such as a calf unit on an existing farm — but it is often insufficient for someone building up a farm business with all its infrastructure from scratch on a bareland holding. If there is to be a specified period, it should be “*from three to five years*”.

25. The 1997 PPG7 and the subsequent PPS7 both allowed the use of an “easily dismantled wooden dwelling” as an alternative to a caravan for people undertaking a trial period of temporary permission. Many local development plans now only specify a caravan, which is regrettable since the landscape impact of a wooden structure is much lower. We would like to see easily dismantled wooden dwellings re-inserted into the Practice Guidance as an option.

Securing New Farming Enterprises and Preventing Abuse

26. As noted above, the customary model condition 45 for agricultural worker’s dwellings is weak and subject to abuse. A much stronger mechanism is to tie the dwelling to the land, or to the enterprise that provided its justification, through a planning obligation. Mid Devon Local Plan includes the following in the reasoned justification for its Rural Workers Dwelling Policy

*In appropriate circumstances the Council will also seek Section 106 Agreements to tie the rural workers’ dwelling to the operation and associated land which has the essential need to prevent the splitting of the dwelling from the operation.*¹⁴

In the past such agreements have often been deemed unnecessary by Planning Inspectors, even when they have been unilaterally proposed by the appellant. We view that they should be more widely applied as they will give LPAs greater confidence to grant permission.

27. In some cases, for example where there are humanitarian factors involved, or where it is felt that a successor to the business would be hard to find, it may be appropriate to impose a personal condition restricting use of the dwelling to a named farmer, with spouse and dependents. This is not uncommonly used by Appeal Inspectors, despite advice that personal conditions should not regularly be employed. In the event of a worthy successor to the business being found, it would be possible to vary the condition to accommodate the new owner.

28. Another way to secure farming operations and their dwellings for the future is to place them under the umbrella management of a social organization, such as a co-operative or a charity whose aims are to

¹⁴ Mid Devon DM8 Emerging Review 2017 , Policy DM8, Rural workers’ dwellings

ensure that they remain true to purpose. One such organization is The Ecological Land Co-operative (ELC), which manages a group of three holdings near Wellington in Somerset, and has acquired further land in East Sussex and in the Gower peninsular in Wales. ELC's Somerset project was delayed for sixty seven weeks by planning issues — resolved after a successful appeal, and its application to Wealden District Council remains undetermined after 45 weeks. In Wales, the Lammas project in Pembrokeshire provides smallholdings for nine households on a somewhat similar basis — that had two applications rejected before receiving permission at an appeal for non-determination of a third.

29. Such bodies are performing a function analogous to the County Councils who run farm estates. Other groups are working on enhanced versions of this approach, under the titles “Regenerative Settlements” and “Agrivillages”. There is potential in this approach and one would hope for a more co-operative reception from the planning system in the future.

Local Food Provision in the Greenbelt

30. It has often proved particularly difficult for local food producers to secure planning permission within the green belt (see box on Boyd Farm p.6). Yet one can think of no better place to establish a local food enterprise, with such a massive market on one's doorstep. The periphery around London and other large cities was traditionally the place where market gardeners, dairy farms and other suppliers of perishable foods were situated. Now they are often desolate expanses of open space where ponies graze under pylons, while landowners wait in the hope of one day being the recipient of a planning permission bonanza. A survey conducted by Natural England and CPRE in 2010 revealed that eighteen per cent of green belt land was found to be “neglected” and only 40 per cent judged to be well- maintained, compared to 61 per cent of England as a whole.

31. The same survey also found that over 80 per cent of city-dwellers interviewed would rather buy food grown in the green belt that surrounded them than food produced elsewhere, including vegetables, fruit, meat and milk. Seventy eight per cent agreed that “if farmland around England's towns and cities isn't being fully used, then it should be used to grow food to feed the people who live in the local towns and cities.” Small farms providing local food in the green belt would also provide a wonderful opportunity for local schools and other community groups to learn where their food came from. Maintaining popular, well-supported local farms would help to secure the open space that green belts are designed to provide.

32. It is bizarre that such an obvious and inoffensive strategy is not even a matter of public debate, let alone written into policy. It is about time it was. There are two pages of policies relating to the green belt in the NPPF. Paragraph 81 states:

Local plans should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access, to provide opportunities for outdoor sport and recreation, to retain and enhance landscapes, visual amenity and biodiversity, or to improve damaged and derelict land.

This is all commendable, but most of the green belt is agricultural land so why isn't the NPPF looking for opportunities to enhance agriculture? We propose that Paragraph 81 should begin:

Local planning authorities should plan positively to enhance the beneficial use of the Green Belt, *for example supporting farms which provide local food and opportunities for schools and community groups to learn about land-based activities*, looking for opportunities to provide access . . . etc.

33. We also advocate that paragraph 89, which lists the kinds of buildings that may be appropriate in the green belt, should include the following:

Agricultural worker's dwellings (provided other policies are complied with);

This would help to preclude decisions of the kind made in respect of Boyd's Farm.

Succession

34. Similar issues concerning agricultural worker's dwellings often arise when a farmer retires and their son or daughter or some other inheritor takes over management of the farm, The retired farmer, or his widow(er) needs to continue living in the farmhouse, while the new farm manager requires accommodation.

35. This is a very common situation which has been systematically ignored in English planning policy. For example, on a holding close to where I live, the son of a deceased farmer has taken over the farm, converting a large herd of store beef cattle to a smaller suckler herd of rare breed cattle destined for local sale, while some of the original farmland has gone to a sibling. He has established an unlawful dwelling in the farmyard, while his widowed mother lives in the farmhouse and other siblings have a stake in the property. The new dwelling has recently attracted the attention of the enforcement officer.

36. The Welsh rural planning guidance, *Technical Advice Note 6*, does have a policy that tackles this issue.

4.5.1 The Assembly Government wishes to encourage younger people to manage farm businesses and promote the diversification of established farms. To support this policy objective it may be appropriate to allow a second dwelling on established farms that are financially sustainable where [normal criteria for agricultural dwellings] cannot be fully satisfied. [A situation in which this can apply] is

- Where there are secure and legally binding arrangements in place to demonstrate that management of the farm business has been transferred to a person younger than the person currently responsible for management, or, that transfer of management is only conditional upon grant of planning permission for the dwelling. The younger person should demonstrate majority control over the farm business and be the decision maker for the farm business;

This formula may not be perfect, but it addresses a persistent problem that the English planning system has failed to confront.

Lifestylers

37. In paragraph 15 we referred to “lifestylers”, people who want to self-build a low impact rural house with access to land for subsistence agriculture, renewable energy etc, but who do not aim to derive the bulk of their income from land-management. These people are not the subject of this presentation; but it is perhaps worth mentioning that it would not require a great upheaval of the planning system to provide for these people's needs through self-build exception sites on the edge of rural settlements and market towns. Aside from providing a boost to the rural economy, and reducing housing pressure, this would reduce the number of people attempting to establish a dwelling on agricultural land away from settlements without any real justification.