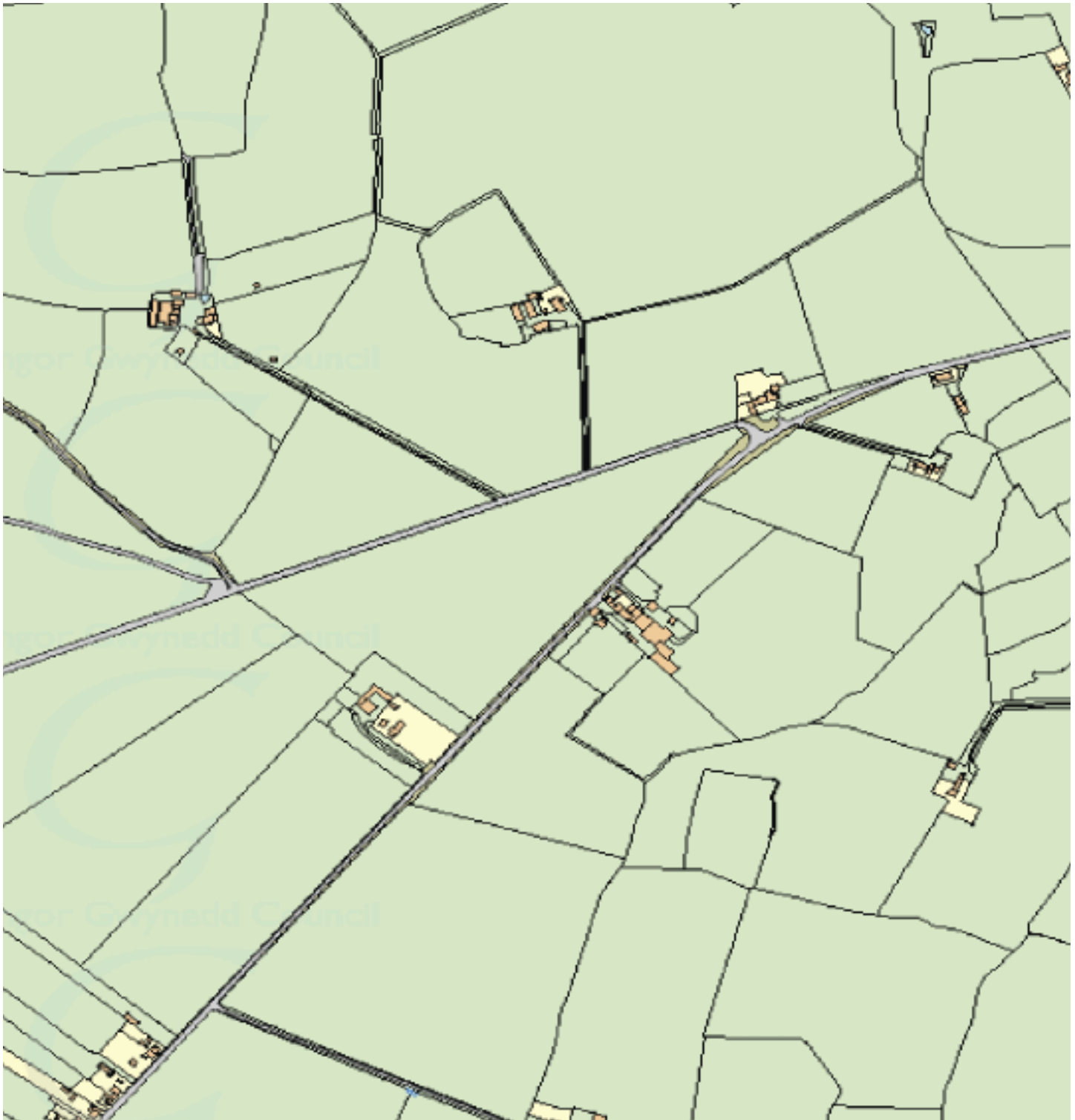


Supplementary Planning Guidance: Building new houses in the countryside



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Policy and Performance Unit, Environmental
Service, Regulatory Department
(Planning, Transportation and Public Protection),
Gwynedd Council



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Statement regarding consultation

1. The draft version of this Supplementary Planning Guidance (SPG) was subject to public consultation between 19 March 2009 and 24 April 2009. A public notice was published in the Caernarfon and Denbigh Herald and the Cambrian News on 19 March 2009 in order to raise awareness about the public consultation. Copies of the SPG were available to view in the main Council offices, in the public libraries and on the Council's website during the consultation period. Comments were invited from numerous individuals and organisations, which included community councils and local builders and their representatives. A summary of the representations that were received and the response to them can be seen in a document entitled "Consultation statement – December 2009".
2. The representations and the response to them were scrutinised by the Environment Committee on 11 June 2009. The SPG was adopted in the Council Board meeting on 24 November 2009.

Purpose of supplementary planning guidance

3. This Supplementary Planning Guidance (SPG) is one of a series of guidance notes which support the policies of the adopted Unitary Development Plan (UDP). Although decisions on planning applications will be based on the Development Plan's adopted policies (as indicated in part 38(6) of the Planning and Compulsory Purchase Act 2004), the content of the SPG is a material planning consideration.
4. In general, the purpose of this SPG is:
 - To assist and give guidance to the public and their agents about the type of circumstances that could be looked on favourably in terms of building a new house in the countryside; and
 - To assist case officers and planning committees to make intelligent decisions regarding planning applications. This will be a means of promoting a consistent approach when dealing with planning applications.

Background

5. National policies on rural housing aim to safeguard areas from unnecessary developments that have an impact on the beauty of the countryside. A house located in an isolated spot can spoil the landscape, be expensive to connect to public services and lead to an increase in traffic on unsuitable rural roads. The Assembly Government's planning policy, "Planning Policy Wales" 2002, as revised, says that strict control should be exercised over building new housing and other developments, in order to avoid general detriment to the character of the countryside. There is further guidance in Technical Advice Note (TAN) 6 "Agricultural and Rural Development" (2002) which refers to five tests for proving the need for a new agricultural dwelling.
6. Local policies are based on this, and as nationally, where there is a special justification for new housing in the countryside, it is possible to grant planning consent. This guidance contains an outline of what the local policies are and the circumstances where a house could be justified in the countryside, together with the necessary information needed by the Planning Authority, as a person submits a planning application. Open countryside is defined as those areas that are

outside the development boundaries of centres and villages and outside the built form of rural villages.

Local Policy

7. The local guidance depends on Policy CH 9 of the Gwynedd Unitary Development Plan (2009) "New Dwellings in Open Countryside". The policy says that it may be possible to allow new dwellings in the countryside for :-

- a full time worker or one who is employed mainly in agriculture or forestry
- a full time worker or one who is employed mainly in a rural land-based industry
- a full time worker who provides an essential service to the agricultural or forestry sector within the County.

8. For the purpose of the policy, rural land-based industries are defined as:

"non-agricultural land-based enterprises and enterprises that diversify the income streams on individual farms where an employee must live on the spot rather than in a nearby settlement".

This aspect of the Policy is consistent with national planning policy and it recognises that there can be further examples where there is a special justification for individual houses linked with rural businesses apart from food-producing farms and forestry.

9. In cases relating to rural land-based industries and enterprises that provide an essential service to the agricultural or forestry sector in the County, it is essential that the enterprise itself, including any development that is necessary for operating the enterprise, is acceptable in the first instance in planning terms and has consent (if it is required) in that rural location. Qualifying rural land-based enterprises can include, for example, those where animals are kept as part of an enterprise based on leisure or tourism. Caravan sites in rural areas are, for example, not qualifying enterprises. A proposal to build a house linked with a qualifying enterprise will be subject to the same level of strict assessment as is already applied to a proposal to build a house for a farm or forestry worker. If the enterprise has already been operating successfully without a house, robust evidence will be required to demonstrate why there is now a need for a house.

10. A person is expected to work full time on the enterprise or to contribute at least 70% of their working time to the business activity.

11. To conform to the policy (see the policy in full in Appendix A) it is necessary to confirm with a number of criteria and these are explained in more detail in this guidance.

Functional Test

12. Before permitting a new dwelling for a rural enterprise that is operating successfully or a recently established rural enterprise, it must be shown that one or two workers need to be available almost all the time on the site for the business to operate properly – this is called the functional test. In agricultural

cases this can mean the need to look after animals at short notice and possibly in other cases the need to supervise and maintain expensive machinery. To prove a functional need all the requirements below must be met:-

- a high percentage of a worker's working hours over a year (at least 80%) relate to the need to be on the work site, for example, to supervise stock or processes/machinery and include unsocial working hours
 - a genuine need to live on the site and to be available at short notice rather than living in a nearby Centre, Village or Rural Village
 - it is impossible to run the business effectively without having the worker living on the site
 - no one doing the essential functional work already lives at the business unit and this set up is sufficient to run the business effectively
 - there is no other dwelling available on the business unit for occupation by a worker or there is no possibility of adapting a building on the business unit or nearby for this purpose
 - there is no dwelling in a nearby Centre, Village or Rural Village available for occupation by a worker who is required to provide the functionally essential service
13. It is important to establish a functional need from the start and the Planning Authority will look carefully at this need and will place considerable emphasis on it. An applicant will be expected to answer the questions asked in Appendix B as a basis for providing evidence of the functional need. All the questions should be answered as fully as possible. It is emphasised that if it cannot be shown clearly that there is a functional need an applicant will not be encouraged to submit any further information such as financial evidence nor to submit a planning application either.
14. It may perhaps be possible to prove that an additional worker is needed but there is no real need to live on the site because a worker is already there to supervise the business. A number of urban businesses operate very successfully without the need for any worker to live on the site and it is possible to run a rural business in the same way. In such cases, a functional case does not exist.
15. It must be shown without doubt that there is a genuine need to live on the site to run the business. Where this has been proven, consideration will be given in the first instance to the possibility of using dwellings that are already owned by the business, and then to the possibility of adapting buildings owned by the business. If these options are not feasible, it will be necessary to consider using a dwelling or adapting a building in a settlement that is adjacent to the business, or which is up to 1 mile away.
16. The applicant should be able to demonstrate that all the possible options have been thoroughly assessed before consideration can be given to building a new house to satisfy a proven functional need. In every case a dwelling should be occupied for an affordable price that is appropriate to the needs of the worker.

Financial Test

17. If there is a functional need then a financial test will be applied. The local policy requires the business to be well established, i.e. to have been operating as a business for at least five years. It should be demonstrated that the business enterprise is viable and that it is possible to develop the business over a longer period. In every case the following information must be provided :-
- general information about the nature of the business and its market
 - accounts for the last five years with at least one showing a profit
 - in agricultural cases information about the size of the holding, the existing/future stock holding
 - a Business Plan for the future will be required for each case.
18. As part of the assessment, the Planning Authority will ask for information from applicants about the ownership of property in the area, any recent sales of land, houses or farm buildings that would be suitable for adaptation to a dwelling. In circumstances where land and houses have been sold apart from the business in the last five years, there will be no guarantee that permission will be granted for a new dwelling or an adaptation, even if the functional and financial tests are met. The financial information should be submitted based on the questions in Appendix B. Failure to provide the relevant information that a positive stance cannot be taken to the proposal.

Location and Design Considerations

19. The impact of a new building in the countryside is more prominent, particularly in Areas of Outstanding Natural Beauty, and so it is important to ensure a suitable location and a design that is in keeping with the character of the area. The Council has already published "Design Guidance" and there is guidance in part 10 of the document "Building in the Countryside" on the location and design of new buildings and how to adapt existing buildings.
20. Any new building should reflect the need for essential workers and so its size, design and future affordability should take this into consideration. In brief, applicants should try to conform with the principles below regarding the location and design of new houses and adaptations:

Location-

- near to adjacent buildings and relating to them
- use the topography of the site to shade from the sun and to screen it from public places
- use existing access roads to reduce the impact
- avoid open and/or isolated locations

Design-

- consider the characteristics of adjacent buildings
- large developments of an urban character should be avoided
- materials should be chosen to reflect rural character

- the building should be integrated with the landscape, the road scheme and natural vegetation
- hedges and trees on the site should be retained where possible and new landscaping introduced using native plants
- hard landscaping materials should be used that are appropriate for the countryside and the character of the buildings in the area.

Affordability

- priority should be given to the enterprise's needs, rather than the aspirations of the individuals concerned
- With every new building, energy efficiency aspects should be considered carefully and materials that are already on the site should be re-used.

Adapting Buildings

21. Adapting unused buildings for residential use, where this conforms to local policies, is an opportunity to upgrade poor quality or dilapidated buildings and is a worthwhile use of existing resources. Applicants should conform with the following design principles:-

- maintain the original character of the building and show that it is an adaptation rather than a new building
- use the form of the existing building without making extensions
- do not raise the level of the roof
- keep the original openings and new openings should be similar to each other or to the original
- use appropriate materials and finishes that are in keeping with the original character of the building.

Parts 10, 11 and 12 of the Design Guidance and the Supplementary Planning Advice contain further guidance on adapting buildings.

Permitted Development Rights

22. All residents of a dwelling normally have the right to make minor extensions or adaptations to a dwelling without the need for planning consent. This includes building a garage, depending on its size and location. In cases of new dwellings in the countryside, to prevent the increasing impact of minor adaptations on a rural area and in order to maintain a housing stock that could be attractive in terms of their affordability to essential workers in rural enterprises, these rights are withdrawn through a planning consent condition. This means that a planning application must be submitted for these development rights and the consent of the Planning Authority sought in order to regulate and minimise minor adaptations. In addition, it is possible to ensure that extensions will not be built that would increase the value of the property beyond the reach of a person who is likely to work in small rural businesses. A new policy in the Unitary Development Plan provides local policy guidance for applications to extend or alter a new house in the countryside.

Occupancy restriction and Temporary Dwellings

23. In every case where consent is granted, a condition will be imposed restricting residence in the property to those earning their living full time or mainly employed

in the business. In agricultural cases, the Planning Authority has the right to consider placing the same sort of condition on other dwellings that are part of the agricultural holding. Such a condition limits the value of the dwelling and so ensures better affordability in the future.

24. In the case of agricultural or rural land-based enterprises, if it is considered that there is a functional need for a new dwelling to support a new activity and that the financial case has not yet been proved, consideration is given to granting consent for a temporary building such as a caravan or a wooden building for a period of three years. Clear evidence should be shown of an intention to invest, functional need and financial evidence to sustain the enterprise over a long period.
25. To secure a permanent dwelling, during the first three years the criteria in paragraphs 8 and 13 should be satisfied or the temporary accommodation removed from the site unless consent has been granted by the Planning Authority to extend the original period.

Contacting the Council

26. The Council operates the planning control service from three Area Offices and it is possible to contact these offices through the website, telephone, or letter or by visiting an office. See the necessary contact information in Appendix C. It must be emphasised that in making a planning application the necessary information should be submitted or the application can be refused because of lack of information. From time to time the Authority will use the services of outside specialists to check the information submitted by applicants and make recommendations on it.
27. The Authority provides an advisory service prior to submitting a formal planning application and so it is possible to contact a planning officer and receive guidance before deciding whether or not a formal planning application is likely to succeed.

APPENDIX A

Gwynedd Unitary Development Plan

POLISI CH9 – NEW DWELLINGS IN OPEN COUNTRYSIDE

Proposals to build new dwellings in the countryside will be refused unless they can conform to all the following criteria

- 1. the dwelling is required as a home for:
 - a. a full time worker or one who is employed mainly in agriculture or forestry or another rural land based industry,**
 - b. a person who earns his living through a full time activity that provides an essential service to the agricultural or forestry sector within the County.****
- 2. the person who requires the dwelling must live on the site and the dwelling is necessary to manage and run the current activities of the agricultural or forestry unit or enterprise or, in the case of 1b) that the nature of the business means that it is essential to live on such a site.**
- 3. the business is a well established one.**
- 4. there is no existing dwelling on, or near, the unit that could be used nor are there suitable buildings nearby that could be converted into a dwelling.**
- 5. in the case of 1a) that the location and site are in a suitable location to meet the named operational need and have a good relationship with the existing buildings on the unit and are acceptable to the Planning Authority and, in the case of 1a) and 1b), that the Local Planning Authority are of the opinion that the location is suitable and that the justification for the location is acceptable.**
- 6. the size and type of the proposed dwelling are consistent with the needs of the existing business or enterprise and that it can be sustained.**
- 7. satisfactory arrangements are available for restricting the occupancy of the dwelling to those who earn their living or are employed mainly for 1a) or 1b).**

When a development is approved a planning condition will be used to restrict the Permitted Development Rights in order to prevent the construction of an extension that would increase the value of the property beyond the means of a person who earns his living full time or mainly from the work outlined in 1a) or 1b).

APPENDIX B – Preparing an Assessment to justify a new dwelling in the countryside

You should try to answer the following questions in as much detail as possible and submit the results with your planning application.

The Existing Business

- Briefly describe the nature of the business including its size, assets, management and staffing details
- Give details of the type of workers including full/part time ones and including family members (a full time worker should spend at least 70% of their time on the enterprise)
- What is the function of each member of staff?
- Where does each member of staff live at the moment?

Justification

- For whom and why is the dwelling needed?
- Is it possible to have alternative provision by using an existing house in the ownership of the business, by adapting an existing building owned by the business or by using a house or adapting a building in a Town, Village or Rural Village that abuts the business or within about a mile away?

Future changes

- Do you expect to make changes to the unit in the future, for example, by diversifying into a different field?
- Will the new dwelling depend on these changes?
- What is the timetable for the changes?

Associated Land

- Show on a plan any land that is part of the holding.
- For agricultural land show which land has been rented and on what basis (usually only land on a long lease, i.e. 20 years or more, will count for agricultural assessments)

Existing Dwellings

- Does the applicant own existing dwellings in the area?

- If the applicant or the business owns existing houses in the locality, show the dwellings on a map or submit the relevant addresses.
- Are these houses occupied by the unit's workers?
- Has a dwelling received planning consent previously, linked to the business unit?
- Has any property been sold recently?

Local Property

- Have you investigated the possibility of buying property in the local area?
- Were these suitable or not?

Financial Details

- Show accounts for the last five years.
- Do you have a Business Plan for the future? If there is one, then it should be provided with the planning application.
- What are your principal markets?
- Have you received financial assistance to develop the business?
- What will be the annual investment over the next three years?

APPENDIX C

Contact Details

To receive further information, please contact the following:-

Planning Policy (Arfon, Dwyfor and Meirionnydd)

Policy and Performance Unit
Regulatory Department
Shirehall Street
Caernarfon
Gwynedd
LL55 1SH
Phone Number: (01286) 679890
Fax Number: (01286) 673324
Email: PlanningPolicy@gwynedd.gov.uk

Development Control (Planning)

Arfon Area

Planning Service
Regulatory Department
Arfon Area Offices
Penrallt
Caernarfon
Gwynedd
LL55 1BN
Phone Number: (01286) 682765
Fax Number: (01286) 682771
Email: Planning@gwynedd.gov.uk

Dwyfor Area

Planning Service
Regulatory Department
Dwyfor Area Offices
Ffordd y Cob
Pwllheli
Gwynedd
LL53 5AA
Phone Number: (01758) 704118
Fax Number: (01758) 704053
Email: Planning@gwynedd.gov.uk

Meirionnydd Area

Planning Services
Regulatory Department
Meirionnydd Area Offices
Cae Penarlâg
Dolgellau
Gwynedd
LL40 2YB
Phone Number: (01341) 424414
Fax Number: (01341) 424440
Email: Planning@gwynedd.gov.uk