

NFU Consultation Response: Rural Planning Review.

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Department for Communities and Local Government and Department for Communities and Department for Environment, Food and Rural Affairs Call for Evidence to inform the Rural Planning Review.

Introduction

The NFU represents 47,000 farm businesses in England and Wales; in addition we have 40,000 Countryside members with an interest in farming and the countryside. The NFU welcomes the opportunity to respond to this review as it is an important area of policy impacting directly on our members which the NFU has been lobbying on for a number of years. In the NFU's 2015 Manifesto we specifically asked for:

*'Planning rules that enable farmers and farm enterprises to compete and grow with expanding potential market and conform to regulatory requirements'*¹.

The NFU's comments in this response represent the views of farmers and other rural business owners, rural families and landowners regarding their experience with the planning system. NFU members represent the bedrock of the rural economy. They need a simplified planning system that promotes the rural economy, reduces risk and allows them to react to the external challenges faced by their businesses. It should support them in maintaining sustainable rural businesses and deliver new efficient buildings, operations and homes. Renewable energy installations also have a key role to play on farm and within modern farming businesses with planning policy that recognises this. Ultimately, the planning system should enable businesses to be viable and vibrant, ready to pass on to future generations.

Fundamentally, we need to produce more food for our growing population and reduce our reliance on imports. This needs to be achieved both profitably and sustainably. The town planning system should contribute to this need by helping to create conditions for a strong sustainable farming and rural economy and be able to provide evidence that it is doing so.

We are all part of a competitive and complex world economy in which we need world class planning policy that promotes our farming and wider rural economies. Our key message has consistently been that the rural planning system needs to be informed, updated and properly resourced to promote the crucial role of modern farming in the rural economy. To achieve this there needs to be strong, positive

¹ <http://www.nfuonline.com/the-nfu-2015-election-manifesto/>

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leadership from Central Government setting down clear policy guidance within the National Planning Policy Framework. This policy then needs to be embedded in every local and neighbourhood plan and be the starting point for development control and plan-led decision making. Everyone involved in the planning system should be able to understand and demonstrate how they are supporting farming and the rural economy and productivity in their decision making.

As well as responding directly to the specific relevant review questions, this consultation response outlines the NFU's recommendations. It will also take the opportunity to set out the economic context for why the planning system needs to support farming and the rural economy and how it needs to work better regionally and for individual farm sectors.

Summary of NFU Key Recommendations:

1. An authoritative and well-grounded planning policy for rural areas and farming that establishes clear boundaries for local interpretation and that is monitored in all areas of planning.
2. Updated planning policies and procedures that recognise the necessity of change to deliver economic growth, adapt to new market conditions. These policies should allow for accommodating new technology by providing for (amongst other activities) new realistically sized farming buildings and operations, polytunnels and protected cropping (e.g. glasshouses), reservoirs, on-farm retail, food and produce processing and on-farm renewable energy. Guidance should also recognise the need for new on-farm accommodation including temporary as well as permanent accommodation, whether by new build or conversion.
3. To improve consistency in the planning system, there should be training for all those involved in decision making through the planning system that leads from the top and is devolved down and monitored in all areas of planning.
4. Clear guidance to be given to those who comment on planning applications, both statutory consultees and third parties so they are better informed of their rights and responsibilities.
5. Simplified planning rules to address climate change and extreme weather events both through adaptation and mitigation.
6. Simplified planning rules to promote the provision of digital technologies and connectivity on farm.
7. A review of how dealing with farm planning applications can be improved, and speeded-up, from pre-application, through processing to the need for legal agreements.
8. A review of how the planning system can be improved to halt the decline of farming in national parks and AONB and other protected landscapes.
9. A review of housing policy for rural areas so that farms and rural businesses can access the homes they need and their businesses can continue to operate.
10. This policy then needs to be embedded in every local and neighbourhood plan and be the starting point for development control and plan-led decision making.

Background - the Role of Farming in the Rural Economy:

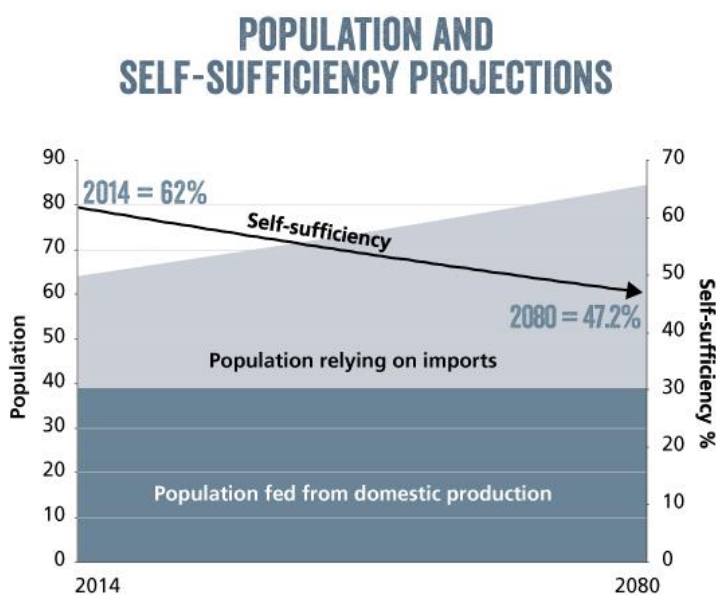
It is unfortunate that to the majority Britain's countryside is regarded as simply an asset to be protected rather used productively, as it has been for millennia. In fact the economic and productive contributions of farming in the rural economy are too important to be ignored in rural planning; farming already produces much of the food we currently need. In future years this situation will deteriorate as a growing UK population is forecast to exceed 74.3 million in 2039 (ONS data); an additional 10 million citizens

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over a 23 year period. By 2047, the UK is set to become the most populous country in the European Union².

According to current estimates our food self-sufficiency currently stands at 62%³. Thus we will be increasingly reliant on foreign imports as our population increases unless domestic production matches expanding demand: the nation's self-sufficiency levels are expected to fall to 47.2% by 2080 (Figure 1)⁴. This is unsustainable in a volatile world market, where foreign conflicts, climate change and international decision making beyond our control dictate food markets and prices. A recent YouGov poll carried out for the NFU in 2014 found that 86% of shoppers wanted to buy more traceable food produced on British farms. What this means for the planning system is that we need to support farming and the rural economy to grow food for our growing population, as well as to provide homes for them. Therefore, farming activity needs to be protected from development which will inhibit its ability to grow to meet our current and future food needs. Food manufacturing is the UK's largest manufacturing sector worth £103Bn employing 3.8 million people (Defra Statistics), and farmers are the providers of raw materials into that supply chain. The economic activity and employment that flows from the wider agri-food sector may not be evident to local decision makers, but the overall contribution to the UK economy must not be discounted.

Figure 1: Why the planning system needs to support the farming sector as well as to provide more homes for the growing population.



Regrettably, economic pressures are forcing many farmers to leave our sector. However demand for rural homes to support the wider rural economic development can provide an income that will retain farm viability by supplying an additional source of income. On-farm housing contributes to succession

²<http://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationprojections/bulletins/nationalpopulationprojections/2015-10-29>

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/430411/auk-2014-28may15a.pdf

⁴ NFU own calculation

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planning, diversification of income and accommodation for farm labour. The plight of dairy farms has been widely reported, with circa 300 English and Welsh dairy producers leaving the business in the last 12 months⁵. A recent report by [Savills](#) (2015) commented that 50% of farmland was being sold by farmers themselves, rather than wider landowners. When asked why they were selling, 50% said due to retirement and 30% due to debt. During 2015, farmers also made up the smallest proportion of buyers since 2003 at 43% of all transactions, with non-farmers including lifestyle buyers, investors and institutional/corporate buyers now making up a much larger proportion of transactions. This indicates a shift away from owner occupied holdings towards more tenancy and farm contracting arrangements.

Where possible there has also been a rise in diversified activities on farm to support the wider farm enterprise and contribution to the rural economy. According to Defra 2015 figures, 61% of farms now have a diversified activity on farm⁶. These activities include food processing, agricultural engineering and renewable energy production as well as re-using farm buildings for office, light industry and tourism uses. These uses can all generate jobs and the need for new workers on farm. A very common concern is getting people to actually work on farm, because they cannot afford to live locally.

The trend for living and working together is reflected across the rural economy with a third of home workers for instance living in rural hamlets and dispersed areas⁷. The rural economy needs homes to sustain economic growth where people can work and live in close rural proximity. Rural workers choose not to commute long distances if they can avoid this. In addition, from a welfare, security and safeguarding investment viewpoint, it is essential that farm workers live close to farm. For example, poultry keepers must live on site to provide 24 hour cover and at short notice in response to an environmental alarm being triggered.

The rural community as a whole is older than its urban equivalent (with 50% of rural inhabitants aged 45 or above, compared to 40% in urban areas⁸). This is a particularly acute issue for farming where the average age of a farmer is 59 years old⁹. National policy needs to help address the needs of this older population group to find alternative accommodation in the medium term. It is our experience that farmers are rarely granted permission to build a retirement home on farm or to plan to accommodate farm workers or family members on farm to help them carry out farm work. Permission can be refused even when there is no alternative accommodation in the location. Even getting a temporary caravan on farm is difficult. Therefore, when a farmer retires the land is often sold without the farmhouse, as the farmer has nowhere else to go, which creates a problem for the next farmer needing to live on site.

The introduction of the simplified planning rules for converting redundant farm buildings into residential use in April 2014 was a positive attempt to get up to three homes on farm. The fact that the legislation is difficult to interpret has not helped, but the lack of a positive attitude amongst local planning authorities has made this far worse. LPAs are adding far more local rules and are negatively interpreting the legislation to avoid granting permission for new homes. Unless the Government sends out a positive message to confirm that housing development is acceptable on farm this will continue to happen. The NFU cannot overstate how important this opportunity is to address a very real rural need.

⁵ Producer numbers for England and Wales stood at 9,586 at the beginning of April 2016, a fall of 12 (0.1%) from the previous month. Compared to the same month in the previous year, producer numbers are down by 281 (2.8%).

<http://dairy.ahdb.org.uk/market-information/farming-data/producer-numbers/uk-producer-numbers/#.VwyktSwUUdV>

⁶ <https://www.gov.uk/government/statistics/farm-accounts-in-england> (table 15.1)

⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/443228/Statistical_Digest_of_Rural_England_2015_June_edition_v2.pdf

⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/443228/Statistical_Digest_of_Rural_England_2015_June_edition_v2.pdf

⁹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/430411/auk-2014-28may15a.pdf

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Consultation Questions Relevant to the NFU (Annex C)

- **Question 5:** *What types of permitted development take place under Part 6 (agricultural and forestry) that you are aware of?*

There are a number of types of permitted development which take place under Part 6. For example, small-scale anaerobic digester plants, biomass boilers and fuel stores are all recognised as 'reasonably necessary' for the purpose of agriculture under Part 6 of the General Permitted Development Order, and are permitted development subject to Prior Notification. This is helpful as a matter of principle, but in the case of AD plants the NFU knows of very few examples which have been allowed under Prior Notification. The 400 m limitation on distance from a 'protected building' as well as the modest limit on the area of development (465 m² or 5000 sq. ft.) frequently makes the application of permitted development to small biogas plants economically and practically unfeasible. Therefore we suggest that these thresholds are amended.

- **Question 7:** *What were your experiences of the planning system in developing a farm shop, polytunnel and / or on-farm reservoir?*

The GDPO requires updating in respect to use of structures such as polytunnels (including for livestock) and reservoirs (on-farm reservoirs, material not taken off site to be clearly permitted development). We have set out below our key concerns with regard to polytunnels, reservoirs and farm shops respectively:

- **Polytunnels:**

Supplying the large multiple retailers requires detailed planning and supreme flexibility seven days a week. Failures to meet tight delivery deadlines or high quality standards are not tolerated and could have severe consequences, especially for suppliers with exclusive contracts. In the case of soft fruit, public demand for the home-grown product is such that it can only be met by growing fruit under protection (polytunnels and glasshouses) – this increases availability by extending the growing season, demonstrating 'greener' credentials by reducing the need for chemical sprays, guaranteeing consistent standards of product quality and appearance, and ensuring regular and timely deliveries. Some 80% of the soft fruit supplied to supermarkets is now produced under the protection of polytunnels. The advantages of polytunnels are summarised in the Defra and British Summer Fruits Association tables (overleaf).

Prior to the introduction of polytunnels in England only 50% of the soft fruit yield was Grade 1 fruit; now it is nearer 90%. For a soft fruit grower, all of which are privately-owned family-run businesses, this represents the difference between having a business and going out of business; as it is this technology that allows an increase yields and quality while reducing the risk of disease and crop loss due to adverse weather. Importantly this technology is used by competitor suppliers elsewhere in the EU.

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Polytunnels at a glance

<i>Issue</i>	<i>Use of Tunnel</i>	<i>Impact on soft fruit</i>
Earliness of crop	Tunnels enclosed using side skirts, door ends and polythene closed for maximum earliness	2-3 weeks earlier with early season strawberries and raspberries
Season extension	Tunnel polythene drawn down to remove impact of rain	Continued picking of autumn strawberries and raspberries through to late October
Proportion of marketable fruit	Tunnels enclosed in early season to protect blossom and reduce mis-shaped produce. Vents opened high on warm days to avoid soft growth	% of marketable fruit improved from 55 - 70% to 80 - 90% compared with outdoor production
Yield	Crop environment managed through venting the tunnels to optimise temperature and humidity	Marketable yield over 30% better
Pesticide usage	Significant reductions in moisture related diseases such as botrytis, downy mildew and black spot	At least a 50% reduction in botrytis fungicide usage
Weather protection	Guaranteed window to conduct production and harvest routines	Picking continues regardless of rain

Source: *British Summer Fruits Association*

British berries grown under plastic are harvested generally from April up to November and a premium is paid for early crops; a harvesting season, which is considerably longer than uncovered crops, where the season tends to be for just 6 weeks in June and July. This extended growing period reduces the dependency on imports and contributes to our overall self-sufficiency in home-grown food. The extended harvesting period also extends the season for the seasonal workers who, when picking under polytunnels, can be employed for a greater part of the year. The technology of polytunnels is now being used to similarly extend the season and improve the quality of other high-value horticultural crops, such as asparagus.

- **On-farm water storage reservoirs**

Our summary recommendations:

Government should:

- Simplify the scope of the General Development Permitted Order (GDPO) by confirming that reservoirs constitute permitted development irrespective of their size
- Encourage local planning authorities to support reservoir projects through the 'prior approval' process irrespective of their size
- Re-appraise the Environmental Impact Assessment (EIA) regulations to ensure they are not unduly onerous and recognise the contribution that reservoirs make to sustainable development
- Encourage local planning authorities to approve planning applications *subject to* archaeological investigations only if construction takes place in an area known or strongly suspected to contain archaeological deposits, rather than on completion of lengthy investigations
- Reinforce existing guidance to local planning authorities that applications for farm reservoirs should be supported and encouraged in local development plans and policies
- Recommend to local planning authorities that applications for sand and gravel applications arising from reservoir construction projects should be encouraged and accommodated within the local Minerals Plan
- Encourage local planning authorities to produce farm reservoir design guides which focus on a clear set of planning procedures to be followed; with guides to be produced on a county or local landscape designation basis as appropriate

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- Designate as 'nationally significant' for planning purposes any network of farm reservoirs across any catchment in recognition of the contribution to national food security.

Horticulture and the relationship between food production and water use: Although UK horticulture operates in a temperate climate; it is becoming increasingly dependent on supplemental irrigation from surface and groundwater. High value fruit and vegetable crops depend on precise and timely applications of water for optimum yield and product quality which cannot be delivered by erratic rainfall alone. Indeed, our protected crops (which are grown under glass or polythene tunnels) are entirely dependent on irrigation.

Whilst horticultural production uses less than 2% of total water abstracted nationally, irrigation is a significant water user in some catchments where increasingly difficult decisions must be taken on allocating water for environmental need, human consumption and food production. Furthermore, horticultural crops primarily need access to a secure supply of water during a specific time of the year - the crop growing spring and summer months. As population growth and climate change puts water availability for all needs under further pressure, this seasonal need for water from over-committed catchments will become more problematic and consequently on-farm reservoirs a responsible solution.

Abstraction reform: Growers' access to a secure supply of water to grow our food is not limited to the actual availability of the local water resource. The regulatory regime that decides on volumes to be allocated and the prioritisation of that allocation between different users also has a major impact. Government 'water abstraction reform' proposals are designed to overhaul the current system of managing water through the introduction of a better balance between water use and current availability; this could further limit growers' access to water at times of low river flows. It will be important for growers to be given a fair share of water to grow our food.

Abstraction reform proposals focus on creating a water management system that allows water to be traded between users. In particular this could allow more flexibility during times of low surface water flows. It is clear to us, and perhaps recognised by Defra, that the new system for managing and licensing water (whatever its final structure) will heavily rely on an enlarged network of water storage to make it work.

Reservoirs as part of the solution: Farmers and growers recognise that on-farm reservoirs offer a potential solution to climatic, environmental and regulatory pressures. Winter (or more correctly, 'High Flow') reservoirs allow growers to manage the risk of water shortages by giving them the option to collect water at times of surplus for use at times of scarcity.

A much bigger construction programme is needed if food production is to become more resilient to future climatic events (to say nothing of population growing in some of our key food growing catchments). Those reservoirs will need to be bigger – it is possible that the typical farm reservoir designed to store sufficient water for the next growing season may need to be enlarged to cope with a succession of dry years.

Resilience in the water sector: Defra's newly published water resilience roadmap, 'Enabling resilience in the water sector' (March 2016), refers to the planning approval process for public supply reservoirs that are 'nationally significant infrastructure projects'.

Defra's roadmap indicates that to meet the water scarcity challenge, the public supply sector may need to develop new infrastructure that could be considered to be 'nationally significant'. Government is minded to develop a National Policy Statement which sets out the need for water

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supply infrastructure. Should a National Policy Statement be developed, Defra will assess the type and scale of projects that should be treated as ‘nationally significant infrastructure projects’, with the intention of clarifying this by an amending order to the Planning Act 2008.

Whilst no single farm reservoir would ever qualify, there is a case to be made that a network of farm reservoirs across a catchment, providing resilience for food production and contributing to national food security, is just as ‘nationally significant’ as one big reservoir.

Barriers to reservoir construction: Although the case for the construction of farm reservoirs is clear, growers are held back from installing projects. A study carried out by Cranfield University¹⁰ identified and then ranked in order of importance the constraints to reservoir investment that need to be overcome. Issues surrounding planning permission featured prominently in the report.

Reservoir construction and planning in practice: Farmers report few if any problems when the ‘prior notification’ route is used for reservoir construction.

Even when ‘full planning permission’ is required, our anecdotal evidence is that farmers rarely have their applications refused. Rather, problems have been identified relating to the expense and time taken to satisfy the planners (archaeological digs, crested newt fencing, etc.). We are aware that our members sometimes experience unreasonably long times to get planning applications for reservoirs in the region of 2 or 3 years.

However, there are some suggestions of inconsistencies in approach between different local planning authorities; whilst this seems to be far from widespread; we think that clear and updated guidance should be sent to LPAs to overcome confusion amongst both planners and farmers about how the planning system applies to reservoirs.

Mineral extraction: This is an issue only in some counties. Essex is a good example. An application to export aggregates from a farm requires full planning to ensure that it is compatible with the county minerals plan. There have been problems in Essex where the County Council has been reluctant in some cases to accept that sand and gravel should be sold from farms as part of the reservoir project.

- **Farm shops:**

According to the National Farmers’ Retail and Markets Association (FARMA), there are some 4,000 farm shops in the UK with turnovers ranging from £1,000 to more than £6 million per annum. One factor that is encountered in planning can be a condition to source a certain percentage of the food sold at the farm shop from the farm on which it is based. Presumably, the restriction is there to stop farm shops becoming a general food retailing store, but this is not a realistic requirement and should be reviewed. Farms have become increasingly specialised, focusing on one or two specific types of farming. Climate and soil type provide natural barriers to the types of farming that occur in some areas. Similarly, the need for specialist buildings, machinery and skills can limit expansion in to new farming activity. A livestock farm in Cumbria may not be suited geographically to growing vegetables, for example. And even if the environmental factors do favour this, is it viable for the farmer to invest in new machinery to supply an increased range of product? On the demand side, shoppers also expect to be able to

¹⁰ [An updated assessment of the economics of on-farm irrigation reservoirs: Cranfield University \(2013\)](#)

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purchase a range of different products from a farm shop. More importantly, shoppers expect to buy products year-round. Such restrictions can limit the range on offer, the likely shopper expenditure, frequency of visits, and ultimately the viability of the business. It is more likely that an individual farm will have a limited number of core products that they will produce on the farm, and supplement this with foods from other local producers.

In a number of local plans in South East England, there are policies that require applications to predict their effect on other nearby retail outlets (we doubt that such assessments are applied in reverse). For example in the Guildford Local Plan RE8 “*In the case of farm shops, the scale and scope of the retailing proposed will not result in a significant adverse effect on retail facilities in any nearby town or village*”. In such cases, we are concerned that an applicant for a farm shop would have no evidenced based way of predicting an effect on the wider retail economy, meaning that such policies become meaningless and restrictive on farm diversification proposals.

For retail establishments, success is mainly driven by turnover and if a new outlet does not generate sufficient turnover, the business is most likely to be wound down by the proprietor within a few years. If such an enterprise was attempted using existing redundant farm buildings, existing access and parking arrangements, the planning issues are either likely to be reversible or immaterial; and may therefore not require strict control within a planning context. Therefore, we suggest that new farm shops could be promoted through increased permitted development rights, including allowing more external alterations being permitted for farmer utilising existing redundant farm buildings.

Whilst we agree that the creation of new farm shops may be a way for a minority of farms and other rural businesses to diversify, in reality the majority of farmers and growers will be unlikely to benefit, as most rural areas will only be able to support a relatively small number of outlets due to market saturation. By implication we would encourage DCLG and Defra to consider if there are any larger scale enhancements of the food retail chain that could benefit a much greater number of farmers and food producers by opening up much larger networks of access to UK food production.

This means thinking strategically about ways in which we can maximise wholesale food distribution directly from farms into major urban centres and by implication expand the number of wholesale opportunities for UK producers. This is not a new concept. Take for example Barcelona, where there are 43 permanent local markets situated throughout the city. Whilst these markets have their origins in the late 19th Century, the city has continued to prioritize and support a strong system of local public markets and in 2014 released a 10 year strategic plan for the city markets, to ensure they remain a key part of local neighbourhoods¹¹. This approach is being tentatively followed up in a number of English cities, most notably London’s Borough Market. We would encourage DCLG to place a much greater emphasis on promoting wholesale food market opportunities through strategic planning across all local authorities. Such an approach would not just be about promoting food retail outlets, but also planning strategically for the supply, packing and processing networks that feed those urban centres.

- **Question 8:** *Is there other development which would benefit from permitted development rights?*

¹¹ From “Policies that Support Local Fresh Food Markets”

http://healthbridge.ca/images/uploads/library/Policies_that_Support_Local_Fresh_Food_Markets_final.pdf

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Yes – please see below

- **Question 9: Please detail what other development would benefit from permitted development rights.**
 - **The size of development is fast becoming outdated - Reference: GDPO Schedule 2 Part 6:** Planning legislation on farm buildings has failed to keep pace with the necessary changes in technology, scale and good practice regarding animal welfare and food safety in agriculture. As a consequence the rules regarding permitted building size requires updating (1,000 m² as opposed to 465 m²). Size restriction is fast becoming outdated as agricultural machinery and operations become larger. Much aging farm infrastructure simply needs to be removed and replaced, but increasing the size in this example could incur the need for planning permission. Part 8 restricts extensions of industrial warehouses:
 - To 500 square metres in respect of development or 10% of cubic volume on any article 1(5) land; or
 - 1,000 square metres or 25% of cubic volume in any other case.Given that industrial operations and associated plant machinery are much the same as agricultural plant machinery and operations, there should at least be parity with this sector.
 - **Remove the restriction on 400 metres of the curtilage of a protected building:** Many farm yards and farmhouses have protected buildings, so they are prevented from utilising GDPO for livestock activities within this restriction. Seen as heavy handed where a listed building was once used for livestock. Many urban fringe farms are also constrained for space by residential properties which make options for stock management challenging.
 - **Height of buildings within 3 kilometres of the perimeter of an aerodrome – Reference GDPO Schedule 2 Part 6:** Restricting the height of any part of any building, structure or works within 3km of the perimeter of an aerodrome to 3m within permitted development appears over-cautious. Many structures exceed this height within 3km of aerodrome sites, therefore we suggest a reduction from 3km to 500m
 - **Building reinstatement resulting from major infrastructure schemes:** It needs to be possible to reinstate farm buildings which are lost to major infrastructure schemes (e.g. HS2 and A14) more easily. This could be achieved through general permitted development rights. It would mean that the replacement of any building used for business purposes and any associated dwelling which is acquired under compulsory purchase through a major infrastructure scheme, would receive permitted development subject only to the prior approval procedure. The permitted development should allow for modern building materials and, if appropriate, modern design and layout, but the size of the replacement building should be restricted to the size of the original. A local planning authority would then be able to consider siting and access under the prior approval process, as for other permitted development.
 - **Renewable energy opportunities:** While some parts of the renewable energy market are challenged by external factors, it is frustrating to see opportunities missed or delayed due to the planning process and difficulties in interpretation and application of existing Permitted Development rights. Renewable energy is both a source of business diversification and energy/business security. We have provided a number of examples where the planning system could be improved in this area – some of which would benefit from improvements to permitted development rights:

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- **Roof-mounted solar PV** (as well as heat pumps and flues for biomass boilers) is allowed under Part 43 (non-domestic microgeneration). Introduced as Permitted Development in 2012, this has been a success, and many local planning authorities and planning officers have streamlined the consenting process for the majority of the approx. 15,000 solar roofs installed by farmers over the past 5-6 years, as well as thousands of biomass boilers and a few hundred heat pumps. Permitted development rights were extended further in April 2015 for solar roofs of up to one megawatt or 8000m² of roof area, subject to Prior Notification. The NFU has no reports of planners refusing permitted development for such large solar roofs on the grounds of “design or external appearance, in particular the impact of glare on occupiers of neighbouring land.”
 - By contrast, permitted development for **ground-mounted solar modules** (Part 43, Class B) is limited to very small arrays of 9m² or about 1.5 kilowatts, smaller than a typical domestic installation. A more reasonable size for non-domestic self-generation would be 24m² or about 4 kilowatts (this could be limited to not more than 4m in height, typically 8 m long by 3m high).
 - **Small-scale on-farm wind power:** The NFU regrets the absence of any economically usable permitted development rights for small-scale on-farm wind power. Wind generation is well suited to complement existing small-scale on-farm solar PV generation for on-site electricity consumption throughout the year, e.g. to power dairy pumping and refrigeration equipment, ventilation of intensive livestock units, or conditioning of long-term crop storage. We previously proposed (response to consultation, February 2010) that single wind turbines with a hub height up to 20m and rotor tip height up to 25m should be permitted development. The NFU regrets that the changes to planning guidance in June 2015 failed to distinguish between large wind farms and single on-farm turbines, no matter what the scale or setting, making the case for permitted development even more urgent.
 - **Electricity storage:** A recent and potentially fast-growing new form of energy service in rural areas is electricity storage, in particular medium-sized and larger-scale batteries and associated control systems. These are likely to be housed in modular shipping container units on small areas (<450 m²) of hard standing, or else contained within conventional agricultural buildings. Many are expected to support on-farm clean power generation by storing and regulating electricity flows as well as providing ‘ancillary electrical services’ to the typically weak local grid networks in rural areas. They should therefore be regarded as ‘reasonably necessary’ for the purposes of agriculture. Where finished in green or camouflage colours, the NFU believes such structures will be of a scale to pose only a negligible visual and landscape impact, with minimal noise nuisance or contamination risk. Implementing permitted development rights for all but the largest battery storage facilities should be a priority to support rural growth and innovation.
- **Climate change mitigation and adaptation measures** – We know that climate change is already having an impact on farm businesses. This echoes the results of the NFU’s 2015 [weather survey](#) which highlighted that NFU members are already altering what they do in response to changes in the weather and longer-term climate. Over half of farm businesses surveyed have been affected by at least one severe event in the last decade and have acted accordingly. For example, having suffered the consequences of flooding and wetter winters, 14% of livestock farmers have altered practice either by reducing stocking levels and/or

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increasing winter housing. In addition almost 10% of farm businesses have had to upgrade buildings and infrastructure in response to extreme weather.

- **More robust and larger winter housing to better protect livestock and crops:** Climate change projections point to an increasingly volatile climatic future with more extreme weather events. As our survey shows farm businesses are already changing in response to climate signals, perhaps long before many other parts of the economy experience such pressures. We envisage such trends continuing e.g. putting in more robust and larger winter housing to better protect livestock during wetter and possibly stormier winters and protecting high value but vulnerable soft fruit crops by using polytunnels. It is worth noting that even though in recent years winters appear less cold, the growing season and periods in which livestock are housed has changed little. Good livestock housing is critical to maintaining and/or improving animal health and productivity which in turn mitigates climate change/emissions i.e. finish animals younger. The size of the building and ventilation / air flow will have a major impact on the use of antibiotics for example to control respiratory disease.
- **Opportunities for multiple benefits e.g. rainwater harvesting:** It should be noted that such building adaptations may also provide opportunities for multiple benefits e.g. rainwater harvesting incorporated into livestock housing structures. We suspect that these housing structures will also need to be adapted to incorporate and make best use of technology e.g. sensors, data collection etc. (see our later points on the promotion of digital technology in rural areas).
- **Operational development in connection with flood protection:** The experience in Somerset during the 2013/4 was that there is a considerable need for emergency preparedness, increasing resilience and mitigating the impacts of flooding. This can all be facilitated through planning. Examples such as enabling farms to put up bunding to protect their farm buildings, adapting or putting in new access routes, moving farm buildings out the flood plain, diversifying the land use for industrial crops or renewable energy on land that floods frequently are all essential.

We have experience of several farmers who have been willing to carry out operational development in connection with flood protection. The NFU believes that specifically amending the GPDO to include new flood defence works and repair of existing structures undertaken on agricultural land. With the current emphasis on natural flood management techniques there will be more and more projects to help slow or store the flow of flood water on agricultural land. Currently, all these works require planning permission, yet they are typically supported by local communities and environmental NGO's because they hope they will reduce flood risk downstream and enhance the environment. The requirement for planning permission is a cost and holdup which creates a barrier to them being put in place. Since such works would need the permission of the Environment Agency anyway as the main decision maker in this matter, planning permission appears to be an unhelpful additional permission needed. Clarity is urgently required to enable farmers to undertake essential repairs to flood control structures a) without unnecessary delay or expense; and b) without the fear of an enforcement proceeding.

A possible solution would be to insert the words "*or flood resilience*" in Class A of Part 6 of the General Permitted Development Order 2015 as follows:-

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“Permitted development

A. The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of-

(a) works for the erection, extension or alteration of a building; or

(b) any excavation or engineering operations,

Which are reasonably necessary for the purposes of agriculture or flood resilience within that unit.”

- **Operational development in relation to reinstatement of necessary infrastructure during flood recovery:** Emergency permitted development rights would also be helpful for example to put in a farm track after floods. For example, we have had members who have had bridges washed away during some of the extreme flood events in recent years and would have to apply for planning permission for track that would otherwise have been permitted development rights.

- **Shed thresholds:** The current threshold of 465 m² for an agricultural building is often deemed too small by our members and doesn't represent current modern farming practices or business needs. Farm machinery has increased in size, including systems to feed livestock. For example, Total Mixed Ration (TMR) and feeder wagons take bulk feeds and mix in order to improve efficiencies and save on labour costs, but these in turn require storage facilities. Therefore, current machinery and housing techniques (economies of scale) all favour larger structures. It has been reported to us by our members that 50m wide is simply too narrow to accommodate these changes and a better option would be a 120 x 80m. However, if the size could be linked to current building bay dimensions, this would be very helpful. In addition, we would like to raise concerns over the linkage between fee's payable and floor size. Whilst we appreciate such linkage may be appropriate for retail or warehouse premises, we believe it is not the case for grain stores.

- **Greater clarity regarding the definition of temporary and permanent (Reference: GDPO Schedule 2 Part 4 Temporary Buildings and Uses):** Structures which may fall foul of this definition include for example temporary covers on fruit trees and temporary polytunnels for lambing and seasonal cropping. Clear guidance is required to prevent local authorities seeking enforcement action on minor issues such as tree covers.

- **Question 10:** *In your view, what planning issues need to be considered for development in rural areas?*
 - **Promoting competitiveness and safeguarding productivity of farming operations through strategic planning:** Food production and rural productivity are important strategic priorities. Such strategic priorities need to be delivered through clear objective led plans. Farming and food production require a clear delivery strategy that follows from national policy down to regional and local objective setting. We suggest that each local authority should have a hand in delivering the objectives of the Rural Productivity Plan and 25-year Food and Farming Plan through the production of their own rural strategies. In addition to a plan led approach to rural productivity, enabling competitiveness and permitting farming operations should also be embedded to a greater extent within existing planning policies to counter the current lack of understanding/appreciation. A starting point would be to ensure that Government planning policy be rural-proofed and to support the delivery of the Rural Productivity Plan and 25-Year Food and Farming Plan.

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- **Conversion of vernacular buildings on farms into new business use or residential use.** This enables parts of older buildings to be preserved whilst helping the economy and the farm business, but for business use, operational development and hence limited external alterations need to be included under permitted development, to reduce cost, risk and the unnecessary requirement to apply for planning permission once change of use has been obtained under Class R, for instance.
- **New farm buildings needed by the business:** This could be for regulatory reasons (e.g. new slurry stores) or because new or more crops and livestock are being farmed (grain stores, barns, livestock housing etc.). Better livestock housing improves health, welfare and reduces the need for antibiotics to treat infectious disease. Over-crowding in poorly ventilated or drained housing will increase diseases such as pneumonia.

Related to the need for new farm buildings, farmers have raised concerns with us that they have struggled with the planning system - particularly coordination with Highways. For example, when building grain stores or renewable energy projects there may be high throughput of vehicles at certain times e.g. harvest.

- **Dual permissions:** If farmers are undertaking two development projects on their farm with overlapping time scales then it would seem feasible that the same surveys e.g. bat survey, are used for both projects. NFU members have raised with us situations where they have been forced to duplicate the process, hence adding unnecessary cost and administrative burden to each application.
- **Diversification:** Some farmers will be in a good position to diversify into, for example, equine businesses, pheasant rearing, caravan sites, on-farm leisure and tourism as well as food chain will help boost the local economy and support the farm business. For some sectors diversification is seen as increasingly essential and as stated earlier, according to Defra 2014/2015 figure, 61.1% of farms in England now have a diversified activity on farm¹². However, it is worth noting that our members report that this degree of diversification is lower AONB and National Parks. Whilst published diversification data on the geographical resolution isn't detailed enough to pull out AONBs and national parks specifically, a geographical breakdown is available that includes Less Favoured Areas, which do tend to align with AONBs. The diversification figure is 51% for mainly DA and 44% for SDA¹³, which suggests there are limitations placed on what farmers can do in those areas.
- **Housing policy in rural areas:** We make a number of specific comments on the need for rural housing later in our response. However, as a specific point, with respect of Agricultural Workers Dwellings, many authorities appear to have slipped back into the old system (PPS7 Annex A). It is therefore recommended that a Planning Guidance Note is produced (to reflect modern farming and potentially the best parts of PPS7 Annex A) to assist applicants and planning officers.
- **On farm renewable energy:** Farms can be ideal places for wind turbines, solar PV, anaerobic digestion, biomass and biofuels plant provided they do not cause nuisance to others. The UK must meet a target of 15% renewables by 2020. Currently we are languishing near the bottom

¹² <https://www.gov.uk/government/statistics/farm-accounts-in-england> (table 15.1)

¹³ Farm Business Survey Data Builder

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of EU member states at 7% of total energy needs met by renewables. On-farm renewables can help us to meet this EU target and avoid infraction penalties without causing nuisance to others.

- **Climate change:** While current climate pressures (flood risk) are currently focused upon a development for residential use, pressure is being put on agricultural development to demonstrate that surface/top water is handled and flood risk mitigated. It appears unfair to introduce this pressure upon the agricultural sector; while a clear plan for handling surface/top water from urban development (SUDS) are yet to be clarified.
- **Impact of neighbouring housing developments on farm operations:** The NFU has received numerous concerns from our members who have struggled to grow their businesses, when they have had recent housing developments or new residential occupants move into close proximity, who have subsequently object as a matter of principle to any development on farm. Often these issues could have been avoided because the new buildings have simply been sited too close to farm buildings which new householders can perceive to be a nuisance due to normal animal noise or operating hours (particularly early mornings). This can lead to abatement notices being served on longstanding farm businesses following complaints to Environmental Health Departments.

Poultry and dairy units as well as grain driers are particularly susceptible to this sort of complaint. But the very nature and seasonality of farming activity necessitates that at certain times of the year there will be heavy machinery or a lot of tractor or trailer activity, for example during silaging or harvest. These can cause unavoidable localised issues through noise, odour, slowing of traffic and occasional mud on roads. We would urge the local planning authority to be especially careful before granting permission to residential development in very close proximity to such potential future “bad neighbour” uses, and pre-empt any potential for future complaints so that these do not later disadvantage the farm owner. Further, sufficient weighting should be given to the views of the Environment Agency (for permitted sites) or the local authority as bodies that would investigate complaints before planning is approved.

We are aware that several local planning authorities already have bad neighbour use policies in their local plans to avoid such situations happening in the first place and so prevent both new homeowners suffering nuisance and the existing uses being put out of business by abatement notices. However, this practice is not consistent across the country. The NFU believes that every local plan should have such a policy because of the number of farm buildings that have been affected by complaints from new householders in homes newly built near the farm sites. Therefore, national planning guidance should include a paragraph exhorting all local planning authorities to have a bad neighbour use policy in local plans and some example text.

- **In combination effects of urban development:** The nature of the planning system is such that individual applications are mostly considered in isolation. Where developments are considered in combination, this is mainly in relation to water resources, designated sites and other such strategic receptors. In urban fringe locations we are seeing and hearing reports of cumulative disruption effects on farm operations, such as increased incidences of public anti-social behaviour, fly-tipping and livestock worrying. In nearly every example farmers must manage the damage and disruption at their own cost with little advice or assistance. Over time this leads to urban fringe farmland becoming less productive and less viable from an agricultural and economic perspective. Community infrastructure levy should in theory be able to deliver improvements to local facilities (including rights of way) to ensure that the interface between public access and farmland is managed; however in practice most of these farms simply have to tolerate the increased visitor pressure without any specific support. Public access on farmland needs more resources for installing new gates, new surfaces, signage and boundary features in

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order to manage visitor pressure in the farming environment. This is not currently resourced to a sufficient level via CIL development contributions, and such we suggest that there needs to be more robust policy that mitigates public pressure on farmland to a much greater extent.

- **Planning to help support the promotion of digital technology:** Farming needs to be able to modernise, become more efficient and to continue to improve its sustainability and environmental footprint. As such, we need the planning system to support this ambition through effective digital infrastructure to ensure our farming sector can become world leaders in agricultural technologies, form effective food chains, become more self-sufficient in quality, local produced food and to increase international trade.

The food supply chain and regulation, as well as actual farm demand are also driving change. We have members already making extensive use of digital technology, for example to monitor animals, control building systems and use Wi-Fi enabled technology in their farm machinery. The use of precision farming techniques contributes to a more targeted usage of nutrients and plant protection products. As farming continues to innovate reliable high speed broadband and phone signal have to become the norm. The use of digital transmitters is often the only way to transfer signals into remote areas.

With the Chancellor's recent announced changes to planning rules to allow taller masts and more digital equipment to be installed on masts and buildings¹⁴, we understand that there will also be extensions to the height of existing masts will also be allowed under permitted development rights. From Summer 2016 mobile phone masts up to 25 rather than 15 m high will be allowed, with 20 m masts in protected areas (such as National Parks).

However, planning authorities, especially in protected areas, must allow for the erection of masts to enable the use of precision technology. For example, farms in Wiltshire have been prevented from adopting these new technologies by the AONB because of potential landscape impacts. We believe this is a regressive and short-sighted approach to rural planning decision making. The planning process must actively promote the mounting of these structures on existing buildings or new structures.

- **Gateway widening:** agricultural machinery, especially on arable farms, is constantly getting larger in a bid to improve on farm efficiencies. NFU members have raised concerns that they have struggled when they wish to widen gateways onto highways, especially as depending on the classification of highway there are requirements within planning regulation to use concrete for any new gateways.
- **Question 11:** *In your view, are these issues given appropriate consideration in the planning process?*
- **The planning process is seen as risky** by many of our members compared to permitted development, adding costs and uncertainty to process. Currently there is often limited faith in the pre-application process with no clear answers and no guarantee that the planning officer will take the application through to completion. This is a key reason why farmers want to see a simpler and more enabling planning system which recognises the needs of their sector. Furthermore, it is seen and appears to be pushed by some Local Authorities as a means to

¹⁴ <http://www.nfuonline.com/science-environment/planning/plans-afoot-for-mast-development/>

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secure revenue. Even where applicants have sought guidance as part of the pre-application process, the advice given can be contradicted in the actual planning process.

To illustrate the high risks and unreasonable costs being incurred by farmers going through the planning system, we provide the example of a NFU farmer member from Herefordshire who applied for planning permission for two broiler sheds. Before embarking on the project, which represented a considerable investment and change of direction for this mixed family farm, they took advice from two different planning consultants both experienced in poultry planning applications. They then took pre application advice from Herefordshire Council and engaged with officers at an early stage in order to highlight potential risk and problems. The pre-application advice from the Council did not flag up any potential issues with the site and the farmer proceeded with the application considering it to be low risk. The farm is not within a designated landscape and landscape concerns were not highlighted at this stage. At a late stage in the process, a local action group approached the Council and requested further information about landscape issues. This prompted the Council to request a landscape assessment from the applicant (despite this not being raised at the pre application stage) and the farmer commissioned an assessment from a landscape architect at considerable additional cost. This report did not identify any significant landscape impacts from the proposed broiler unit; however the application was eventually turned down on landscape grounds. The farmer appealed to the Planning Inspectorate but lost the appeal. The farmer has been left with a bill for approximately £40,000 as a result of planning and professional fees. This is a considerable cost burden for the business. The farmer feels very let down by the Council as initially this was felt to be a low risk application. Furthermore, there is a question mark about future development of the business as any requests for planning consent for farm buildings or other infrastructure are likely to be refused on landscape grounds.

- **Lack of local government department integration:** Highways continue to be a problem when planning and highways do not sit within the same authority (County or District).
- **The need to improve communications:** While applications submitted by an agent/adviser are more likely to be contacted about a potential refusal, concern has been raised by our members about the lack of communication if a farmer submitted their own application (refusal given via a letter only). We believe that application shouldn't be just refused without prior discussion. The NFU would like to see a 'Yes if' rather than a 'No' stance which we believe would be more aligned to the NPPF ethos. Related to this, some planning departments appear to default to No, rather than admit they don't understand an agricultural planning application (e.g. how an agricultural shed can be used for storing equipment, livestock or grains, but may also be used for repairing equipment before harvest).
- **Constraints within AONB's, National Parks and local landscape designations:** Planning decisions are made on visual as opposed to economic or social grounds. Landscape designations are not of equal value (i.e. local vs national designations), however we frequently find protected landscapes being used a pretext to withhold permission or impose conditions which make farm business development, and even survival, unsustainable. The use of conditions by some Authorities (e.g. National Parks) are increasing. Concern has been raised about the potential link to fees and that this process could be construed as an income stream.

Statutory agencies have in some instances increased costs for planning through incorrectly using legislation as a barrier to development of farms. For example, in Devon there are examples of Natural England requiring EIAs for new slurry stores where they are considered to be impacting designated sites and being within zones of impact. Subsequent analysis has

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shown this not to be the case. There must be robust and correct implementation of legislation that is not ultra vires.

Within the Lea Valley, the current policies of the Lee Valley Regional Park Authority and their remit interpretation regarding Horticultural businesses demonstrate a failure to recognise the economic importance and potential of the glasshouse industry within the park area, and this is stifling the sustainable development and competitiveness of the important glasshouse businesses in this region who grow up to three quarters of some of the UK's Salad crops.

Although Epping Forest District Council have generally been supportive to Glasshouse expansion inside and outside of the Lee Valley Regional Park they remain opposed to the development of Agricultural tied purpose built workers accommodation, which, is becoming increasingly important for Horticultural businesses to attract permanent and seasonal workers.

- **Question 12:** *If not, how can these issues be given appropriate consideration in the planning process?*
 - **Better integration of the needs of farming businesses in to Local Plans and Neighbourhood Plans:** The NFU is frequently asked why local planning authorities are so negative towards and don't understand farming. Our members experience poor quality service, from untrained officers who don't keep in contact and there can be vastly different views between officers even within one authority. We have several examples of where one or two people in a village can stop development going ahead. This stressed the need for greater economic focus, which LEPS should provide, but do not appear to be promoting at present. This lack of integration and understanding is often seen as a barrier by our members and the NFU will be seeking to encourage neighbourhood plans to have policies which positively encourage the consideration of farming priorities (see points raised under question 10) and do not deter them because of, for example, restrictive landscape designations and sustainable transport policies.
- **Question 13:** *Please detail any local planning authority best practice which you would like to highlight.*

Examples of regional differences in planning decisions:

- **Stimulating the low-carbon economy:** Over the past 12-18 months, Swindon Borough Council in Wiltshire has issued a variety of Local Development Orders to stimulate the local low-carbon economy, including many for solar farms on sites put forward by farmers, landowners, parish councils and residents. These LDOs streamline the planning process while still allowing for full public consultation. Swindon BC has gone further in launching its own 'solar bond' scheme to enable local residents to invest in community-owned solar developments.

http://ww1.swindon.gov.uk/ep/Environment%20Document%20Library/Swindon%20Low%20Carbon%20LDO3_Solar_Application%20form.pdf

- **Class Q permitted development:** There are some positive examples around the country where we can provide further details on request. However, there can sometimes be striking

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differences in approach between adjoining planning authorities which highlight the issue of inconsistency.

- **On farm reservoirs:** As an example, Kent Council have developed a best practice guidance document covering on farm reservoirs which has been really well implemented. However, we understand that Kent Council are currently unwilling to share the guide with neighbouring councils causing different approaches to be taken either side of the county boundary.
- **Polytunnels:** We are aware of different regional issues affecting polytunnels. The issues are not with the structures per se but are related to landscape and visual concerns (similar to solar farms).
- **New farm buildings/units:** We are aware of a farmer who is currently attempting to diversify his business in the Malvern Hills AONB by investing in a new broiler unit. These units are near to the existing farmstead including large agricultural buildings. The site is within close proximity to the Malvern Hills and faces various challenges because of landscape considerations. The farmer is frustrated as they recognise the need to invest in modern infrastructure in order for their businesses to evolve. They can only continue to manage the special agricultural landscapes of the AONB by being active farmers. The AONB also recognise the need to support profitable agriculture, but in practice resist any forms of development which they feel to be detrimental to the landscape effectively shutting off large areas of potential investment. In this example the farm is one of only three working farms left in the Parish and the farmer fears for the future of the landscape of the AONB if these businesses (and the skills and knowledge that reside within them) are forced out of business.
- **Tourism diversification projects:** A farmer member in the Shropshire Hills AONB is attempting to develop an income stream from tourism by investing in static caravan for holiday lets. This business is being developed as income from agri-environment schemes that supported the farm will reduce considerably in future years. The long term viability of the farm would be aided and additional landscape and environmental benefits would accrue by securing the future of a working traditional hill-farm. An analysis of local policy demonstrates that the farm diversification nature of this project is supported and promoted by County Council's Spatial Vision, the Council's Strategic Objectives and various development policies. The application has also highlighted the economic benefit of visitors coming to the area and supporting the existing rural services locally and beyond. However Planning Officers have taken a negative view of the proposed scheme from the outset. Planning Offers have suggested moving the caravan away from the farmstead because of concerns about amenity, noise and odour, only to then decide that it would be in an isolated location. This relatively straightforward planning application has been in the system for seven months. There is little prospect of its being resolved in time for the farm to benefit from the 2016 tourist season as originally planned.
- **Whole Estate Plans:** The South Downs National Park authority are currently consulting on a version of a "whole estate plan" where developments that would otherwise be inappropriate within the National Park are considered on their merits within the context of the whole farm enterprise and overall farm management approach. In theory we are tentatively supportive of this approach where, in isolation such development may not be appropriate, but more broadly may enable a contribution to the purposes of the park through other means. It is too early to tell whether this policy is effective in the manner suggested, but it is a novel approach to streamlining otherwise complex planning decisions and should be reviewed by DCLG.

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- **Chichester District Council Farm Awareness Days:** Through ongoing engagement with the planning department at CDC the NFU has developed a programme of awareness raising farm visits, to enable their planning team to go out on to uncontentious farms, giving the opportunity to discuss questions of farm operations and management requirements. These days have been highly valued by both planners and farmers alike as they act to demystify and humanise planning and farming for all involved. Taking this a step further we have been told that the rural and farming knowledge base within local authorities is diminishing, with younger officers tending to have less background in this area. In this context we believe there needs to be greater emphasis on training and raising awareness of farming and rural enterprise and more encouragement for officers to engage in formal training.
- **Integration between Local Enterprise Partnerships (LEPs) and farm business planning:** Probably the major hurdle for rural businesses seeking to improve productivity or diversify is the access to finance and expertise in delivering the right market opportunity in the right place. LEP's exhibit varying degrees of success in how they promote rural development. By producing a rural strategy with objectives for rural economy, communities and environment, SELEP has taken steps in the right direction to promote the development needs of the rural sector. Furthermore Enterprise M3 LEP have produced a Rural Planning Policy Paper¹⁵, which concludes that "there is merit in authorities with significant countryside areas considering the production of rural strategies and ensuring that planning services have access to specialist advice to deal with rural issues and the implementation of this new agenda." We believe however that more work needs to be done to enhance the link between rural development funding and the planning system, and would encourage that it is taken into consideration during the review.

Questions relating to the use of agricultural buildings for residential purposes:

- **Question 14:** *Are the current thresholds and conditions allowing change of use from agricultural to residential appropriate?*

No

- **Question 15:** *What improvements could be made to the existing permitted development right allowing change of use from agricultural to residential?*
- **More consistent decision making is needed by authorities:** Regional NFU colleagues have been involved with a number of appeals on class Q conversions where farmer members have been asked to submit lots of information about contamination, noise etc. We have seen little evidence for a greater number and area of agricultural to residential permitted developments applications and such change of use is still often seen by our members as an uphill struggle. Farmers are being put off from applying. There is also considerable disparity between planning authorities on the requirement for information for class Q conversions. Even within planning authorities there are inconsistencies in decision making. Clarity is required to prevent farmers incurring unnecessary costs and/ or having to reapply, apply or appeal. Current approval

¹⁵ <https://www.enterprisem3.org.uk/file/595/download?token=z0iV36wC>

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statistics for permitted developments are available on Gov.UK and illustrate these local differences in the approval rate of such applications¹⁶.

- **Better guidance is needed:** Better guidance is required on what constitutes “permitted development” - As a general point, permitted development rights under part 6 (Agriculture and Forestry) need updating and making less complicated with clearer guidance regarding what is and is not regulation. Better guidance should help to ensure consistency of national policy application and more certainty on what should be treated permitted development. From previous discussions with DCLG on the interpretation of the General Permitted Development Order (GPDO) and its subsequent amendments, the NFU understands that *“it is for the local planning authority for the area to determine in the first instance whether permitted development rights apply on a case by case basis”*. As it stands, the current lack of clarity and local interpretation is effectively forcing people into the Planning System.
- **A need for additional flexibility:** We would like to see more flexibility on limited external alterations for barns used for residential and for business use, such as chimney flues, future window alterations and garden/amenity areas. We would also like to see more rights to permit demolition and replacement on farm housing for barns conversions, where there is a clear environmental benefit.
- **Structural tests proving to be a barrier to conversion:** A key area to address is the current structural test by re-building of barns. Historic England has confirmed to us that there is evidence that this is stopping historic buildings being converted. The issue of structural integrity bears no relation to the intention of the order to enable redundant buildings to be converted to residential or business uses. Planning should be based on what can be seen not on what is covered up. There are disparities as to how planning authorities see this issue and their concerns are often based on looking to prevent the conversion rather than the intention of the order which was to enable conversion.
- This is a much summarised version of the issues created by making legislation too onerous, rather than allowing permitted development rights to be easier to interpret.
- **Question 16:** *Please let us know if you have any other comments on planning in rural areas.*
- **Future proofing against climate change:** The planning system needs to be future proofed for climate change. One in ten of NFU member’s properties have suffered structural damage following a severe weather event and 57% of all farm business has been affected by severe weather (NFU Weather Survey 2015). New homes need to be designed with the appropriate infrastructure, to avoid causing indirect damage to farm land through drought or flooding of farm land in particular.
- **The case for rural housing** - Whilst we appreciate that this review is not directly looking at the broader provision of rural housing supply, the NFU believes that there is a need to provide succinct, up to date housing policy within the National Planning Policy Framework (NPPF). This

¹⁶ <https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics#permitted-development-rights-tables>

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new policy should capture the value of farmland, when assessing housing and associated infrastructure planning. The new policy also needs to be rural proofed to promote housing on farm and for rural communities. As an example, some local authorities in the South West are focusing on tourism as their preferred option for new housing. This is creating issues for providing succession housing and the opportunity to develop farm businesses. Planning must recognise the need for viable farming businesses as being equally important as other demands on housing such as tourism.

- For this reason, the NFU wishes to take the opportunity to submit our key recommendations for improving quality housing supply through a revised NPPF. These recommendations will require a revision of Section 6 of the NPPF and in particular to rewrite paragraph 55. There may also need to be wider minor amendments to the NPPF with respect of agricultural land classification and to Planning Practice Guidance. We would stress that we believe they are essential to address the housing needs of rural areas and would be happy to discuss these matters further and provide further evidence.
 - A new paragraph to be included in the National Planning Policy Framework specifically addressing rural housing policy, highlighting the need for rural housing development to support the delivery of the Rural Productivity Plan and 25-Year Food and Farming Plan.
 - Development plans to be required to assess all the housing needs of their rural populations, including those living in sparse settings and on farm. For plans to assess the needs for rural retirement and rural worker homes and to make provision outside the main rural villages and towns for housing where it can be achieved sustainably (such as through the re-use of redundant land or buildings on a farmyard).
 - Affordable housing policy, to be rural proofed, to reflect actual wages earned locally and the housing needs of rural workers, families, elderly people and carers. Starter homes to be added to the affordable housing provision as an option, but not to replace affordable housing provision.
 - Agricultural and rural workers accommodation to be recognised as essential for rural areas, with positive policy to encourage appropriate forms of development. This includes permission for caravan-type accommodation, which is particularly important for accommodating seasonal workers in labour intensive sectors of the industry like horticulture
 - Redundant farmyards, brought forward for development, to be recognised as suitable land for brownfield registers and self-build registers.
 - Positive guidance to support the simplified planning rules for the conversion of farm buildings to residential use and other rural buildings that can be developed sustainably, for example on forestry and equestrian sites.
 - Positive housing policies for National Parks, Areas of Outstanding National Beauty and for other protected landscapes and buildings, so that there are clear rules as to how the communities living and maintaining these environments and buildings can continue to do so.
 - Positive guidance to ensure that the impact of wider housing delivery on agricultural land, both directly through land take and indirectly as a result of additional infrastructure requirements, are fully assessed through the planning system.

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- For new housing to be future-proofed and to not create unforeseen demands on adjacent land. For example if green infrastructure, open space and footpaths are needed to serve a single or several housing sites, then these land use requirements need to be highlighted at the start of the planning process and the full implications explained to adjacent landowners and farmers who may be affected.
- New settlements and other new housing developments should be rural proofed to ensure they can help support the rural economies in which they are planned, for example by creating access to markets and the provision of services.

Appendix 1: NFU Member Evidence.

A.1 A short sample of the consultation responses received from NFU members is set out below:

- *The planning system should be able to look favourably on applications in the countryside for young people who were born and raised in the countryside and would like live there and not be forced to move to town or city.*
- *From our own experience of being turned down by the planning committee for a barn conversion on our land, we strongly believe that farmers close to retiring age should be given consent to build a modest dwelling on the land (brownfield site) so that our children can continue with the farming enterprise. At the moment elderly farmers are hanging on to farms (and BPS) and living in the farm house, and therefore clogging up the natural progression of farming inheritance.*
- *Farmyards i.e. land with farm buildings on should be classified as brown field sites. We need to move back greenbelt where it has a strangle hold on villages.*
- *All small parcels of farm land that would accommodate up to 10 units or less that have adopted road frontage and are bounded on all other sides by a permanent boundary feature being an established hedgerow, a river /ditch/ dyke track or such like should be considered for change of use to residential. These would act as restriction buffer for further development into the countryside, again from my experience these pieces of land are unmanageable for farming and may have not contributed to farming for many years*
- *As a rural business making saddles for horses, our biggest problem is finding staff who live within a sensible commutable distance in terms of time and also in terms of travelling cost . We employ between 20 and 25 staff depending on the economy and would like to employ more but despite offering good wages – especially for the area - superb working conditions and really interesting and unusual jobs it is difficult to get staff because they have to drive reasonable distances to get to us. There are no local buses and whilst we have staff who would cycle, if they were local, they live too far out to make that a practical option even in summer months. If there was local housing for local young people i.e. people who had close family ties to the area rather than those people looking for a rural retreat, businesses like us would be able to expand and provide more jobs and greater wealth to the immediate area so supporting local pubs, village shops etc. We have built our business from nothing to its current day status, but over the*

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years we have seen that locality of housing is having a much greater effect on the ability to find workers than ever before. Those people who are looking to move up the property ladder have a reasonable number of local properties to choose from, but first time buyers do not have this opportunity.

- Although they have forced our local village, against universal opposition, to have 60 unnecessary new houses with access along a single lane highway, increasing the size of the village by 40%, they seem generally unwilling to approve individual or small developments.*
- The planning system should ensure the farming communities continue to thrive. As it stands at present it is set to ensure small growers who need accommodation for workers will not only fail, they will go to the wall.*
- As it stands the law allows to convert redundant sheds on my holding to domestic dwellings but for the 106-8 agreement are unable to sell anyone individually, only as a total Farm sale. This is an iniquitous situation. The NFU must seek for a total removal of the 106-8 agreements. As EEC members I understand no such agreement exists in other member states. Our Chancellor has stated the villages must play their part and take more housing. At present local authorities have and do dig their heels in for any removal request.*
- I have made application to our Local Planners for change of use of a redundant Agricultural Shed to a dwelling, which happens to be near five other residential houses and on a quite acceptable site. This has been refused because we were a forestry business on the qualifying day 20th March 2013, as we are now.*