

NFU Consultation Response: Changes to planning policy and legislation in relation to planning for housing, sustainable development and the environment.

1. Introduction

The NFU represents 55,000 farm businesses in England and Wales, a business sector who also maintain the landscape of 70% of the UK land area. British farms currently grow the raw ingredients for the UK food and drink manufacturing sector worth £108 billion. For every £1 invested, farming delivers £7.40 back to this country.ⁱ A YouGov poll commissioned by the NFU this year showed that 85% of people think that it is important that Britain has a productive and resilient farming industry.ⁱⁱ

Planning policies are correctly a crucial influence over the form and location of business development in rural areas, and especially on farm. In principle the context the national policy sets should countenance how development occurs, not whether it occurs. At a time of great change for farming, as the UK leaves the European Union, new needs, opportunities and expectations will be placed on our rural areas. Planning policies should anticipate this context. Overall we expect policies and the planning authorities need to become more responsive and flexible to the changing needs of rural areas and rural businesses, including farming, in short they should be 'rural proofed'.

Andrew Clark, NFU Director of Policy 2017

The NFU welcomes the opportunity to respond to this consultation, which follows on from the publication of the Housing White Paper '*Fixing our broken housing market*', and also addresses the additional questions raised by Government in its response to the Rural Planning Review.

The NFU recognises that the planning system faces a huge challenge in delivering the amount of housing our country needs. We welcomes the opportunity to comment more widely about how this can be achieved, taking into account the need to value farmland and the ability of farmers to benefit from this process. We also believe that now is an opportune time for the Government to update national planning policy and guidance to better reflect the challenges and opportunities now facing the farming and rural communities.

In this response we make a number of recommendations to the Government (Section 2) and the NFU would welcome the opportunity to discuss these issues further with relevant stakeholders. Answers to the questions posed by the main Housing White Paper consultation are in Section 3 and the NFU response to the Rural Planning Review questions in Section 4.

In responding to the Rural Planning Review, the Government sent out a positive message to farmers and growers, by committing to amend planning guidance to better support farm shops, polytunnels and on-farm reservoirs (to ensure they are given appropriate, positive consideration within the planning system). In our evidence we set out how we believe the Government could improve the permitted development rights for farm buildings and operations and to enable more agricultural building conversions to residential use (please see section 4 for further information).

2. NFU primary recommendations

The NFU welcomes the fact that the Housing White Paper sets out a programme of reform to tackle long-standing problems in the housing market and ensure that more homes are built in the right places; we do believe that more can be done to ensure farmers and growers get access to the homes needed to support their businesses; to ensure that their land is properly valued; and they get a fair deal when their land is put forward for development. The following recommendations to Government are intended to help the planning system address these issues.

To promote more homes on farm and for rural communities

- Paragraph 55 of the National Planning Policy Framework to be revised to clarify that the conversion of buildings and new and replacement buildings for homes in farm yards constitutes **sustainable development**.
- **Rural housing needs** to be separately assessed and provided for through the local planning process, informed by but without additional burden on neighbourhood plans or parish councils.
- Decision making to take into account **the ageing rural population, the need for farm succession and diversification; and for affordable rural labour requirements**.
- **Rural housing monitoring to show how homes are being provided to meet local need** and not just overall numbers delivered.
- **Rural planning policy to consider how to improve transport and service provision** to enable rural communities to access more distant facilities rather than refuse planning applications for housing simply because they don't meet urban sustainability standards.

To ensure that new housing development is a good neighbour for existing land uses and businesses.

- **The impact of housing development at all different scales to be assessed for its impact on farm land and farm through strategic planning documents and individual decision making.**
- **New housing**, including new green villages and towns **to be designed to integrate into rural communities**. Where possible to improve the economic opportunities and access to services for farms and rural communities.
- Housing and infrastructure provision to be designed to address rural communities and farm businesses and **not to take or constrain adjacent farm land without prior consent and appropriate compensation**.
- **Opportunities to offset adverse impacts created by new buildings**, settlements and infrastructure. For example by allowing replacement farm buildings and by creating improved local infrastructure, including digital connectivity.
- **Biodiversity offsetting and hard and green infrastructure to be provided where it would work best for local farm businesses** and to look for opportunities ensure historic landscapes and sites of nature interest can benefit as well as future residents.

Whilst the main purpose of the Housing White Paper is to tackle issues around housing delivery, some of the proposals set out will also have wider implications for the planning process and for the delivery of planning projects. The NFU therefore makes the following recommendations.

To provide a planning process that supports rural business.

- The core principles of how the planning system delivers sustainable development (paragraph 17 of the National Planning Policy Framework) **should include the provision of a sustainable rural economy: promoting farm, food chain and diversified activities and homes accessible for rural workers.**
- The NPPF to be updated to clarify that rural locations can be acceptable for development even when they don't have public transport facilities.
- There should be **more transparency** in local authority decision making, measures to deliver more consistency and sharing of best practice in decision making.
- The Government should consider **how the planning process can be made more affordable** to smaller house builders and community housing providers; farmer and growers and other rural businesses (to reduce the cost and risk generated by preparing increasingly expensive planning applications).
- **The pre-application process should be simpler and more consistent** with clearer informed guidance. Any pre-application fees to be discounted from the cost of subsequent planning applications.
- **The planning appeal process should continue to be free**, as to add an additional charge would impact on smaller businesses and farming families and put them off exercising their right to appeal a decision they believe it not correct.
- Local planning authorities with substantial rural areas must ensure that they have access to skilled rural planning professionals.
- **Farm buildings and operations** to be recognised as 'de minimus' rather than included in any revised community infrastructure levy regime. Development on farm by virtue of its location and purpose are self-sufficient in infrastructure and are not used by the general public.
- Funds raised by rural development should be hypothecated to rural infrastructure and settlements that rural communities should receive infrastructure improvements too; including improved footpaths and roads, broadband and either rural service provision or transport provision to the nearest local services.

To update permitted development rights to provide for homes and future proofed farming businesses.

The introduction of **more flexible permitted development rights for farm buildings and operations**, to allow for innovation, climate change, animal welfare, storage and processing and the sharing of infrastructure and buildings between farm holdings.

- The introduction of more **flexible permitted development rights for creating new homes on farm**, to allow more building conversion under Class Q rights and the proposed new change of use Class to permit up to 5 dwellings, but to also allow for more building rebuilding and replacement where this would result in sustainable

development.

- More **flexible permitted development rights in conservation areas, National Parks and other protected landscapes**, to allow for more farm innovation and diversification without compromising historic and landscape settings.
- Permitted development rights to be made available to allow for **rural digital infrastructure** and **renewable energy projects**, for projects serving farm holdings. This will include masts for radio antennae; **GPS masts and energy barns** housing batteries which store energy for local use.
- **Updated permitted development rights for tourism and diversification activity on farms**. For example to allow for camping/glamping accommodation; seasonal cafes or other tourist activities or to make provision for camping barns.
- **Permitted development rights to allow purpose built holiday accommodation to be used for affordable housing**, when it is surplus to requirements and can provide decent accommodation without the need for significant amendments.

Summary explanation.

The planning system needs to value farm land and businesses, in planning strategies and in decision making. This is needed to enable farms and rural businesses to continue to develop and diversify; and for rural communities to be revived. Whilst each planning case has to be determined on its own merits, NFU members are increasingly concerned that their land and buildings are not being valued for agriculture and the needs of their farm businesses are not taken into account as part of the planning decision making process.

Brexit provides the opportunity to review much of the regulation governing farming. Too often, farmers have been burdened by rules and requirements that stifle their ability to farm for no discernible benefit. We recognise the value of good regulation, which can foster innovation or promote productivity while protecting our health and the environment or standardising operations. But bad regulation often achieves none of these'

NFU President Meurig Raymond 2016.

The vote to leave the EU has focused attention on how farmers can continue to grow more food productively and innovate and hence best provide the local food consumers tell us they want. Whatever the farm sector, all will be looking to improve efficiencies through how they store produce or rear animals; how they reduce waste and use renewable energy and how they comply with regulation and changing market demands.

Farming is changing, from farmers in remote rural locations making more use of digital technology to monitor animals, to the greater use of joint storage and packing facilities for farm produce. When planning permission is required, the planning system needs to be able to address key issues such as siting, access and design in a timely manner but not to provide a regulatory burden or a hindrance to development. There is an increased role for permitted development rights to free up the planning system, but ensure there is appropriate control.

There is an urgent need to see how permitted development rights can help the more marginal farming businesses, including those in protected landscapes such as National Parks and Areas of Outstanding Natural Beauty, where appropriately worded permitted development rights could help bring forward developments that help farmers stay on farm, producing food and maintaining treasured environments.

The National Planning Policy Framework (NPPF) has therefore to be amended to acknowledge that farm are sustainable locations, to ensure planning system addresses what is sustainable in rural terms, rather than simply looking to accessibility when assessing the opportunities for keeping farming and rural communities vibrant.

According to 2016 Defra figures; 62% of farms accommodate diversified activities. This figure is increasing as farmers look to gain alternative income streams to help them keep farming. Many activities are rural focused and unique to rural communities, but increasingly more business offer retail and service activities. Some converted farm yards are becoming rural hubs of economic activity to the benefit of rural communities, who have lost facilities in village locations.

The planning system needs to set the ground rules to enable farmers and rural communities to respond positively to change. According to Defra figures the average age of the farmer is 59. This means that there is an older generation of farmers and growers needing to consider their future, to retire and pass the farm on or to sell. Succession is focusing more attention on the need to deliver more flexible rural homes, including for carers and this older generation. The ability to pass on farms could also create opportunities for more innovative ways of farming as new farm business develop. The Princes Countryside Fund has commissioned research by Exeter University in 2015/2016 entitled: [Is there a future for the small family farm in the UK](#). The recommendations within this report for policy makers included:

Consideration should be given in planning policies to allow farmers or retirement age to build a retirement home when they agree to facilitate new entrants through Farm Business Tenancies, shared farming or land purchase.

ⁱ <http://www.nfuonline.com/news/brexit-news/eu-referendum-news/nfu17-farmings-71-return-on-investment-revealed/>

ⁱⁱ <http://www.nfuonline.com/misc/press-centre/press-releases/consumers-want-retailers-to-back-british-farming/>