

## Appendix 9 – Development in the Green Belt

### Agricultural and Forestry Dwellings

9.1 The NPPF sets out that buildings for agriculture or forestry may be an exception to inappropriate development in the Green Belt. However, it is important that any such buildings, and in particular dwellings, are demonstrably required **for** the purposes of agriculture or forestry.

9.2 There may be occasion where new residential development can be justified when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work. It will often be as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the Green Belt. However, there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.

9.3 It is essential that all applications for planning permission for new dwellings in the Green Belt are scrutinised thoroughly with the aim of detecting attempts to abuse (e.g. through speculative proposals) the planning system. In particular, it will be important to establish whether the stated intentions to engage in farming, forestry or any other rural-based enterprise, are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period of time. It will also be important to establish that the needs of the intended enterprise require one or more of the people engaged in it to live nearby.

### Permanent Agricultural Dwellings

9.4 New permanent dwellings will only be allowed to support existing agricultural activities on well-established agricultural units, providing:

- a) There is a clearly established existing functional need;
- b) The need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
- c) The unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;

- d) The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation which is suitable and available for occupation by the workers concerned; and
- e) Other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

9.5 A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night:

- In case animals or agricultural processes require essential care at short notice;
- To deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems.

9.6 In cases where we are particularly concerned about possible abuse, we will investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings, or buildings suitable for conversion to dwellings, have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need.

9.7 The protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not by itself be sufficient to justify one. Requirements arising from food processing, as opposed to agriculture, cannot be used to justify an agricultural dwelling. Nor can agricultural needs justify the provision of isolated new dwellings as retirement homes for farmers.

9.8 If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant.

9.9 New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A financial test is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain. In applying this test, we will take a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned. Some enterprises which aim to operate broadly on a subsistence basis, but which nonetheless provide wider benefits (e.g. in managing attractive landscapes or wildlife habitats), can be sustained on relatively low financial returns.

9.10 Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, will not be permitted. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding.

9.11 We will consider making planning permissions subject to conditions removing some of the permitted development rights under Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for development within the curtilage of a dwelling house. For example, proposed extensions could result in a dwelling whose size exceeded what could be justified by the functional requirement, and affect the continued viability of maintaining the property for its intended use, given the income that the agricultural unit can sustain.

9.12 Agricultural dwellings should be sited so as to meet the identified functional need and to be well-related to existing farm buildings, or other dwellings.

#### Temporary Agricultural Dwellings

9.13 If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:

- a) Clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);
- b) Functional need;
- c) Clear evidence that the proposed enterprise has been planned on a sound financial basis;
- d) The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- e) Other normal planning requirements, e.g. on siting and access, are satisfied.

9.14 If permission for temporary accommodation is granted, permission for a permanent dwelling will not subsequently be given unless the criteria in **paragraph x** above are met. We will make clear the period for which the temporary permission is granted, the fact that the temporary dwelling will have to be removed, and the requirements that will have to be met if a permanent permission is to be granted. We will not normally grant successive

extensions to a temporary permission over a period of more than three years, nor give temporary permissions in locations where we would not permit a permanent dwelling.

### Forestry Dwellings

9.15 The Council will apply the same criteria to applications for forestry dwellings as to those for agricultural dwellings. The other principles in the advice on agricultural dwellings are equally relevant to forestry dwellings. Under conventional methods of forestry management, which can involve the use of a peripatetic workforce, new forestry dwellings may not always be justified, except perhaps to service intensive nursery production of trees.

### Occupancy Conditions

9.16 Where the need to provide accommodation to enable farm, forestry or other workers to live at or near their place of work has been accepted as providing the special justification required for new, isolated residential development in the Green Belt it will be necessary to ensure that the dwellings are kept available for meeting this need for as long as it exists. For this purpose, planning permission will be made subject to appropriate occupancy conditions.

### **Extensions and Alterations to Buildings in the Green Belt**

9.17 Paragraph 154 of the NPPF sets out that the construction of new buildings is inappropriate in the Green Belt. However exceptions to this include:

- The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; and
- The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

9.18 The NPPF does not define the terms ‘disproportionate’ or ‘materially larger’. However, ‘original building’ is defined as:

*A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.*

9.19 Further guidance on what will be considered ‘disproportionate’ (in the case of extensions) or ‘materially larger’ (in the case of replacement buildings) and how the impact of such development on the openness of the Green Belt will be considered is set out below.

### Extensions to Buildings

9.20 Applications for extensions or alterations to buildings in the Green Belt will normally be unacceptable where this would result in disproportionate additions over the size of the original building, or harm to the openness of the Green Belt. Applications for residential extensions in the Metropolitan Green Belt will normally be unacceptable unless both the openness of Green Belt and percentage increase in original floorspace criteria (as set out below) are satisfied and are in accordance with the guidance noted in Appendix X. The position, volume, and height of the proposal are also material considerations in assessing whether the proposal would result in disproportionate additions to the original building.

#### *Disproportionate Additions*

9.21 The position, volume and height of the proposal are material considerations in assessing proportionality. In terms of floor space, extensions or alterations resulting in a cumulative increase in floorspace (measured externally) of more than 40% over the original building will normally be considered disproportionate with the following exceptions:

- a) Dormer windows (where proportionate to the existing building)
- b) Ground floor extensions of modest size compared to the building and site.
- c) 'In-fill' extensions which do not increase the apparent bulk of the building.

9.22 The bulk and massing of an extension or alteration, including the roof form, will also be considered against the scale of the original building.

9.23 When determining the floorspace increase, all previous additions to the original building (defined in the NPPF as a building as it existed on 1 July 1948, or if constructed after 1 July 1948, as it was built originally) including outbuildings within close proximity of a building will be taken into account, regardless of whether these were implemented by the current owner or through the exercise of permitted development rights. The cumulative total of floorspace increase will therefore take into account previous extensions and alterations.

9.24 For the purposes of Green Belt policy, a residential outbuilding will be classed as an extension providing it is located within close proximity of the main dwellinghouse on the site. In these circumstances the outbuilding will count towards the total floorspace of the dwelling and any proposed extension or alteration should not result in an increase in the floorspace of more than 40% of the original building. Similarly, the floorspace of existing outbuildings within the curtilage of a dwelling that may be proposed to be removed will not be taken into account in assessing the percentage increase in floorspace unless they were built at the same time as the original dwelling and are within close proximity of the dwelling.

9.25 Proposals to demolish redundant formerly non-residential outbuildings now lying within a defined residential curtilage which detract from the appearance of the area will be treated on their own merits. It will not normally be acceptable for the floorspace of extensions or alterations to the host building to approach the level of the outbuilding(s) to be removed, and permitted development rights for future outbuildings will generally be removed.

9.26 Small dwellings (defined as 110sqm floorspace measured externally or less) with limited basic amenities may be allowed larger extensions to allow upgrading to contemporary living standards.

9.27 Applications for basement extensions will be subject to the same criteria as above ground extensions.

#### *Openness of Green Belt*

9.28 Side extensions should not significantly extend the width of the original building or in any other way make the building more prominent by virtue of its bulk and/or design. Rear extensions will normally be viewed more favourably than side extensions.

9.29 Dormer windows proportionate to the existing building will not normally be viewed as adversely affecting the openness of the Green Belt.

9.30 Increases in ridge height, apparent bulk of roof and/or replacement of a storey at least partially contained in the existing roof, by a full storey will normally be considered to adversely affect the openness of the Green Belt.

#### **Replacement Buildings**

9.31 Applications for replacement buildings in the Green Belt will normally be unacceptable where the replacement would be materially larger than the existing building on the site or would result in harm to the openness of the Green Belt.

#### *Material Increase*

9.32 When considering whether a replacement building is materially larger than the one it replaces, the baseline will be the existing building.

9.33 The floorspace of existing outbuildings within the curtilage of a building will not be taken into account in assessing the size of the existing building unless they are located within close proximity to the building.

9.34 The assessment of whether a replacement building is materially larger than the one it replaces will be by reference to size. The physical dimension most relevant for the purposes of assessing relative size of buildings will depend on the circumstances of the case.

9.35 Depending on the facts of the case the assessment of whether a replacement building is materially larger may take into account measures including floorspace, volume, footprint, height, width and depth and will include consideration of any proposed basement levels.

9.36 Where an existing dwelling has a floor area (measured externally) of less than 110sqm then the replacement dwelling may be of a total floorspace (excluding garage) of 110sqm.

#### *Openness of Green Belt*

9.37 The impact of replacement buildings on the openness of the Green Belt will be considered in relation to the design, siting within the plot and general location of the proposed building.

9.38 If a replacement building is proposed in a different location to the existing, it will be necessary to demonstrate that there is no increase in the overall visual impact of the building in the landscape. A scheme of remediation of the original house site will also be required and will be linked by condition or legal agreement to any replacement building.

9.39 Permitted development rights for extensions and outbuildings may be removed from replacement buildings in the Green Belt to prevent future additions that may cumulatively impact on openness of the Green Belt.

#### **Re-Use and conversion of Buildings in the Green Belt**

9.40 The re-use and conversion of buildings in the Green Belt will only be supported where this would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it, and where:

- a) The building is of permanent and substantial construction and is suitable for reuse/conversion without extensive alteration, rebuilding and or extension;
- b) The form, scale and general design of the building is in keeping with the surroundings and the proposals would not have a significant adverse effect on the openness of the Green Belt or appear excessively prominent, including as a consequence of any alterations/extensions;
- c) Any change of use of associated land does not include open or agricultural land to provide new gardens/amenity space or include doors giving access from buildings directly onto such land. Any associated parking/turning areas or modifications to access or landscaping would

preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.

### **Ancillary Buildings**

9.41 The Council will only support the provision of ancillary buildings in the Green Belt where it can be demonstrated that the development would:

- i) have an ancillary function
- ii) be of a scale and design clearly subordinate to the primary building on site and of a height and bulk such that the building would not have an adverse effect on the visual openness of the Green Belt.
- iii) be sited in an appropriate location that would not be prominent in the landscape and would not result in the spread of urbanising development.
- iv) avoid features normally associated with the use of a building as a dwelling such as dormer windows.

### **Change of Use of Land and Extensions to Residential Curtilage**

9.42 Material changes in the use of land will only be supported where this would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.

9.43 The Council will safeguard the Green Belt from encroachment, therefore proposals which include the extension of the curtilage of a property into the Green Belt which result in a net reduction in open Green Belt land will not be supported.

### **Other Development**

9.44 Any enclosure (including gates, walls, fences etc), hardstanding and new accesses must be appropriate to its location in terms of scale, siting, design and materials and where necessary to be supplemented by soft landscaping.