



# Rural Workers Dwellings Supplementary Planning Document (SPD)

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Adopted June 2021

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## 1 Introduction

### Introduction

- 1.1** The Harrogate District Local Plan 2014-2035 was adopted in 2020. This Supplementary Planning Document seeks to provide additional background, help and guidance for navigating the policy, setting out the supporting information required to support a planning application for either a permanent or temporary rural workers dwelling.
- 1.2** Policy HS9 of the Local Plan refers to Rural Workers Dwellings and follows the national guidance in the National Planning Policy Framework (NPPF) which seeks to avoid the development of isolated homes except in certain circumstances, one of which is where there is an essential need for a rural worker.
- 1.3** This guidance intends to assist those who are seeking to apply for a rural workers dwelling, and gives advice on the information required when applying to remove or vary an existing occupancy condition.
- 1.4** The Local Plan should be considered as a whole, there maybe other policies which are relevant to your proposals, including those within the chapters relating to Harrogate District's Growth Strategy, Economy, Housing, Transport and Infrastructure, Climate Change, Heritage and Placemaking, and Natural Environment.

## Policy Context

**2.1** NPPF Paragraph 79. reads; *Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

*a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*

**2.2** Further guidance is set out in the National Planning Policy Guidance (NPPG) <sup>(1)</sup> which reads;

*Considerations that it may be relevant to take into account when applying paragraph 79a of the NPPF could include:*

- *evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);*
- *the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;*
- *whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;*
- *whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and*
- *in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.*

*Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings.*

**2.3** Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

**2.4** The adopted Local Plan is the starting point for determination of any planning application.

### **Policy HS9: Rural Workers Dwelling**

New isolated dwellings in the countryside intended for occupation by rural workers will not be permitted unless it can be shown that there is an essential need for a rural worker to live permanently at or near their place of work within the countryside. In determining whether such need exists, the local authority will consider whether the following criteria are met:

- 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 rural employment and does not relate to a part-time requirement;
- C. The unit and the rural employment activity concerned have been established for at least three years, have been financially sound for at least one of them, are currently financially sound, and have a clear prospect of remaining so;

## 2 Policy Context

- 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 for occupation by the workers concerned; and
- E. Other planning requirements, e.g. in relation to access, or the impact on the countryside are satisfied.

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 for the first three years be provided by a temporary dwelling unless exceptional circumstances can be demonstrated.

**Table 2.1**

- 2.5** Further advice is set out in the Policy Justification, along with a suggestion of what evidence may be required from applicants to accompany planning applications which includes;
- Financial Test
  - Functional Test
- 2.6** The information required to support an application for a rural workers dwelling will depend on the application being made and the evidence needed to support the proposals.
- 2.7** This guidance also seeks to set out evidence required to support an application to delete or vary an occupancy condition.
- 2.8** This guidance looks at the advice in the NPPF, the NPPG and the views of Planning Inspectors on Appeals on the type of evidence submitted which can help to set out a case for either a permanent or temporary rural workers dwelling. Each application will be considered on a case by case basis on its own merits.
- 2.9** In line with national guidance prior to the submission of an application, applicants are encouraged to make a pre-application enquiry; please follow the link to the website for details [www.harrogate.gov.uk/planning](http://www.harrogate.gov.uk/planning) The service aims to take some of the uncertainty out of the process and offers constructive and without prejudice advice on the likelihood of your proposal receiving planning permission.

## Definition of a Rural Worker 3

### Definition of a Rural Worker

- 3.1** The Town and Country Planning Act 1990 Section 336 Interpretation. *"agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly;-*
- 3.2** In line with the guidance in the NPPG (as set out above) *'Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings.'* <sup>(2)</sup>
- 3.3** The NPPF refers to an essential need for a rural worker, including those making majority control of a farm business, sometimes referred to as a succession dwelling, to live permanently at or near their place or work in the countryside.

## 4 Rural Workers Dwellings

### Rural Workers Dwellings

- 4.1 This guidance seeks to set out the information required to be submitted to allow your application to be assessed against the NPPF, NPPG and Local Plan Policy HS9 criteria A-E.
- 4.2 The following information should be submitted in order to identify whether your need meets the criteria set out in Policy HS9. The policy sets out criteria that needs to be met to establish where there is support for either a permanent or temporary rural workers dwelling.
- 4.3 The flow chart below sets out the stages an application needs to go through.

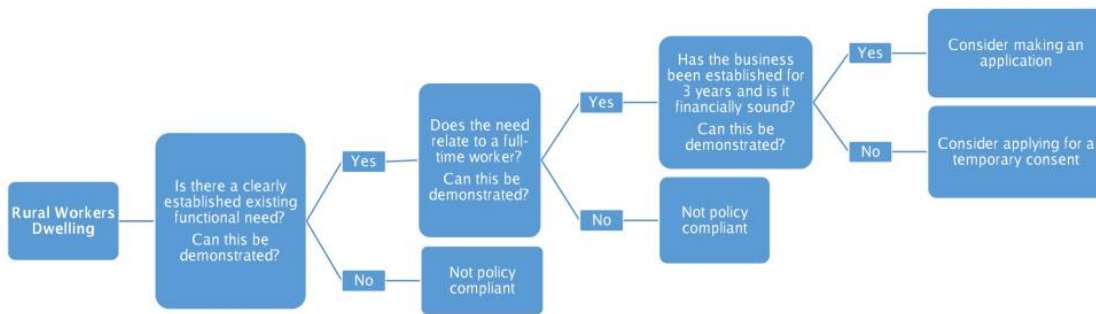


Figure 4.1

- 4.4 This section works through each criteria in Policy HS9.

#### Policy HS9

##### Criteria A: There is a clearly established existing functional need

- 4.5 As required by NPPG <sup>(3)</sup> an application will need “*evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);*”

To support your application you should include;

3 NPPG Paragraph: 010 Reference ID: 67-010-20190722 Revision date: 22 07 2019 Published 22 July 2019 on as revised and updated

## Rural Workers Dwellings 4

- Details of the existing business
  - Describing the operation of the unit, details of acreage, stock / flock numbers, management details and staffing.
  - Number and type of workers e.g. full-time, part-time, casual, seasonal, etc. including family.
  - The work each staff member does, including the applicant.
  - Details of where each member of staff lives, including where the applicant currently lives.
  - Whether the proposal is for a succession dwelling to allow a person younger than the person currently responsible for management of the farm business who has or is intended to have majority control over the business and be the decision maker.
- Details of the land holding
  - Indicating on a scale plan all the land which comprises the unit. (Land in the applicants ownership and / or land within a permanent agricultural tenancy should be shown in blue. Any other land under the applicants control should be outlined in brown. All areas to given in acres/hectares).
  - Details on what basis rented land is held e.g. permanent tenancy. (The Council's assessment of the proposal will only be able to be based on land in the applicants ownership or land held on a permanent tenancy).
  - Details of any land or building disposed of in the last 3 years along with details of why.
- Future changes anticipated in the next 3 years, this should include;
  - Any proposed changes to the running of the enterprise.
  - Any proposed farm diversification schemes.
  - Details of whether the new dwelling would be dependent on these proposed changes.
  - The anticipated timescale for any proposed changes.

### **Criteria B: The need relates to a full-time worker, or one who is primarily employed in rural employment and does not relate to a part-time requirement**

- This assessment must be supported by an assessment of standard man-days (SMD) or worker-days based on figures from budget books such as John Nix Pocketbook or similar.

### **Criteria C: The unit and the rural employment activity concerned have been established for at least three years, have been financially sound for at least one of them, are currently financially sound, and have a clear prospect of remaining so**

- If a functional need has been established, the application will need to be supported by financial information which needs to show, at least, the last 3 years financial records. Submitting 3-5 years of audited accounts would help to establish if the business is financially sound.
- Records must be able to demonstrate the on-going profitability of the enterprise which also needs to be able to support a worker living on site and their wage levels, which must be at least the equivalent to the National Minimum Wage to fund the proposed dwelling.
- It is acknowledged that rural enterprises may comprise of a number of activities which contribute to the overall viability of the business; however demonstrating overall



## 4 Rural Workers Dwellings

profitability is unlikely to be sufficient to meet the policy test. It will be necessary to demonstrate that the activities giving rise to the functional need to live on site meets the financial test requirements.

- In line with the guidance in the NPPG <sup>(4)</sup> any viability assessment should be prepared on the basis that it will be made publicly available other than in exceptional circumstances. Where financial information is required to be kept confidential, a detailed financial executive summary will be required to be made publicly available in the interests of openness.
- Where a financial viability assessment needs to be assessed this is likely to be subject to a chargeable fee.

### **Criteria 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**

- The application should be supported by a site plan showing the existing buildings and dwellings on site and their use / occupation and an assessment of whether they would be suitable for occupation.
- Details of where the applicant currently lives and where any staff members currently live and the proximity to the unit must also be submitted.
- The submission must also include properties for sale and rent locally setting out why they have been disregarded. The search area will be dependent on how the enterprise operates and the maximum distance that could be traveled in an emergency. The search area may vary from case to case and must be fully justified in the submission.

### **Criteria E: Other planning requirements e.g. in relation to access, or the impact on the countryside are satisfied**

- Proposals need to carefully consider national and local designations; e.g. Green Belt, Nidderdale Area of Outstanding Natural Beauty; biodiversity designations; designated heritage assets etc.
- Consideration must be given to the policies within the Local Plan.
- It is recommended that pre-application advice is sought to assess whether the location, siting and design of the proposed dwelling is acceptable in terms of landscape and massing, in addition to meeting criteria A-D.

### **New Farming Activity: 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 for the first three years be provided by a temporary dwelling unless exceptional circumstances can be demonstrated**

- As with a permanent dwelling any application would need to be supported by information to demonstrate a functional need on site.
- Any application would also need to be supported by financial information to demonstrate there is a realistic prospect of the business thriving and being able to support a future permanent dwelling.

## Size of Dwelling 5

## Size of Dwelling

- 5.1** Within the justification for Policy HS9 paragraph 5.56 reads; **New rural workers accommodation should only be permitted where it can be demonstrated that the enterprise is economically viable. A financial test will be required in order to prove this and to provide evidence of the size of the dwelling, which the enterprise can sustain. Rural workers dwellings should be of a size commensurate with the established functional requirement. Dwellings which are unusually large in relation to the rural employment needs of the unit should not be permitted.**
- 5.2** Dwellings which are unusually large in relation to the rural enterprise, or unusually expensive to construct in relation to the income it can sustain in the long term will not be permitted. It must be noted that the size of dwelling must be justified on the needs of the enterprise rather than the personal circumstances or aspirations of the applicant.
- 5.3** Local Plan Policy HS5 sets out minimum space standards to meet the Nationally Described Space Standard (NDSS) this should be used as a guide to establish the size of the dwelling. For example; a 2 bed 4 person dwelling would need to have a gross internal area of 79m<sup>2</sup>, a 3-bed 6 person dwelling would need to have a gross internal area of 102m<sup>2</sup>, increasing to 124m<sup>2</sup> for a 4-bed 8 person dwelling; the NDSS is recognised guidance to provide homes of sufficient size with the ability to adapt to changing lifestyles and family requirements over time and it is acknowledged that rural agricultural workers dwellings may require additional space such as a boot room, utility, ground floor shower room and / or internal storage depending on the nature of the holding. This must be based on the needs of the enterprise and cannot be based on the personal circumstances or aspirations of the applicant.
- 5.4** Where the proposal relates to a principal dwelling on a holding further space may be required to accommodate an office. However the size of the dwelling **must** be commensurate with the established functional need of the enterprise.
- 5.5** Any uplift in property size beyond the standards set out in the NDSS must be justified clearly, on a business basis, in respect of supporting the operational needs of the related enterprise and importantly demonstrate that it must be able to be financially sustained by the enterprise and in the long term continue to be financially accessible as a rural workers dwelling.
- 5.6** For avoidance of doubt, it is unlikely there would be support for additional living space over and above what is set out in the NDSS.
- 5.7** Where a succession dwelling is sought, to allow a person younger than the person currently responsible for management of the farm business who has or is intended to have majority control over the business and be the decision maker, the additional dwelling would be expected to be smaller than the main dwelling.
- 5.8** If planning permission is granted it may be subject to conditions removing some of the Permitted Development rights under Part 1 and Part 2 of the Town and Country Planning Act (General Permitted Development Order) 2015 (or any order revoking and re-enacting that Order with or without modification) for development within the curtilage of the dwellinghouse. This is to avoid the dwelling exceeding a size that could be justified by the functional requirement, which could affect the continued viability of maintaining the property for its intended use, given the income the rural enterprise can sustain. Additionally, it is important to ensure that the dwelling will continue to be financially accessible to potential future occupants who would meet restricted occupancy requirements.

## 5 Size of Dwelling

- 5.9** It is recommended that pre-application advice is sought prior to the submission of a planning application. The service aims to take some of the uncertainty out of the process and offers you constructive and without prejudice advice on the likelihood of your proposal receiving planning permission; further details are available on the Council's website [www.harrogate.gov.uk/planning](http://www.harrogate.gov.uk/planning)

## Conditions of Planning Permission 6

### Conditions of Planning Permission

- 6.1** The NPPF seeks to avoid isolated homes in the countryside<sup>(5)</sup> .
- 6.2** Policy HS9 Paragraph 5.57 of the justification notes that; **Where permission is granted for a rural worker's dwelling it will be necessary to ensure that the dwellings are kept available for meeting this need. As such planning permission should be made subject to an appropriate occupancy condition.**
- 6.3** The condition will ensure the property remains available to meet the need for which it was permitted, either by serving the holding for which the functional need was satisfied or the wider agricultural community if that specific need no longer exists.
- 6.4** Occupation of the approved dwelling, whether permanent or temporary, must therefore be compliant with the condition wording. The condition would limit occupation to those wholly or mainly working, or last working in the locality, in agriculture, forestry or specified rural occupation, or a widow or widower of such a person and any resident dependents.
- 6.5** Planning permission is usually subject to a time limit requiring development to commence on the basis of a "building operation" <sup>(6)</sup> within three years of the granting of consent. In the case of dwellings determined to be necessary to meet a functional need, development will be required to commence within **two** years of the grant of consent; failure to implement the consent may be taken as evidence of a lack of need for a dwelling for the rural worker.
- 6.6** The NPPF seeks to avoid the development of isolated dwellings in the countryside, therefore any application to remove or delete an occupancy condition should be supported by evidence that the dwelling is not required to meet a long term functional need or meet a wider local functional need.
- 6.7** Evidence should include details of the changes to the farming enterprise, setting out why the property is no longer required now and in the foreseeable future, with marketing evidence to show there is no local need for an agricultural dwelling in this location.
- 6.8** Marketing should be carried out over a 12 month period. The marketing evidence should provide details of;
- The company or person who carried out the marketing exercise;
  - The price, which should be reflective of the occupancy condition in place;
  - Comparable properties for sale in the local vicinity, including their asking price;
  - The sales particulars along with information on how and where the property has been marketed; e.g. sale board, Rightmove, Zoopla etc.;
  - Number of viewings, any offers made and why they were dismissed.
- 6.9** Any application made will be assessed against the information submitted in support. It is recommended that pre-application advice is sought prior to submission of an application.

5 NPPF Paragraph 79

6 Section 55 of the Town and Country Planning Act 1990

## 7 Contacts

	Planning Policy	Development Management
<b>Telephone</b>	01423 500600	
<b>Write</b>	Civic Centre PO Box 787 Harrogate HG1 9RW	
<b>Website</b>	<a href="http://www.harrogate.gov.uk">www.harrogate.gov.uk</a>	
<b>Email</b>	<a href="mailto:planningpolicy@harrogate.gov.uk">planningpolicy@harrogate.gov.uk</a>	<a href="mailto:dmst@harrogate.gov.uk">dmst@harrogate.gov.uk</a>

Table 7.1



