



NORTH DEVON AND TORRIDGE LOCAL PLAN 2011-2031

Rural Workers' Dwellings

Supplementary Planning Document (SPD)

Adopted January 2020



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i Foreword

1 This supplementary planning document (SPD) sets out how North Devon and Torridge District Councils will consider planning applications for rural workers' dwellings, the Councils' approach to proposals for the release of conditions restricting the occupation of such dwellings and how succession in agriculture is enabled. The SPD provides additional detail to policy contained in the North Devon and Torridge Local Plan 2011-2031 (NDTLP).

2 The SPD is provided to help applicants interpret and respond positively to the policy requirements established through NDTLP policies: DM28: *Rural Worker Accommodation* and DM29: *Farmer Family Attached Accommodation*. Advice is provided to support planning applications for new dwellings associated with existing rural enterprises and temporary accommodation associated with new rural enterprises, which may need a dwelling in the future. The SPD will be used alongside the NDTLP in the decision making process when the Councils consider the referenced forms of development.

3 For clarity, this SPD supersedes the North Devon SPD: Agricultural, Forestry & Other Essential Occupational Guidance (2009). Additionally, while the NDTLP was framed to reflect national planning policy set out in the 2012 National Planning Policy Framework (NPPF), this SPD also looks to the provisions of the 2019 NPPF, which was effective in respect of decision making from the date of publication (February 2019).

4 This SPD was published for public consultation between 26th September 2019 and 8th November 2019. All duly made representations are available to view via the Councils' Consultation Portal at <https://consult.torridge.gov.uk/portal>.

5 All representations received on time and relevant to this SPD were considered by North Devon and Torridge District Councils and, where considered necessary, the SPD was amended in response to representations received. The SPD was adopted by North Devon Council's Strategy and Resources Committee on 6th January 2020 and by Torridge District Council's Community and Resources Committee on 20th January 2020, from which dates it will be used as part of the decision making process on relevant planning applications.

1 Introduction

1.1 North Devon and Torridge District Councils are preparing a range of documents to assist in the interpretation and application of the policies of the North Devon and Torridge Local Plan (NDTLP).

1.2 The need for additional guidance has been identified ⁽¹⁾ with regard to how Policy DM28: Rural Worker Accommodation is to be applied. The policy enables dwellings to be provided in the Countryside to meet a need related to the operational requirements of a rural enterprise. Such proposals, by virtue of their location, are required to be clearly justified on the basis that there is an essential need for a rural worker to be available at most times as part of the operation of a rural enterprise.

1.3 Detailed guidance on the considerations to be applied to agricultural and forestry workers' dwellings was historically provided by Government guidance available in Annex A of the former Planning Policy Statement 7 (now superseded by the National Planning Policy Framework), which included the application of functional need and financial tests.

1.4 The referenced guidance is no longer available to use. Alternative and updated advice is therefore considered to be necessary to aid the implementation of Policy DM28, particularly with regard to the tests required to justify a new rural worker's dwelling. This SPD aims to provide guidance on how a planning application for a rural worker's dwelling will be assessed and what information will be required to accompany a planning application to enable a judgement to be made as to whether the policy tests have been met.

1.5 Guidance is also provided on the application of Policy DM29: Farmer Family Attached Accommodation, which further adds to the limited opportunities for residential development in a Countryside location. The Policy aims to support succession within the agricultural sector by enabling additional accommodation in an otherwise restricted location to accommodate a member of farmer's family employed on an operational farm without the full justifications required by Policy DM28.

1 North Devon and Torridge Local Plan (2011-2031) paragraph 13.157

2 A Policy Overview

2.1 The Planning and Compulsory Purchase Act 2004 at S38(6) requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

2.2 In determining the acceptability of proposals for rural workers' dwellings and to accommodate a family member on an operational farm, the starting point for both North Devon District Council and Torrridge District Council are the provisions contained in the adopted development plan; the principal relevant component in this case is the North Devon and Torrridge Local Plan 2011-2031.

North Devon and Torrridge Local Plan 2011-2031 (NDTLP)

2.3 The NDTLP was adopted by North Devon District Council and Torrridge District Council through resolution at meetings of their respective Full Councils on 29th October 2018.

2.4 The spatial strategy for northern Devon is set out in the NDTLP, by Policy ST06: The Spatial Development Strategy for Northern Devon's Sub-regional, Strategic and Main Centres and Policy ST07: Spatial Development Strategy for Northern Devon's Rural Area. The spatial strategies make it clear that development will be located at the most sustainable locations in accordance with the settlement hierarchy. In the Countryside beyond defined settlements and Rural Settlements development is limited to that which is enabled to meet a local economic and social need, rural building reuse and development which are necessarily restricted to a Countryside location. This approach is considered to be consistent with paragraph 79 of the National Planning Policy Framework, which advises that local planning authorities should avoid the development of isolated homes in the countryside unless one of five circumstances apply, which includes the 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.

2.5 North Devon and Torrridge District Councils recognise the need to ensure that the economic welfare of the countryside is not prejudiced by policies of unnecessary constraint and genuine local needs, such as may relate to housing required to support a rural enterprise and in support of agricultural succession, can be accommodated. Justification in both respects is required to enable support to be given for development in the Countryside. The proof in favour of development rests firmly with the applicant in order to justify an exception from the restrictive policies controlling development in the Countryside.

2.6 It is important to note that while this SPD focuses on the implementation of Policies DM28 and DM29, in considering any proposal for rural workers' dwellings or farmer family attached accommodation, all relevant policies of the NDTLP will be taken into account when determining planning applications.

2.7 The wording of Policies DM28 and DM29, as per the adopted NDTLP, are included for information in Appendix 1. For the purpose of Policy DM28 and this SPD, the NDTLP defines a "rural worker" as: a person employed in agriculture, forestry or other rural enterprise and, the "Countryside" as the area beyond: (a) development boundaries as identified on the Policies Map and (b) the principal built form and sites allocated for development in defined Settlements without development boundaries and Rural Settlements.

3 Rural Workers' Dwellings

3.1 Recognising the principles of sustainable development and the broader strategy of the NDTLP, rural workers will usually be expected to be housed in a rural settlement, existing dwellings within the Countryside or have accommodation provided through the conversion of a disused or redundant rural building. In line with national planning policy⁽²⁾, the NDTLP recognises that exceptionally there are occasions when the provision of a new dwelling in the Countryside to house a rural worker might be justified to support the operational requirements of an enterprise.

3.2 Policy DM28 enables the provision of a new dwelling to house a rural worker where it can be demonstrated that there is an essential operational need for a worker to be at or near the location of the rural enterprise. For a new dwelling to be considered acceptable, compelling evidence will be required to demonstrate the essential operational need for the dwelling and that such can only be achieved through the construction of a new dwelling; the tests that must be satisfied are set out in Policy DM28 and expanded upon through this SPD.

3.3 New permanent dwellings are only likely to be permitted to support well established rural enterprises, prior to which temporary accommodation may be enabled to support a newly created enterprise.

Permanent Dwelling

3.4 New permanent dwellings will be supported on well established rural enterprises subject to the demonstration of the following:

- I. there is a clearly established existing functional need (see below);
- II. the need for a full time worker throughout the year (an annual average of at least 37 hours per week) on the site of the enterprise, including a requirement for unsocial hours and being "on call" in case of emergencies;
- III. the rural enterprise has been established for at least three years and has been profitable in at least one of those three years, is currently financially sound and has a clear prospect of remaining so (see paragraph 3.15 below);
- IV. the functional need could not be fulfilled by another existing dwelling on the enterprise, or any other existing accommodation in the area which is suitable and available for the occupation of the worker(s) concerned; and
- V. other planning requirements, e.g. in relation to access, impact on the countryside, are satisfied.

Functional Need

3.5 It is important to establish a functional need from the outset and the local planning authority will look carefully at the presented evidence.

3.6 Before permitting a new dwelling for a rural enterprise there must be a demonstration that it is essential for the proper functioning of the enterprise for one or more worker to be readily available at most times at or near the place of work (NDTLP Policy DM28 (1) (a)). Whether this is essential in any particular case will depend on the operational needs of the enterprise.

3.7 To establish a functional need the following requirements must be satisfied:

2 National Planning Policy Framework (February 2019) Paragraph 79

- I. a genuine need to live on the site and to be available at short notice at all times rather than living in a nearby centre or village;
- II. it is not possible for the rural enterprise to run effectively without having the worker living on site;
- III. no one undertaking the essential functional work already lives at the rural enterprise, or insufficient provision exists if there is a functional need for more than one worker;
- IV. there is no dwelling available at the rural enterprise for occupation by the worker and there is no possibility of adapting a building at the rural enterprise; and
- V. there is no suitable and available dwelling in a nearby village available for occupation by a worker who is required to provide the functionally essential service.

3.8 The functional test requires an evaluation of risk. The policy test is not about ease, convenience or personal preference; it is about whether there is an “essential need” for the worker to be resident on site for the enterprise to function properly. It is recognised that many activities can be carried out more conveniently if a worker lives on site; convenience does not however constitute an essential need and will not therefore justify a need for a new dwelling.

3.9 In assessing whether an enterprise requires a resident worker, consideration will be given (amongst other things) to: the scale and nature of the enterprise, the potential for things to go wrong which would require attention unexpectedly or at short notice; the frequency of such events; the period of time over which a need may occur and the accessibility and suitability of nearby accommodation. It will be necessary to demonstrate the need for a rural worker at or in close proximity to their place of work to ensure the effective operation of the rural business (for instance where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be an identified risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products). Plenty of enterprises operate without the need for a resident worker and with prudent and careful management do not need a worker to be accommodated on site. The risk of problems occurring, or the need for rapid intervention, needs to be of a scale that cannot be addressed by an off-site worker for a dwelling to be justified at the rural enterprise. The need for a security presence will not on its own normally form an acceptable basis to justify a new dwelling.

3.10 The scale of the enterprise is also relevant. While all rural enterprises may have occasional problems, the frequency and timing of incidents mean that small-scale enterprises are less likely to justify the need for a dwelling. During the working day, the existing workforce would provide any required supervision of livestock or processes within the rural enterprise and out of normal hours, regular checking in line with good management practice and the use of modern technology (CCTV/alarms etc.) may meet any supervisory needs. Only where it is essential for the proper functioning of the enterprise, for the worker to be readily available at most times of the day and night, will a functional need for a dwelling be established.

3.11 If a dwelling is to be permitted for a rural worker then their involvement should effectively be full time. The fact that an enterprise needs more than one worker to run it does not mean that one or more dwellings will be permitted. To assess whether an essential need relates to a full time worker an assessment of standard man days based on figures from budget books (such as Farm Management Pocketbook/Agricultural Budgeting and Costing Book/Nix) will be undertaken to estimate the amount of labour input an enterprise requires. If budgeting books are not applicable, other estimates (e.g. from recorded hours) may be appropriate to use.

3.12 When a statement is prepared by an agent or consultant to inform an assessment of the extent of any functional need, the statement should present the evidence without drawing any firm conclusion or recommendation as to whether a new rural worker's dwelling is justified. An agent's conclusion that a functional need has been established will not be accepted, as the determination of functional need is a judgement to be made by the local planning authority.

3.13 Furthermore, prior to the acceptance of a new dwelling (temporary or permanent) the local planning authority will need to be satisfied that any accommodation requirements could not be alternatively provided, either on the unit or in the vicinity (in a near by centre or village), subject to availability and suitability. If there is a dwelling within the confines of the rural enterprise then unless there is a need for a second resident worker it is unlikely that consent will be granted for an additional rural worker's dwelling. If a second dwelling is justified and there is a building capable of conversion the local planning authority will expect it to be converted in preference to the erection of a new dwelling subject to the building being suitably located to ensure functional needs are met. If there is a dwelling for the unit occupied by someone not engaged in the rural enterprise, then a further dwelling is unlikely to be justified.

3.14 If a potentially suitable dwelling or building capable of forming one has been disposed of within the last 10 years, such will generally be regarded as prima facie evidence of a lack of need and will make it unlikely that a subsequent application for a new dwelling will be supported.

Financial Test Considerations

3.15 If a functional need has been established for a permanent dwelling then it will be necessary to confirm that the operation which has generated the need for a resident worker is economically viable and there is a realistic prospect of it remaining so. A financial test is necessary for this purpose, which will allow the local planning authority to come to a judgement on the viability of the enterprise and the size of dwelling which the enterprise can sustain. Detailed and up to date accounts, verified by an appropriately qualified person, will be required to be submitted for scrutiny. An agent's summary of trading activity with the conclusion that the enterprise is financially sound will not be accepted, as the determination of financial soundness is a judgement to be made by the local planning authority.

3.16 The local planning authority through the consideration of provided financial information will have to be satisfied that the on-going profitability of the enterprise is sufficient to sustain the worker living on the site, on the basis of wage levels at least equivalent to the National Minimum Wage⁽³⁾ and fund the proposed dwelling.

3.17 Rural enterprises may comprise a number of activities which contribute to the overall viability of the business; demonstrating overall profitability is however 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.

Temporary Rural Dwellings

3.18 NDTLP Policy DM28 also allows consideration to be given for a temporary dwelling to support a rural enterprise which is not well established, with such accommodation normally being a caravan or mobile home. The provision of temporary accommodation, normally over a three year period, offers the opportunity for the enterprise to become established while enabling operational needs to be met and confirmed prior to progression to a permanent dwelling if justified.

3 National Minimum Wage: <https://www.gov.uk/national-minimum-wage-rates>

3.19 The operational need for a temporary dwelling will need to be demonstrated on the same basis as a permanent dwelling. The following will be expected to accompany a planning application for a temporary rural worker's dwelling:

- I. demonstration of an essential functional need for a resident worker arising from the enterprise (see paragraphs 3.5 - 3.14);
- II. clear evidence of a firm intention and ability to develop the enterprise concerned;
- III. clear evidence that the enterprise has been planned on a sound financial basis, with a business plan provided;
- IV. evidence that the functional need could not be fulfilled by another existing dwelling on the business unit, the absence of a building capable of conversion suitable for the required use or any other existing accommodation in a nearby village or centre which is suitable and available for occupation by the worker(s) concerned; and
- V. other general planning requirements that would apply to any dwelling being met.

3.20 It is recognised that the eventual viability of a new business will only become clear after a trial period, the temporary provision of a dwelling in a Countryside location will however only be approved where there is a realistic prospect of the business thriving and being able to support a permanent dwelling.

3.21 The applicant will be required to set out how the enterprise is intended to develop, taking into account such matters as whether the proposal depends on rented land, on future buildings for which planning permission is needed or on an income not generated through the enterprise.

3.22 It will be necessary to demonstrate that a new enterprise is planned on a sound financial basis. It is for the applicant to demonstrate sound financial planning to the local planning authority. An application for a temporary dwelling should normally be accompanied by a detailed business plan, which includes budgets and projections. Evidence of a firm intention and ability to develop the enterprise must also be provided. The provided evidence should be able to demonstrate that the enterprise justifying the temporary accommodation will be in profit within the final year of the temporary consent to the extent that it could support a permanent dwelling.

3.23 The period for which the temporary permission is granted will be made clear (usually three years) together with the fact that a temporary dwelling will have to be removed and any other requirements that will have to be met. Successive extensions to a temporary permission over a period of more than three years will not normally be granted and temporary permissions will normally only be granted in locations where a subsequent permanent dwelling would be allowed.

Seasonal Rural Dwellings

3.24 Where the functional need for a rural workers' dwelling is restricted to one season or for a limited period, such as during the lambing season, but operational need cannot be demonstrated throughout the whole year, the local planning authorities will consider proposals for siting of accommodation for that period, the timeframe for which will be conditioned where planning permission is required. Any temporary accommodation will need to be removed after that period

Location and Design Considerations

Siting

3.25 The location of a rural worker's dwelling required in respect of an agricultural holding, should be the most suitable to meet the identified functional need. The siting of any new dwelling, whether temporary or permanent will be expected to be visually as well as functionally related to the main farmstead buildings. A location away from existing farmstead buildings, accessed separately from those buildings, in an isolated location, remote from the activities it is designed to support or in a visually intrusive location is unlikely to be acceptable.

3.26 For non-agricultural enterprises, the dwelling should be sited so as to meet the needs of the business it serves. It should be well related to the enterprise being supported and be sited where the occupier can readily provide the necessary functional support to the enterprise. As with dwellings provided to support an agricultural holding, dwellings provided to support a non-agricultural rural enterprise, will be resisted where the site is in an isolated location, remote from the activities it is designed to support or in a visually intrusive location.

3.27 If a temporary dwelling is to be provided then its position will be expected to be close to the location of any subsequent permanent dwelling on the basis that it would be preferable not to have to move the temporary structure in order to construct a permanent dwelling, if a need for such is established.

Access

3.28 Subject to safety considerations, access to a new dwelling or accommodation provided on a temporary basis, enabled to meet an operation need should be shared with the farmstead or rural enterprise to which it relates. The basis for this approach is to avoid the proliferation of access points on to the highway network; it reduces the scale of development and it aids security and better binds the dwelling to the enterprise. Any access arrangements should provide sufficient capacity to accommodate the size and volume of vehicles that may reasonably be expected to require access to the enterprise.

Size

3.29 Dwellings should be designed to meet the functional need of the enterprise they serve and relate to the financial viability of the enterprise that supports it. Dwellings that 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.

3.30 Normally a 3 bed dwelling would extend to about 102m² and a 4 bed dwelling 124m² (gross internal area)⁽⁴⁾; which are considered to be adequately sized dwellings. It is however recognised that housing for an agricultural worker may include additional space requirements, such as a boot room, utility and ground floor shower room; and only in respect of the principal dwelling on a holding further space may be required to accommodate an office. It is anticipated that such needs could be accommodated within a 15% uplift to either 117m² (3 bed dwelling) or 142m² (4 bed dwelling). Any uplift in property size beyond the standard must be justified, on a business basis, clearly 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

4 Technical housing standards – nationally described space standard (Table 1 – minimal gross internal floor area and storage (m²))

enterprise and in the long term continue to be financially accessible as a rural workers' dwelling. For the avoidance of doubt, any uplift from the floorspace standards (102m² and 124m²) would not be supported, if proposed simply to provide additional living accommodation.

3.31 Planning permission may be granted 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 for development within the curtilage of the dwelling house. Such conditions may be used to avoid the dwelling exceeding a size that could be justified by the functional requirement, and 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.

Design

3.32 Design considerations for rural workers' dwellings, as with all development proposals will be considered with regard to the NDTLP Policy DM04: Design Principles, which clearly set out that all development to be expected to be of high quality.

3.33 The design of a new building will need to be appropriate to its location; it should be integrated with the landscape, take account of the characteristics of adjacent buildings.

Occupancy conditions, legal agreements and planning obligations

3.34 If a rural worker's dwelling is granted planning permission, whether on a permanent or temporary basis, the local planning authority will normally control occupancy by a planning condition on the planning permission. 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 and is not sold or rented to occupants who are not rural workers.

3.35 The restriction will limit occupation to those wholly or mainly working, or last working in the locality, in agriculture, forestry or a specified rural occupation, or a widow or widower of such a person and any resident dependants.

3.36 If the rural workers' dwelling is not the sole dwelling on the rural enterprise, the local planning authority may additionally impose occupancy restrictions on all other existing dwellings at the rural enterprise. The general presumption will be that an occupancy condition will be applied to any existing dwellings to ensure they are not able to be severed from the rural enterprise for which an operation need has been identified. The considerations that will be taken into account when determining the local planning authority's approach will include such matters as the particular needs of the rural enterprise and where there appears to be a significant threat of severance or asset stripping.

3.37 Planning permission is usually subject to a time limit requiring development to commence on the basis of a "building operation"⁽⁵⁾ 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 one year 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.

5 Section 55 Town and Country Planning Act 1990

3.38 The local planning authority will generally use conditions to require the prior completion and operational use of non-residential buildings, such as intensive breeding units, where such have been used as justification for a rural worker's dwelling.

3.39 The Councils will periodically monitor the occupation of rural workers' dwellings. If accommodation granted on a temporary basis is found to be unoccupied, it may be assumed that there is no essential need to live on site if an application for a permanent dwelling is subsequently submitted to the local planning authority. If permanent dwellings are occupied other than in accordance with their occupancy conditions, enforcement action will normally be taken.

3.40 The local planning authority may also require applicants to enter into a legal obligation to prevent the separation of the dwelling from the land and buildings it is required to serve without express consent of the local planning authority; where for example the business is considered to be potentially transient and would be easily moved (e.g. bird rearing) or where the applicant has a history of severance. Such agreements are intended to prevent fragmentation of viable farm units for which a dwelling has been permitted to serve a functional need. The local planning authority will however be supportive of appropriately justified applications to vary such agreements, for example, to enable the subdivision of a substantial farming enterprise between family members which allows for the continued profitable operation of the both elements.

Application to vary or remove occupancy conditions

3.41 To prevent the proliferation of dwellings in the Countryside there is an expectation that the occupation of dwellings exceptionally permitted on the basis of addressing a functional need will be restricted on a long term basis. The removal of an occupancy condition imposed on a rural worker's dwelling will only be enabled where it is clearly demonstrated that there is no existing or long term demand for the dwelling with the attached condition. It is worth noting that if there is a separation of a dwelling from the rural enterprise which justified the rural worker's dwelling, a subsequent application for an additional rural worker's dwelling is unlikely to be approved.

3.42 An application that seeks the removal of an occupancy condition on a rural worker's dwelling will be expected to provide evidence which demonstrates a lack of demand for the property in the locality through a robust marketing exercise. Applicants will be expected to submit evidence of unsuccessful attempts to sell the property with the encumbrance of the occupancy restriction and prove that the marketing has been correctly targeted, financially realistic and sustained for at least 18 months. The marketing strategy, along with the price at which the dwelling will be marketed should be agreed in writing with the local planning authority prior to the commencement of the marketing exercise. For the purpose of the marketing exercise the qualification of "in the locality" will relate to the host and adjoining parishes for the first 12 months; if the property remains unsold or let during this time, the qualification area will be extended to the relevant local planning authority area for a further 6 months.

4 Succession planning – Agricultural Holdings

4.1 NDTLP Policy DM29: Famer Family Attached Accommodation, extends housing options on working farms to aid succession to the next generation of famers; in the interest of the long term sustainability and longevity of the sector. The policy enables family members of the farmer, who are employed on the farming unit, to reside on the holding without the need for full compliance with the functional and financial tests that are required to be met to justify a rural worker's dwelling. Furthermore, while other provisions of the NDTLP (Policy DM25: Residential Extensions and Ancillary Development) provide for annex accommodation, Policy DM29, is clear in that self-contained accommodation is enabled, which allows for a greater degree of distinction in respect of such matters as amenity space, parking and access arrangements.

4.2 The policy enables further accommodation to be provided as an extension, if it is not possible to convert an on-site redundant rural building, as enable through Policy DM27: Re-use of Disused and Redundant Rural Buildings.

4.3 Policy DM29 sets out the criteria that are required to be met to enable such proposals. Significantly, in comparison with the requirements associated with rural workers' dwellings functional and financial tests are not required to justify the accommodation. Evidence in support of a proposal for such accommodation, will however be required on the following basis:

- I. the absence of a building capable of conversion, as enabled by Policy DM27;
- II. the family connection between the intended occupants and the farmer;
- III. one of more of the intended occupants of the attached accommodation are employed on the holding at a level equivalent to at least one full time worker; and
- IV. there is an operational agricultural enterprise on the holding.

4.4 Where consent is granted, a planning condition will be applied restricting occupancy of the accommodation to members of the farmer's family directly employed on the farm holding.

Appendix 1: North Devon and Torridge Local Plan 2011-2031 – Policies DM28 & DM29

Policy DM28: Rural Worker Accommodation

(1) Proposals for the provision of accommodation in the countryside for a rural worker will be supported where:

(a) it can be demonstrated that there is an essential operational need for a full time worker to be resident at or near the place of work;

(b) the size and nature of the development is such that it can be sustained by the scale of the operation, reflective of the location and setting and proportionate to the needs of the intended occupants;

(c) the accommodation needs cannot be met by any other means including:

(i) accommodation in a nearby settlement; or

(ii) by an existing dwelling at or near the site; or

(iii) through the conversion of a suitable redundant or disused building on site; and

(d) appropriate highway access can be provided.

(2) Where the enterprise is well established, of a sufficient size to support a full-time worker, economically viable and has clear prospects of remaining so, support will be given to the provision of a permanent new dwelling.

(3) Where the enterprise does not meet the criteria set out to support the provision of a new permanent dwelling, the provision of temporary accommodation will be considered for an initial period of three years.

(4) New accommodation provided for rural workers will be, and all existing dwellings at the rural business may be, subject to occupancy restrictions and, where it is felt appropriate by the Local Planning Authority, may be subject to a legal agreement tying its use to the specific rural business.

(5) Applications for the removal of occupancy conditions or ties on dwellings for rural workers will only be permitted where there is compelling evidence to demonstrate that such a restriction is no longer justified.

Policy DM29: Farmer Family Attached Accommodation

Provision of a self-contained residential unit for occupation by members of the farmer's family employed on the working farm will be supported, subject to:

- (a) the form, scale, setting and design of the proposal respecting existing development, its context, setting and surroundings;**
- (b) the accommodation needs are unable to be met through the conversion of a suitable existing redundant or dis-used building on site;**
- (c) the accommodation being commensurate in scale to the needs of the intended occupants;**
- (d) the accommodation is attached to the main dwelling; and**
- (e) a planning condition restricting occupancy to members of the farmer's family directly employed on the farm holding.**

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