

## APPENDIX 7 DEVELOPMENT IN THE GREEN BELT

### Agricultural and Forestry Dwellings

Under paragraph 145 149 of the NPPF, 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.

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.

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

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 (see paragraph A4.6 below);
- 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 (see paragraph A4.10 below);
- 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 planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

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.

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.

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.

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.

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 (see paragraph A4.4 above), 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.

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.

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 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.

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

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 (see paragraph A4.4);
- 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.

If permission for temporary accommodation is granted, permission for a permanent dwelling will not subsequently be given unless the criteria in paragraph A4.4 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

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

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**

Paragraph ~~145~~ 149 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.

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.*

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

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.

#### Disproportionate Additions

Extension 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 satisfying paragraph A4.32 below;
- b) Ground floor conservatories of modest size compared to the building and site.  
Future planning applications to replace these with more substantial constructions would be resisted
- c) 'In-fill' extensions (e.g. if the existing building is 'L' or 'U' shaped) which do not increase the apparent bulk of the building.

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

When determining the floorspace increase, all previous additions to the original building (defined as 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 residential outbuildings within 5m of a dwelling 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 be assessed in considering new extensions or alterations.

The floorspace of existing outbuildings within the curtilage of a building will not be taken into account in assessing the size of the original building unless they were built at the same time as the original building and are within 5m of the building.

For the purposes of Green Belt policy a residential outbuilding will be classed as an extension providing it is located within 5m of the main dwellinghouse on the site. In these circumstances the outbuilding will count towards the total floorspace of the dwelling and must still not result in an increase in the floorspace of more than 40%.

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 5m of the dwelling.

The erection of any residential outbuildings more than 5m from the main dwelling is unlikely to be classed as an 'extension' and therefore would constitute inappropriate development in the Green Belt.

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.

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.

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

### Openness of Green Belt

Extensions at first floor level or above (except for dormer windows) 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. Subject to no adverse impact on neighbours, rear extensions will normally be viewed more favourably than side extensions. Extensions to isolated buildings in the countryside will be judged on their own merits given site circumstances, as in some instances side extensions may be preferable to rear extensions.

Single storey side extensions to buildings resulting in more than 80% of the site frontage being covered by buildings will normally be viewed as adversely affecting the openness of the Green Belt. Otherwise, single storey extensions would not normally be considered to impact on the openness of the Green Belt.

Dormer windows proportionate to the existing building, and with glazing covering the full frontage other than side framing, will not normally be viewed as adversely affecting the openness of the Green Belt.

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

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

### Material Increase

When considering whether a replacement building is materially larger than the one it replaces, the baseline will be the original building (as 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).

The floorspace of existing outbuildings within the curtilage of a building will not be taken into account in assessing the size of the original building unless they were built at the same time as the original building and are within 5m of the building.

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.

In most cases, floorspace will be the starting point, and a replacement building resulting in an increase in floorspace (measured externally) of more than 40% will normally be considered materially larger. However, depending on the facts of the case the assessment of whether a replacement building is materially larger may take into account other measures including volume, footprint, height, width and depth and will include consideration of any proposed basement levels.

Where an original 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

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.

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.

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.