

Response to Rural Planning Review

Question 1 Name, role, organisation name, address / contact details

Question 2 Is your response on behalf of an organisation or is it a personal response?

Organisational Personal

Question 3 What type of organisation / person are you? Type of organisation Tick
Professional / representational organisation **Non Governmental Organisation** National
campaigning body Planning consultant Voluntary / charity sector Community / residents
group Member of the public Other

Question 4 What type of development are you involved in in rural areas?

Shared Assets helps clients across the public, private and community sectors develop new ways of managing land that are financially sustainable and that create livelihoods and shared public benefits. We have worked with over 50 land based social enterprises, supporting them in securing access to land and developing sustainable businesses, these range from food growing and woodland management projects to groups managing country parks and other public access land. We are currently working with three leading food growing social enterprises in order to support them in securing access to new land and understanding their contribution to local economic resilience. We are also partners in the Making Local Woods Work programme which is supporting the development of 50 woodland social enterprises across the UK.

Our policy work is focused on identifying how public policy can better support the growth and long term sustainability of land based social enterprises. A large part of this work involves exploring the conditions needed for rural land-based enterprises to flourish. These groups are developing new models in areas like food growing, woodland, parks and waterways management, or renewable energy production. They are using land to create social and environmental value, whilst also generating income through trade or delivering services.

These innovative rural enterprises can help address some of the main problems with land use in the UK, by delivering high quality, sustainable models of socially and environmentally productive land management, even in a time of austerity. However they currently face a number of barriers. One of the most important of these is negotiating the planning system.

Question 5 What types of permitted development take place under Part 615 (agricultural and forestry) that you are aware of?

Question 6 Have you been involved in the development of a farm shop, polytunnel or onfarm reservoir? Yes **No** [Go to Question 8]

Question 7 What were your experiences of the planning system in developing a farm shop, polytunnel and / or on-farm reservoir?

Question 8 Is there other development which would benefit from permitted development rights? Yes **No [Go to Question 10]**

Question 9 Please detail what other development would benefit from permitted development rights. 15

<http://www.legislation.gov.uk/ukSI/2015/596/schedule/2/part/6/made> 17

Question 10 In your view, what planning issues need to be considered for development in rural areas?

Innovative rural land-based enterprises, such as the ones we work with, make great contributions to rural development. They create jobs, train people in land-based skills, produce healthy food, provide recreation opportunities, promote health and wellbeing, and much more. However despite the economic, social, and environmental value they produce, their needs are rarely considered in debates around rural development.

Paragraph 160 of the NPPF calls on local planning authorities to: “work closely with the business community to understand their changing needs and identify and address barriers to investment, including a lack of housing, infrastructure or viability”. The following are some of the considerations needed to support small land-based rural enterprises to reach their potential.

10.1 The business needs of innovative sustainable rural enterprises:

New land-based enterprises face a range of issues that make it extremely difficult to develop a successful business. Issues such as low food prices and less public funding for land management mean businesses need to be particularly enterprising and to maximise income streams to survive. At the moment, many land-based enterprises find the planning system to be a barrier to their ability to do this, as it stops them pursuing the developments needed to support their businesses. This is in spite of the fact that new models of land management are required by local authorities, given the declining funding available for managing public land.

Areas where land-based enterprises could use more support include:

- **10.1.1 Pursuing a diverse range of activities:** (see also 12.1): whether new models are based on agricultural land, woodlands or other types of land, their activities are not generally limited to traditional land management. For example, a woodland enterprise is unlikely to rely on forestry alone both because they will need diversified income streams to be sustainable, and because they will often aim to produce a much wider range of social, environmental and economic value. Rural planning needs to be more supportive of developments aimed at diversifying income, for example through bringing visitors on to the site for recreation or education.

- The need to recognise the multi-functionality of land is at the heart of the Government Office for Science's 2010 report, [Land Use Futures](#).
- **10.1.2** Living on the land (see also 12.2): Many land-based businesses would be far more likely to contribute to rural development if landworkers have affordable onsite accommodation. At the moment pathways to gaining planning permission for living on the land are limited and complex. This is in spite of several economic, environmental and practical reasons it is often needed:
 - allows money to be unlocked for investment in the business
 - makes it easier to maintain infrastructure, systems, and site security
 - eliminates the need to commute (with corresponding environmental benefits including CO2 reductions)
 - improves family life and work/ life balance (especially important given the long hours required for much land-based work)
- **10.1.3** Receiving a portion of developer contributions: Land-based businesses often make vital contributions to the green infrastructure needed to support communities. However, they are rarely able to access funds gathered from developers for infrastructure development and maintenance. (See also 12.3)

10.2 Difficulties engaging with the planning system:

The above issues, and other issues, are compounded by the difficulty many enterprises have navigating the planning system. While a key part of a developer's skill set is negotiating the planning system, a skilled land manager may have little knowledge in this area. Furthermore they may not have the resources to fight their case, be that their time or paying for expert advice. This disadvantage extends beyond individual cases to processes such as neighbourhood planning. Where landworkers lack the time and resources to engage in these processes, their views are unlikely to be represented. To support small rural enterprises, the planning system needs to be easily accessible for non-experts. (See also 12.4)

10.3 The value of ecological, sustainable forms of land management:

The planning system needs to better recognise the value produced by ecological land use. At the moment it barely distinguishes between intensive land use that damages the soil and the surrounding environment, and ecological land use that improves the soil and a host of other things like biodiversity. Since ecological land management is often more labour intensive, this also means it is likely to contribute more to local employment. These benefits should be factored into planning decisions (see also 12.5).

Question 11 In your view, are these issues given appropriate consideration in the planning process? Yes [Go to Question 13] **No**

Question 12 If not, how can these issues be given appropriate consideration in the planning process?

12.1 Facilitating the delivery of diverse activities and values:

There is no simple answer to the question of how to encourage diversification whilst restricting undesirable change of use. However, there needs to be a recognition that land use is changing, and that more diverse and potentially more people-intensive uses are both likely and desirable. Guidance should be developed at a local level on what constitutes 'sustainable development' and accordingly what trade offs may or may not be acceptable in the local context. This should provide a framework for decision making and balancing trade-offs, rather than simply a set of generic rules.

12.2 Making it easier for landworkers to live on the land:

12.2.1 Use of Section 106 agreements and/ or planning conditions. Where planning authorities are reluctant to grant permission for dwellings, one option is to tie the approval to the fulfillment of certain conditions. In particular these might require the inhabitants of the dwelling to be directly involved in working the land, possibly with additional requirements around ecological land use and building methods. Such restrictions might seem prohibitive, but they would fit well with the plans of many of the rural entrepreneurs we work with and would be acceptable to them.

12.2.2 Better guidance on agricultural workers/ rural enterprise dwellings. The process of applying for permission for an agricultural dwelling could be made easier by the issuance of guidance by local authorities, and consistent application of it. Some local authorities have already published such guidance, as has [the Welsh Government](#).

12.2.3 Explicit and more sympathetic definitions of viability. A key requirement for planning permission for agricultural dwellings is that the businesses will be viable. Groups we have worked with have found this issue to be both overly-complex, and to have sometimes unfair conceptions of viability. For example, they might expect an agricultural enterprise to earn all its income from the sale of crops rather than from other areas like training and education activities, that are both enabled by, and support, the viability of growing food on the site. Viability must consider the diverse business models of modern land-based rural enterprises and indeed the lifestyle expectations of the applicants. This might include, for example, recognising the reduced or non-existent utility costs for off grid living. Viability assessment should involve a functional needs assessment, taking into account the household cost when the workers live on site.

12.3 Using developer contributions to support land-based projects:

12.3.1 Regulation 123 lists should explicitly recognise the need for CIL funds to be used to maintain and develop green infrastructure

12.3.2 Negotiations around Section 106 and biodiversity offsetting contributions should consider local land-based organisations as recipients of funds

12.4 Facilitating engagement with the planning system for landworkers:

12.4.1 Write policies and guidance in consistent formats and make them easy to find. Where possible, a single template should be used for all council websites, and it should be easily accessible in one place on the council's website.

12.4.2 Increase opportunities for free pre-application consultations with planning officers. The application process can be a major barrier to new rural enterprises, taking up time, energy, and resources, and ultimately inhibiting the growth of new businesses. Free pre-application consultations could greatly improve the engagement of rural enterprises with the planning system, and save considerable time and resources moving forward. Free one hour consultations should be offered where any of the following apply:

- The applicant is a not-for-profit group
- The applicant is a local group that is creating employment
- No local plan has yet been published

12.5 Supporting ecological land management:

Different land-based activities can have vastly different contributions to natural capital, yet the planning system normally fails to distinguish between them. In the interests of supporting sustainable rural development, the planning system should take into account impacts on soil, biodiversity, carbon emissions and water retention. (See also [blog by Daniel Scharf on this issue](#)).

12.5.1 Ecologically sound land management should always be taken into account as a material consideration

12.5.2 Section 106 agreements and planning conditions could be used to require ecologically sound land management

12.5.3 A new set of land-based use classes could be introduced, informed by evidence of contributions to and reductions from natural capital

Question 13 Please detail any local planning authority best practice which you would like to highlight.

North Kersteven District Council (NKDC) - acknowledging and supporting a woodland enterprise to deliver a diverse range of activities and to maximise value produced.

NKDC is a good example, in relation to the relationship it has developed with Hill Holt Wood, a woodland based social enterprise with a turnover of over £1M and which employs over 30 people. In addition to improving the biodiversity and amenity value of the woodland it owns and leases, Hill Holt Wood provide training, education and physical and mental health services across two woodland sites. NKDC, unlike many others local authority authorities, is willing to accept and recognise this diverse range of activities as integral to 'forestry' as practiced by the social

enterprise. It therefore allows permitted development on a notification only basis structures required for the delivery of these woodland based services. If this approach were taken by other authorities in relation to both social forestry and social agriculture, it would enable a wider range of social and economic benefits to be delivered for rural communities whilst enhancing the local environment.

Question 14 Are the current thresholds and conditions allowing change of use from agricultural to residential appropriate? Yes **No**

Question 15 What improvements could be made to the existing permitted development right allowing change of use from agricultural to residential?

Permitted development rights should not facilitate change of use from agricultural to residential. As with the right to change use from office to residential, this change of use will create unearned profits for landowners at the expense of rural enterprise. The planning system has a crucial role in empowering local decision making. Rather than extending permitted development, and taking power from local areas, we wish to see a planning system that supports sustainable rural development, rather than just providing windfall gains to landowners.

Question 16 Please let us know if you have any other comments on planning in rural areas.

Planning in rural areas needs to support local land-based enterprises to contribute towards sustainable rural development. These organisations can create jobs, improve landscapes and natural capital, and help local authorities manage their land in a time of austerity. However they can only do this if the planning system recognises their needs and helps shape an environment in which they can flourish. The status quo presents a serious barrier to investment in these organisations, and a limit on their ability to produce economic and other value.