

Test Valley Revised Local Plan DPD

2011 – 2029

Regulation 22 – Submission to Secretary of State

**Policies COM10, COM11, COM12,
COM14, LE16 & LE17:
Topic Paper**

June 2014



REVISED LOCAL PLAN

TOPIC PAPER – COUNTRYSIDE POLICIES

1 Introduction

1.1 The purpose of this topic paper is to consider the policy approach with respect to development in the countryside as previously covered by Borough Local Plan (2006) policies, SET 07, SET 09, SET 11, SET 12, SET 13, ESN 07, ESN 08, ESN 09, ESN 18 and ESN 19.

2 Background

2.1 The rural setting of Test Valley is a fundamental feature of the Borough with the Council's Corporate Plan 2011 – 2015¹ communicating the need to protect and enhance the Borough's natural landscape.

2.2 The Council has identified within the Revised Local Plan, a Spatial Strategy (Table 3) which sets out how the Council intends to meet its objectives. The Spatial Strategy recognises that the countryside of the Borough is multi-functional and supports a variety of employment. Allowing rural employment sites to expand and the re-use of existing buildings will help to support the rural economy.

3 Policy Framework

National Planning Policy Framework

3.1 Paragraph 28 of the National Planning Policy Framework (NPPF) recognises the importance of supporting a prosperous rural economy and states the following:

“Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local plans should:

- Support the sustainable growth and expansion of all types of businesses and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- Promote the development and diversification of agricultural and other land-based rural businesses;
- Promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sport venues, cultural buildings, public houses and places of worship.”

¹ Test Valley Borough Council. Corporate Plan 2011 – 2015: Doing things differently.

3.2 With regards to housing development, paragraph 55 of the NPPF states:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- The essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- The exceptional quality or innovative nature of the design of the dwelling. Such a design should:
 - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - reflect the highest standards in architecture;
 - significantly enhance its immediate setting; and
 - be sensitive to the defining characteristics of the local area.”

National Planning Practice Guidance

3.3 The National Planning Practice Guidance provides guidance on rural housing under the heading of ‘How should local authorities support sustainable rural communities?’ Paragraph 1² states:

“A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.”

4 Rural Workers in the Countryside

4.1 The countryside of Test Valley is a base for many employment activities, with agriculture alone employing approximately 1,128 people (either full or part time, or casually) in the industry. This sector manages a significant area of the Borough covering 43,508 hectares in Test Valley.³

4.2 The Council acknowledges that there may be circumstances where the demand of the agricultural or forestry related activity makes it essential for

² CLG. (2014). National Planning Practice Guidance:
<http://planningguidance.planningportal.gov.uk/blog/guidance/rural-housing/>

³ DEFRA. (2010). Local Authority Level Key Land Areas.

one or more workers to be accommodated on a farm or a forestry unit close to their work rather than live in a nearby town or village.

- 4.3 Given that the Borough is predominantly rural, it is recognised that there are enterprises located in the countryside which may have an essential need for employees to be accommodated on site. These enterprises include boarding schools, nursing homes, equine related activities and catteries / kennels to name but a few, where there is a need for staff to be available 24 hours. The Council appreciate that these enterprises support the Borough's rural economy.
- 4.4 The Council also recognises that the restructuring of the agricultural industry has facilitated changes to the scale and character of farming and forestry operations. There has been a subsequent decline of agricultural workers needed on site to support the essential need of the enterprise. This trend has led to an increase in planning applications seeking the lifting of agricultural conditions.
- 4.5 New Forest District Council has a policy within their adopted Local Plan Part 1: Core Strategy for New Forest District (2009) relating to the Council's strategy for the rural economy (Policy CS21). A requirement of the Policy is to allow developments essential to support a rural workforce, including agricultural workers dwellings and rural community facilities. This Policy is supplemented by Policy DM21: Agricultural or forestry workers dwellings within the New Forest Local Plan Part 2: Sites and Development Management (2014). Policy DM21 sets out the circumstance where a new dwelling may be permitted in the countryside to address the essential needs of a rural enterprise.
- 4.6 With regards to the financial and functional tests contained within the proposed policy whilst these reflect previous national guidance contained in PPS7 the Council considers that the tests remain relevant. This is in order to understand the essential need for a rural worker, and not to result in an increase in isolated dwellings which is not supported by the NPPF.
- 4.7 Unfortunately some business enterprises are not successful. The Council does not wish to see an increase in rural workers dwellings which have been permitted based on a rural business which has proved to be unsuccessful after a relatively short period. It is for this reason that the Council has proposed that new businesses are able to have a temporary dwelling for a period of three years until that business has become established. Existing established businesses are able to apply for a permanent dwelling. A further justification for this approach is that the Council would not wish to see this route be misused in order to achieve a new dwelling in the countryside where there is a general policy of restraint.
- 4.8 In light of the rural characteristics of the Borough and the need to support a prosperous rural economy in accordance with the NPPF, the Council recommends to include a policy within the Revised Local Plan to regarding housing proposals for rural workers within the countryside as follows:

Policy COM10: Occupational Accommodation for Rural Workers in the Countryside

Proposals for occupational accommodation for rural workers at or near where they work will be permitted provided that:

- a) where the proposal is linked to a new business in the countryside: the proposal is for temporary accommodation for a period of three years;**
 - i) there is an essential functional need for the dwelling based on evidence of that business; and**
 - ii) financial evidence has been submitted demonstrating that the business is viable and established; and**
 - iii) the occupancy of the dwelling is restricted to those employed in the activity for which the dwelling was originally permitted; and**
 - iv) there is no other suitable and available existing accommodation within the area.**

- b) where the proposal is linked to an existing business which has been established for three years or more:**
 - i) there is an essential functional need for the dwelling based on evidence of that business; and**
 - ii) financial evidence has been submitted demonstrating that the business is viable and established;**
 - iii) an existing dwelling, either on or closely connected to the business which would have been suitable, has not been sold separately from the unit or in some other way alienated from it within the past five years;**
 - iv) there is no other suitable and available alternative existing accommodation within the area; and**
 - v) the occupancy of the dwelling is restricted to those employed in the activity for which the dwelling was originally permitted.**

Where the proposal is for the removal of the occupancy condition this will be permitted provided that:

- c) it can be demonstrated that the dwelling is no longer required to meet the needs of the occupational workers engaged or last engaged in the activity for which the dwelling was originally permitted.**

The Council wishes to ensure that any proposal for a dwelling is not an abuse of the concession that the planning system makes for such dwellings. The Council will scrutinise proposals to ensure that demand has not been generated through the disposal on the open market of existing dwellings used by rural workers. Evidence will be required to demonstrate that an existing suitable dwelling has not been sold separately from the business, or otherwise alienated from it, in the past five years.

In considering whether a dwelling is essential the following functional and financial factors will be considered:-

- *Whether the intentions for the business are genuine and are likely to materialise and be sustained.*
- *The need for the worker to be accommodated on the business.*
- *The labour requirements of the business given its size and type of use.*
- *Whether an existing accommodation unit is available either at the business or nearby and why it would not meet the needs of the worker.*
- *The strength of the business case and the extent of the financial support to deliver and sustain the proposal.*

Where a dwelling is permitted it will be restricted to those employed in the activity for which the dwelling was originally permitted. This is to discourage the disposal of the dwelling on the open market. The occupancy conditions of an agricultural or forestry worker's dwelling will include their dependants or those widowed and their partners. The size of the dwelling should be limited to meeting the reasonable needs of the intended occupant and be located within the curtilage of the site and close to the business.

The removal of an occupancy condition will only be considered if it can be demonstrated that there is no longer a need for the dwelling. This should include contacting landowners and/or business for which the dwelling was permitted, in the vicinity of the dwelling to establish whether they require further accommodation. Evidence that it has been on the market, and advertised widely in appropriate publications, for a minimum of six months at a price reflecting the occupancy condition will be required.

5. Existing Dwellings and Ancillary Domestic Buildings in the Countryside

5.1 Whilst it is important to limit the impact of development in order to preserve and preserve the rural character of the Borough, the Council recognises that there will be circumstances where changes to dwellings will come forward.

5.2 The Council recommends the approach of including a policy to be used to assess proposals for extensions and ancillary domestic buildings. The use of extensions or domestic buildings for working at home do not need planning permission unless it would involve activities unusual in a residential area or create an unacceptable impact on neighbouring properties or on the highway.

5.3 It is proposed to include an Existing Dwellings and Ancillary Domestic Buildings in the Countryside as follows:

Policy COM11: Existing Dwellings and Ancillary Domestic Buildings in the Countryside

In the countryside proposals for the extension of existing dwellings or the creation and extension of ancillary domestic buildings* will be permitted provided that:

- a) it is not used for any other purpose other than the incidental enjoyment of the existing dwelling or as a residential annexe to the dwelling;**
- b) the size and design of the proposal would not be more visually intrusive in the landscape; and**
- c) the design of the proposal is in keeping with the existing dwelling**

***For those proposals where Planning Permission is required.**

Extensions and domestic buildings can be used for various purposes or activities such as for a hobby room or workshop, or as a residential annexe for dependent relatives or domestic household staff.

The size and design of the proposal should respect the existing dwelling and not result in the property becoming more visually intrusive in the countryside. The Council will consider the size of the proposal compared with the existing dwelling, the size of the resultant building and whether it would be out of scale with its plot. The size of the proposal will be assessed in terms of volume (measured externally). Extensions to existing ancillary domestic buildings will be assessed against similar criteria. Any domestic buildings should not be located or designed where they would be capable of severance from the original dwelling.

The cumulative impact of incremental extensions can significantly alter the impact of the original dwelling over time. In considering an application for an extension, account will be taken of previous extensions to the property.

6 Replacement Dwellings in the Countryside

- 6.1 The replacement of existing dwellings in the countryside is an important issue. Within the Borough there is considerable pressure to replace dwellings which are significantly bigger than the existing building.
- 6.2 The character of the Borough is shaped by a number of elements including the relationship between buildings and the landscape. Where a replacement dwelling is proposed, it is considered that minimising its impact and protecting the landscape character of the countryside is a key objective.
- 6.3 The supporting text makes reference to replacement dwellings of more than 50% of the original dwelling may be unsuccessful. The 50% is provided as guide not a threshold. Its inclusion is to highlight that in most cases a larger replacement dwelling would materially have an impact on its surroundings. Proposals which are more than 50% larger than the original dwelling may be appropriate with each case being considered on their merits
- 6.4 It is proposed to include a Policy on Replacement Dwellings within the Revised Local Plan as follows:

Policy COM12: Replacement Dwellings in the Countryside

The replacement of an existing dwelling within the countryside will be permitted provided that:

- a) the existing dwelling is not currently the subject of temporary permission; and**
- b) the size, siting and design of the proposal would not be more visually intrusive in the landscape.**

The Council recognises that existing dwellings within the countryside may be subject to proposals to replace them. However this is limited to those which are not the subject of a temporary permission.

The impact of a replacement dwelling is likely to increase with its size especially in relation to its impact on surroundings. For this reason any planning applications for replacement dwellings⁴ which would be more than 50% greater in volume (measured externally) than the original dwelling will normally be resisted. Exceptionally, where the replacement dwelling would not

⁴ An original dwelling is defined as the dwelling as it stood on 1 July 1948 or as first built

be more visually intrusive in the landscape than the original dwelling, permission may be granted for applications which exceed a 50% increase.

The proposal should not have a significant detrimental impact on its surroundings. Insensitive design or siting can have an adverse impact on the character of the countryside. In considering the design of a replacement dwelling should follow the principles of Policy E1 in achieving high quality development in the Borough. A replacement dwelling should be replaced on its original site or as close as possible unless relocating it elsewhere would result in a positive environmental benefit, including to the local landscape or amenity.

7 Community Services and Facilities

- 7.1 It is recognised that society is being challenged by an unpredictable economic climate, demographic shifts, technological changes (e.g. internet shopping), climate change and increasing pressure on natural resources. These factors have influenced behavioural and market trends, therefore the concept of 'sustainability' has been brought to the top of the political, social and environmental agenda.
- 7.2 Test Valley is no exception to these trends with the loss of employment land public houses, shops and community facilities in both rural and urban areas becoming a prevalent issue. It is recognised that there are numerous socioeconomic factors affecting the capacity needed to sustain the viable operation of local shops and public houses. Local facilities are at the heart of community life and are a key contributor to maintaining sustainable communities and should be retained wherever possible. The continued presence of shops, public houses and community facilities in neighbourhoods and villages often negates the need to travel to the larger centres and serves a vital service to the less mobile; the younger and elderly sections of the community. These issues can result in rural communities becoming sterile dormitories with the less mobile being potentially more vulnerable to social exclusion. Arguably, their protection is integral to ensure the viability, vitality and sustainability of local communities, especially considering that Test Valley is predominantly rural.
- 7.4 It is therefore proposed to safeguard community services and facilities which are in economic demand and remain viable in accordance with paragraph 28 of the NPPF.

Policy COM14: Community Services and Facilities

Development (including the change of use of existing premises) which involves the loss of local shops or public houses will be permitted if it can be demonstrated that:

- a) the use is no longer or cannot be made commercially viable; or**
- b) the building can no longer provide suitable accommodation; or**
- c) is no longer needed for the existing use.**

Development involving the loss of cultural and community facilities and places of worship will be permitted if it can be demonstrated that:

- d) there is no longer a need for that facility for its existing use or another community use; or**
- e) the building can no longer provide suitable accommodation.**

Certain types of services or facilities help make a local community⁵ by providing for some of the daily needs of residents and businesses. Any change to the quantity or range of services or facilities may have an impact on the sustainability of the settlement and have an impact on the community. This is especially important within the lower tiers of the settlement hierarchy where the loss of a service may be felt more acutely by the local population because of the limited availability.

The Council will resist the loss of facilities or services but will not seek to retain those facilities that are proved to be unviable or are no longer suitable (e.g. the specification of the building is no longer appropriate) or needed. This will include where a service provider is seeking to provide improved local services in the local area. To demonstrate that the loss is justifiable, evidence should be provided of attempts to market the property for its current and alternative uses as listed in the policy for a 6 month period in appropriate publications at an appropriate value. Evidence of contact with the appropriate cultural and community organisations who may wish to use the accommodation will also need to be provided.

⁵ Community/ cultural facility is a locally orientated service or facility such as a convenience store, post office, pub, social club, theatre, community hall, health facility typically serving a very localised population.

8 Re-use of Buildings in the Countryside

- 8.1 Rural buildings are a significant characteristic of the Borough thus contributing to its local distinctiveness and cultural heritage. These buildings were predominantly erected for agricultural purposes; however, there are a number of rural buildings that have an association with the military. The Borough has experienced changing patterns in rural land use, animal welfare standards, technological advances and farm management which in turn has changed the nature of the rural economy. The drivers of change have resulted in buildings no longer being appropriate for their original purpose or use thus creating pressure for change.
- 8.2 The restructuring of the agricultural industry has resulted in a number of rural buildings being subject to conversion to an alternative use. It is recognised that conversion to alternative uses can have a significant adverse impact on the character and landscape setting of a working farmstead building. Pressure for conversion comes mainly from increased demand for dwellings as rural populations rise and communications improve. This has coincided with a corresponding change in Government planning policy towards encouraging economic, sustainable development in rural areas, partly to counteract the decline of agriculture. These drivers are likely to persist into the future and further increase the pace at which conversion is taking place.'
- 8.3 The NPPF (paragraph 55) includes the reuse of redundant and disused buildings. However, the Council's view is that this needs to be balanced against the need to support the rural economy. Paragraph 28 bullet point 1 of the NPPF recognises the importance that reuse of buildings can have to the rural economy. As such the Council proposes that when considering the future reuse of buildings that commercial purposes, including tourist accommodation, are encouraged in the first instance.
- 8.4 However, it must be noted that there are buildings that are still capable of continued agricultural use, and should those buildings be put to other more lucrative uses, this could generate the potential demand for new agricultural buildings. This trend could erode the quality of the countryside. Therefore the reuse of rural buildings needs to be carefully managed to minimise its impacts on the character of the countryside.
- 8.5 In recognition of the need to support a prosperous rural economy, the Council recommends the approach to include a policy relating to the reuse of buildings in the countryside:

Policy LE16: Re-Use of Buildings in the Countryside

The re use of buildings in the countryside for commercial use (including tourist accommodation) will be permitted provided that:

- a) the building is structurally sound and suitable for conversion without substantial rebuilding, extension or alteration; and**
- b) the proposal would not result in the requirement for another building to fulfil the function of the building being converted; and**
- c) the proposed use is restricted primarily to the building; and**
- d) development would lead to an enhancement of its immediate setting.**

The re use of buildings in the countryside for residential use will be permitted provided, in addition to criteria a) – d) above, that:

- e) that the proposal is for occupational accommodation for rural workers**
- f) it is demonstrated that every reasonable attempt has been made to secure commercial use (including tourist accommodation); or**
- g) there is no other means of protecting and retaining the building which is of architectural or historic merit.**

To support growth and expansion of the rural economy existing buildings suitable for conversion should be put to small scale commercial uses to help sustain the rural economy without creating the need for new buildings in the countryside. Many buildings are capable of conversion to provide an efficient working environment attractive to firms and staff. Employment uses will often require only minor alterations to the structure or exterior of the building, thereby maintaining its traditional appearance in the rural scene and, in the case of buildings of historic or architectural merit, its original character.

Buildings constructed of temporary or short-life materials, or which are derelict or in an advanced state of disrepair, are not considered suitable for re-use. The extent of adaptation required to bring them into use is likely to have an impact on the rural scene similar to that of a new building. A structural survey of the building to be converted may be necessary. The re-use of buildings with architectural or historic merit will be positively encouraged. The retention of buildings which are not in keeping with their rural setting or are visually intrusive because of their location, form, bulk or general design will be discouraged.

The aim is to keep the amount of new building required in the countryside to a minimum and to protect the character of the existing building, by maintaining its original structure, built form, architectural detail, materials and general design. Proposals which will result in the creation of another building to fulfil the function of that being converted will not be supported. However, where proposals for alternative use require the creation of new buildings and/ or extensions to that being converted these will be considered on their own merits.

The character of the countryside would be jeopardised if the many buildings which are still capable of continued agricultural use were put to other more lucrative uses, thereby generating the potential demand for new agricultural buildings. Many agricultural buildings can be erected without planning control⁶. It is therefore important not to permit a change of use of an agricultural building if a new building would be required on the farm unit to fulfil the function of the building being converted unless it is no longer suitable for agricultural use.

Care will need to be taken to ensure that uses ancillary to the new use of the building, such as car parking and open storage do not have an intrusive impact on the rural environment including the extensions of the curtilage of the development into the countryside. Account will also be taken of amenity issues such as noise, smell or over-illumination.

The policy allows for the re-use of non residential buildings as new homes but this need to be balanced against the importance of retaining buildings which are capable of helping the rural economy⁷.

⁶ General Permitted Development Order, 1995

⁷ Employment Land Review 2008

Conversion to residential use will only be allowed if it is for a rural worker (see Policy COM10) or has been demonstrated that commercial uses are not viable. Evidence should be submitted that a marketing exercise (for a minimum of six months) has been undertaken within appropriate press and at a price reflecting the potential for other uses, excluding residential, and not just the existing use.

In certain circumstances, residential use may be justified as an appropriate means of preserving a building of particular architectural or historic merit because it is the only means of funding its restoration and retaining its original features. In these circumstances, evidence should be provided which sets out that a commercial proposal would not be appropriate in retaining the building.

9 Employment sites in the countryside

- 9.1 Businesses in the countryside comprise an important element of the rural economy. A number of sites within the countryside used for a variety of industrial or storage activities, which have a long established lawful non-agricultural use. Also, because of their appearance and other associated amenity issues, they can be difficult to accommodate within the existing urban areas or on allocated industrial land.
- 9.2 Paragraph 28 of the NPPF, requires local plans to 'support the sustainable growth and expansion of all types of businesses and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.' It is therefore recommended by the Council to include a policy approach within the Revised Local Plan relating to proposals to redevelop, extend and erect new buildings on existing employment sites in the countryside.

Policy LE17: Employment Sites in the Countryside

The redevelopment, extension of buildings or erection of new buildings on existing employment sites for employment use will be permitted provided that:

- a) it is contained within the lawful employment site; and
- b) the proposal is well related to any retained buildings; and
- c) it does not include outside storage where this could be visually intrusive.

There are a number of sites which have a variety of industrial, storage or business uses. These sites comprise an important element of the rural economy and provide local job opportunities for those in rural areas. Proposals for their redevelopment or intensification through extensions, new buildings or redevelopment can take place within the boundary provided that it does not result in significant harm to the landscape which is protected under policy E2 and deals comprehensively with the whole site. Proposals which involve the extension of the site boundary into the countryside would be considered on their individual merits. Open storage will only be permitted if it is not visually intrusive.

In some cases the particular existing uses on site may be causing such serious environmental harm that their removal may be desirable and redevelopment of the site for more appropriate business activities may be justified. To achieve an environmental improvement the proposal would need to deal with the full extent of the site. It would need to be demonstrated that the displaced uses would not be seeking an alternative site which would simply mean the relocation of the environmental problem to another location and that the redevelopment proposal would result in a substantial gain in terms of environmental impacts, such as traffic and visual impact and other potential nuisances.