

**LANCASTER DISTRICT LOCAL PLAN EXAMINATION
ACTIONS FROM DAY 5**

PROPOSED MODIFICATIONS TO LOCAL PLAN POLICIES:

**POLICY DM10 – ACCOMMODATION FOR AGRICULTURAL AND
FORESTRY WORKERS**

POLICY DM16 – TOWN CENTRE DEVELOPMENT

COUNCIL RESPONSES TO THE FOLLOWING REPRESENTATIONS:

PINS 173 – MR D HILWARD

PINS 174 – MR J WELBANK

Policy DM10: Accommodation for Rural Agricultural and Forestry Workers

Proposals for residential accommodation for ~~agricultural and forestry~~ rural workers will be supported in principle subject to the following criteria:

Permanent Dwellings

Proposals for new permanent dwellings will only be permitted where they support existing agricultural / forestry / rural based employment activities on well-established agricultural / forestry holdings and rural based businesses provided they meet the following criteria:

- I. There is a clearly identified existing functional need that passes the policy test relating to functional need set out in Appendix F of this DPD;
- II. The need relates to a permanent full-time worker, or one who is primarily employed in agriculture, ~~or forestry~~ or rural based business and does not relate to a part-time requirement;
- III. The unit and agricultural / forestry / rural based business activity concerned is economically viable and has been established for at least three years and ~~passes the policy test relating to financial soundness set out in Appendix F of this DPD;~~
- IV. The functional need could not be fulfilled by another dwelling or by converting an existing suitable, underused or redundant building on the agricultural unit, except where the use of such a dwelling or building already contributes to the vitality of the business;
- V. There is no other suitable and available accommodation in the area that is suitable and available for occupation by the workers concerned; and
- VI. New dwelling(s) are sited to minimise the impact on the surrounding area, well designed and well-related to existing agricultural buildings or other dwellings related to the business.

Temporary Dwellings

If a new dwelling is essential to support a new rural farming activity, whether on a newly-created agricultural or other rural land-based business unit or an established one it should normally for the first three years be provided by a caravan or wooden structure that can be easily dismantled and/or removed. Proposals for temporary dwellings will be expected to satisfy the following criteria:

- VII. Clear evidence is provided by the applicant of a firm intention and ability to develop the enterprise concerned (significant investment in new rural farm buildings is often a good indication of intentions);
- VIII. There is a clearly identified existing functional need that passes the policy test relating to functional need set out in Appendix F of this DPD;
- IX. Clear evidence is provided by the applicant that the proposed enterprise is economically viable ~~has been planned on a sound financial basis;~~
- X. The functional need could not be fulfilled by another dwelling on the agricultural unit, or any other accommodation in the area that is suitable and available for occupation by the workers concerned; and
- XI. New dwelling(s) are sited to minimise the impact on the surrounding area, well designed and well-related to existing agricultural buildings or other dwellings.

When permission granted for a temporary occupational dwelling expires, a proposal for a permanent dwelling must satisfy criteria (I) to (VI). After three years, if there is no planning justification for a permanent dwelling, then the temporary dwelling must be removed.

Successive extensions to a temporary permission will not be granted.

Proposals for permanent and temporary occupational dwellings will be subject to appropriate planning conditions. The removal of conditions relating to occupancy on temporary occupational dwellings will not be permitted and on permanent occupational dwellings will only be permitted in exceptional circumstances as set out in Appendix F of this document providing that:

- XII. The applicant can demonstrate there is no longer a long-term need for the occupational dwelling on the particular enterprise on which the dwelling is located; and
- XIII. The applicant can demonstrate that the occupational dwelling has been marketed at a realistic price that takes account of planning conditions, has been marketed within the appropriate media over a period of at least 12 months and that no reasonable offer has been refused, so to demonstrate that there is no demand for the dwelling in the area.

PROPOSED WORDING FOR APPENDIX F (TO SUPPLEMENT MODIFICATIONS PROPOSED TO POLICY DM10)

APPENDIX F: CRITERIA FOR HOUSING DEVELOPMENT FOR RURAL ~~AGRICULTURAL AND FORESTRY WORKERS~~

Background

- F.1 The Council has successfully used Annex A of Planning Policy Statement 7: Sustainable Development in Rural Areas to determine the criteria for housing development for use by rural enterprise workers. In the absence of new guidance from Central Government following the publication of the National Planning Policy Framework the Council will continue to use these criteria.

Introduction

- F.2 Appendix F provides guidance to applicants on Policy DM10 relating to proposals involving residential accommodation for rural land-based workers, in particular agricultural and forestry workers.
- F.3 The majority of residential planning applications received by Lancaster City Council propose new homes in locations identified as suitable for housing by the adopted development plan. However, with rural enterprises, any dwelling likely to be sought for use in connection with such an enterprise is likely to be in a rural setting, therefore outside areas allocated for housing. The National Planning Policy Framework seeks to promote sustainable development in rural areas, however requires local planning authorities to 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.
- F.4 The Council acknowledges the needs of rural-based enterprises and will be supportive of those enterprises that have genuine requirements. In order for the Council to establish whether the requirement is genuine, then a rigorous process is applied to proposals for occupational dwellings. This is required to ensure that only necessary development takes place and is concentrated on appropriate enterprises that meet the established criteria.

Occupational Dwellings

- F.5 In most cases occupational dwellings will be for occupation by workers in rural-based employment ~~agricultural workers~~. However in some instances there may be justification for dwellings to be occupied by forestry workers where the enterprise requires the intensive nursery production of trees.
- F.6 In addition, there may also be other rural enterprises where occupational dwellings are required and Lancaster City Council will consider proposals on a case by case basis. In such cases, the enterprise, including any development necessary for its operation, must be considered against the same rigorous policy tests set out within Policy DM10 and satisfy all other relevant Local Plan policy.
- F.7 The Council will not support proposals for occupational dwellings that are unusually large in relation to the needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long term. It is the functional need rather than the requirements of the owner or occupier that are relevant in determining the size of dwelling and its curtilage.

Policy Test A: Establishing a Functional Need

~~A functional test is necessary to establish whether it is essential for the proper functioning of the rural enterprise for one or more rural 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:~~

- ~~(i) In case animals or agricultural processes require essential care at short notice; and~~
- ~~(ii) To deal quickly with emergencies that could otherwise cause serious loss of crops and products, for example by frost damage or the failure of automatic systems.~~

~~In cases where the Local Planning Authority is particularly concerned about possible abuse, it should 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 of conversion to dwellings have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of a lack of agricultural need.~~

~~The protection of livestock from theft or injury by intruders may contribute to animal welfare grounds to the need for an agricultural dwelling, although it will not by itself be sufficient to justify one. Requirements arising from food processing and food production, 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.~~

Policy Test B: Financial Soundness

~~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 that the unit can sustain. In applying this test the Council will take a realistic approach to profitability, taking account of the nature of the enterprise concerned. Some enterprises that aim to operate broadly on a subsistence basis, but which nonetheless provide wider benefits (e.g. 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, that are relevant in determining the size of the dwelling that is appropriate to the particular holding.

Occupancy Conditions

- F.8 Where planning permission is granted, residential accommodation for agricultural and forestry workers will be subject to the following planning conditions:
1. Occupancy will be limited to agricultural and forestry workers only;
 2. The removal of specific permitted development rights for development within the curtilage of the dwelling under Part 1 of the Town and Country Planning (General Permitted Development) Order 1995.
- F.9 Occupancy conditions relating to a main farm building or equivalent will not be removed to allow the occupants to relocate to a new agricultural workers dwelling or equivalent.
- F.10 The Council recognises that changes in the scale and character of agricultural / forestry practices over time may affect the longer-term requirement for occupational dwellings for which permission has been granted subject to an occupancy condition. Therefore such dwellings with occupancy conditions attached should not be kept vacant, nor should their present occupants be unnecessarily obliged to remain in occupation simply by virtue of planning conditions restricting occupancy which have outlived their usefulness. However, where there remains a local demand for agricultural / rural dwellings the LPA would seek to retain the occupational dwelling.
- F.11 The removal of an occupancy condition will only be permitted in exceptional circumstances providing that:
1. The applicant can demonstrate there is no longer a long-term need for the occupational dwelling on the particular enterprise on which the dwelling is located; and
 2. The applicant can demonstrate that the occupational dwelling has been marketed at a realistic price that takes account of planning conditions, has been marketed within the appropriate media over a period of at least 12 months and that no reasonable offer has been refused, so to demonstrate that there is no demand for the dwelling in the area.
- F.12 The removal of occupancy conditions will also be subject to the provisions of Policy DM10 of the Development Management DPD.

PROPOSED POLICY WORDING FOR DM16

Policy DM16: Town Centre Development

Proposals for retail development will be supported where they are located within defined Primary Shopping Areas, as set out via the Local Plan Policies Map or are in accordance with relevant retail policies or where the proposal accords with other policies contained elsewhere in the Local Plan.

Proposals for Main Town Centre Uses in Town Centre Locations

Proposals for other main town centre uses (as defined in the National Planning Policy Framework) will be supported where they are located within the defined town centre boundary and accord with other policies elsewhere in the Local Development Plan.

Proposals for residential development within town centre locations will be considered favorably provided that they are above ground floor level and do not restrict the maintenance of an active street frontage, particularly within designated retail frontages. Such proposals should include a separate and secure access, preferably to the rear of the property that does not result in a net loss of ground floor retail space.

Development proposals for main town centre uses will be supported in town centre locations subject to environmental, safety and amenity considerations where it can be demonstrated that the scale and type of development proposed is directly related to the role and function of the locality and contributes towards creating a strong sense of place through high quality design.

Development proposals for retail development that are located between the Primary Shopping Area (PSA) and the Town Centre Boundary will also be supported where it is demonstrated that the proposal cannot be suitably accommodated within the PSA and will bring positive economic regeneration benefits.

Proposals for Main Town Centre Uses outside of Town Centre Locations

Development proposals for main town centre uses that are not located in town centre locations *(as defined in Policy TC1 of the Strategic Policies & Land Allocations DPD)*, or are not in accordance with specific policies in the Strategic Policies and Land Allocations DPD, will be expected to demonstrate that the sequential test has been applied to identify the proposal's site, as set out in paragraph 24 of the National Planning Policy Framework. Proposals for main town centre uses that are not located in defined town centre locations, or are not in accordance with specific policies within the Local Plan should seek to address the following issues:

- I. Ensure that a thorough assessment of the suitability, viability and availability of locations for main town centre uses has taken place, having particular regard to the nature of the need that is being addressed;
- II. Ensure that all town centre options have been thoroughly assessed before less central sites are considered;
- III. Ensure that where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is given to edge-of-centre locations that are well connected to the centre by means of good pedestrian and public transport networks; and
- IV. Ensure that in considering sites on the edge of existing centres, developers and operators have demonstrated flexibility in terms of scale and format; and

Impact Assessment

The Council will not expect or require Impact Assessments for proposals which are located within the defined town centres of Lancaster, Morecambe or Carnforth.

Outside of City and Town Centre boundaries for Lancaster, Morecambe and Carnforth (as defined on the proposals map), the Council will require an impact assessment in accordance with paragraph 26 of the Framework for any proposals which result in the creation of over 500sqm of gross floorspace.

Proposals should be supported by a retail impact assessment in accordance with paragraph 26 of the National Planning Policy Framework where it results in the creation of floorspace of:

- **Over 500sqm in the Main Town Centres of Lancaster, Morecambe and Carnforth or within 800 metres of the defined town centre.**
- **Over 200 sqm within defined local centres (as set out in Policy TC3 of the Strategic Policies and Land Allocations DPD) or within 800 metres of the defined local centre.**

COUNCIL RESPONSE TO MR D HILWARD (PINS REFERENCE 173)

The Council have considered the representation from Mr David Hilward on the matter of tree planting ratios (PINS Reference 173/01/DM44/NLC5/US1-4). Policy DM44 of the Review of the Development Management DPD sets out the Council's approach to replacement tree planting and sets out the expectation that for every tree lost as part of a development proposal that three new trees should be planted in their replacement. This ratio is set out in the Council's Tree Policy (which has been submitted to the Inspector to support this statement) which was adopted by the Council for development management purposes in 2010. This reflects the policy position which is already taken in the current Development Management DPD which was found sound and adopted in 2014. Since its adoption of the Development Management DPD the approach to the replanting has been implemented successfully to date. The implementation of this policy has support the Council's aim of seeking to improve tree coverage in the district for the benefit of the wider environment.

The Council do not believe that the approach taken in Policy DM44 is not consistent with the National Planning Policy Framework, demonstrated through the approach being found sound as part of the preparation of the original Development Management DPD in 2014.

COUNCIL RESPONSE TO MR J WELBANK (PINS REFERENCE 174)

The Council have considered the representation from Mr John Welbank on the matter of a specific barn conversion policy (PINS Reference 174/01/DM48/LC/US3&4). The Development Management DPD (as submitted) includes Policy DM48 which relates to the re-use and conversion of rural buildings. This includes the conversion of rural barns for residential uses. The approach taken in Policy DM48 seeks to strike the appropriate balance between ensuring a long-term use for rural barns (where their agricultural use is no longer appropriate) but seek to protect against the creation of dwellings in highly isolated locations in accordance with national planning policy. Policy DM48 sets out a realistic and pragmatic set of criterion which seeks to ensure that a barn conversion can achieve sustainable development and protects the wider countryside. The Council feel that the approach taken in Policy DM48 is consistent with national planning policy, consistent with previous policy positions on this issue (as set out in Policy DM8 of the 2014 Development Management DPD which was found sound in 2014) and provides an appropriate basis for considering planning applications for barn conversions moving forward.

