
Directorate of Environment and Regeneration • Planning Services

LOCAL PLANNING GUIDANCE NOTE NO.10 NEW HOUSING IN THE OPEN COUNTRYSIDE

Background

Since the British town and country planning system was established by Parliament in 1947, it has been a fundamental principle that **unnecessary development should not be allowed to take place in the open countryside**, but instead that new housing development should be directed towards towns and villages. To a considerable extent, this approach was prompted by the disfiguring sporadic and ribbon development of the 1930's. The intention was to protect the countryside for its landscape heritage and as a natural habitat, and to retain the best quality agricultural land as a national resource. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission since such permissions could be created too often, to the overall detriment of the character of an area. **New dwellings in the open countryside therefore require special justification**, which most notably occurs when there is a proven need for an **agricultural or forestry worker's dwelling** at their place of work. What this means in practice is explained in detail below. It should be made clear that retirement homes for farmers, or new homes for their children, are all subject to the same principles, which means that they are not normally allowed. This protection of the countryside still holds true today, and in Wales is reinforced by the Welsh Assembly Government's "Planning Policy Wales" of March 2002. Put simply, whilst new dwellings in the countryside might be very desirable for their occupiers, they would soon become harmful to our rural environment.

The only exceptions not related to agriculture or forestry are **replacement dwellings, infill development and affordable housing**, and all of these are in very limited circumstances. These are each considered in this Note. This Guidance Note deals with new building in all the above cases. The **conversion of existing buildings to other uses**, including residential, in the countryside is described in LPG Note 5.

Policy

In Flintshire, the national policies outlined above are set out at the local level in the County Council's Unitary Development Plan (UDP). This extract from **Policy GEN 3 Development outside Settlement Boundaries** sets the scene:

"Development proposals outside settlement boundaries will not be permitted, except for:

- a. essential worker housing (policy HSG 4);
- b. small scale infill development, comprising one or two housing unit(s) within a clearly identified group of dwellings in the open countryside (policy HSG 5);
- c. conversion, extension, adaptation and re-use of buildings in the open countryside (policies HSG 7, RE 4 and RE 5);
- d. replacement dwellings in the open countryside (policy HSG 6);
- e. affordable housing exceptions schemes adjoining existing villages (policy HSG 11);"

The relevant individual policies referred to here are reproduced in Appendix 2.

What is "the open countryside"?

For clarification, in this context "**the open countryside**" (or "**outside settlement boundaries**") is defined as the area outside the settlement boundaries of those towns and villages as shown on the UDP Proposals Map, and listed here in Appendix 1. All other settlements or communities are therefore considered for planning purposes to form part of the open countryside, to which the policies described here apply.

Agricultural and forestry workers' dwellings

Policy HSG 4 (see Appendix 2) covers the concept of essential need and the associated tests.

Essential need

In all cases applicants must pass strict **functional and financial tests to establish whether or not there is a genuine agricultural/forestry need** which is reasonably likely to materialise and is capable of being sustained for a reasonable period. The applicant must complete a questionnaire about the enterprise, which is assessed initially by Planning Services staff. If it then appears that there is no justifiable agricultural/forestry case to consider, the application will be recommended for refusal. Otherwise, the proposals may then be examined further by an independent consultant whose fees are paid half each by the applicant and the County Council.

The functional test

The issue is **whether one or more workers need to be readily available** at most times, for the proper functioning of the enterprise. An assessment is made of the employee hours involved over a year (seasonal work alone is unlikely to be a justification), and the extent to which the intended occupant would be needed to provide essential care to animals at short notice or deal quickly with emergencies to prevent serious loss of crops or to protect livestock from theft or injury, although security on its own would not be sufficient justification. The availability of existing accommodation, proximity to existing settlements and how many workers are already living on the enterprise, all form part of the assessment.

The financial test.

The farming/forestry **enterprise must be economically viable**, and evidence is required of the size of dwelling which the unit can sustain. It may be necessary to provide basic business accounts or financial projections in support of an application to assist a financial appraisal. Where a new farm business or major change in the direction is being proposed, more detailed accounts will be needed; significant investment in new farm buildings would be a good indication of intent.

Other information required

- Applicants will need to demonstrate that there are **no existing buildings on the unit which are capable of conversion** into a dwelling. Further advice on conversions is given in LPG Note 5.
- The Council will take into account **whether any dwellings, or buildings suitable for conversion, have previously been sold** on the enterprise, and the reasons for doing so.
- Consideration will be given as to whether there are **other dwellings for sale or rent in the locality** which may be suitable to fulfil the applicant's requirements.

Detailed matters for consideration

When the need for a new dwelling on the spot has been proven, **site specific factors** have to be considered.

• Siting

The new dwelling should be located in relation to the main farm complex, other farm buildings and/or natural features such as woodland, and not sited some distance away from the farm complex. The new dwelling should fit into the landscape and not appear as a visually intrusive, isolated dwelling.

• Design

Appropriate building materials and design are important to ensure the building relates well to its surroundings, particularly within the Clwydian Range Area of Outstanding Natural Beauty.

• Size of dwelling

The size should be related to the functional requirements of the enterprise. An unusually large or extravagant dwelling will not normally be permitted.

Temporary permission

Where there is **uncertainty about the long term viability of the proposed enterprise**, the Council may grant temporary permission for up to three years for a caravan or other temporary accommodation in a suitable location, in order to allow a business to become established and thereby justify a permanent dwelling, and the temporary accommodation must then be removed.

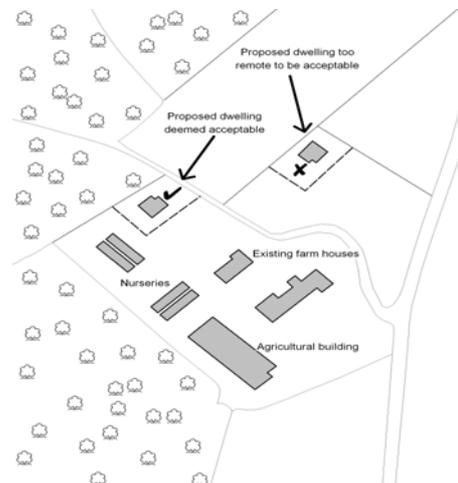
Conditions

In all cases where permission is granted under this policy, an occupancy condition will require the **occupancy to be restricted to essential workers and their dependents**, to ensure that it is not subsequently sold on the open market. If an essential worker dwelling is not commenced within three years of any outline planning permission, the essential need will be called into question. It will also be important to ensure that existing dwellings on the farm are not sold off.

Deletion of an occupancy condition

It is the **needs of the holding**, not the individual, which are the overriding issue, so personal circumstances are not relevant, nor is the argument that the dwelling is no longer suitable for an agricultural worker. To justify the removal of an occupancy condition, the applicant must show what changes have occurred since the granting of the original permission (at least 5 years previously), prove there is no longer a need for an agricultural workers' dwelling on the enterprise or in the area, and provide documentary evidence that an effort has been made to let or sell the property at a realistic price (i.e. below full market value) for at least a year with the occupancy condition in place.

Fig 1 An example of acceptable and unacceptable siting of a farm workers' dwelling in relation to the existing complex



Replacement dwellings

Policy HSG 6 is quoted in Appendix 2. Again, the policy aims to stop the creation of what would in effect be new dwellings in the open countryside. If the property is long-abandoned and ruinous, and would require substantial rebuilding, planning permission will not be granted. On the other hand, **where an existing dwelling is habitable but inadequate in terms of modern living standards**, there may be a case. The replacement of properties that have been used as holiday accommodation or other temporary uses will not be permitted, because the policy is about replacing an existing residential unit, not increasing the number of units.

- In **scale** the new dwelling should not normally be more than 50% larger than the existing dwelling.
- In terms of **location**, it should be at least partly on the site of the dwelling which is being replaced, although exceptions may be made where there are good reasons to relocate, such as subsidence or highway safety. Where such a relocation is allowed there will be a requirement that the original dwelling is demolished upon occupancy of the new dwelling.
- **Visually**, the replacement dwelling should not be more prominent or intrusive than the original dwelling, and its design should be appropriate to its setting and surroundings.
- Should the dwelling be of **historic or architectural interest**, even if not listed, its demolition and replacement will be resisted.

Infill housing

Policy HSG 5 (see Appendix 2) describes the limited situations where infill housing might be allowed in the open countryside. **Appendix 1** lists all those towns and villages in Flintshire within which new housing development may be allowed in most circumstances, in line with Policy HSG 3. Hamlets, sporadic groups of houses, and ribbons of development (where a line of dwellings has extended along a road into otherwise undeveloped areas) not included on this list, and comprising at least six dwellings, may have **limited opportunities for single unit infill housing**.

What is infill housing?

An infill housing plot is a **small gap in a continuous line of built up residential frontage** capable of accommodating a single dwelling unit or two semi-detached units where this is the prevailing house type. Normal planning and landscape considerations should apply; for instance, the new housing should be of a comparable scale, character and size to the surrounding properties.

A plot at the end of a line of dwellings is not an infill plot, but an extension; a plot in a loose scatter of buildings is further sporadic development, not infill. Fig 2 illustrates examples of infill and non-infill situations.

Fig 2 Infill development – Examples of acceptable and unacceptable locations



Note: The acceptable locations would still have to be acceptable in relation to other normal planning considerations

In order that the proposed infill dwelling may be properly assessed in relation to its surroundings, **a full planning application should be submitted** or an outline application containing details of siting, access, scale, design and materials. In conservation areas and sites close to listed buildings, full planning applications should always be submitted.

Affordable housing

Policy HSG 11, dealing with affordable housing in the rural context, is copied in Appendix 2. In order to allow cheaper housing to be available for local people in rural areas, this policy releases small housing sites immediately adjacent to the boundaries of those settlements denoted in Appendix 1, should there be a proven local need. The proposals should not be out of scale or character with the adjoining village. The rationale for this is that because residential development would not normally be allowed on these sites, land values are less than for residential land, and this in turn lowers the costs of the scheme and the costs to the occupiers, hence “affordable”.

To justify such an exception to the normal rural planning policies, convincing evidence of local need for affordable housing in the community must be produced. (A housing needs assessment is being undertaken in Flintshire. Once this has been completed, the policy position and this guidance may require revision.) The policy is **intended to apply only to housing schemes which will remain affordable**, therefore it is essential that occupation of the dwellings is controlled in the long term so that successive occupants can benefit. Normally this will be achieved by

involving the County Council, a housing association or the formation of a local trust which will be expected to enter into a **legally binding agreement** called a Section 106 Agreement.

The policy does not apply to proposals for individual self-build units.

Garden extensions in the countryside

Planning permission is required to extend the garden of a dwelling onto land which is used for another purpose as this is a change of use.. By enlarging residential curtilages, changing plot boundaries and introducing domestic paraphernalia to land which was previously agricultural or forestry, garden extensions can have a significant visual impact, resulting in time in sheds, garages, and hardstandings where previously there was open landscape.

The supporting text of Policy GEN 3 in the UDP makes clear that **garden extensions into the countryside will not normally be permitted**. Occasionally, in exceptional circumstances (for example where road safety would be enhanced by the proposal), permission may be granted for small garden extensions but then permitted development rights may be removed in order to stop the introduction of structures such as sheds, garages, greenhouses and house extensions into the rural landscape.

Appendix 1: Settlement boundaries and the open countryside

The Flintshire Unitary Development Plan includes settlement boundaries for all the towns and villages listed below. To check the location of these boundaries you are advised to contact Flintshire Planning Services.

All places not included on this list and not shown within these settlement boundaries are considered for planning purposes to form part of “the open countryside”, and therefore this LPG Note is applicable to them.

Afonwen *	Flint Mountain	Nercwys *
Alltami	Gorsedd *	New Brighton
Bagillt	Greenfield	Northop *
Bretton	Gronant *	Northop Hall *
Broughton	Gwaenysgor *	Pantymwyn *
Brynford *	Gwernaffield *	Penyffordd*
Buckley	Gwernymynydd *	Pentre Halkyn *
Cadole *	Gwespyr *	Penyffordd & Penymynydd
Caerwys *	Halkyn *	Pontblyddyn
Carmel *	Hawarden	Rhes-y-cae *
Cilcain *	Higher Kinnerton *	Rhewl Mostyn & Phorthladd Mostyn Port *
Coed Talon & Pontybodkin *	Holywell	Rhosesmor *
Connah's Quay	Hope, Caergwrle, Abermorddu, Cefn y Bedd *	Rhydymywn *
Cymau *	Leeswood	Saltney
Deeside #	Lixwm *	Sychdyn *
Dobshell	Llanasa *	Talacre *
Drury & Burntwood	Llanfynydd *	Trelawnyd *
Ewloe	Mold	Trelogan & Berthengam *
Ffrith *	Mostyn *	Treuddyn *
Ffynnongroyw *	Mynydd Isa	Whitford *
Flint	Nannerch *	Ysceifiog *

Deeside includes Garden City, Mancot, Pentre, Queensferry, Sandycroft, Shotton and Aston.

* Settlements to which the rural affordable housing policy (HSG 11) applies at December 2004. This list may be changed as the UDP evolves.

Appendix 2: The relevant UDP policies

Policy HSG 4 New Dwellings in the Open Countryside

"New dwellings in the open countryside will only be permitted where it is essential to house a farm or forestry worker who must live at or very close to their place of work and not in a nearby dwelling or settlement, provided that:

- a. the proposal is accompanied by an appropriately completed questionnaire, which will be the subject of an independent assessment of the functional and financial need for the dwelling in relation to the enterprise;
- b. the need cannot be met through the economic conversion and re-use of existing buildings on site;
- c. there has been no prior disposal of a dwelling which could have been used to meet this need;
- d. the dwelling is sited so as to relate to buildings on the existing farm or forestry complex and that its design, scale, and appearance takes into consideration the landscape setting of the surrounding area; and
- e. the size, floorspace and type of proposed dwelling should be appropriate to that which the farm/forestry enterprise can sustain.

An occupancy condition will be imposed on the new dwelling, and the time period for an outline permission will be limited to two years, with approval of reserved matters required within two years and commencement within three years of the decision date.

Where other dwellings exist within a farm or forestry complex, the Council may seek to utilise legal agreements to control their occupancy.

Proposals for the renewal of outline permissions will only be granted in exceptional circumstances.

Dwellings permitted as part of new farm or forestry enterprises will, for a period of three years (or until the enterprise is fully established), be required to be of temporary construction, and removed from the site if the enterprise ceases."

Policy HSG 6 Replacement Dwellings

"The replacement of a dwelling in the open countryside will only be permitted if:

- a. the existing building has lawful use rights as a dwelling;
- b. the existing dwelling is habitable or capable of being made habitable without works which are tantamount to the construction of a new dwelling;
- c. the existing dwelling does not have significant local historical or architectural interest;
- d. the new dwelling is of a similar scale to that which it is intended to replace, and should reflect the character and traditional building style of the locality in terms of its siting, design, form, and the materials used; and
- e. the replacement dwelling should be located on the site of the existing dwelling. Exceptionally, an alternative location will be considered, where this is within the existing curtilage or if impractical due to physical conditions or environmental constraints on site, nearby, subject to bringing about an overall environmental improvement to both the existing and proposed site."

Policy HSG 5 Infill Housing

"Outside settlement boundaries infill development for one or two housing unit(s) may be permitted, provided that the proposal:

- a. comprises a small gap within a clearly identifiable small group of houses within a continuously developed frontage;
- b. does not constitute, or extend existing, ribbon development, and does not create fragmented development; and
- c. respects adjacent properties and the surrounding area in terms of its siting, form, design and scale, and does not represent overdevelopment of the site."

Policy HSG 11 Affordable Housing in Rural Areas

"Outside village settlement boundaries, proposals to develop affordable housing in rural areas will only be permitted in exceptional circumstances, where:

- a. there is evidence of genuine local need for such provision;
- b. there are no suitable alternative sites or properties within settlement boundaries to meet the need;
- c. schemes abut settlement boundaries and form logical extensions to settlements, avoiding ribbon and fragmented development;
- d. the scale, design, and layout of the proposed development are sympathetic and appropriate to the size and character of the settlement, and reflects the scale of need identified; and
- e. houses will remain affordable in perpetuity for those in need, managed by a housing association, the County Council, a bona fide trust or similar organisation."