

EXMOOR NATIONAL PARK AUTHORITY

PLANNING COMMITTEE

12 June 2012

ADVICE TO ASSIST WITH THE DETERMINATION OF APPLICATIONS FOR RURAL WORKERS' DWELLINGS

Report of the Head of Planning and Sustainable Development

Purpose of Report: To update the Planning Committee on the issue of detailed guidance to assist with the determination of applications for rural workers' dwellings and to consider adopting guidance.

Management Plan Targets: Decisions on planning matters need to be taken in accordance with the policies of the Development Plan unless other material considerations indicate otherwise. The NPPF is a material planning consideration that needs to be taken into account in the decision making process.

Legal and Equality Implications: The National Park Authority is the sole Planning Authority for the Park area and has powers to act under the Town and Country Planning Act and related legislation. There are no equality or human rights issues in relation to this report.

Financial and Risk Implications: None on the basis of this report.

RECOMMENDATION: To ADOPT the previous Annex A of PPS7 (Annex A to this report) as guidance to assist with the determination of applications for rural workers' dwellings being considered under Local Plan Policy H8.

1. INTRODUCTION

- 1.1 The National Planning Policy Framework (NPPF) was published by the Department of Communities and Local Government on 27 March 2012. The NPPF sets out key principles to assist with the determination of planning applications. The NPPF confirms the plan led system and that the Development Plan is the starting point for decision making with the NPPF as a material planning consideration.
- 1.2 Local Planning Authorities have in the past been dissuaded from duplicating Government guidance in their Local Plans. The NPPF summarises many thousands of pages of Government guidance into 52 pages. Some detailed guidance on how to deal with specific planning matters is not included in the NPPF. As a consequence, there are now some gaps in (Local Plan) guidance on approaches to important issues. For instance, there was previously Government guidance on very detailed listed building matters, guidance on enforcement approaches, information on how to approach advertisement applications, as well as renewable energy, archaeology and telecommunications issues. One area where there was very specific and well used guidance was the approach to a rural worker's dwelling. This was

contained in Annex A of Planning Policy Statement 7 and had been transferred in almost its entirety from the earlier Planning Policy Guidance 7. The guidance was therefore very long-standing, consistently applied by Local Planning Authorities and Planning Inspectors across England, and set out the functional and financial tests that a rural worker's dwelling should meet.

- 1.3 The National Park Authority has used this guidance on many occasions to help to judge whether a rural worker's dwelling is justified as an exception to the normal policies of housing restraint in the countryside. The approach does not apply any extra criteria in National Parks, it simply looks at the needs of the holding and the approach helps to judge whether a dwelling(s) is merited.
- 1.4 The Exmoor National Park Local Plan (2005) under Policy H8 sets out the approach to new build housing in the open countryside. The policy and supporting text are included with this report at Annex B. The policy sets out an essential need for a dwelling and in paragraph 4.47 there is a requirement that "an independently prepared appraisal will have to be submitted with any application to justify a functional need and the long-term financial viability of the business for any accommodation, with a requirement that the worker(s) need to be readily available at most times, night and day, bearing in mind current and future business requirements". This is a direct reference to the advice in Annex A of PPS7 and the approach of the National Park Authority has been to apply criteria in Policy H8 in conjunction with the then Government guidance to make a judgement on such applications.
- 1.5 In relation to a rural worker's dwelling the NPPF now explains in paragraph 55, *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;*
 - *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.*

- 1.6 The approach in the NPPF regarding “the essential need for a rural worker to live permanently at or near their place of work in the countryside” is the same approach as set out in Local Plan Policy H8.
- 1.7 It is considered that to help determine applications for rural workers’ housing under Policy H8, it would be appropriate for the National Park Authority to adopt the guidance from PPS7. This would help provide consistency of approach and help both the Authority and applicants alike in the submission and determination of applications.
- 1.8 While more weight can be attributed to a planning document that has been consulted upon and adopted following consideration of representations, this guidance was until recently Government guidance. Adopting the guidance is considered an interim measure while the specific approach and guidance is worked up for consultation through the forthcoming Local Plan.
- 1.9 It is therefore recommended that the Authority adopt the previous planning guidance of PPS7 (attached as Annex A to this report) as guidance to provide the detailed approach when considering proposals under Local Plan Policy H8.

David Wyborn
Head of Planning and Sustainable Development
21 May 2012

Background Papers:

National Planning Policy Framework
PPS7 – Superseded by NPPF