



# Planning Reform to Create Sustainable Farming Livelihoods in the Countryside

# Planning Policy Change

The growth of agroecological<sup>1</sup> farming in England is currently significantly hampered by the planning system. We urgently need to reduce the climate and ecological impact of food and farming.<sup>2</sup> This can be done by increasing the number of farms producing food by sustainable means, restoring biodiversity and water and soil health. We also need to triple the rate of reforestation. At present, the planning system is failing many of those it should be most actively supporting. We advocate for changes that protect agricultural land from development, while actively supporting ecological farmers.

In this briefing paper we ask for seven changes to planning policy, and for planning officers to be provided with an introduction to ecological farming, especially small scale mixed farms. Our policy asks are for:

- A definition of essential need in the NPPF;
- Agricultural ties to be made more secure through the use of S106 Agreements;
- Class Q PDRs to be revoked;
- Permitted development rights to be available to enterprises on holdings under 5ha;
- Agriculture and horticulture to be added to the beneficial uses for Green Belt land listed in Policy 141 of the NPPF;
- Local food provision to be supported within the NPPF;
- The NPPF to restrict the use of high quality agricultural land to agricultural developments; and
- A One Planet Development Policy for England.



1. LUPG, the UK's statutory conservation, countryside and environment agents define agroecology as "an approach to agriculture that attempts to reconcile environmental, sustainability and production goals by emphasising the application of ecological concepts and principles to the design and management of agricultural systems".

2. The Food Climate Research Network write that 20-30% of anthropogenic GHG emissions are from the global food system but that the exact numbers are uncertain. Source: <https://www.foodsource.org.uk/chapters/3-food-systems-greenhouse-gas-emissions>. Agriculture is also the largest human use of land and water which, it is widely accepted, comes at a cost of loss of species and loss and degradation of habitat and ecosystems.

# What is the problem?

We consider the problems with planning policy and processes to currently fall into three main categories:

## 1. Overstretched planning departments

Typically, a pre-application appointment with a planning officer won't be available for at least 8 weeks. It's usual to then wait weeks for a single email or call to be answered by an officer. Advice can differ from one officer to the next, even within the same local planning authority (LPA) and, more often than not, planning departments don't provide written guidance on key business infrastructure such as polytunnels and temporary worker dwellings.

New entrants are already having to meet the cost of rising land prices, the high cost of rural housing, and need to finance the set-up and growth of their businesses. The inaccessibility, complexity and uncertainty of planning advice adds to their stress and costs. It has an enormous and adverse impact on the speed at which individual businesses and in turn, the sector, can grow. Difficult experiences reported by new entrants act as a deterrent to others before they even try and establish a new farm or forestry business. This is the finding of the Landworkers' Alliance,<sup>3</sup> the Ecological Land Cooperative,<sup>4</sup> and the planning advisory service Chapter 7.<sup>5</sup>

## 2. Unfamiliarity within planning departments of the needs of small-scale and agroecological farming and horticulture

Planning officers are experts in land-use planning and unfamiliar with agroecology, horticulture and sustainable forestry businesses. The assumption is that such businesses cannot be viable due to the typically small size of the holdings. In cases where the planning department is supportive of an application, the committee members can be unfamiliar and, for the same concerns over size, refuse applications against officers' advice. Frequently, applications refused by an LPA are then allowed at appeal.<sup>6</sup> Appeals add to costs and add significant delays, again significantly slowing business growth.<sup>7</sup>

## 3. Class Q Permitted Development Rights (PDRs)

Class Q PDRs allow landowners to convert agricultural buildings into market residences without seeking planning permission. This measure has led to a rapid increase in the price of small plots of land with farm buildings on. This has made it prohibitively expensive for many new entrants to access land with infrastructure and forced many more people to start farming on bare land holdings in precarious planning situations.

Those who go through the planning process wonder why new entrants wishing to live on their holdings are subject to such intense scrutiny, while large conventional farms receive permitted development for 1,000 m<sup>2</sup> barns and those with the money can buy former farmhouses, agricultural workers cottages, or Class Q conversions without having to supply any justification whatsoever as to why they need to live there.

### —> Examples from Scotland and Wales

Planning policy in Scotland and Wales is different from England and whilst the main obstacles remain the same, there are a number of areas in which they are significantly more progressive. English planning policy could be significantly improved by considering the Scottish and Welsh approaches to planning policy.

In Scotland there are no rights to convert agricultural buildings to residential use and permitted development rights for agricultural developments are not limited to holdings above 5ha, both of which support new entrants and smaller scale farms. Scottish planning policy is more supportive of development to further sustainability, rural housing and community ownership. Land is a more prominent political issue, with provisions for access rights, community right to buy and protection of higher quality agricultural land. Scottish policy also has a provision for low impact 'hutting' and crofting which is a formal land tenure system for small farms within crofting counties, that includes residential rights as well as obligations under the crofting commission.

In Wales there are also no rights to convert agricultural buildings to residential use. The Welsh Government have also introduced a One Planet Development policy which provides a route for those committed to sustainable development to establish low impact holdings.

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3. Wangler, Zoe & Laughton, Rebecca (2019), Planning Barriers Faced by New Organic Horticultural Businesses in England, Landworkers' Alliance.

4. The Ecological Land Co-operative is a land trust set up to support new entrants to agroecology.

5. Fairlie, Simon (2018), Planning Problems Faced by Small Farmers: A Presentation to the Conservative Rural Affairs Group, 6 February 2018

6. Ibid.

7. For case studies see the LWA's briefing paper Planning Barriers Faced by New Organic Horticultural Businesses in England, Wangler, Z & Laughton, R (2019)

# Policy Proposals

## **Policy Proposal 1: A definition of 'essential need' should be added to policy 79a of the National Planning Policy Framework (NPPF), justifying a dwelling for an agricultural worker, and should evaluate whether:**

- a. There is a need to live on site to deal with emergencies;
- b. Living off site would make day to day management of the enterprise appreciably more inefficient and difficult than living on site;
- c. There is a need to work unsociable hours
- d. Living off-site would be significantly less sustainable than living-on-site, including for example, generating high levels of private car use, requiring infrastructure with higher embedded energy and / or ongoing resource needs;
- e. The cost of accommodation in the locality is so high as to render an otherwise viable enterprise impossible to sustain; and
- f. The enterprise is likely to suffer significant damage from theft or vandalism if no one resides on site.



A lack of understanding of the practical necessity for most land-workers to live on-site means many applicants have to go to appeal before being given temporary permission. In making appeal decisions, inspectors often take a broader interpretation of 'essential need', realising that where labour-intensive organic methods are employed, combined with the diversity of operations, the farm business generates a stream of tasks requiring a presence throughout a long working day and often into the night.<sup>8</sup> The adoption of a broader definition of essential need would provide a robust framework for local planning officers to distinguish between genuine agricultural applications and land speculators.

## **Policy Proposal 2: LPA officers deciding on rural or peri-urban planning applications should be required to undertake training on the planning needs of agroecology, horticulture and sustainable forestry, to include site visits to existing businesses in the sector.**

A lack of knowledge of the needs of agroecological producers and sustainable foresters, and suspicion of potential abuse of agricultural ties, leads to the majority of planning applications for rural workers' dwellings being refused. More often than not, such cases are allowed when they go to appeal, due to a broader understanding of the issues by inspectors. Attendance on a short training course on the capacity, public benefits (environmental and social) and essential needs of farmers (and foresters) would empower LPAs to identify and encourage genuine applications for agroecological farming, forestry and horticulture.

## **Policy Proposal 3: Agricultural ties should be made more secure through the use of Section 106 Agreements, and Class Q PDRs revoked to help protect existing farms.**

The customary model condition 45 for agricultural workers' dwellings is weak and subject to abuse. A much stronger mechanism is to tie the dwelling to the land or to the enterprise that provided its justification, through a planning obligation. In the past such agreements have often been deemed unnecessary by inspectors, even when the appellant has unilaterally proposed them. We view that they should be more widely applied, as they will give LPAs greater confidence to grant permission.<sup>9</sup>

Existing farms need to be protected from subdivision. Removing the Class Q PDRs would reduce the incentive for existing farmers to separate farm buildings from farm land and would lower the price of small holdings, making agricultural land more affordable to new entrants to agroecology.

8. For example, the inspector for the planning appeal for Vallis Veg, a mixed farm comprising horticulture, grazing and poultry, stated in his decision letter that, the "business is run on a low environmental-impact approach. There are many strands to the need to live on site. None of them, on their own, would justify a residential presence on site. Taken together, however, I consider that a residential presence has been justified (paragraph 11, p3 Appeal Ref APP/Q3305/A/13/2196614).

9. An example S106 Agreement adding an additional layer of protection both for agricultural use and sustainability can be accessed here: [https://planning.middevon.gov.uk/online-applications/files/ABF5EEEB90EADB4A99CC538AB2EF5AEC/pdf/18\\_00565\\_FULL-S106\\_Agreement-1507463.pdf](https://planning.middevon.gov.uk/online-applications/files/ABF5EEEB90EADB4A99CC538AB2EF5AEC/pdf/18_00565_FULL-S106_Agreement-1507463.pdf)

# Policy Proposals

## **Policy Proposal 4: Permitted development rights should be available to agricultural enterprises on holdings under 5ha.**

Holdings over 5ha in size qualify for permitted development rights (PDRs) to build agricultural buildings. It's entirely possible to create a viable agricultural business on less than 5ha, but these holdings are ineligible for PDRs so they have to apply for planning permission. These smaller holdings have often been bought as bare land plots when sold off from the main farm, and are particularly in need of new buildings for which they often struggle to gain permission.

## **Policy Proposal 5: Agriculture and horticulture should be added to the beneficial uses for Green Belt land listed in Policy 141 of the NPPF.**

There is a strong case for encouraging horticulture, alongside small-scale dairying and livestock in Green Belt areas to provide food for urban populations.<sup>10</sup> A survey of the public by Natural England and the Council for the Protection of Rural England in 2010 found that over 80% of respondents would rather buy food grown in the Green Belt that surrounded them than food produced elsewhere. Seventy-eight per cent agreed that "If farmland around England's towns and cities isn't being fully used, then it should be used to grow food to feed the people who live in the local towns and cities."<sup>11</sup> With the rise of interest in urban and peri-urban horticulture and a demand for opportunities to grow commercially or take part in social prescribing projects or community gardens, there is a case for promoting the use of Green Belt and other peri-urban land for local food production, to enable food to be produced close to where it is consumed.



## **Policy Request 6: Encouraging Local Food Provision within the NPPF**

In 2012 the CPRE estimated that £6.75 billion worth of local-food spending was recirculated in local economies.<sup>12</sup> The 1997 version of Planning Policy Guidance 7 (PPG7) contained a policy supporting "farm-based enterprises supplying niche markets, such as regional and specialty foods". It noted that "these ventures can add value to local produce" and that, together with other forms of land-based diversification such as farm shops and woodland management, they "provide benefits for the local economy". This policy was however axed from the PPG7 in 2001. It would be helpful to new entrants for the government to acknowledge the contribution of local food provision to the economic and cultural resilience of rural economies. Such a policy would improve the efficiency of resource use, by reducing long distance food transport and associated refrigeration and packaging, while increasing the economic vitality of rural areas.

## **Policy Request 7: Protect high quality agricultural land for farming by restricting in the NPPF all but agricultural developments on Grade 1, 2 and 3a land.**

## **Policy Request 8: A 'One Planet Development Policy for England' (OPDP)**

Wales introduced a One Planet Development policy in 2011, providing the opportunity for those wishing to live within the planetary limits of 1.7gha per person to live on the land they farmed. The introduction of an English OPDP, also based on the Ecological Footprint concept, would provide an opportunity and incentive for individuals and communities to dramatically reduce their environmental impact. The requirement to meet stringent criteria relating to livelihood, resource use, transport, building materials etc. ensures that only genuine land workers gain permission, while making such opportunities more affordable and accessible to those who are attracted to this way of life.

10. Fairlie, S. (2017) Farming Policy after Brexit: A report for the Greens. Prepared by Simon Fairlie with input from the Landworkers' Alliance. Commissioned by Molly Scott-Cato, Green MEP for SW England and Gibraltar, p16. <https://drive.google.com/open?id=1cVEDElsRyqN7Ws-kty0cFWuLyNM791D>

11. Natural England and CPRE, Green Belts: A Greener Future, CPRE, 2010 p51, <http://www.cpre.org.uk/resources/housing-and-planning/green-belts/item/1956-green-belts-a-greener-future>

12. Campaign for the Protection of Rural England (2012). From Field to Fork: The Value of England's Local Food Webs.

# Case Study: Green and Pleasant

Dan Newbury and Natalie Pattison established a new organic horticultural business in 2006 after each completing two-year farming apprenticeships. Their new business, Green and Pleasant, was established on a 6.5 ha holding rented from a 1,000 ha estate in Dorset. By 2008 the couple were producing 68 varieties of fruit and vegetables and supplying 170 vegetable boxes per week to local residents.



Dan and Natalie moved into the mobile home on the holding, provided as part of their 15-year agricultural tenancy. A breach of planning control notice was served by the LPA requiring the cessation of the mobile home for residential purposes and its removal. The notice was appealed and allowed in 2008 following a public inquiry.

The LPA said at the inquiry that they were concerned about the future of the business after the ten-year break point in the tenancy, and the lease end in 2021. The LPA also said they were concerned that the business was not sufficiently profitable. The planning inspector allowed the appeal, and of significance to this briefing, found a straightforward solution to address the LPA's primary concern. To address the issue of the ten-year break point and end to the lease in 2021, the inspector suggested a planning permission linked to the appellants and their business. The inspector did not agree with the LPA's view that the business wasn't viable and a three-year temporary planning permission period was granted.

Dan and Natalie decided to relocate their business at the end of the temporary planning consent, in early 2011. This was not a decision taken lightly, but their business was sustaining severe crop damage by pheasants from the Estate's shoot and they didn't have the support of their landlord for a permanent agricultural workers' dwelling.

In 2012 the couple bought a 2.7 ha site in Cornwall and started their second organic market garden business, Slight Hill Farm. Again, their accommodation was a mobile home on site with planning permission applied for retrospectively. As the couple had been found to have a viable business in Dorset, they thought that gaining planning permission would be relatively straightforward. The couple were so confident that they applied directly for permanent planning permission. Dan wrote of the experience:

*"We have had an immense struggle with the LPA throughout the planning application process, they refused on several occasions to meet with us, [and when they agreed] informed us the decision had already been made. Throughout there has been no guidance from the council on our application".*

Their application was refused by the LPA, and then dismissed at appeal; although the inspector accepted that there was an essential need to live on-site, he felt that their business in Cornwall needed to be established for a longer period to prove financial viability to the extent that it would justify a permanent rather than temporary consent.

The couple submitted a second planning application, this time for a temporary permission for their worker's dwelling. Permission was again refused with the LPA who argued that there wasn't a functional need to reside on site, and that the financial information provided was insufficient. The LPA's decision was appealed and allowed and in May 2016 the couple were granted temporary permission to live on their farm. The couple had spent £3,000 on applications and planning consultants (they did their own legal work). The couple would agree that their first application to Cornwall Council ought to have been for temporary consent, but in any event, their LPA also refused their application for a temporary consent. They write of the process:

*"The planning process we have been involved in has impacted significantly on the growth of our business. Firstly, through the additional financial burden ... Secondly in terms of time ... time that could have been spent working on our holding, or recuperating from the work load of being a grower ... it is difficult to put an exact value to the time lost, and the financial burden it represents. Thirdly Stress. The level of stress that we have experienced throughout this process cannot be exaggerated. ... Starting a small business in most instances has stress associated with it, however to face losing so much if the decision goes against you is a vast additional burden to carry. I can't exaggerate the knock-on effect that the stress has caused. There are highs and lows associated with horticulture that are outside of your control, such as the weather, but the extra burden of planning related stress can greatly exacerbate these potentially difficult conditions. ... I love growing organic vegetables, and Slight Hill and all it represents has been the culmination of mine and Natalie's working careers to date, however purely due to the stress of the planning, there have been times when I've just wanted to be somewhere else doing something different. "*

# Case Study: Champernhayes Flowers and Foliage

In 2012, Zanna and Jonny Hoskins bought 1.5 acres of land in West Dorset with the intention of establishing a floriculture business, as part of a low impact, eco-friendly smallholding which would also provide a proportion of the family's food. After an initial year of observation, the Hoskins spent three years planting a mixture of annuals, perennials and shrubs for spring and autumn flowers, foliage and berries, and rented a workshop in the nearby town of Bridport from which to start trading and test the market.

The business had a strong start and supplies weddings and other events as well as a flower shop in a local town. It supplies local, seasonal flowers from spring, and by using foliage and berries as well as flowers, can trade over a longer season than most other British cut flower growers.

While the business was established, Zanna and Jonny and their young family lived in rented accommodation in a nearby village. However, from the start they knew that they would need to live on-site to really make the business operate efficiently. When they decided that the business was solid enough, they engaged a planning consultant and sought pre-application advice from the LPA in May 2017. They wanted to be up-front about their intention to live on site from the start, rather than causing anxiety among neighbours by not being transparent, and have generally had good support. They were advised by the LPA in the pre-application that the size and situation of the timber clad bungalow was likely to be OK, subject to support from the agricultural assessor. An application was submitted in October 2017, but the application was turned down. The LPA considered there to be no functional need and that the proposed house was larger than necessary, which contradicted the pre-application advice. An appeal was submitted in May 2018, but no response was received from the Planning inspectorate until January 2019. The appeal hearing was held in early April 2019 and unsuccessful on the grounds that there was no functional need.

The planning process has absorbed vast amounts of time, both in preparation prior to making an application during 2016 and 2017, several months of correspondence with the planning consultant and also with the case officer at West Dorset District Council. The latter caused anxiety and frustration, as their case seemed to be repeatedly side-lined, with no decision being made until six months after the application was submitted. Even after the planning officer had told them permission would be refused, they had to chase the LPA for weeks before they published their report, with reasons for refusal, so that an appeal could be submitted. Further time was absorbed, at an extremely busy time of year (April/May 2018) to prepare the appeal and further meetings and preparation were needed in January 2019 for the April 3rd appeal hearing. To date, the planning process has cost the Hoskins in excess of £12,000 on top of the costs of land purchase, infrastructure and business start-up. Planning costs include the pre-application advice (£250) and the planning application (£385) and appeal (£350), and the planning consultant (pre-application £3,540 inc. horticultural appraisal, first application £4215, appeal £3000, and post submission work £840).

Living on-site has enabled the business to be run much more efficiently and the site is better managed as a result. Trade is good and the business has been ready to expand for the last two years, yet has been held back by the Hoskins not having the confidence to further invest the holding without planning permission.



# Case Study: Avalon Organic Greenhouse

For many years, organic horticulturist Peter Wright had wanted to apply his knowledge of electrical engineering to his profession by trialling an off-grid heated glasshouse to grow vegetables without using fossil fuels. In 2010 he began discussions with his LPA, South Somerset District Council (SSDC) and applied for 1,500 square metres of reclaimed glasshouse on his 7-acre field to produce certified organic salad vegetables for the local wholesale market.

Despite initially receiving encouraging pre-application advice, Peter was refused planning person twice by the LPA. He also faced strong opposition initially from local residents and the Parish Council. In 2012 he appealed at public enquiry, but had to withdraw from this appeal since the application did not include key elements such as the wind generator and reservoir that were essential for the operation of the proposed business. He had been advised by his planning consultant that it was better to simplify the application by not including these extras, and that their approval would be routine at a later date.

The second application was made in September 2012, including the reservoir and wind turbine, but it was refused by the LPA again. At the subsequent appeal the inspector decided that the access issues, which related to whether the appellant had private access rights over a public footpath, were not a planning matter. The inspector found that there was no landscape issue, and that the proposed glasshouse was appropriate to its rural location, writing:

*“The Council concentrated on the change in landscape character that the proposed development would produce. ... I find it difficult to support the view that a horticultural development of the form and limited scale proposed would be so inappropriate in a rural area as to represent an unacceptable change in character”.*

The LPA also contested that there was a functional need for Peter to live on-site, stating that many of the tasks cited as requiring overnight attention could be automated. This is an objection frequently raised by LPAs, who fail to recognise the high capital investment required for such systems, which cannot be repaid by the income from growing organic vegetables. In general, the diversity of crop lines grown on agroecological horticultural enterprises relies on human input to undertake the diverse range of tasks required to raise seedlings, transplant and harvest, including irrigation and ventilation. While machines are used where appropriate and available, they are often better suited to the kind of large-scale monocultures grown by industrial horticulturists, where crops are more standardised. In Peter's case, the technologies being used are innovative and of his own invention.

The inspector chose to grant permission for the glasshouse, but not the agricultural worker's dwelling, due to the length of time it would take to build the glasshouse delaying the horticultural activities that justified the functional need by several years.

Construction of the reclaimed glasshouses commenced in Spring 2014. During the last five years Peter has lived on-site in a static caravan, which is permitted for people employed in construction of an approved development by the Caravan Sites and Control of Development Act 1960. He submitted an application for an agricultural workers' dwelling in November 2018, and is still awaiting a decision from the LPA (in November 2019). Almost four years passed between Peter's initial discussions with his LPA about the glasshouses and being granted consent to start building the glasshouse. Peter estimates that the total time to date of his planning applications is 2,300 hours and that they have cost him c. £10,000 in professional's fees.



Business proposals such the one described here represent a desire among young, environmentally motivated growers to apply their knowledge and ingenuity to solving the problems of producing food with minimal emissions and efficient resource use. The type of diverse organic and agroecological systems employed, combined with a philosophy of using second hand materials to keep costs low and re-use materials, represent a radically different pathway to that of industrial horticulture production which requires high capital investment. While inspectors seem able to engage with the wider environmental issues drawn into such a planning case, at local authority level there seems to be no allowance for the type of low capital input innovation typified by smaller organic and agroecological growers. If a new generation of horticultural entrepreneurs is to be encouraged it is essential that they are given a smoother ride through the planning system than Peter Wright.

# Case Study: Fresh and Green

Ruth Hancock is a first-generation farmer, having started her agricultural journey first through work experience and then a 3-year National Diploma in Agriculture. In 2006 she set up Fresh and Green on a 12.5-acre field in Ottery St Mary with her partner, producing fruit and vegetables for a vegetable box scheme. Fresh and Green is now a thriving business, supplying 80 vegetable boxes per week, as well as eggs from a flock of 50 hens and provides a livelihood for one and a half full time equivalents, as well as a seasonal trainee (April-October).

In February 2007 Ruth applied for a 200m<sup>2</sup> packing shed and growing on area under permitted development rights. This was refused due to the holding being located within an AONB. They applied again later that year and were granted permission a year later.

In January 2011, the couple applied for permission to station a mobile home as an agricultural workers' dwelling, but were refused in June by East Devon District Council, on the grounds that they did not consider there to be a functional need. This decision was made without a site visit or an agricultural appraisal. The case was taken to the planning committee and permission was refused on a vote of 7 to 6 against. The couple applied again in June 2012, but again the LPA refused permission on the grounds that they didn't consider there to be a functional need. This time the decision was appealed, successfully.

The couple received their permission in May 2013, nearly two and a half years after first applying to the LPA. The planning process has cost them over £5,000, as they used a planning consultant for the first application. Ruth did the second application, appeal documents and representation herself, but this absorbed considerable amounts of time, taking her away from the business of actual growing over many weeks.

The constant thinking and worrying about the planning provided an additional tax on the business and put huge pressure on her relationship. Ruth describes how,

*"It overtook our lives, the uncertainty of it, the extra workload and anxiety on top of the usual day to day stress of running a horticultural business, especially from a remote location. I think it did lead to some sort of post project depression, or even post-traumatic stress reaction, as once it was over, I ran out of steam and found it difficult to carry on. The mental impact of the stress lasted for several years. I suspect many a relationship has foundered on the stress that is engendered by it all."*

This case study illustrates the difficult position that growers are placed in when they decide to apply for residential permission prior to moving onto site, rather than moving on and applying retrospectively, and how they don't feel that they are listened to in the process. If a business is appearing to be run successfully with no dwelling, then LPAs usually do not see that there is a functional need, when in fact the pressure of trying to run a business from off-site is far less efficient and more stressful than living on-site and does not support the development of a successful and thriving business. At time of writing, Ruth and her partner are finalising the plans for a modest agricultural workers' dwelling, which they plan to submit with an application for permanent permission. Their functional need is the same as it was previously and the business is still financially sound, so they are hopeful that this will be a formality.



# Case Study: Ecological Land Co-operative



The Ecological Land Co-operative (ELC) is a community benefit society and not-for-profit established to create new affordable residential starter farms for new entrants to ecological farming. The first applications made by the ELC, in 2011, were for a cluster of three farm start units from 2.5ha to 4ha.

The applications sought permission for a temporary residence on each of the three holdings and a shared barn. The applications were recommended for approval by the planning officer but refused by the planning committee on the grounds that:

*"... no such special circumstances have been justified and there is no essential need for a rural worker to live on the site contrary to the NPPF. If granted, based upon the supporting information submitted, the proposal would set a precedent for further dwellings, in association with permaculture and agroforestry proposals, in the countryside which the Local Planning Authority would find difficult to resist."*

The subsequent appeal was allowed by the planning inspector but the whole process took two years and tens of thousands of pounds, both for the ELC and for Mid Devon District Council, the latter who spent £18,076 on legal costs alone.

In 2018, at the end of the temporary consent the ELC put in applications for permanent planning consent for the three holdings. This time the decisions were taken by the planning officer who approved the applications.

In May 2016, the ELC started to develop its second site, again seeking to provide a cluster of three farm start units for new entrants. The ELC approached the local planning authority, Wealden District Council (WDC) the following August for a pre-application meeting and were told that there was no availability until mid-November. The afternoon before the pre-application meeting the ELC were called by the planning officer inviting them to cancel the meeting. The ELC went ahead with the £425 pre-application meeting held not in a meeting room, but in the busy foyer of WDC's offices. Three weeks later WDC wrote:

*"This potential development would be an unusual and complex case ... I am not persuaded that there is a case to be made to establish a site similar to that in Devon at Arlington and I would not invite an application."*

This was the beginning of two years of extremely difficult communications between the ELC and WDC in which WDC ignored 70% of the ELC's emails and calls and refused to enter into discussions about the concerns that they said they had regarding the ELC's proposal. WDC failed to respond to a formal complaint made by the ELC and also actively discouraged the application by contacting the ELC asking them to withdraw their application and offering a refund of the application fee.

In November 2017, six months after their application had been validated, the ELC appealed on non-determination. A public inquiry was scheduled for September. In August 2018, two weeks before the appeal and two years after the ELC had first sought a dialogue with WDC, and after much expense by both parties in preparation for the appeal, WDC granted the 5-year temporary consent for which the ELC had originally applied.



# Case Study: Elbow Farm

Elbow Farm is a mixed holding of 4.2 acres, located outside the village of Beer in East Devon. It comprises 0.5 acres of: vegetables grown in no-dig growing areas, polytunnels and a glasshouse; soft fruit and top fruit dispersed throughout the site; 30 laying hens producing free range eggs; geese for the Christmas market and breeding ewes for meat sales. Produce is sold locally in 25 vegetable boxes, and wholesale to local shops and restaurants including Seaton's Jurassic visitor centre and River Cottage.

Joe Fitzgerald and Georgina Wood purchased land to start Elbow Farm in 2009. Initially they applied for and received planning permission for polytunnels and a barn in 2010, which they were granted. Anticipating local opposition to residential permission, they moved onto the land with their two daughters in July 2011, without planning permission. This was done after careful consideration and research:



*"This was the approach that was best suited to our situation because the business required an immediate on-site presence for it to be a success. Many organic growers are unsuccessful with planning, not for want of trying, but because applicants do not have a fine enough grasp of planning law. Many applicants run out of steam to fight against all sorts of prejudices to their application, and out of funds to pay for professional expertise and legal costs. However, our research drew attention to a large number of cases where applicants had applied for dwellings retrospectively and been successful at appeal, albeit after initial LPA planning permission refusal".*

They applied to East Devon District Council (EDDC) for planning permission for a temporary worker's dwelling and were refused in November 2011, on the grounds that there was no functional need for an enterprise of this scale. A successful appeal was lodged early 2012. The inspector's view was that:

*"The individual tasks involved in running the horticultural enterprise may not appear so great as to warrant a permanent on-site presence. However, taken together the labour commitment is intensive and spread out over the day and night."*

After three years, in 2015 the couple were granted permanent planning permission based on the fact that they had demonstrated their financial viability. The fact that the family live on their land means they are able to minimise living costs through renewable energy generation, rainwater harvesting and subsistence food production. LPAs often overlook the cost savings it is possible to make by living in a low impact way, and consider businesses unviable because they cannot provide a conventional income level. Businesses such as Elbow Farm are characterised by keeping costs low through being highly labour intensive and the couple choose a low consumption lifestyle in line with their values. Having permanent permission has provided valuable security, but pressure placed on the family by the planning process has been immense.

*"Addressing the demands of planning became a part time job for my partner and I, which we needed to do alongside the full-time roles we had on our small-holding, compounded by the insecurity the planning process instilled while we also juggled building a liveable abode and bringing up a family".*

Joe and Georgina would prefer to have gone through the correct channels of applying for planning permission before moving on, but had witnessed the fact that many small-scale enterprises are dismissed out of hand as not being economically viable or having a functional need. LPAs seem to lack understanding that it is a combination of needs of a horticulture business that requires an on-site presence 24 hours per day, not one over-riding need. Their LPA officer's report was dismissive of many points of agricultural need and overlooked issues to do with environmental sustainability. Joe Fitzgerald feels, like many growers, that the current requirement for growers to become experts in planning in order to gain permission is creating an unnecessary barrier to aspiring growers who may not have the ability to navigate the planning system, even though they are skilful growers. Such a barrier must be addressed in order to encourage more primary food businesses.



# Case Study: Chagfood, Barn

Chagfood is a Community Supported Agriculture (CSA) scheme and Community Interest Company on the edge of Dartmoor, established in 2010 by Ed Hamer and Annkatrin Hendry. Ed grew up locally, to school teacher parents, and gained experience working on his neighbours' farms as a teenager.

Ed and Annkatrin started on a 1-acre site, and expanded in 2013 to include a 5-acre field nearby. Over the last nine years, Chagfood has grown from supplying 25 household subscriptions with vegetables grown to supplying 110 households, plus £7,000 worth of vegetables to wholesale customers. It employs two full-time and two part-time workers and has an annual turnover of over £65,000.



To deal with their growing sales volumes Ed applied for permission for a 14 x 5 metre barn. This was refused by Dartmoor National Park Authority on landscape grounds, so a second application was submitted for a smaller building which addressed the landscape officer's concerns. This too was refused on landscape grounds, despite 96 letters of support from local people and not a single letter of objection. Following a further unhelpful meeting with the planning officer, Chagfood decided to build the barn anyway, as not having a shelter and packing area on their larger site was severely hampering the development of the business. Within a week an enforcement officer had paid a visit, and Chagfood put in a third application which was granted. Had Chagfood been operating on a site larger than 5-ha, they would have had permitted development rights, which allow larger land owners to build barns of up to 1000m<sup>2</sup>.

All in all, it took two years from the initial application, as well as an estimated 21 days full-time work and the cost of two pre-application planning meetings and for the retrospective application. During this time, vegetables had to be transported back to the original site for packing before delivery, adding significant inefficiencies to the business. An on-site packing facility and rest room is essential for the CSA to operate effectively, and the two-year delay and considerable time cost of negotiating planning permission has hampered development of the business.



**The Landworkers' Alliance (LWA) is a grassroots union of small-scale, ecological and family farmers across the UK.**

**We campaign for the rights of producers and lobby the UK government for policies that support the infrastructure and economic climate central to our livelihoods.**



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