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The Land Is Ours



a landrights campaign for Britain



LAND ESSAYS 3

How to get planning permission to live on the land

Mike Fisher



Even when the land is ours it is not ours to be free to do as we wish on it. All occupation of land falls within the planning laws. Planning is not just about structures, whether supermarket or bender but, more importantly, land use.

All local planning authorities (LPA), usually the district, borough or city council, produce a development plan. The Local Plan will designate categories of usage for all land in the district. These are agricultural, residential, commercial and various categories of industrial usage. The Local Plan will form part of the county Structure Plan that may also include provision for mineral extraction, waste disposal and roads.

My interest is in living and working on agricultural land. Most local plans make no provision for new homes (or benders or even a hammock strung between two trees) outside of areas designated for development. However, an exception is made for agricultural dwellings. A very detailed set of guidelines is itemised in Appendix 1 of Planning Policy Guidance Note 7, usually referred to as just PPG7 (available from bookshops stocking HMSO publications).

Essentially two requirements have to be met:

1. Functional test where the need for a full time worker to be living on site must be proved, and
2. Financial test to show the viability of the enterprise.

These are quite valid measures, otherwise every builder would buy a field, put some sheep on it for a year, build a house, cash in and repeat the exercise until he retired to the Costa on the profits. The difficulty is in that these guidelines are often seen as being applicable to farmers with substantial capital behind them not small scale organic growers or permaculturalists. However, with 121 1/2 acres, a lot of hard work and the support of friends and family I've got temporary permission that has been granted for three years to prove the enterprise before re-applying for permanent permission. But it has been won at some cost and only after the compromising of ideals.

The functional test is usually associated with livestock such as free range hens. But, beware, half a dozen or even a couple of hundred hens might not fit the bill. The planners can be looking for a few thousand hens generating a turnover of £25,000 and therefore a net income of perhaps £10,000 per year. PPG7 Appendix 1 does make provision for frost protection, so I put an application together on the basis of a stockless horticultural enterprise growing vegetables outdoors and in polytunnels. I emphasised the 7 day a week, 24 hour a day attention needed in raising transplants to organic standards in terms of watering, ventilation and heating.

The financial test is looking for 'clear evidence that the proposed enterprise has been planned on a sound financial basis? [I 14 (d)]. For permanent permission you have to show that the enterprise has been profitable for at least one year and has 'a clear prospect of remaining so? [I 5 (c)]. An important provision is that you don't have to already be achieving this but that you can show that you can do. So I put in my planning application at the stage where I still had a job off site but could write a business plan to show how the enterprise would develop over two years. It is for this reason that in the first instance temporary planning permission is usually granted. (PPG7 says that temporary permission should lead to permanent permission if all the provisions in the plan are fulfilled.) I sell all my produce through a box scheme so it was very easy to come up with a projected income. In the first year I started with just 30 boxes a week but anticipated I could do 120 boxes a week at the end of two years.

In Hampshire the agricultural needs aspect of planning applications is assessed by the Country Estates Officer who specialises in this work. He seems to play the game straight and seems to have an eye for the genuine applicant compared to the speculator. He was happy with my figures showing a net income of £6,000 in the first year and £9,000 in the second. However there are regional variations, for example, Simon Fairlie documents a case in Yorkshire where the holding is expected to generate a notional rent even where the land is owned by the applicant. Concern also exists that recent revisions to PPG7 could have the effect of raising the entry levels on the financial test.

I would say the key to my application was the extensive documentation I prepared to substantiate the functional need and the business plan to answer the financial test. This included projected sales and profit/loss accounts over two seasons; projected capital expenditure e.g. barn, irrigation equipment, borehole; copies of leaflets and newsletters to box customers; inventory of machinery; etc.

Put it on paper and the planners have got something to hide behind if they need to justify their decision to their councillors. Hit them with a document that shows you know PPG7 better than they do then it is quite apparent that if they dare refuse your application you will go to appeal and win.

If you want a commercial organic market garden this is all fine. My business evolved to fit PPG7. The real art is to mould PPG7 to fit your dream whether it be less intensive, no mains services, no fossil fuels or more than one family on site. Some progress has been made on the Permaculture front with Tir Penhros Leaf and Brickhurst

intensive, no mains services, no fossil fuels or more than one family on site. Some progress has been made on the Permaculture front with Tir Penhros Isaf and Brickhurst Farm. More expansive schemes such as Tinkers Bubble are still running the gauntlet of courts after a favourable planning appeal decision was called in and reversed by the Secretary of State.

My own experience shows that once established there is some room for flexibility with a second family living and working on site and with WWOofers and seasonal workers staying from a week to a few months.

However PPG7 is written with commercial farmers and growers in mind and can actually steer a holding in the direction of mains electricity, polytunnels and permanent farm buildings and reliance on the cash economy to meet its demands. Simon Fairlie is leading a Land Is Ours Working group that is presently drawing up Low Impact Development Criteria for presentation to Local Authorities and the Department of Environment. If we can help create a new planning category of Low Impact Development or Permaculture Land then the control of land can be relinquished, not just from big landowners, but speculators, developers and bureaucrats.

If this all seems too much to do on your own and you still want to be an organic grower or smallholder try the Organic Advisory Service at Elm Farm (01488 658298). They can help with drawing up the business plan and, under the latest Organic Aid Scheme, the initial consultations are free. Alternatively, diggers, but not too many dreamers, can contact me at Northdown Orchard, South Litchfield, Basingstoke, Hampshire, RG25 3BP (01256 771477).

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