

## FINDINGS EMERGING FROM THE REVIEW OF DRAFT PPS14

### Background

1. Draft Planning Policy Statement 14 “Sustainable Development in the Countryside” (draft PPS14) was published by Direct Rule Ministers in March 2006 to address the significant development pressure affecting rural areas reducing its value as a regional asset and creating additional and unnecessary problems for the supply of infrastructure and services.. It applied a presumption against development outside settlements, which hitherto had applied only in Greenbelts and Countryside Policy Areas (CPAs), across the whole of rural Northern Ireland.
2. Draft PPS14 sparked a major debate about development in the countryside; while respondents to the public consultation agreed that the previous unrestricted development was not sustainable, they made clear their view that draft PPS14 was over restrictive. Following restoration of devolution, the Executive agreed that it should be reviewed.
3. The Minister of the Environment, Arlene Foster, chairs the Subcommittee set up by the Executive to carry out the review. Other Ministers on the Subcommittee are: Nigel Dodds (Enterprise, Trade and Investment), Michelle Gildernew (Agriculture and Rural Development), Gerry Kelly (Junior Minister), Conor Murphy (Regional Development), Margaret Ritchie (Social Development) and Ian Paisley Jnr (Junior Minister).
4. The Subcommittee has made substantial progress. Members have agreed that, as part of the review process, there should be engagement with stakeholders on its emerging findings.
5. They have agreed this paper which explores in broad terms the Subcommittee’s emerging findings and which can be used as a basis for discussion. Community Technical Aid will facilitate discussions with rural and environmental stakeholders across Northern Ireland and write a report for the Subcommittee.
6. This paper does not set out proposals. This is because the stakeholder engagement is part of the review process and the Subcommittee will take the findings into account, along with other considerations, in finalising its views. In due course the Subcommittee will make proposals for collective consideration by Ministers in the Executive. A revised draft PPS14 is expected to be published at the end of April; at that point a four month period of public consultation on the revised draft will begin.

## **The Work of the Executive Subcommittee on the Review of Rural Planning Policy**

7. Announcing on 25 October 2007 that she would lead this review, the Minister for the Environment said: *"I and my Executive colleagues wish to develop a policy based on the principles of sustainability that strikes a balance between the need to protect our countryside from unnecessary development, but that supports and allows our rural communities to flourish, socially and economically"*.
8. The desire to reach balanced policies founded on the principles of sustainability and equality has been at the heart of the Subcommittee's thinking; and it has taken the view that the aims of draft PPS14 should take account of sustainable development principles.

### **A Balanced Policy**

9. Respondents to the public consultation on draft PPS14 strongly argued that rural planning policy should reflect local needs. The Subcommittee has debated the need for localised policies. Currently the best vehicle for localising policy is the Area Plan process through for example designation of Green Belts, CPAs or Dispersed Rural Communities and potentially other local policies tailored to particular circumstances in the plan area.
10. The "Planning Strategy for Rural Northern Ireland" provided for Greenbelts and CPAs within which, to protect their rural character, development was strictly controlled. There was a presumption against any new building and any new use of land which might create demand for more buildings, apart from a limited number of uses appropriate to the countryside. Greenbelts are around Belfast and other settlements. CPAs are in scenic areas such as the Antrim coast, the Glens of Antrim and Strangford Lough. When draft PPS14 was introduced in March 2006, 30% of our countryside was designated (see map in annex).
11. Prior to the introduction of draft PPS14, there was a presumption in favour of development outside Greenbelts and CPAs. Draft PPS14 meant that planning restrictions typical of Greenbelts and CPAs were rolled out across the whole of rural Northern Ireland.
12. There has been no reduction in development pressure since draft PPS14 was introduced. The need to protect Greenbelts and CPAs, for their value as landscapes and habitats as well as their rural character, remains. Their contribution to economic development (eg through tourism) is also an important factor. On the other hand, some rural communities are under social and economic pressure and could benefit from appropriate development in the countryside. All new development places demand on infrastructure and services and sustainable solutions need to be found.

13. The Subcommittee has therefore taken the view that a single policy which is sufficiently restrictive to protect the Greenbelts and CPAs would stifle necessary development in other areas. On the other hand, relaxation of policies could lead to loss of rural character in scenic areas which hitherto, have been protected as CPAs, and to urban sprawl in the Greenbelts.
14. The Subcommittee is therefore of the view that it would be desirable to maintain a more restrictive approach in the Greenbelts and CPAs and to allow limited relaxation of some policies elsewhere.

### **A policy for the whole rural community**

15. Many rural dwellers are farmers, however non-farming rural dwellers also make an vital contribution to the sustainability and vibrancy of communities. In reviewing draft PPS14, the Subcommittee is seeking to address the needs of both farming and non-farming rural dwellers.
16. The issues related to farms and farming are discussed later in this paper. Stakeholders have raised issues about also catering for non-farming rural dwellers, and the idea of a mechanism being used to determine the contribution of non-farming rural dwellers to rural communities and their need to live in the open countryside has been discussed. It is, however, the view of some Ministers that it would be difficult to cater for the needs of non farming rural dwellers without leading to overdevelopment in the countryside.

### **Dispersed Rural Communities**

17. The Subcommittee has taken the view that outside Greenbelts and CPAs, it may be appropriate to allow for the development of small and appropriately sited "clachans" or small groups of houses.
18. "A Planning Strategy for Rural Northern Ireland" set out the basis for and purpose of Dispersed Rural Communities. Designation allowed for single or small groups of houses, including those necessary to renew unfit housing stock or to meet other local need. The policy also allowed for other appropriate community facilities, and industrial or commercial buildings.
19. The criteria for designation included a traditional focal point, with some physical sense of place, convincing evidence of local community activity / strong sense of identity serving a wide rural area and location outside of a Green Belt or CPA. These particular rural areas would usually have also displayed symptoms of economic and social disadvantage.
20. Draft PPS 14 withdrew Dispersed Rural Communities designations in existing and published draft development plans. There were twelve designated Dispersed Rural Communities and one proposed prior to publication of draft PPS 14. Of these, eleven were situated in County Fermanagh and one in Cookstown District, north-west of Dunnamore,

while a single proposed Dispersed Rural Communities was in Magherafelt District, north-west of Maghera.

21. The option exists to reinstate Dispersed Rural Communities, if this designation is to be reintroduced the Subcommittee favours an emphasis on groups of dwellings rather than single dwellings.

### **Affordable and Social Housing (CTY6)**

22. Draft PPS14 also allows for groups of social housing in the countryside. Generally, social housing is within settlements. However, CTY6 already allows that, where NIHE has identified a local need and there is no opportunity to build within a neighbouring settlement, groups of up to 8 social housing units can be build adjacent or close to a settlement or near a traditional focal point such as a church.
23. To keep in line with wider housing policy and to give people who meet the criteria a better chance of living locally, the Subcommittee considers that it is worth broadening this policy so that it applies not only to social housing, but to all affordable housing i.e., housing which is provided at an affordable rent or on a co-ownership basis by a Housing Association registered with and regulated by DSD.
24. In his 2007 report on affordable housing, Sir John Semple advocated increasing the number of houses in an affordable housing group to 12. The Subcommittee has been considering whether, outside Greenbelts and CPAs, the maximum number of houses permitted in a group might be increased to 14.

### **Health and Personal Circumstances**

25. The “Planning Strategy for Rural Northern Ireland” included a policy which provided for a dwelling in a Green Belt or CPA where there were compelling personal, health or domestic circumstances which required someone to live on a specific site and where genuine hardship would be experienced if they could not do so. An example might be a person with a severe, long term health problem or disability who needed ongoing family support.
26. Draft PPS 14 did not carry this policy forward. Respondents to the public consultation pressed for its reintroduction. The Subcommittee considers there could indeed be merit in reintroducing such a policy which could be of enormous benefit to the very small number of people whose particular circumstances would require it to be invoked.

### **Reuse of non-residential buildings for residential purposes**

27. The Subcommittee has considered whether, where appropriate, vacant non-residential buildings of good standard should be reused. CTY1 already allows for the reuse of suitable buildings for non-residential purposes, provided they meet certain criteria.

28. The Subcommittee has considered whether a similar policy might be introduced to allow appropriately sized non-residential buildings (such as traditional barns, churches or small schools) to be sympathetically restored for use as single dwellings.

### **Policy on the replacement of dwellings (CTY 5)**

29. This policy allows for the replacement of a building which is currently used as a dwelling or which was last lawfully used as a dwelling, provided that the replacement meets certain criteria.
30. Sometimes unoccupied dwellings are used for other purposes such as stabling or storage – or left vacant so they fall into disrepair. Under draft PPS 14 such buildings are regarded as “abandoned” and would not be eligible for replacement under this policy.
31. The Subcommittee’s view is that the “abandonment” test is too restrictive. It may be appropriate to allow some buildings currently regarded as abandoned to be replaced, provided the other aspects of CTY5, relating to siting and design apply and access and service requirements are met.
32. This said, the Subcommittee’s view is that it would not be appropriate to allow the replacement of buildings which are in ruins. If this policy is to be amended, clear criteria will be required to identify which existing dwellings could be replaced and which should not.
33. The Subcommittee would not favour the replacement of single buildings with extensive developments of multiple dwellings (except where this might be appropriate under Dispersed Rural Community or Affordable Housing policies already mentioned).

### **Ribbon development (CTY12)**

34. Ribbon development exists when two or more houses share a common frontage. CTY12 states that planning permission will be refused for a building which creates or adds to a ribbon of development. The only exception being that a single dwelling can be permitted in a in a small gap within an otherwise substantial and continuously built up frontage.
35. It was suggested during consultation that gaps might be filled with more than one house. The Subcommittee has discussed whether, outside Greenbelts and CPAs, it would be appropriate to allow two dwellings in a gap which is sufficiently large to allow dwellings of similar size and character of those on either side.

### **Businesses in the countryside**

36. CTY1 sets out criteria for the re-use and adaptation of existing buildings for non-residential purposes, including appropriate industrial, tourism and recreational development.

37. CTY4 recognises that in some circumstances it may be necessary for businesses to have a worker living on-site, and it puts the onus on the applicant to demonstrate that need.
38. Separate planning policies on industrial development (PPS4) and tourism (PPS16) are being developed and are expected to be published during 2008. Other Planning Policy Statements which may apply in relation to businesses in the countryside are summarised in CTY 1. These are outwith the scope of the current review.

### **Agriculture and forestry**

39. Many people who live and work in the countryside are farmers. Draft PPS14 includes specific policies on farm dwellings (CTY2 and CTY3), agricultural and forestry development (CTY8) and farm diversification (CTY9). CTY 5 on replacement dwellings and some other policies discussed earlier in this document apply in farming as well as in non-farming settings.
40. In relation to planning permission for new dwellings on farms (CTY2 and CTY3), the issue which causes most concern is the farm viability test. This requires applicants to provide information about the “level of investment and commitment to the business” so as to demonstrate that they are “sufficiently involved in farming, to be considered mainly working in agriculture on the farm”. The policy indicates that proposals are likely to fail “where the occupant’s main source of income is from another job...”. CTY3 refers to a farm being viable and “therefore capable of supporting a full-time farmer”.
41. The Subcommittee’s view is that this test does not sit comfortably with modern farming conditions. Technological change and economic pressures, as well as agriculture and rural development policies, mean that many farmers run their farm enterprises in conjunction with other businesses and derive substantial proportions of their incomes from contracting, off-farm or non-agricultural activities.
42. An alternative test could simply assess whether the farm was an established business which the farmer continued to operate. Work is required to clarify the basis of such an assessment, including the objective evidence which farmers could be asked to provide.
43. CTY2 provides for planning permission for a farm dwelling, where the proposed occupant works mainly on the farm and it is essential for him or her to live at the site of their work. Exceptionally, permission may be granted for a farmer’s son or daughter working on the farm, even when it is not strictly necessary for him or her to live there.
44. The retirement dwellings policy (CTY3) allows for a new dwelling to be lived in by a farmer retiring on grounds of age or ill health, or by the

surviving spouse of a farmer. The Subcommittee has considered whether this policy should be made more flexible so that either the retiring person or the incoming farmer would be eligible to apply for planning permission for a new dwelling. This would mean that, if he or she so chose, the retiring person could continue to live in the existing farmhouse.

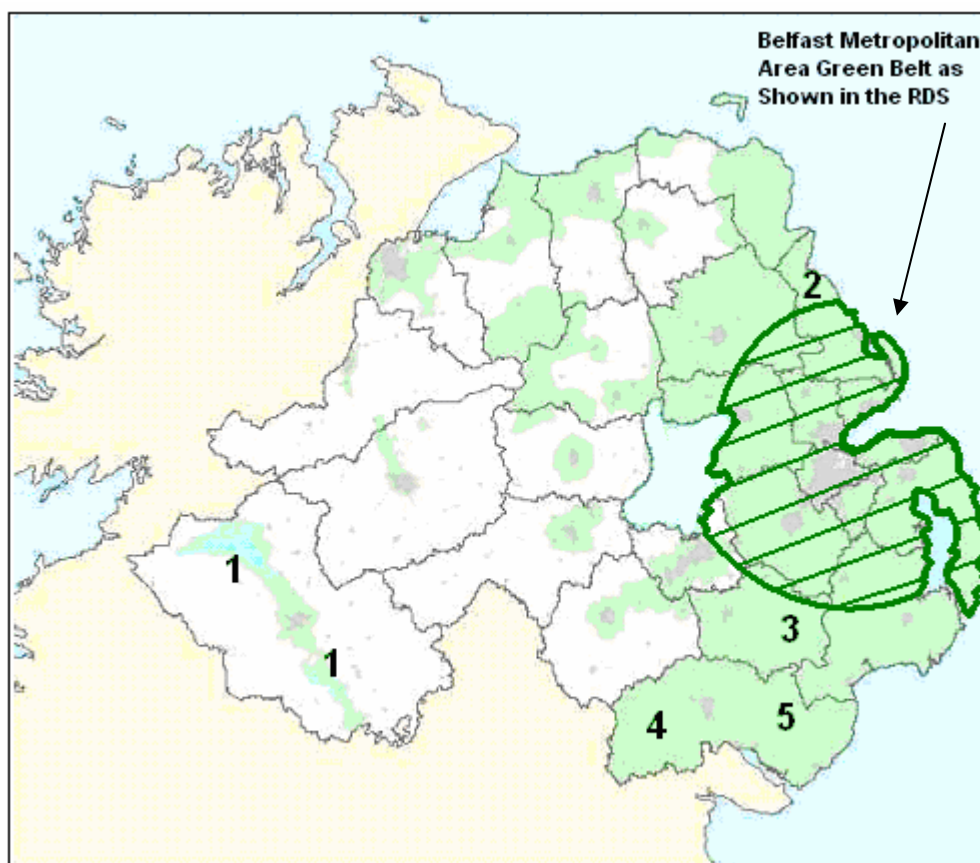
45. CTY8 allows for agricultural and forestry development, including new buildings in certain circumstances.
46. As currently drafted the farm diversification policy (CTY 9) appears to the Subcommittee to be out of kilter with current policies on farm diversification. On occasion, farmers who are eligible for DARD grants for their diversification proposals have subsequently found that the same proposals do not meet the requirements for planning permission. This could be addressed by amending the policy to recognise that diversification businesses are run in conjunction with the farm enterprise and are not necessarily complementary to it. Similarly the policy could be broadened to take account of forestry diversification as well as farm diversification.
47. CTY9 also signals that diversification proposals will generally be acceptable only where they involve the reuse or adaptation of existing farm buildings; although “exceptionally” where there is no suitable existing building, a new building may be permitted. DARD’s experience suggests it can be difficult to adapt some existing farm buildings sufficiently to meet hygiene, safety or other statutory requirements. There is an opportunity to clarify matters by specifying the need to meet statutory requirements as an exceptional circumstance under which an appropriately sized, designed and sited new building may be permitted.
48. Taken together, all these policies offer considerable potential. For environmental reasons, the Subcommittee has taken the view that, where appropriate, all new building on farms should be sited adjacent to, or integrated with, the principal group of farm buildings and should be accessed via the main entrance to the farm or the farm lane..
49. As currently drafted, CTY2 lists among the criteria for the granting of planning permission that “no dwellings or development opportunities have been sold off from the farm holding”. This is a point which requires further consideration. One suggestion for relaxation of this policy has been that where planning permission for a dwelling has been granted (or where a site has been sold for development) no further permissions should be granted for a specified number of years.

### **Rural character and vernacular buildings**

50. The Subcommittee is convinced that the visual impact of any development, whether new build or replacement and whether it is for residential or non-residential purposes, should be positive.

51. It is keen to ensure that any development is well integrated with the landscape; its size, design and materials should be appropriate to the environs. It favours the retention of vernacular buildings where possible and advocates that new designs take account of local vernacular styles.
52. CTY 5 already articulates a presumption in favour of the retention of non-listed vernacular buildings. It indicates that any replacement dwelling should generally be built within the footprint of the original and its visual impact should not be significantly greater. CTY10 provides for the appropriate integration and design of buildings and CTY11 for the retention of rural character.
53. The Subcommittee is of the view that the Design Guide for rural housing is now outdated. It could be revamped to take account of contemporary design and materials, drawing upon local building traditions and styles, while clearly indicating what style of development is not acceptable.

## Annex – Green belts and CPAs



The extent of Green belts and Countryside Policy Areas (existing and proposed) as set out in current development plans.

Special Countryside Areas as designated in development plans for their unique scenic quality are also indicated. These are:

1. The Islands CPA (Fermanagh Area Plan);
2. The Undeveloped Coast CPA (Larne Area Plan);
3. The Slieve Croob CPA Zone A (Banbridge District Rural Area Subject Plan);
4. The Ring of Gullion CPA Zone A (Newry & Mourne Rural Area Subject Plan); and
5. The Mourne AONB CPA Zone A (Newry & Mourne Rural Area Subject Plan).