

**Demonstrating the
Need for New
Agricultural
Dwellings**

DLP BRIEFING NOTE 8

Prepared by
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Proof of “essential functional need” for a rural worker’s dwelling

PPS7 sets out government guidance for dealing with “Sustainable Development in Rural Areas”. Paragraph 10 states that, in relation to proposals for new housing in the countryside, “isolated new housing will require special justification for planning permission to be granted”. Annex A states that where there is an ‘essential functional need’ for workers to live at their place of work, this will be dependent upon the ‘needs of the enterprise’.

A review of Appeal decisions has shown that there is great variation as to what constitutes ‘functional need’. Factors such as the value of the animals; the need to attend land and stock throughout the year, seven days a week; the need to monitor pregnant animals, new infants and care for other specific aspects of husbandry including dental and toenail care and the need to be on-site as a deterrent to thieves, have all been considered when determining ‘functional need’. Conversely, owners of a trout farm have been unable to demonstrate a ‘functional need’ for a worker to be housed on-site, despite evidence of the need to monitor oxygen levels. However, a key factor worth noting from appeal decisions is that it is not sufficient for LPAs to merely state that functional need has not been demonstrated, but that a detailed argument or assessment is needed to support this claim.

Size and ‘functional need’.

Annex A also states that “agricultural dwellings should be of a size commensurate with the established functional requirement” of the enterprise, although there are no size parameters provided. Recent Appeal decisions show that each application must be considered on its own merits and this was evidenced by a recent appeal against an East Riding of Yorkshire Council decision, whose reason for refusal was based on an established appropriate size for an agricultural worker’s dwelling house of 150m² to 200m². The appellant was able to successfully demonstrate that there was a ‘functional need’ for a larger dwelling, on the basis that the farmer needed to house live-in family members to assist with the cow rearing business at busy times. Further, the Inspector noted that the appellant’s elderly parents would like to live in the family home, and a smaller dwelling was judged unlikely to meet the needs of both the family, and the functional needs of the business. Conversely, an appeal was dismissed for an agricultural worker’s dwelling at a mushroom farm in Devon operated by a brother and sister team, where the Inspector agreed with the Council that the dwelling was too large in view of the functional requirements of the operation.

These Appeal decisions have shown that Planners need to assess all applications on their own merits. They must engage with the ‘functional need’ as presented, rather than make assumptions about what a ‘functional need’ will look like or apply standard formulas to what constitutes ‘a size commensurate with the established functional requirement’. If they do not, their decisions are unlikely to be upheld by the Inspector.

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