

Planning Permission & Farm Diversification



AN ROINN
**Talmhaíochta agus
Forbartha Tuaithe**

MÁNNYSTRIE O
**Fairms an
Kintra Fordèrin**

Introduction

The purpose of this leaflet is to provide guidance for farmers on planning permission and farm diversification schemes. This is of particular importance for those farmers applying for grant funding for farm diversification schemes under the Rural Development Programme 2007-2013¹. The Rural Development Programme provides grant funding for a range of projects under farm diversification including craft, tourism and the creation and development of business proposals.

It should be emphasised that this leaflet is planning guidance only and is not an authoritative statement of planning law or policy.

It is important that you contact your local Divisional Planning Office (further details at Annex A) at the earliest opportunity if you are thinking of a farm diversification scheme as you may require planning permission. Alternatively you can access the Planning Service website at www.planningni.gov.uk.

You will need your planning permission in place before Department of Agriculture and Rural Development (DARD) will release your grant money. It is your responsibility to establish if planning permission is required for your proposal.

Further information on farm diversification project ideas and development (e.g. business advice) is available from DARD's rural enterprise advisors (Details set out in Annex B).

Information on grant funding, eligibility, the grant application form and the associated requirements is available by contacting the Local Action Group (LAG) in your area (Details set out in Annex C).

Again it is important that you make contact at an early stage with your local rural enterprise advisor and/or LAG in order to discuss if your proposal is eligible for grant funding.

Not all farm diversification schemes are eligible for grant funding but you may wish to proceed with your proposal in any case.

¹ Further information at <http://www.dardni.gov.uk/rdp-information-pack.pdf> and <http://www.dardni.gov.uk/index/rural-development/rdp-campaign.htm>

Do I need planning permission?

You do not always need planning permission to carry out development on a farm holding. Part 6 of Schedule 1 of the Planning (General Development) Order (Northern Ireland²) 1993 (the GDO) provides permitted development rights for certain development on a farm holding subject to detailed restrictions.

Generally speaking planning permission is not required for changes to the inside of buildings provided they do not involve a change of the use of the building, or for small alterations to the outside such as the installation of an alarm box.

For most other types of development and changes of use you will generally need to apply for planning permission.

Further advice on permitted development and general farming planning matters is available at

http://www.planningni.gov.uk/index/advice/advice_apply/advice_apply_farms/advice_farms_new.htm or by contacting your local Divisional Planning Office.

Information that you should consider before submitting a planning application.

Planning Service cannot advise on what sort of diversification scheme would be best for you but can advise you on how to submit your application and on the type of development most likely to be acceptable in planning terms. Examples of *some* diversification projects are set out below. You may wish to contact the local Divisional Planning Office for further advice if your proposal is not listed.

Planning Policy Statement (PPS) 21 Sustainable Development in the Countryside, sets out the main planning policy for development in the countryside (published in June 2010³).

PPS 21 sets out a range of policies including policy CTY 11 on Farm Diversification. This policy aims to promote forms of diversification that are sustainable in the countryside, including sustainable tourism or agri-tourism schemes.

Planning permission will be granted for a farm (or forestry) diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm subject to a number of criteria including that the farm/forestry business is currently active and established; the character and scale is appropriate to

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http://www.planningni.gov.uk/index/advice/advice_legislation/advice_all_legislation/legislation_subordinate.htm

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http://www.planningni.gov.uk/index/policy/policy_publications/planning_statements/common-policypps21.htm

its location; it will not have an adverse impact on the natural or built heritage and will not have a detrimental impact on the amenity of nearby residential dwellings (e.g. noise, smell and pollution).

Proposals will only be acceptable where they involve the reuse or adaptation of existing farm buildings. Exceptionally a new building may be permitted but sufficient information to satisfactorily demonstrate why existing buildings cannot be used will be required. Furthermore the new buildings should be satisfactorily integrated with an existing group of buildings.

A full list of Planning Service's Planning Policy Statements and Planning Strategies are listed in Annex D of this leaflet. These should be referred to for further information as they may be relevant in the assessment of your proposed project.

Examples of farm diversification schemes

Conversion of Farm Buildings

You will need planning permission for conversion to a use other than agriculture even if there are no structural alterations. Planning Service will generally be more in favour of projects that use redundant buildings instead of the construction of a new building.

Tourist Accommodation

There is a range of different types of accommodation to facilitate tourists.

“Bed and Breakfast” accommodation (Please note that the Rural Development Programme does not provide funding for Bed and Breakfast bed space)

Bed and Breakfast will only need planning permission if the main use of the house is no longer as a family dwelling i.e. planning permission will only be needed if the essential residential nature of the property has changed.

Self-catering

Planning permission is not required for the change of use from a private dwelling house to self-catering accommodation unless the property has an occupancy condition attached. In this case planning permission will be required to remove the condition.

Where you do not require planning permission DARD will require you to apply for a Certificate of Lawful Use or Development to confirm this. Further details are given on page 6 below.

Other types of tourist accommodation will generally require planning permission such as new buildings, renovations, extensions or conversions. Current planning policy prefers the reuse of existing buildings and new buildings will only be allowed in certain circumstances. New build self-catering accommodation will normally be conditioned that the accommodation will be used for holiday occupation only and not for permanent residential accommodation.

Caravan/camping sites

Proposals for small scale touring caravan and camping sites will be considered in terms of their locational merits with regard to landscape quality, siting and availability of screening.

Camping barns

These are barns that have been converted into basic accommodation for tourists. Again planning permission will be required for a change of use.

Leisure and tourism activities

Planning permission will be required for outdoor activities such as equestrian centres, off road driving centres, war game centres, amenity lakes, golf courses and any ancillary buildings. A number of factors are taken into consideration including the impact upon the environment, loss of agricultural land, visual amenity, impact on neighbours, public safety, design of new buildings and the needs of disabled people.

Part 4 of the GDO permits the temporary use of land for a specified number of days each year subject to certain conditions. These rights are often used to facilitate certain sporting and outdoor recreational activities, such as clay pigeon shooting and certain equestrian activities.

Part 4 also permits the provision of buildings and movable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being carried out, again subject to certain conditions.

On occasion proposals are submitted to develop permanent buildings or structures in support of such temporary uses. Generally these will only be acceptable where the Planning Service considers use of the site on a permanent basis would of itself be acceptable.

Business creation and development

Planning Permission will be required for business creation and development proposals. Examples of schemes include-

Farm shops

Planning permission may be granted for a farm shop where it is clearly tied to an existing farm holding or occupant. The facility will normally be required to be located within existing buildings.

Craft shops

Planning permission may be granted for a small-scale shop attached to existing or approved craft workshops in order to permit direct retailing of the product to the

public. Again the facility will normally be required to be located within existing buildings.

Home working and other ancillary uses

Some small-scale manufacturing and service industries are operated by people working in their own homes, for example the manufacture of craft items and foodstuffs or the carrying out of clothing alterations or repairs. Planning permission is not normally required so long as such activities do not affect the overall domestic character of the building. However, if the non-residential use ceases to be ancillary, because the business has expanded, planning permission will be required for change of use.

Small Businesses located on the farm

Planning permission will be required for the re-use of redundant farm buildings for small-scale industrial purposes, e.g. light engineering, subject to certain criteria.

Day Care/crèches

The Department considers that persons who wish to use their homes for child minding will not normally require planning permission where the number of children does not exceed 6. This is based on the maximum number of children between the ages of 0 – 12 years (including their own children) that childminders registered by Health and Social Services can care for. Where this is not met, potentially planning permission may be required. In a rural area permission may be granted to meet a defined local need subject to certain criteria. To be acceptable a proposal would need to be part-use of an existing residential property (the total conversion of a dwelling would not be suitable); be acceptable in terms of the visual impact on the landscape, including the impact of car parking and alterations to the access; and accessed from a road other than a Main Traffic Route.

How to apply

Who can apply?

Anyone can apply for planning permission, whether or not they own property or land. However, if you are not the owner or only have part ownership of the land, you will have to inform the owner or part owners.

It is not necessary to make the application yourself. You can appoint someone to apply on your behalf e.g. a planning agent or an architect.

How do I know if I need Planning Permission?

Certain types of development do not require planning permission. If you need Planning Service to confirm if your proposal would be lawful i.e. it does not require planning permission, you may apply for a Certificate of Lawfulness for a Proposed

Use or Development. You may wish to refer to Information Leaflet 6 “Certificates of Lawful Use or Development”, which is available from your local Planning office or the Planning Service’s website.

Please note that where you do not need planning permission, DARD will require this Certificate in order to process your grant application. It is your responsibility to apply for the Certificate.

Which type of application?

There are different types of planning application. You will need to decide which is appropriate in your case. If in doubt seek advice.

If your plans involve the erection of a building and you wish to establish that what you are proposing is acceptable in principle, you can apply for **outline planning permission**. Detailed plans will not normally be required although this is largely dependent on the nature of the application. Outline applications cannot be accepted for change of use developments. If outline planning permission is given, you will then have to apply for approval of the details, which is known as **reserved matters**.

The reserved matters application should fully comply with all the conditions attached to the outline permission and should be submitted within 3 years of outline permission being granted.

A reserved matters application will require the submission of detailed plans and drawings to include details such as the siting, design and external appearance of the development, the means of access to the development and landscaping of the site.

Alternatively you can apply for **full planning permission** submitting all the necessary details to enable Planning Service to reach a decision. This type of permission covers changes of use and new buildings.

Forms, Plans and Fees?

When you submit your application you should ensure that you have sent the correct forms, plans and fee. Forms should be filled in fully and accurately. You should also sign all the forms that require your signature. **Failure to comply will result in your planning application being delayed. This could in turn delay the processing of your grant.**

Details of the information you need to submit is available from your local planning office or at the planning applications form page at www.planningni.gov.uk where you can download the relevant application forms and information. Reference should also be made to “Explanatory notes for applicants” and to the guidance provided on the planning application forms.

You must also submit the correct fee with your planning application. The amount varies depending on the type of development. Details of fees are set out in the leaflet “Planning Fees – Explanatory Note for Applicants” from your local planning office or

from Planning Service's website. The website also contains a fee calculator to advise you what fee is applicable to your proposal.

The fee is non-refundable if permission is refused or if you subsequently withdraw your application.

You should also enclose a covering letter to say that your scheme is being grant funded so that it is given priority.

How long does it take?

The Planning Service will try to determine your application as quickly as possible. However, if all the relevant information is not submitted with your application, this will delay the assessment of your proposal. The 'Development Management Guide – A Good Practice Guide' is available to view on the Planning Service website at www.planningni.gov.uk and explains how the Planning Service, with the co-operation of applicants/agents and consultees can operate an efficient development management system to help deliver quality and sustainable development needed to support economic growth.

Our current targets for determining applications are;

- 60% of major applications within 23 weeks;
- 70% of intermediate applications within 31 weeks; and,
- 80% of minor applications within 18 weeks.

What if your application is refused?

If your application is refused (or you dislike any conditions attached to the permission) you may appeal to the Planning Appeals Commission within 6 months from the date of your decision notice.

Other issues to be considered?

Consultation

Planning Service may consult a number of bodies on your proposal. Their replies will be taken into consideration in the determination of your application.

Access and traffic activity

You will need to consider the traffic impact of your new proposal. This includes parking, new accesses, intensification of existing access and traffic generation. Planning permission onto a protected road route is restricted.

The Department will also expect a high standard of design, layout and landscaping to accompany proposals for car parking.

Further guidance is available in PPS 3 Access, Movement and Parking.

Advertisements

New development may need to be promoted and advertised. Therefore signage may be an issue. You may need to apply separately for advertisement consent. Signs need to be well designed to respect the character of the area and be sited so as not to create a traffic hazard.

Further guidance is available in PPS 17 Control of Outdoor Advertisements.

Landscaping

Diversification schemes require careful consideration in terms of their impact on the surrounding landscape. Mitigation measures such as screen planting around unattractive areas of car parking for example may need to be considered. It may be useful to include a landscaping plan along with your proposals, showing trees that can be retained and any additional planting.

Any new buildings should also fit into the landscape or within a group of existing buildings where possible.

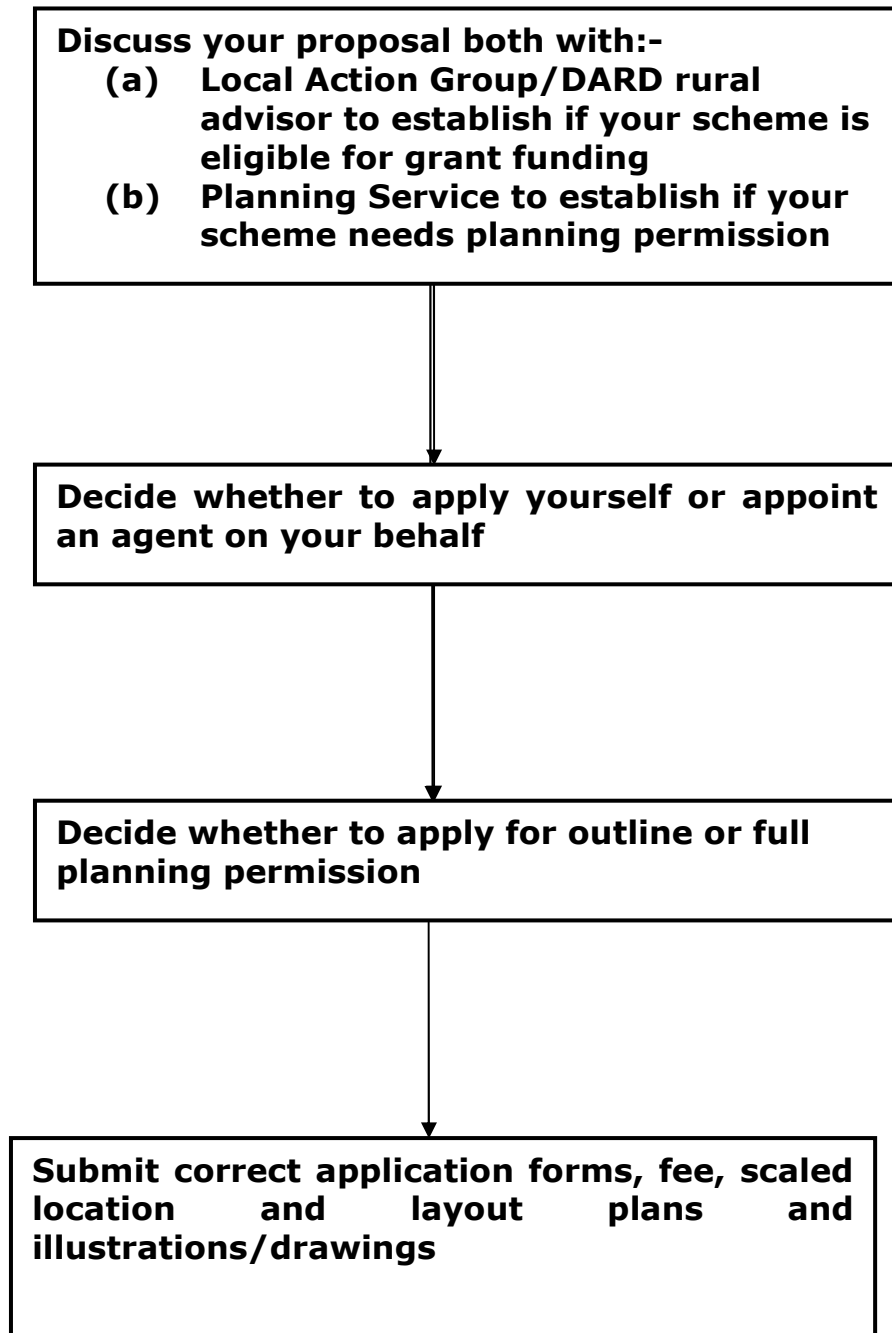
Neighbour amenity

The impact of your proposal on neighbours may also need to be considered e.g. dust, noise, odour, lighting and hours of work etc. You may wish to discuss your proposals with your neighbours to identify any concerns at an early stage. Planning Service will notify any neighbours as part of the planning process and may consult Environmental Health where there are potential amenity issues.

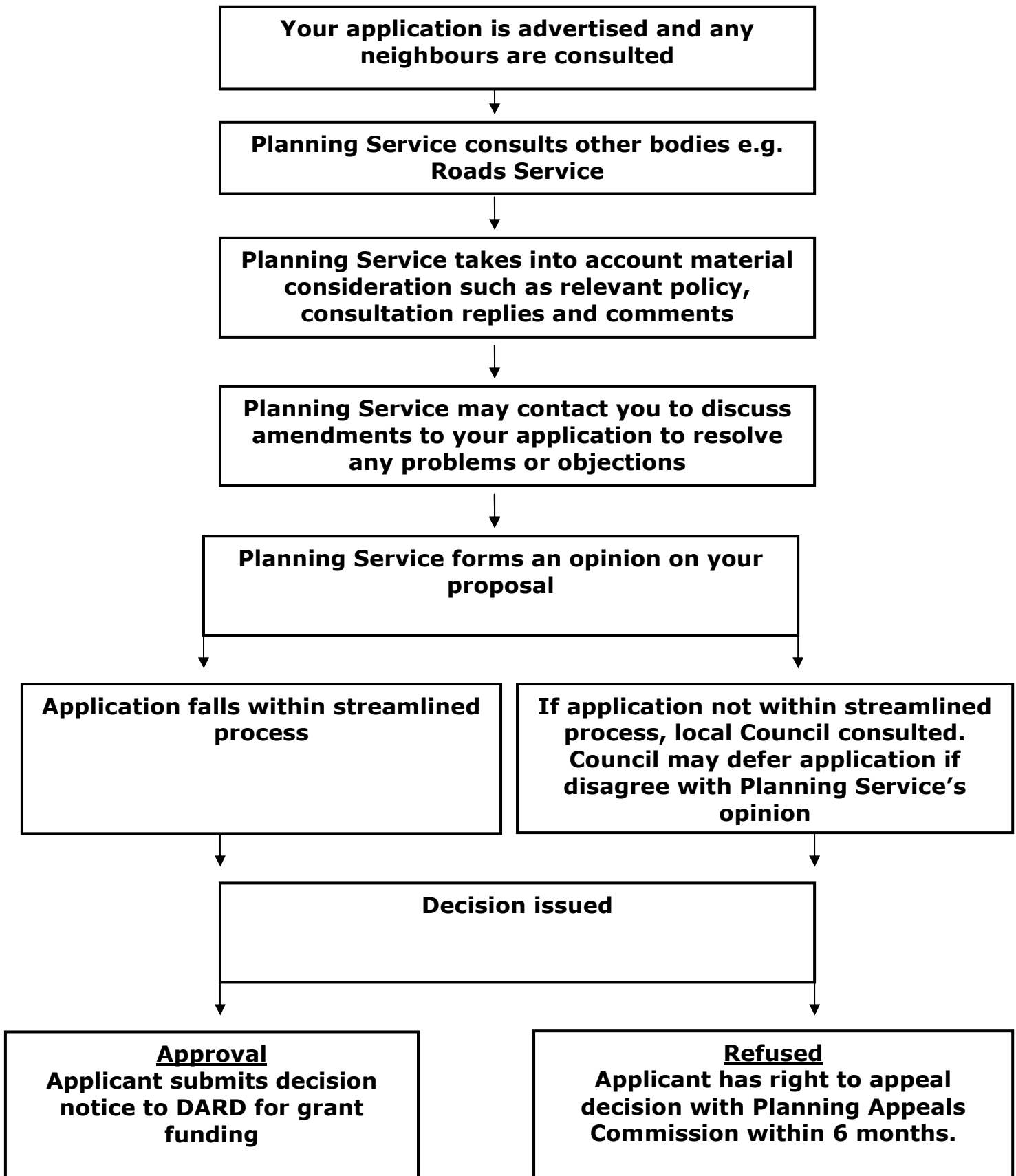
Listed Buildings

You may also need to apply for listed building consent from Planning Service if your proposal involves demolition, alteration or extension of a listed building.

Making your application



After the application is submitted



Other considerations

The granting of planning permission relates solely to the purposes of planning control under the Planning (Northern Ireland) Order 1991. You are advised that permission / consents may be required under other legislation from other authorities in addition to Planning Service for your proposed project. Such statutory authorities may include:

Archaeological Monuments, Listed Buildings & Designated Areas of Nature Conservation:

If your proposal would have an impact on any of these, you should contact the Northern Ireland Environment Agency (NIEA) to discuss your ideas.

Building Regulations:

You may need to apply for approval under the Building Regulations. Forms are available from your local District Council.

Water and Sewerage Service:

If you need a water supply and sewerage services, you must apply in writing to Northern Ireland Water.

Effluent Disposal:

If the proposed development will result in a discharge of effluent to a waterway, underground stratum or tidal waters, the approval of the NIEA is needed under the Water Act (NI) 1972. Application forms can be obtained from the NIEA.

Watercourses:

It is an offence to alter or obstruct any watercourse including the piping of a watercourse without the approval of DARD.

Protected Species:

Certain species are protected by law and it is illegal to interfere with their habitat without special permission. For example bats may roost in rural buildings. If you believe there may be protected species on the site you should contact the NIEA.

ANNEX A

PLANNING SERVICE CONTACTS

www.planningni.gov.uk

<p>Planning Offices Planning Service Headquarters Millennium House 17 - 25 Great Victoria Street Belfast BT2 7BN Telephone 101 or (028) 9151 3101 Fax: (028) 9025 2828 E mail :planning.servicehq@nics.gov.uk</p>	
<p>Divisional Offices</p>	
<p>Ballymena Division County Hall 182 Galgorm Road Ballymena BT42 1QF Telephone 101 or (028) 9151 3101 Fax: (028) 2566 2127 Email: ballymena.planning@doeni.gov.uk</p>	<p>Craigavon Division Marlborough House Central Way Craigavon BT64 1AD Telephone: 101 or (028) 9151 3101 Fax: (028) 3832 0004 Email: craigavon.planning@doeni.gov.uk</p>
<p>Londonderry Division Orchard House 40 Foyle Street Londonderry BT48 6AT Telephone: 101 or (028) 9151 3101 Fax: (028) 7131 9777 Email: londonderry.planning@doeni.gov.uk</p>	<p>Coleraine SubOffice County Hall Castlerock Road Coleraine BT51 3HS Telephone: 101 or (028) 9151 3101 Fax: (028) 7034 1434 Email: coleraine.planning@doeni.gov.uk</p>
<p>Belfast Division Bedford House 1622 Bedford Street Belfast BT2 7FD Telephone: Telephone: 101 or (028) 9151 3101 Fax: (028) 9025 2828 Email: belfast.planning@doeni.gov.uk</p>	<p>Enniskillen SubOffice County Buildings 15 East Bridge Street Enniskillen BT74 7BW Telephone: 101 or (028) 9151 3101 Fax: (028) 6634 6550 Email: enniskillen.planning@doeni.gov.uk</p>
<p>Downpatrick Division Rathkeltair House Market Street Downpatrick BT30 6EA Telephone: 101 or (028) 9151 3101 Fax: (028) 4461 8196 Email: downpatrick.planning@doeni.gov.uk</p>	<p>Omagh Division County Hall Drumragh Avenue Omagh BT79 7AF Telephone: 101 or (028) 9151 3101 Fax: (028) 8225 4009 Email: omagh.planning@doeni.gov.uk</p>

ANNEX B

DARD rural enterprise advisors

'North East Cluster' Local Action Group Area - Moyle, Ballymena, Ballymoney, Coleraine and Larne	
<p>Claire Anderson Senior Rural Enterprise Adviser Kilpatrick House 38-54 High Street Town Parks Ballymena BT43 6DT Tel: 028 2566 2823 e-mail: claire.anderson@dardni.gov.uk</p>	<p>Gerry Burns Rural Enterprise Adviser Crown Buildings Artillery Road Castleroe Coleraine BT52 2AJ Tel: 028 7034 1135 e-mail: gerry.burns@dardni.gov.uk</p>
'Lagan Rural Partnership' Local Action Group Area -Lisburn, Castlereagh and Belfast	
<p>Gareth Gormley Senior Rural Enterprise Adviser Glenree House Unit 2 Springhill Road Carnbane Industrial Estate Carnbane Newry BT35 6EF Tel: 028 3025 5912 e-mail: gareth.gormley@dardni.gov.uk</p>	<p>Aveen McMullan Rural Enterprise Adviser Rathkeltair House Market Street Downpatrick BT30 6LZ Tel:028 4461 8082 e-mail: aveen.mcmullan@dardni.gov.uk</p>
'GROW' Local Action Group Area- Antrim, Newtownabbey and Carrickfergus	
<p>Claire Anderson Senior Rural Enterprise Adviser Kilpatrick House 38-54 High Street Townparks Ballymena BT43 6DT Tel: 028 2566 2823 e-mail: claire.anderson@dardni.gov.uk</p>	

'Down Rural Area Partnership' Local Action Group - Area, Ards, Down and North Down		
Gareth Gormley Senior Rural Enterprise Adviser Glenree House Unit 2 Springhill Road Carnbane Industrial Estate Carnbane Newry BT35 6EF Tel: 028 3025 5912 e-mail: gareth.gormley@dardni.gov.uk	Aveen McMullan Rural Enterprise Adviser Rathkeltair House Market Street Downpatrick BT30 6LZ Tel:028 4461 8082 e-mail: aveen.mcmullan@dardni.gov.uk	
'SOAR' Local Action Group Area- Craigavon, Armagh and Newry and Mourne		
Ann McKeown Senior Rural Enterprise Adviser 2-4 Newry Road Corporation Armagh BT60 1EN Tel: 028 3751 5602 e-mail: ann.mckeown@dardni.gov.uk	Bill Leeman Rural Enterprise Adviser 2-4 Newry Road Corporation Armagh BT60 1EN Tel: 028 3751 5622 e-Mail: bill.leeman@dardni.gov.uk	
'ARC' Local Action Group Area- Derry, Strabane, Omagh and Limavady		
John Moore Senior Rural Enterprise Adviser Sperrin House Sedan Avenue Lisnamallard Omagh BT79 7AQ Tel: 028 8225 3412 e-mail: john.moore@dardni.gov.uk	Glynnis Mills Rural Enterprise Adviser Crown Buildings 31 Station Road Town Parks of Magherafelt Magherafelt BT45 5DN Tel: 028 7930 2101 e-mail: glynnis.mills@dardni.gov.uk	Debbie Moore Crown Buildings 36 Thomas Street Dungannon BT 70 1EN Tel: 028 8775 4786 e-mail: debbie.moore@dardni.gov.uk

'SWARD' Local Action Group Area Fermanagh, Cookstown, Magherafelt and Dungannon

<p>John Moore Senior Rural Enterprise Adviser Sperrin House Sedan Avenue Lisnamallard Omagh BT79 7AQ Tel: 028 8225 3412 e-mail: john.moore@dardni.gov.uk</p>	<p>Glynnis Mills Rural Enterprise Adviser Crown Buildings 31 Station Road Town Parks of Magherafelt Magherafelt BT45 5DN Tel: 028 7930 2101 e-mail: glynnis.mills@dardni.gov.uk</p>	<p>Debbie Moore Crown Buildings 36 Thomas Street Dungannon BT 70 1EN Tel: 028 8775 4786 e-mail: debbie.moore@dardni.gov.uk</p>	<p>Eamon O'Harte Rural Enterprise Adviser Inishkeen House Killyhevlin Enniskillen BT74 4EN Tel: 028 6634 3100 e-mail: eamon.oharte@dardni.gov.uk</p>
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ANNEX C

LOCAL ACTION GROUP - admin unit contact details

<p>GROW' Local Action Group Area- Antrim, Newtownabbey and Carrickfergus</p>	<p>'Down Rural Area Partnership' Local Action Group - Area, Ards, Down and North Down</p>
<p>Emma Stubbs C/o Antrim Borough Council, Antrim Civic Centre, 50 Stiles Way, Antrim, BT41 2UB 028 94 481 311 emma.stubbs@antrim.gov.uk</p>	<p>Marguerite Osborne Ards Business Centre, Sketrick House, Jubilee Road, Newtownards, BT23 4YH 028 91 820 748 Marguerite.Osborne@ards-council.gov.uk</p>
<p>North East Cluster' Local Action Group Area - Moyle, Ballymena, Ballymoney, Coleraine and Larne</p>	<p>'SWARD' Local Action Group Area Fermanagh, Cookstown, Magherafelt and Dungannon</p>
<p>Andrew McAlister Ecos Centre Millennium Environmental Centre, Kernohan's Lane, Broughshane Road, Ballymena, BT43 7QA 028 25 638 263 Andrew.rdp@ballymena.gov.uk</p>	<p>Charlie Monaghan Gortalowry House, 94 Church Street, Cookstown, BT80 8HX 028 867 64714 Charlie.Monaghan@cookstown.gov.uk</p>
<p>'SOAR' Local Action Group Area- Craigavon, Armagh and Newry and Mourne</p>	<p>'Lagan Rural Partnership' Local Action Group Area -Lisburn, Castlereagh and Belfast</p>
<p>Elaine Cullen Craigavon Borough Council, Lakeview Road, Craigavon, BT64 1AL 028 38 312 588 elaine.cullen@craigavon.gov.uk</p>	<p>Padraic Murphy c/o Lisburn City Council, Island Civic Centre, The Island, Lisburn, BT27 4RL 028 925 09489 Padraic.murphy@lisburn.gov.uk</p>
<p>'ARC' Local Action Group Area- Derry, Strabane, Omagh and Limavady</p>	

Claudine McGuigan 1 Market Street, Omagh, BT78 1EE 028 82 245 321 Claudine.mcguigan@omagh.gov.uk	

ANNEX D

LIST OF PLANNING POLICY STATEMENTS⁴

PPS 1 General Principles ⁵

PPS 2 Planning and Nature Conservation

PPS 3 Access, Movement and Parking

PPS 3 (Clarification) Access, Movement and Parking

PPS 4 Planning and Economic Development

PPS 5 Retailing and Town Centres

PPS 6 Planning, Archaeology and the Built Heritage

PPS 6 (Addendum) Areas of Townscape Character

PPS 7 Quality Residential Environments

PPS 7 (Addendum) Residential Extensions and Alterations

PPS 7 Addendum (Draft) Safeguarding the Character of Established residential Areas

PPS 8 Open Space, Sport and Outdoor Recreation

PPS 9 The Enforcement of Planning Control

PPS 10 Telecommunications

PPS 11 Planning and Waste Management

PPS 12 Housing in Settlements

PPS 13 Transportation and Land Use

PSS 15 Planning and Flood Risk

PPS 16 (Draft) Tourism

PPS 17 Control of Outdoor Advertisements

PPS 18 Renewable Energy

PPS 21 Sustainable Development in the Countryside

PLANNING STRATEGIES

Planning Strategy for Rural Northern Ireland

Regional Development Strategy

⁴ Check www.planningni.gov.uk for most up to date information on policy documents and strategies

⁵ Documents of particular relevance to farm diversification are highlighted in blue