

INTRODUCTION

It does seem unlikely in our heavily regulated planning system that it would be possible to carry out any development on agricultural land without planning permission. However, as this book will demonstrate, it is possible to live, build a barn and start a business, all without planning permission, on ordinary agricultural land in the United Kingdom.

This book uses current planning law only and does not rely on the Human Rights Act, which has been used by some others to occupy land.

Many people, at one time or another, have wanted to get away from it all, escape the rat race and live the “good life”; to buy a piece of land, live on it and keep a few animals. If you are one of these people, and this is your time, then this book is for you. It will guide you through the process, explaining all you need to know, pointing out the pitfalls. The guide will cover the following:

1. Acquisition of the land, what to look for, what to avoid.
2. Explain why planning permission is not required.
3. Siting and construction of the 465 square metre (5000 sq ft) barn.
4. Selection and siting of the dwelling.
5. The infrastructure and services.
6. A selection of businesses that can be run, and the tests that will need to be met, to get planning permission for a house.
7. How to set up and run your own touring caravan park without planning permission.

The usual way to start a smallholding is to buy a piece of land (you will be very lucky to find a piece close to where you live), then make a planning application to live on the land. For this application to be successful you will be required to prove “functional need”, which simply means you have to justify why you need to live on the land. In effect, this always means care and welfare of agricultural animals. This can be problematic if you have no animals. It will mean that when you seek planning permission it will only be supported by a business plan, which you will need to get from an experienced agricultural planning consultant, which costs money and time. The most successful method is to have an animal enterprise up and running and then apply for planning permission, although this can have its own problems. The

council may well take the view that you have operated the animal enterprise without living on the land, so what is the need to live on it now? A “catch 22” situation. This approach can take a great deal of time and money, particularly if you have already bought the land. You will receive no help from the local authority planning department who, in general, are not keen on seeing new buildings in open countryside. Generally you will be fed misinformation about what you can and cannot do on agricultural land.

If you are successful in obtaining planning permission it will be for a mobile home for a period of 3 years (no extensions), and in this period you will need to prove “viability”. Passing the viability test means earning the minimum wage from the business for at least a period of 1 year out of the 3. If this test is met, then planning permission would be granted for a permanent dwelling which would be of a size commensurate with the income that can be earned from the holding, on the minimum wage. It would be a small house. It will also be necessary to demonstrate that the business is “sustainable” (in this context meaning “likely to continue” rather than environmentally friendly); this is normally demonstrated by continuing investment in the business or in an additional enterprise or building.

The house is likely to come with some planning restriction placed upon it. The usual one is that the house and land can only be sold together, or an “agricultural tie” which restricts the people who can live in the house. Usually only people who are working in agriculture or forestry, or who have retired from the same, are allowed in an agriculturally tied house. Sometimes some of the permitted development rights are removed, which means you cannot extend the house without planning permission and this is unlikely to be granted. The right to have a mobile home within the curtilage of a dwelling house may also be removed, although I am not sure that this would be enforceable if the Measor Principle is applied (this is explained further in the planning chapter).

If you use this book as a guide when setting up your smallholding, the outcome will be more positive: no costly planning application, only a 28-day notice (an agricultural prior notice consent form). You may move onto the land and live on it for up to 5 years without making a planning application, which gives you ample time to establish an animal-based business, thus avoiding

the “catch 22” situation. This means that any land that is bought can, with certainty, be used as a smallholding. An additional advantage is that the work of setting up the smallholding can start in weeks, not months or years, thus giving you the time to become a viable profitable enterprise rather than having to be profitable in your 1 year in 3.

Some people want their smallholding to give them a self-sufficient lifestyle, a laudable ideal, but this will be a difficult way to get planning permission for a house. There are Government guidelines given to planners whereby some smallholdings are allowed to operate at a subsistence level, so long as they contribute to the rural economy in some other way; an example would be by enhancing and maintaining the landscape. This would be a difficult route to getting planning permission, as the house you would be allowed to build would be tiny. It will be far easier to follow the system set out in this guide with a more certain outcome. To do this you will need to make money, as much money as you can. The more income you have, the better the house you can build. After you have built your house you can be as self-sufficient as you like.

The only way this system will work is to be realistic. Forget the good life: every opportunity for making money must be exploited. This is why it is critical to buy the right piece of land, in the right place, and to diversify. You will need a main animal enterprise to satisfy planning, but you can also do lots of other things at the same time. You could have a petting zoo or a touring caravan park, and do seasonal things such as sell bedding plants in spring, a maize maze in summer, pumpkins in October, Christmas trees and turkeys, or even a farm shop. The possibilities are endless.

The one thing that I will keep coming back to is the land. It must be right for what you want to do. It must be flat, at least in part, if you want a touring caravan park, and not wet or heavy soil if you want to grow Christmas trees. It is better to read this book all the way through, decide what businesses you would like to run, and then see if the land is suitable. Do your local research to see if there are opportunities for what you want to do. If not, change what you want to do, or change the location. Whatever land you select, it must have road frontage. The road must go somewhere and must have passing traffic (as much as possible). Without this traffic you have little chance of selling things to the public without spending a lot of money on advertising. For a

relatively modest investment you should end up with a smallholding with an asset value of at least two to three times your initial outlay. It could be even more, so, from an investment point of view, it would be hard to beat.

The qualities necessary to create a smallholding are physical fitness, common sense, willingness to learn new skills, tenacity, adaptability and, with a partner, shared ambitions. Some degree of physical fitness is a must as there is quite a lot of manual work involved; if you are not fit to start with, you soon will be! Common sense, if you do not know, ask! If you decide to keep a particular animal, take a course, these are normally run by people who specialise in that animal and have their own businesses. Other sources of information are books and magazines about smallholdings. You will soon learn; everybody has to start somewhere.

Be tenacious, without being stubborn; stick with it, but not to the bitter end. If something is not working, change it. If it looks like it's not going to work, drop it. Always try to be adaptable. Remember that "The Good Life" was not only a joke about Margo and Jerry; the biggest jokes were often the Goods with their fixed ideas and intransigent ways of carrying out their Utopian plans. Watch, listen and learn. There is always another way to do any job and, you never know, it might be better than yours. If you are married, or with a partner, you must both be committed to doing this. It's a hard slog and you are going to need each other; if both your hearts are not in it, don't do it. So please be a realist and this method will work for you. Now you can get on with reading how to do it. Good luck!