Dumfries and Galloway Council

LOCAL DEVELOPMENT PLAN 2

Housing in the Countryside

Supplementary Guidance - February 2020



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Appendix 1 – Map of Remote Areas

1.0 Introduction

- 1.1 This document provides detailed guidance in support of Local Development Plan 2 adopted October 2019 (LDP2) and Policy H3: Housing in the Countryside.
- 1.2 In accordance with SPP, PAN 72 and PAN 68 the Council's Vision is to provide opportunities in the rural area for economic development, housing and recreation whilst recognising the need to protect the high quality distinctive landscapes in Dumfries and Galloway. The aim of the policy is to support a long-term sustainable pattern of development that balances needs, aspirations and demands for development in rural areas outwith settlements.
- 1.3 SPP states that "The planning system should in all rural areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces". SPP also requires policy to set out the circumstances in which new housing outwith settlements may be appropriate, avoiding use of occupancy restrictions.

Policy H3: Housing in the Countryside

The Council will support housing proposals in the countryside where the proposal meets one or more of the following criteria:

- it is within and/or well related to a Small Building Group which is either identified on lists
 contained in supplementary guidance or is defined as three or more separate habitable or
 occupied houses which are well related to each other and which create a sense of place;
- it is essential for the needs of agriculture or other business requiring a rural location;
- it is a single house associated with succession planning of a viable farm holding where there are no buildings suitable or economically viable for conversion to residential use on the farm unit;
- it would involve the beneficial redevelopment of a brownfield site;
- it would replace an existing habitable dwelling with a house of an appropriate scale within the same curtilage;
- it would convert a traditional building;
- it is for a single house within a remote rural area which is well related to its landscape setting, is of an appropriate scale and design, and would provide a low carbon house and lifestyle.

Supplementary guidance sets out, in more detail how the above criteria will be applied.

- 1.4 All proposals will also need to meet the following criteria:
- The proposed development should comply with the relevant policies and overarching principle contained in the Plan;
- Proposals should comply with the Conversion of Traditional Properties Supplementary Guidance, Design Quality of New Development Supplementary Guidance and any subsequent pieces of guidance;
- Proposals that are adjacent to or within the immediate vicinity of a working farm will only be approved where a satisfactory residential environment can be created, and where it would not compromise the working of the farm;
- Existing on-site materials, particularly stone and slate, should be reused where possible in the house and / or boundary treatment, in order to reflect local character and contribute to sustainability:
- Satisfactory access and services should be available or capable of being provided by the developer;
- Proposals will be encouraged to incorporate measures to facilitate home working;
- Pre-application discussion is recommended.
- 1.5 In determining development proposals for housing in the countryside the planning authority will consider whether permitted development rights in respect of extensions, outbuildings and means of enclosure etc should be removed to protect the rural character of both the building and the curtilage of the new house(s).

Policy Criteria

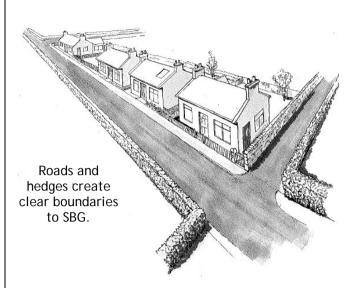
1.6 This section provides further explanation of each of the policy criteria and provides guidance on how they will be applied.

2.0 Small Building Groups

- 2.1 A Small Building Group is defined as three or more separate habitable or occupied houses which are well related to each other and which would contribute to a sense of place. A small building group must consist primarily of dwelling houses forming a clearly identifiable nucleus with strong visual cohesion. A Small Building Group should also be capable of being viewed as a group in its landscape setting.
- **2.2** A sense of place is a combination of the physical characteristics of a place and the local landscape character. For Small Building Groups, the physical characteristics could include a combination of the following criteria:
- layout and orientation of existing buildings;
- their relationship to each other in terms of scale, density, massing and character;
- appearance and use of materials;
- relationship to roads and access:
- their setting within the local landscape for example how the existing buildings relate to slope and aspect, how they appear in views from other places e.g. looking up a valley or from the approach road.
- **2.3** The landscape setting is considered to be the extent of views and enclosure, relative prominence and relationship to landform and landscape features. All proposals would require to blend sympathetically with the landform and not have a detrimental impact on the surrounding landscape. The following diagrams give some examples of a sense of place.

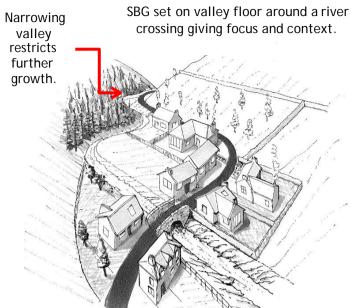
Small Building Groups ('SBGs') and Sense of Place

Similar Building Styles:



Similar building styles and plot sizes, orientation, roadside location and alignment all contribute to a 'sense of place'.

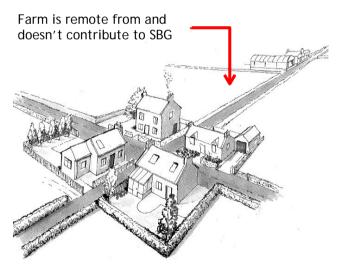
Landscape Setting:



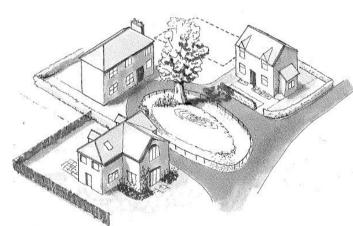
SBG Avoids landscape features, such as steeper hillsides, wood pastures and woodland.

Clustered Around a Road Junction:

Clustered Around a Landscape Feature or Place:

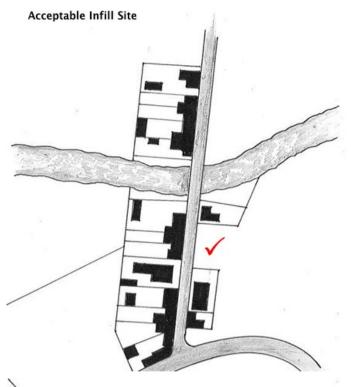


House styles differ but clustering and relationship to road junction create a sense of place

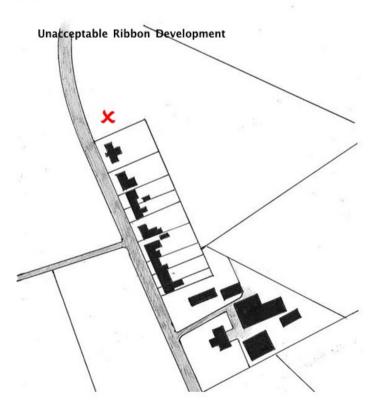


Different building styles but SBG gains a sense of place from orientation around a central landscape feature or space (in this case a pond and mature tree).

- 2.4 The current list of Small Building Groups that meet the above definition are available on the Council's website at www.dumgal.gov.uk/ldp (click on the link to supplementary guidance). This list will be updated to include new groups which meet the definition and where planning permission has been granted for additional development within the group.
- 2.5 The inclusion of a Small Building Group on the list does not mean that development proposals will be considered acceptable: proposals will need to meet the guidance set out below.
- 2.6 Proposals within all Small Building Groups will need to accord with and enhance the character of the group and not have a detrimental impact on the landscape to be considered acceptable.
- 2.7 Proposals on sites which are naturally contained by established boundaries such as woodland, a hedge, a dry stane dyke or a slope that would form a backdrop to the site and infill sites will be considered favourably. An infill site can be defined as a small gap in a continuous line of built development where it is possible to locate one or two houses. If a group consists simply of frontage houses along a road, infill development will be supported where gaps for adequate plots exist.
- 2.8 Ribbon development is a line of buildings extending along a road, or private lane generally without accompanying development of the land to the rear and often served by individual accesses. A common feature of some Small Building Groups is groups of houses built using the road frontage edge of what were previously fields. Whilst there will be opportunities to complete or "round off" these groups (for example, by developing on sites that complement existing buildings on the opposite side of the road) ribbon development can become a problem when it results in the rural character being lost with development dominating otherwise rural views.
- 2.9 Continuous linear development leads to suburbanisation and a loss of rural character for example, through the introduction of pavements and street lighting. Buildings come to dominate the view, where narrow roads were once bounded by trees, hedgerows and dykes. It could also make access to farmland difficult or cause road safety problems. Incremental development along a roadside with no natural finish point should be avoided.
- 2.10 Proposals which would result in or extend an existing ribbon of development will only be supported where there is an existing topographical "stop" such as an established hedge, tree belt or woodland, dry stane dyke, road, path, stream or a slope that would form a backdrop to the site.
- 2.11 Illustrations of the above examples are provided on page 7.
- 2.12 If the proposed site is considered appropriate, a Small Building Group will only be able to expand by a maximum of one third of the existing size of the group within the plan period. This will be based on the size of the group on the date the plan is adopted and should include unimplemented planning permissions.

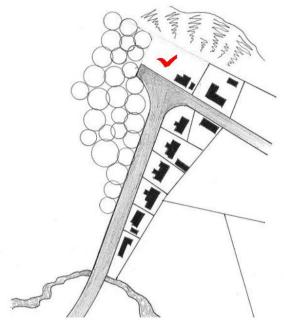


Gap site between two existing houses that could accommodate a single house or pair of semi-detached



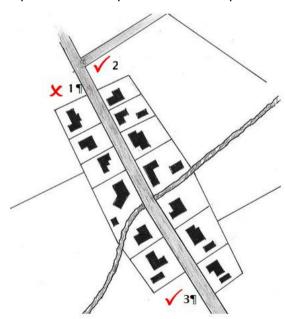
No natural boundaries or "stop", such as established hedge, tree belt or woodland, dry stane dyke or road

Acceptable Naturally Contained Site



Site contained by woodland and slope to create a site for a single house

Acceptable and Unacceptable Ribbon Development



- 1. No natural boundaries or "stop" to contain site.
- 2. Access road creates a "stop" which provides a site for 1 house.
- Development of this site would "round off" as it compliments development on the other side of the road

- 2.13 Houses constructed under this policy will not count towards the size of the group until the following plan period.
- 2.14 Proposals to expand the Small Building Group by more than a third will only be considered favourably where the additional units being proposed will provide affordable housing to meet locally identified need and must be maintained as affordable in perpetuity. Such proposals must be supported by details on the local affordable housing need that is being met, the type of affordable housing provided (the affordable housing supplementary guidance provides more information on the types of affordable housing) and how the housing will be secured as affordable in perpetuity.
- 2.15 Where the original number of separate habitable or occupied houses within the group is not divisible by three (for example, the group has 5 houses and 2 houses are proposed) the policy would only allow the group to increase by 1.6 houses (5 divided by 3), but the 2 houses proposed meet the guidelines set out above, support will be given to "rounding up" to the nearest whole number the number of new houses allowed within the group. Where this situation occurs, the number of units allowed will be limited to the nearest "rounded up" whole number.
- 2.16 In those cases where the conversion of a group of traditional buildings results in the creation of three or more separate habitable or occupied houses which are well related to each other to create a sense of place, proposals for a "new" house(s) will be allowed provided they meet the guidance contained in the Conversion of Traditional Properties Supplementary Guidance.
- 2.17 The cumulative impact of new development on the character of the Small Building Group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications.
- 2.18 Some Small Building Groups are located in close proximity to those settlements that have an identified boundary in the LDP. Development proposals within the Small Building Group that would lead to the group joining up with the settlement will not be supported. A Small Building Group must be physically and visually separate from other settlements.

3.0 Agricultural or Rural Business Need

- 3.1 Farming continues to be a significant component of the rural economy and it is important that planning policy continues to support the operational needs of farming enterprises. Whether a house is considered to be essential will depend on the specific and operational needs of the farm concerned. This should relate to essential farming or rural business operations only requiring a rural location and personal circumstances should be discounted.
- 3.2 SPP explains the Scottish Government's expectations of how rural diversification is supported in development plans: "Plans should set out a spatial strategy which promotes economic activity and diversification, including, where appropriate, sustainable development linked to tourism and leisure, forestry, farm and croft diversification and aquaculture, nature conservation, and renewable energy developments, while ensuring that the distinctive character of the area, the service function of small towns and natural and cultural heritage are protected and enhanced".
- 3.3 Dumfries and Galloway has a number of local and emerging business, tourist and recreation developments that require a rural location. Rural business need is considered to be agriculture and horticulture businesses, and tourism and/or recreational businesses appropriate to the area's rural character where there is an economic and/or operational need requiring a rural location.

- 3.4 This part of the policy also acknowledges that there are particular circumstances when a new house in the rural area is required to accommodate a full time worker who is employed in a business that requires a rural location, where the nature and demands of the work concerned make it essential for the person engaged in the business to live at, or very close to the site of their work. For newly established businesses, long term viability must be demonstrated. If the Council is not satisfied in relation to the long term viability, a temporary permission may be granted for a non-permanent form of housing in the interim period.
- 3.5 The presence of a business in the rural area is not in itself sufficient justification for a house. The material factors which will determine whether there is a genuine need for a new house include:
- The scale, viability and detail of the farming / business operation;
- The labour requirements, including the need for specialist workers and the level of attention needed outside normal hours; and
- The existing residential accommodation available to the farm or business and other development opportunities on the farm or land holding.
- 3.6 In either instance, favourable consideration will only be afforded to those proposals where the applicant is able to demonstrate that:
- A new house is essential for the proper functioning of the farm / rural business and there is a clearly established need for a worker to be readily available at most times;
- There is clear evidence that the proposed enterprise has been planned on a sound financial basis and that the farm / rural business is economically viable;
- The need relates to a **full-time** farm worker or one who is mainly involved in agriculture or the running of the rural business;
- There is no appropriate, available alternative accommodation or economically viable development opportunities available on the landholding associated with the farm or rural business; and
- The need for a house is not a direct consequence of the recent severance of a house from the
 agricultural holding and its resultant loss to agriculture or the rural business except when
 severance arises as a result of a compulsory purchase order. For the purposes of the policy,
 recent severance is taken to be ten years from completion of the house that is being severed
 from the land holding.
- 3.7 Justification is required to demonstrate that the worker is required to be on site permanently to operate the farm/rural business. A clear statement should be provided why a new dwelling is essential in operational terms. This should relate to the farming or business operations only and personal circumstances should be discounted. If one or more dwellings already exist on the unit, detailed evidence should normally be provided explaining why a further dwelling house is necessary in operational terms over and above existing. For example, if a labour requirement calculation demonstrates a need for, say, 6 full time staff, detailed evidence should be provided explaining the essential operational for any of those 6 staff to live on site. "Security" is unlikely to be sufficient justification for an essential worker as this service can be provided without the need for a residence.
- 3.8 The Development Management Practice Note (Policy H3- Housing in the Countryside August 2016) sets out recommended information requirements for planning applications submitted on the basis of agricultural or rural business need. https://www.dumgal.gov.uk/media/18513/Practice-Note-Housing-in-the-Countryside/pdf/Housing_Countryside.pdf?m=636592298169800000
- 3.9 It is expected that a planning obligation, or an agricultural occupancy condition will not be required. Any applications for the removal of existing Planning Obligations would require to be assessed on a case by case basis.

4.0 Succession Planning of a Viable Farm Holding

- **4.1** This part of the policy enables retiring farmers to remain on the land where they can continue to make a valuable contribution to the farming enterprise, but only where there is a family successor to the farm. Changing farm practices, patterns of ownership and the more common use of farm partnership agreements are relevant to this issue.
- **4.2** The following criteria will need to be met:
- The applicant is of retirement age and / or has recently retired within the last year or is about to retire;
- The site for the new house is on the land which the applicant has actively farmed until retirement and was their main employment;
- The farm is viable and can demonstrate that it is capable of supporting a farmer in full-time employment;
- The farm holding is being sold or transferred to a family member as a going concern; and
- The existing farmhouse will continue to be used as the main farmhouse on the farm and there are no other development or conversion opportunities available on the farm.
- 4.3 The siting of a new house should be such that it maintains a presence on the farm unit. In most cases, the new house will be located within a short walking distance of the farm hub. Locating the site remotely is discouraged. Only one house per farm will be permitted under this policy.
- 4.4 Planning permission will not be granted for a new house on a farm if:
- there are either existing houses or other economically viable development opportunities available on the land holding which could meet the need for accommodation. Development opportunities would include an existing house which is capable of renovation or replacement.
- 4.5 A statement should be provided from the applicant advising who the successor is and what their relationship is to the retiring farmer. The statement should also confirm the "successor's" intention to actively farm the unit as their main employment. The statement should include background information on the farm including how long the farm has been occupied by the family, the size of the farm, the viability of the unit, what type of farming enterprise is undertaken on the unit and if the farming business undertakes any activities outwith the holding or if any other holdings are in the control of the applicant. If there are concerns about the viability of a farm holding, the applicant should be asked to provide an independent statement that there is an existing farm business that has been in occupation of the farm for over 10 years and that an income has been derived from the holding. A statement from a solicitor may be required to confirm that the sale of the farm or the transfer of ownership is underway. Only "near relatives" in certain justifiable circumstances will be treated as legitimate successors in terms of this policy. Close relatives include children, adopted children, grandchildren, nieces and nephews.

5.0 Rural Brownfield Site

- **5.1** For the purposes of this policy, brownfield sites are defined as land that has been previously developed. PAN 73 Rural Diversification states that development plan policies should encourage rehabilitation of brownfield sites in rural areas and defines these as sites that are occupied by redundant or unused buildings or land that has been significantly degraded by a former activity.
- **5.2** A rural brownfield site must be identified on the basis of its current condition. Sufficient evidence of previous development must be apparent on inspection. Historic use, unless physically evident, will not be taken into consideration. If a structure has been razed and the land reinstated as agricultural land, the site will be considered as agricultural land and not a rural brownfield site for the purposes of this policy.

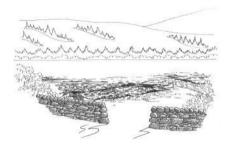
- 5.3 Rural brownfield sites exclude agriculture, forestry and previously used land which now has nature conservation or recreation value. A site which has been disused or redundant for so long that it has become naturalised for example, by the growth of mature trees, is likely to have significant biodiversity value and its development would be contrary to policy.
- 5.4 The **conversion and reuse** of the existing buildings on rural brownfield sites should always be the first option. Conversion will be supported for buildings which are no longer in active use, and are now standing vacant, dilapidated and derelict. The judgement of whether a building is disused or redundant for its designed purpose must be made on the basis of physical inspection. If the building has only been disused for a short period of time and looks like it could easily be brought back into use then further justification will be sought.
- 5.5 Only where conversion and re-use of existing buildings is not practicable or desirable will the redevelopment of sites be considered. Not every rural brownfield site is appropriate for redevelopment and there is no blanket or unrestrained support for such proposals. The Council will not regard recent structures (i.e. those erected within the last 25 years and thereafter from the date this policy is adopted) as meeting the terms of this part of the policy.
- 5.6 Disused, abandoned or derelict sites may seriously detract from the visual and environmental amenity of an area. In some cases, these sites may also be affected by the presence of contamination due to historic industrial or agricultural processes that could, unless treated, represent either an immediate or long term treat to health. The satisfactory remediation of contaminated land will be required prior to the construction of any replacement buildings.
- 5.7 Redevelopment for small scale housing of brownfield sites which were formerly occupied by buildings may be acceptable where it would remove dereliction or result in a significant environmental improvement. Proposals would also require to demonstrate that there are no other pressing requirements for other uses such as rural business need or tourism on the site.
- 5.8 Care should be taken regarding proposals on large previously developed / brownfield sites. Developments in the countryside should be of a scale and density appropriate to their surroundings and it should not be seen as necessary to develop a site in its entirety. The physical footprint of new buildings shall be no greater than that of the existing buildings and will, in most instances, require to be significantly less. An appropriate scheme will require to meet the requirements of Policy OP2: Design Quality of New Development.
- 5.9 Proposals for more than three new build houses on rural brownfield sites will only be permitted where the planning authority is satisfied that it can be demonstrated beyond reasonable doubt that there are social, economic or environmental reasons for such a scale of new development in a countryside location.
- 5.10 Sites which make a significant contribution to the cultural and historic landscape value will be excluded from consideration, as will proposals which could result in suburbanisation, coalescence with a neighbouring settlement, ribbon development, the overloading of local services such as school and health care facilities, the loss of architecturally valuable buildings, prime agricultural land, important areas of woodland, landscape or significant wildlife habitat.
- 5.11 All planning applications shall be accompanied by a statement setting out the history of previous land uses or activities, and, where relevant, a scheme of investigation and remediation for dealing with contaminated land. The satisfactory remediation of contaminated land will be required **prior** to the construction of any replacement buildings. Developers will require to submit appropriate financial information to justify their proposals and to enable an appraisal of the scale of development to be made by the Council.

6.0 Replacement of a Dwelling

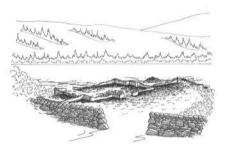
6.1 There may be a limited number of cases where it is proposed to replace a dwelling. Such proposals will be considered favourably unless it would involve the loss of a listed or significant traditional building where the Council would prefer to see the option of renovation and the addition of a suitable extension pursued. (Traditional style is defined by Historic Environment Scotland as "a building of traditional construction built before 1919 – they include but are not confined to listed buildings or buildings within conservation areas" Historic Scotland Guide for Practitioners 6; Conversion of Traditional Buildings

https://www.engineshed.org/publications/publication/?publicationId=86c6c669-6415-4f0c-a421-5bd00c39797)

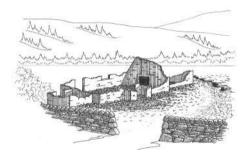
- **6.2** Proposals to demolish (and reconstruct or replace) a listed or significant traditional building will need to be supported by an engineer's structural report and financial appraisal demonstrating, to the Council's satisfaction, that renovation is not a viable option. Where the building is listed, Listed Building Consent for demolition will also be required and the requirements of Historic Environment Scotland in this regard will have to be met.
- 6.3 The replacement of a house applies to the following categories:
- A house that is habitable, but is of a design that is not readily improvable or extendable; or
- A house that has been abandoned but is still complete to at least wall head height and is located within a site that has defined boundaries.



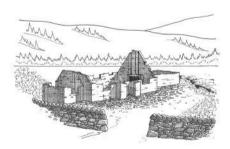
Level 1- PARTGABLE & WALLS
Extent of use of building not known



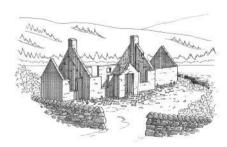
Level 2 – PLAN FORM COMPLETE Extent of building clearly known



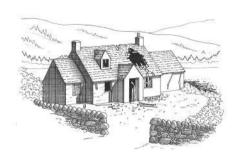
Level 3 – PART GABLE & WALLS Extent of use of building not known



Level 4 - PARTGABLE & WALLS TO CILL Full extent & use of building not known



Level 5 – COMPLETE TO WALLHEAD HEIGHT Former use evident



Level 6 – RUINOUS STATE Former use & extent shown

6.4 In either case, the new house should be of a scale appropriate to its location and have a good fit with the surrounding landscape. The new house does not have to be rebuilt on the footprint of the former house if site conditions suggest that another position (within the curtilage or garden ground) of the property would create a better landscape fit or orientation. However, it should be rebuilt within the curtilage (garden ground) of the former house. If the proposed house does not occupy the footprint of the former house, that footprint will not be accepted as a site for a future house building proposal relying on this part of the policy. Curtilage is defined as "Ground which is used for the comfortable enjoyment of the dwellinghouse often the area immediately surrounding the dwelling.

7.0 Conversion of a Traditional Building

- 7.1 The Council has always encouraged the conversion and / or renovation of traditional buildings for housing since this can make a positive contribution to the countryside if the work is undertaken in a sympathetic manner and continues to preserve the areas heritage of traditional buildings. A building survey will normally be required to confirm that the property is capable of being renovated without requiring extensive rebuilding. Any extensions should be of a scale and design so they do not dominate or adversely affect the appearance and character of the original building.
- **7.2** Once a traditional building has been converted into a house, extensions to the building should be treated under Policy H8: Alterations and Extensions to Dwellings and associated supplementary guidance.
- **7.3** Design guidance on the conversion of traditional properties has also been produced as supplementary guidance. The guidance provides a best practice approach to the reuse of traditional buildings.

8.0 Housing in the Remote Area

- **8.1** Remote areas have been identified on the map at the end of the document. They have been arrived at by combining a number of factors including the Scottish Government's rural typologies, identified environmental constraints and local knowledge.
- **8.2** Proposals for a single house in these areas will be considered favourably provided it is well related to its landscape setting, is of an appropriate scale and design to its location, and it would provide a low carbon house and lifestyle. In order for a full assessment to be made of the proposal, a full planning application will be required.

Setting of the House

- **8.3** Proposals submitted for consideration under this part of the policy will be required to demonstrate that the proposed house, when viewed from surrounding vantage points, meets all the following criteria:
- It blends sympathetically with landform;
- It uses existing trees, buildings, slopes or other natural features to provide a backdrop;
- It does not have a detrimental impact on the surrounding landscape;
- It uses an identifiable site with long established boundaries which must separate the site naturally from the surrounding ground (e.g. an established hedge, tree belt or woodland, dry stane dyke, or a slope that would form a backdrop to the site). The subdivision of a field or other land artificially, for example by post and wire fence or newly planted hedge or tree belt, in order to create the site will not be acceptable.

- **8.4** Proposals will not be considered acceptable if, when viewed from surrounding vantage points, the site:
- Occupies a prominent skyline, top of slope / ridge location;
- Lacks established boundaries, as outlined above; and
- Is unable to provide a suitable degree of enclosure for a new house in the countryside.

Scale and Design of the House

- **8.5** The local vernacular tradition and landscape setting of the countryside demands a different scale and form of building and architectural detail from housing in settlements. "Off the peg" or "kit" houses will not normally be suitable. Rural buildings tend to follow a simple linear / rectangular plan, are long, narrow and low and have a pitched roof. Houses that deviate from the traditional plan form or run across contours, necessitating extensive under building, should in most circumstances be avoided.
- **8.6** Developers are encouraged to tailor the design and scale of the house so that it fits the countryside location and respects the rural context. However, this does not mean that new houses need to be reproductions of traditional rural buildings. Genuinely innovative and contemporary designs that demonstrate an informed use of traditional references and a sympathetic understanding of the existing landscape will be considered favourably.



"Inappropriate" Example



"Appropriate"

Low Carbon Design and Lifestyle

- **8.7** In Scotland, sustainability is embedded into the building regulations for all new buildings.
- **8.8** Many different design and construction techniques can be adopted to create a low or zero carbon dwelling. It is important to get professional advice on how these can be successfully incorporated into the development.
- **8.9** Applicants should demonstrate that:
- the proposed house is designed to have a low impact by virtue of scale, construction, materials and sources of energy and heating;
- Building Standards Regulations relating to energy and sustainability have been met and preferably exceeded. The development should strive for the highest Energy Performance Certificate (EPC) rating possible; and
- The proposed house is integral part of a low carbon lifestyle. A couple of examples of how this could be achieved could involve managing the attached land so it would support the occupants of the house as their main source of income or home working which removed the need to commute to an office on a daily basis.

