

Appendix 1: NPF4 Policy 17 Rural Homes Planning Interpretation Note (PIN)

Tailored Approach and ‘Allocated’ Sites

NPF4 policy 17 sets out that the Local Development Plan should set out a tailored approach to rural housing and reflect locally appropriate delivery approaches. Moray Council’s ‘tailored approach’ is based on a rural development hierarchy set out in policy DP4 Rural Housing of the Moray Local Development Plan 2020 (MLDP). Other associated policies such as policy EP4 Countryside Around Towns (CAT) and policy EP3 Sensitive Landscape Areas (SLAs) apply. Policy EP4 protects the special character of the CAT areas from inappropriate development and prevents development sprawl into the countryside. Similarly, policy EP3 prohibits rural housing in the Coastal (Culbin to Burghead, Burghead to Lossiemouth, Lossiemouth to Portgordon and Portgordon to Cullen coast), Cluny Hill, Spynie, Quarrywood and Pluscarden SLA’s to protect the special and high value landscape qualities of these areas. This policy approach reflects the local context of Moray and is considered to be a sustainable approach directing growth into rural groupings where there is existing infrastructure and reducing carbon emissions from unsustainable patterns of travel.

A proposal for a single house will be supported on a site allocated for development within a rural grouping or an area of intermediate pressure as defined by MLDP policy DP4 where it meets the siting and design criteria of MLDP policy DP4. These sites will be considered to be ‘allocated’ in terms of NPF4 policy 17, criteria a i).

A proposal for a single house outwith a rural grouping or an area of intermediate pressure will not be considered ‘allocated’. A proposal will only be supported in pressurised and sensitive areas, CAT or SLA areas where it meets criteria iii), vii) and viii) of NPF4 policy 17 along with the relevant LDP policy(s) and guidance requirements set out in this guidance.

As there are no designated Green Belts in Moray, NPF4 policy 8 Green Belts does not apply and LDP policy EP4 CAT prevails. This means that criteria iv), v) and vi) of NPF4 policy 17 which are reflected as exemptions within NPF4 policy 8 Green Belts will not be supported within CAT areas as they do not accord with the LDP policy EP4 criteria.

This tailored approach is in accord with the Moray spatial strategy and is considered to provide a balance between supporting rural housing and preventing further suburbanisation of the countryside and unsustainable patterns of travel.

A summary table setting out the types of proposals for NPF4 policy 17 criteria ii-viii that will be supported within rural allocations defined in the MLDP 2020 is shown in Appendix 1.

Brownfield Land

NPF4 policy 17 criteria ii) states that a proposal for new housing will be supported on brownfield land where a return to a natural state has not or will not happen without intervention. Proposals on land that have been *made* to look visually unattractive, for example by fly tipping, will not be supported.

Brownfield land that has returned to a natural state (i.e. naturalised) is characterised as being dominated by colonised vegetation. Brownfield land that has been naturalised is rich in biodiversity and the reuse of these sites for development will not be supported. The applicant will be required to submit a statement to include information such as a habitat survey by a suitably qualified professional to demonstrate the biodiversity of the brownfield land to determine whether its redevelopment is appropriate.

The reuse of brownfield land for housing will only be supported where the siting and design criteria of policy DP4 is met. Proposals will be assessed on a case-by-case basis however, for the avoidance of doubt brownfield sites that are in a visually intrusive location and/or are out of keeping with the rural character of the area will not be supported. The long-lasting negative impact of these types of development will be considered to outweigh those associated with the redevelopment of brownfield land.

Redevelopment of brownfield land will be limited to one house unless a viability assessment is submitted to evidence that the development is required to finance the remediation of the land. In these circumstances, the number of houses permitted will also depend on an acceptable layout and design that reflects the rural character (i.e. steading arrangement or clusters) and compliance with the siting and design criteria of MLDP policy DP4.

Proposals for the redevelopment of brownfield land for housing will be supported within intermediate areas as defined by MLDP policy DP4 d) iii).

Reuse of Redundant or Unused Buildings

The reuse of redundant or unused traditional stone and slate buildings in the countryside will be supported subject to compliance with MLDP policy DP4 c). This applies to proposals within all rural areas including pressurised and sensitive areas as defined by MLDP policy DP4 d) and within CAT areas and SLA's as defined by MLDP policy EP3 c).

Enabling Development for Historic Environment Assets

Enabling house(s) will be supported in rural areas where it can be demonstrated that they are necessary to secure the future a historic environment asset such as a Listed Building. MLDP 2020 Policy EP10 Listed Buildings also sets out that "Enabling development may be acceptable where it can be shown to be the only means of retaining a listed building(s). The resulting development should be of a high design quality protecting the listed building(s) and their setting and be the minimum necessary to enable its conversion and re-use". This means that the new development is to address the *conservation deficit* as opposed to funding the restoration. Preservation of the setting of the historic environment asset remains a key consideration in these circumstances.

The 'conservation deficit' is the gap between the costs of repairing and converting a historic environment asset (e.g. listed building) to bring it back into use and the market value of the asset aonce the works are complete. For example, where the cost of repairing a listed building is £500k and the end market value after restoration is £350k, the conservation deficit is £150k. Applicants must submit an evaluation including a detailed financial appraisal and plans to identify the conservation deficit. The following information is expected to be submitted by the applicant:

- Condition survey of the historic environment asset (in the form of a conservation statement or conservation management plan) identifying the desired reasonable level of conservation to sustain the asset in the long term;
- Options appraisal comprising an assessment of alternative solutions to secure the assets future (e.g. grant funding, charitable ownership);
- Assessment of cost of repairs and how future maintenance liabilities will be met;
- Assessment of market value of the asset in current and repaired condition to calculate the conservation deficit;
- Detailed scheme design for the preferred option (i.e. this includes the proposed development but are there also plans drawn up for the historic environment asset?);

- Development appraisal to demonstrate the financial contribution the proposed development makes to the conservation of the asset; and,
- Delivery plan demonstrating how the conservation benefits will be secured in a timely manner.

When preparing the development appraisals for the asset(s) and the enabling development, the applicant is expected to use the Applicant Viability Data (AVD) form which can be found within the Appendices of the Developer Obligations Supplementary Guidance. This includes the level of information and format required which is necessary to assess appraisals. The development appraisal will need to be verified by the District Valuer (DV) who is independent of the Council and the cost of the DV will be borne by the applicant.

Enabling development will be restricted to the level of the conservation deficit. This reflects Historic Environment Scotland's (HES) position that enabling development should be controlled to reflect the gap/deficit.

Enabling development must meet the siting and design criteria of MLDP policy DP4 as well as the requirements of policy EP10.

Proposals will be supported within intermediate areas as defined by LDP policy DP4 d) iii) in Moray subject to the satisfaction of the above criteria.

Home(s) for Essential Needs Workers for Rural Businesses

A proposal for a house to support the sustainable management of a viable rural business, or where it is necessary for a worker to live permanently or near their place of work (e.g. a person taking majority control of a farm business) will be supported where the following is submitted to the planning authority's satisfaction:

- An appraisal by a suitably qualified professional to ascertain that the business is viable and that a full-time presence by a worker on-site is necessary to continue its operation. 'Open book' accounting will be necessary and this will be treated on a strictly confidential basis. This may be required to be independently verified by a suitably qualified professional appointed by the Council at the applicant's expense. If required, the fee for this service will be determined on case by case basis and a written quotation will be provided to the applicant for payment prior to the assessment of the appraisal;
- Details of existing houses and live planning consents located within the land holding owned by the business and reasons as to why these cannot be used for an essential worker. Rental homes or holiday lets within the ownership of the business will be considered as suitable accommodation for a full-time essential worker;
- Details of house(s) consented within the previous 5 years on the business land holding and reasons why these have not been accounted for in the future planning of the business;
- Site selection report evidencing that a hierarchical approach has been applied to the site assessment process whereby the conversion of traditional stone and slate buildings are the first preference with new build on a greenfield site the last;
- The proposed house forms part of a cluster with the businesses existing building premises; and,
- Compliance with the siting and design criteria of the MLDP policy DP4.

Security of premises, vehicles, etc. will not be considered a suitable reason for a house given the technology that is available to address this matter.

Proposals will be supported within intermediate areas as defined by MLDP policy DP4 d) iii) subject to the satisfaction of the above criteria.

Crofts/Woodland Crofts

Moray is identified as one of seven traditional Crofting Counties by the Crofting Commission. A croft is defined as “a relatively small agricultural land holding, which is normally held in tenancy, and which may or may not have buildings or a house associated with it”, (Crofting Commission). It has its own specific legislation ‘The Crofters Holding Act of 1886’ and ‘The Crofting Reform (Scotland) Act 2010’. The average size of a croft is 5 hectares.

A proposal for a house associated with a croft will be supported provided that the following evidence is submitted to the planning authority’s satisfaction:

- Croft registration information including reference number, size of croft, and access to common grazing or woodland;
- Information on croft land quality and how this has influenced the siting of the proposed house;
- Business Plan and Woodland Management Plan (where applicable);
- Site selection report evidencing that a hierarchical approach has been applied to the site assessment process whereby the conversion of traditional stone and slate buildings are the first preference with new build on a greenfield site the last; and,
- Compliance with the siting and design criteria of MDLP policy DP4.

A woodland croft is defined as a croft with sufficient tree cover overall to be considered under the UK forestry policy, and is subject to the UK forestry regulations. To support a proposal for a house associated with a woodland croft the following evidence must be submitted, in addition to the above, to the planning authority’s satisfaction:

- A business plan setting out how the woodland croft will be controlled/managed (including tenancy conditions);
- A woodland management plan to the UK Forestry Standards; and,
- An ecological report by a suitably qualified professional.

Crofts/Woodland Crofts will be supported within intermediate areas as defined by MLDP policy DP4 d) iii) subject to the satisfaction of the above criteria.

Home for a Retiring Farmer

A proposal for a single house for a retiring farmer will be supported where the following is submitted to the planning authority’s satisfaction:

- Evidence from a suitably qualified professional that the farm has been managed by the farmer for at least the previous 10 years and that the farm is an ongoing viable business that requires a full-time presence on-site to continue its operation. ‘Open book’ accounting will be necessary and this will be treated on a strictly confidential basis. This may be required to be independently verified by a suitably qualified professional appointed by the Council at the applicant’s expense. If required, the fee for this service will be determined on case by case basis and a written quotation will be provided to the applicant for payment prior to the assessment of the appraisal;
- Details of what is intended for the farmers existing residential accommodation;

- Details of houses located within the land holding owned by the farmer/farming business and reasons as to why these cannot be used as a home for the retiring farmer. Rental homes or holiday lets within the ownership of the farming business will be considered as suitable accommodation for a retiring farmer;
- Details of previous consents for houses within the farmer/farming business land holding and reasoning as to why these were not accounted for in planning for the succession management of the farm/farming business;
- Site selection report evidencing that a hierarchical approach has been applied to the site assessment process whereby the conversion of traditional stone and slate buildings are the first preference with new build on a non-prime agricultural greenfield site the last. A proposal on prime agricultural land will not be supported;
- The proposed house should be sited so that it forms part of a cluster with existing farm buildings; and,
- Compliance with the siting and design criteria of the MLDP policy DP4.

Only one application for a house for a retiring farmer on the farmer's family and/or business land holding will be permitted within the LDP period. Proposals will be supported within intermediate areas as defined by LDP policy DP4 d) iii) subject to the satisfaction of the above criteria.

Sub-Division, Replacement Homes and Reinstatement of Former Homes

NPF4 policy 17 Rural Homes supports the replacement of an existing permanent home in rural areas. As set out in NPF4 policy 9 Brownfield, Vacant and Derelict Land, and Empty Buildings criteria d) demolition and replacement of the house will be regarded as the least preferred option given the need to conserve embodied energy. A statement by a suitably qualified professional setting out the alternative options to demolition and the reasons these are not suitable will be required. Where possible, materials are to be recycled and reused and stone and slate are to form part of the design of the new building.

The replacement of an existing permanent house will be supported on a one-for-one basis in all rural areas including pressurised and sensitive areas as defined by MLDP policy DP4 d), CAT areas and SLA's as defined by MLDP policy EP3 c) providing there is clear physical evidence that the previous building has a complete shell (level 5 in MLDP policy DP4), overlaps the footprint of the original building and complies with the siting and design criteria of MLDP policy DP4. A suburban design will not be acceptable even if this was the design of the original house as this is out of keeping with the character of a rural area.

For the purposes of NPF4 policy 17, replacement and reinstatement are considered to be the same thing, and as such the criteria set out above applies regardless of the proposal's description.

The subdivision of 'large' houses will be supported where the relevant policies of NPF4 and the MLDP are met. The subdivision of 'large' houses will be supported in all rural areas including pressurised and sensitive areas as defined by MLDP policy DP4 d), CAT areas and SLA's as defined by MLDP policy EP3 c). Any extension must be in keeping with the character, scale and proportion of the original house.

Remote Rural Areas

Remote Rural Areas are defined as those 'with a greater than 30 minute drive time to the nearest settlement with a population of 10,000 or more'. The extent of Remote Rural Areas in Moray can be viewed online at http://www.moray.gov.uk/moray_standard/page_133434.html.

NPF4 policy 17 c) states that new homes in Remote Rural Areas will be supported where they support and sustain existing fragile communities. Highlands and Islands Enterprise (HIE) identify the Cabrach as the only fragile community in Moray for investment purposes. The Cabrach is located within an area of intermediate pressure as defined by MLDP policy DP4, and therefore the tailored approach to rural homes set out within this guidance complies with NPF4 policy 17 c).

Local Housing Needs/Outcomes

The 'tailored' approach to supporting proposals for a rural home is considered to be a balanced approach to addressing the local housing needs in these areas. A financial contribution will be sought from proposals towards the provision of affordable housing in the relevant Local Housing Market Area (LHMA). This is in accord with MLDP policy DP2.

Resettlement of Previously Inhabited Areas

New rural homes within the fragile community of the Cabrach fall within intermediate areas of pressure as defined by MLDP policy DP4 and these proposals will be supported subject to meeting the siting and design criteria of MLDP policy DP4. There are no previously inhabited areas other than the Cabrach that are deemed suitable for resettlement in Moray.

Prime Agricultural Land

NPF4 Policy 5 Soils sets out that a proposal for a house on prime agricultural land will not be supported unless it is to support essential workers for a rural business to be able to live on site. In all circumstances, apart from the aforementioned, proposals on prime agricultural land will not be supported.

Primary Industries

Primary industries within Moray are agriculture and forestry.

Appendix 1: NPF4 Policy 17 Type of Rural Homes Supported in MLDP Rural Area Categories criteria ii-viii

The table below sets out the types of house proposals set out in NPF4 policy 17 criteria ii-viii that will be supported within the rural allocations defined in the Moray Local Development Plan 2020 policies.

NPF4 Policy 17 Criteria	Pressurised and Sensitive Area (PSA)	CAT	Special Landscape Areas (SLA)*	Intermediate Area
ii. Brownfield Land	No	No	No	Yes
iii. Redundant and Unused Buildings	Yes	Yes	Yes	Yes
iv. Enabling Development for Historic Environment Assets	No	No	No	Yes
v. Essential Needs Workers for Rural Businesses	No	No	No	Yes
v. Crofts/ Woodland Crofts	No	No	No	Yes
vi. Retiring Farmer	No	No	No	Yes
vii. Subdivision of Existing Houses	Yes	Yes	Yes	Yes
viii. Replacement Homes and Reinstatement of Former Homes	Yes	Yes	Yes	Yes

**This applies to SLA's defined by MLDP policy EP3 criteria c which are the Culbin to Burghead, Burghead to Lossiemouth, Lossiemouth to Portgordon, Portgordon to Cullen coast, Cluny Hill, Spynie, Quarrelwood, and Pluscarden.*

A proposal that is located within a PSA and a CAT or SLA defined by MLDP policy EP3 c) will only be supported where it is acceptable within both rural categorisations. For example, if a proposal is within an intermediate area but would not be permitted in a SLA as defined by policy EP3 c) the development won't be supported.

All proposals will have to comply with the siting and design criteria of MLDP policy DP4.