

THE SWORDERS

RURAL PROPERTY UPDATE



AUTUMN 2023

AUTUMN IS UPON US

Following a mixed summer, autumn is here and the nights are closing in and many of our farming and agricultural clients are now drilling the winter crops, having had a very turbulent harvest with unpredictable weather forecasts.

As often seems the case, the Government are proposing a new set of changes and updates to planning legislation, most notably to permitted development (PD) rights, which allows for development and changes of use without the need for full planning permission. Some significant changes are proposed to PD rights relating to agricultural buildings, which will allow for greater flexibility for changes of use and diversification and it is hoped that this will provide potential new opportunities for our clients.

We have also included the benefits of agroforestry, how diversification can increase your assets and what a redundant barn can be transformed into.

We hope that you find some of the articles within this newsletter helpful and informative and if any of the matters raised are of interest to you, please do not hesitate to contact a member of the Sworders' team.

Tom Allington



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PUBLIC RIGHTS OF WAY

DEFRA have recently published guidance with the aim of securing a simpler process for diverting and extinguishing public rights of way that pass through the gardens and curtilages of private dwellings, working farmyards or other commercial premises. The order making authority (County Council) are encouraged to weigh up the impact of the existing path on the owner and/or occupier against the benefit to the public, especially in terms of privacy, security, and safety. In reality, this is already the case for many Councils, provided the proposed diversion/extinguishment comply with the legal tests under the Highways Act 1980.

If you require advice or assistance in relation to public rights of way, please contact Heidi Smith on 01279 771188 or Heidi.smith@sworders.com



PLANNING FEE INCREASES

Following a public consultation earlier this year, the Government have now confirmed that changes to the planning application fee system will come into force 'before the end of 2023', once approved by the House of Lords.

The changes include a 35% increase on fees for major planning applications, (for example, applications for 10 or more dwellings) and a 25% increase on all others (for example, applications for householder extensions). Fees will then increase annually on 1st April using the Consumer Price Index from the previous September, with annual fee increases capped at 10%, and reviewed every 3 years.

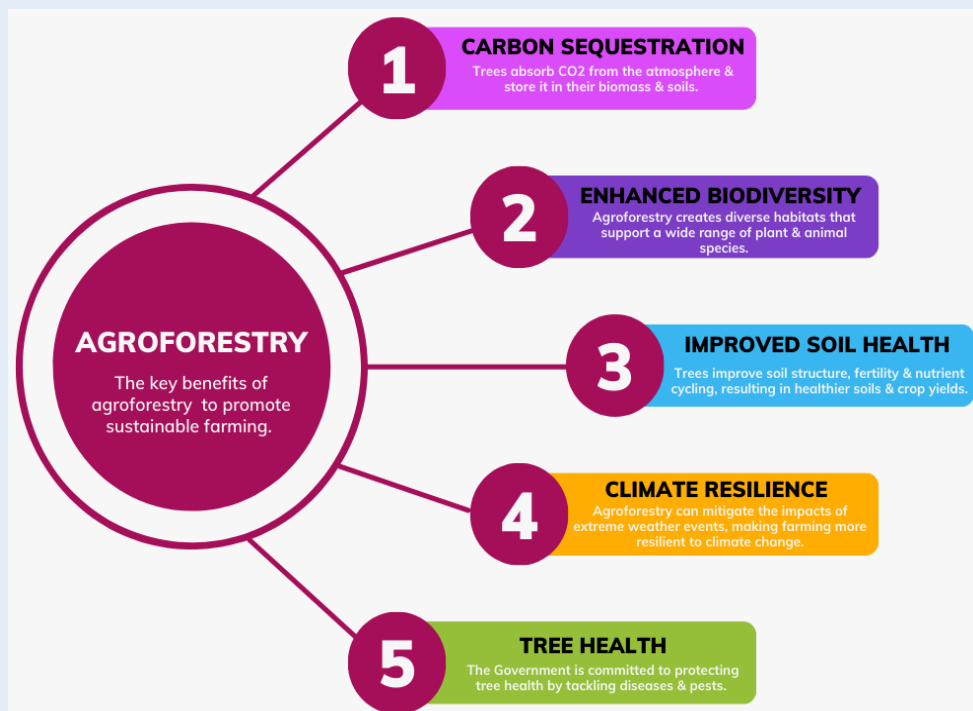
The changes also include a phasing out of the 'free go', whereby at the present time, if a similar application is resubmitted within 12 months, a fee is not currently required. Applications eligible for the 'free go' prior to the legislative changes will remain so.



In addition, the 'Planning Guarantee' for non-major applications will reduce from 26 weeks to 16 weeks. In this instance, applicants are entitled to a refund if an application is not determined within 16 weeks (if no Extension of Time is agreed with the Case Officer). In this regard, 'major' applications will stay at 26 weeks.

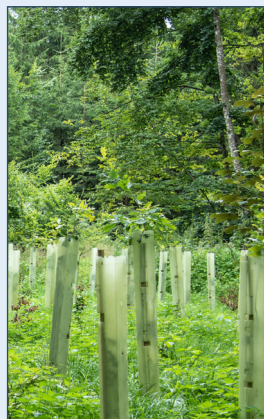
AGROFORESTRY

As the world grapples with the urgent need to combat climate change and halt the decline of biodiversity, innovative approaches to agriculture are emerging as powerful solutions. One such approach is agroforestry, a farming practice that incorporates trees and shrubs alongside traditional crops and livestock. In the UK, the Government is actively promoting agroforestry as part of its efforts to achieve net-zero emissions and support wildlife recovery by 2050.



Farming with trees through agroforestry is a positive solution for addressing the dual challenges of climate change and wildlife recovery. By integrating trees into agricultural landscapes, farmers can reduce emissions, enhance biodiversity, and improve soil health. Trees and hedgerows provide increasingly important shelter and shade for livestock and reduce soil erosion. In the longer term there is potential secondary income from fruit, nuts and timber products. The UK Government's commitment to tree planting and agroforestry is a positive step towards achieving net-zero emissions and supporting the recovery of the nation's wildlife. As we move forward, it is crucial to continue supporting and expanding agroforestry initiatives to create a sustainable and resilient future for farming and the environment.

Nick Sandford



RECENT AMENDMENTS TO PERMITTED DEVELOPMENT RIGHTS

An amendment to Permitted Development rights has recently come into force. One of the main changes is the introduction of a new permitted right for temporary recreational campsites (Part 4, Class BC). This will allow use of any land as a campsite for no more than 60 days per calendar year, and no more than 50 pitches, without the need for planning permission.



Temporary moveable structures are also permitted, with provision of toilets and waste disposal required. The Council must be notified of dates in advance, and a Prior Approval process applies for sites in Flood Zones 2 or 3 in each calendar year. It does not apply to sensitive sites (i.e. scheduled monument, sites of special scientific interest, etc.) or on a site of a listed building.

This should bring in more opportunities for pop-up campsites, although this does not come into effect until 25th July 2024.

PROPOSED AMENDMENTS TO PERMITTED DEVELOPMENT RIGHTS

The Department for Levelling Up, Housing & Communities (DLUHC) opened a consultation on 24th July 2023 on its proposed changes to the General Permitted Development Order.

Amongst the changes proposed within the consultation is the expansion of permitted development rights pertaining to agricultural diversification and development on agricultural units. This will provide further flexibility to farmers to undertake works on their agricultural units and enable farm diversification.

There are two rights that allow for a change of use within farm developments:

Class Q allows for the change of use of agricultural buildings to dwelling houses; the proposed changes could include (but not limited to):

- Introducing a single maximum floorspace limit of either 100 sqm or 150 sqm per home.
- Increasing the maximum number of dwellings from 5 to 10 on an agricultural unit.
- Increasing the overall maximum size limit of floorspace changing use from 865 sqm to 1,000 sqm.
- Allowing for 4m rear extensions during the change of use at single storey height and could extend across the entire width of the rear elevation but only permitted where the land has previously been developed (e.g. hard surface farmyard area).

- Enabling Class Q to apply in Conservation Areas, AONBs, National Parks and The Broads.
- Enabling Class Q to apply to buildings on agricultural units that may have not been used solely for agricultural purposes and to former agricultural buildings no longer on an established agricultural unit.

Class R allows for the change of use of agricultural buildings to a flexible commercial use (“agricultural diversification”), the proposed changes could include:

- Expanding the change of use to outdoor sports, recreation or fitness (but not including motor sports).
- Expanding the right to general industrial (Use Class B2).
- Enabling the change of use to mixed uses within the floorspace limits (currently only provides for one use at a time).
- Increasing the floorspace limit from 500 sqm to 1,000 sqm to change use within, or part of a building.

The DLUHC are also consulting on additional Permitted Development Rights to allow for the change of use of other rural uses (forestry and equestrian, etc.) to residential dwellings.



Part 6 Class A allows for, amongst other things, erection of agricultural buildings on units of 5 hectares or more. The proposed changes could include:

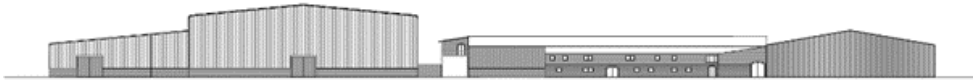
- Increasing the ground area size limit from 1,000 sqm to 1,500 sqm on a rolling two-year basis.
- Removing the current right to erect new buildings and extensions where the site has been designated as a scheduled monument.

Part 6 Class B allows for extensions to existing agricultural buildings on units of less than 5 hectares. The proposed change is to increase both the cubic content and ground area limit for extensions from 20% to 25% above its original cubic content and from 1,000 sqm to 1,250 sqm.

The consultation on these changes has closed and we will now wait to hear from the Government as to when these changes will be implemented and in what form they will take.

Marie Laidler

EQUINE INDOOR ARENA



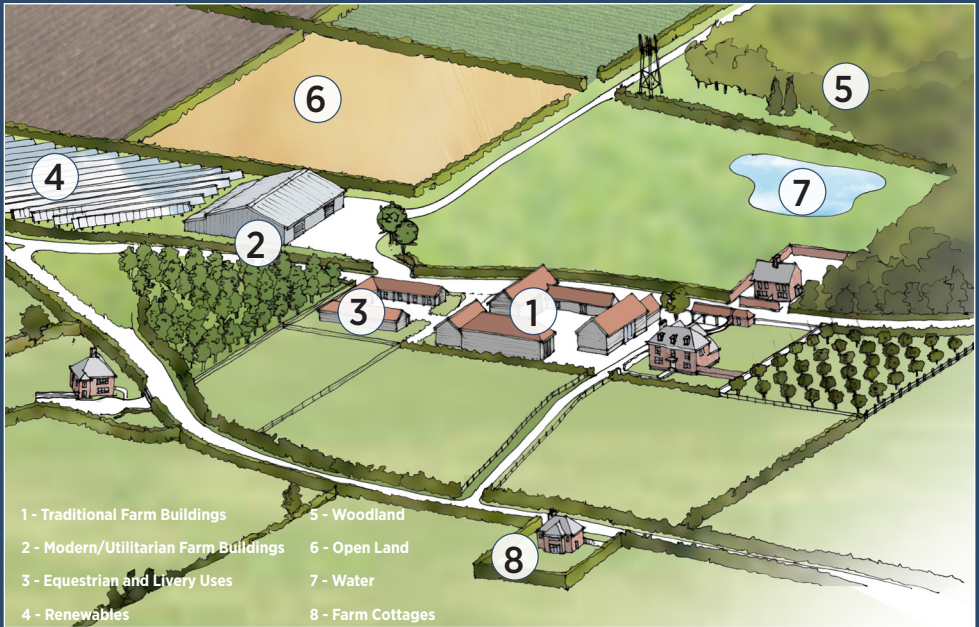
In 2019 we obtained planning permission for the construction of a 5,350 sqm indoor equestrian arena in Warwickshire. Sworders also undertook the design work.

Onley Ground Equestrian Complex is a thriving equestrian centre which runs regular competitions, tournaments and training events. The new arena will provide additional facilities for competitors, trainers and trainees, as well as hosting the diverse equestrian events on site.

Whilst the planning officer was satisfied that the proposals would sustain and enhance the rural economy, the site was not without its complications. The proposed location of the indoor arena was partially situated on a Scheduled Ancient Monument as well as bisecting a public right of way. As such, alongside the planning application, Sworders secured the diversion of the public right of way through the provisions of the Town and Country Planning Act 1990, as well as two Scheduled Ancient Monument consents. Our project team included a heritage consultant and public rights of way consultant and we worked closely with the client, Local Planning Authority, County Council, Historic England and the local Ramblers' group to secure a successful outcome.

Construction of the arena is now well underway and we look forward to seeing its progress.

DIVERSIFICATION & THE OPPORTUNITIES THEY PRESENT



Diversification is key in order to boost income and ensure that farms can continue to operate sustainably into the future.

There are a growing number of innovative ways to diversify, and a number of factors that can determine which diversification options are suitable for any given farm, such as the characteristics of the farm itself, its geographical location, planning policies in force and the local market.

Commencing a diversification project may seem somewhat daunting to many, but Sworders have been advising farmers on similar projects for over 30 years and are well placed to guide our clients through the process, from inception to delivery. We bring together the experience and knowledge of our commercially minded multidisciplinary team of rural surveyors, planners and architects, to ensure all factors are considered to maximise the chances of realising the aspirations of the client.



Martin Ranner

CASE STUDY - BARN CONVERSION



Sworders successfully secured Class Q Approval to convert a Hay Barn into two small dwellings. However, despite this approval lapsing, we still managed to persuade the Local Planning Authority that the principle of converting the barn to a residential use had already been established by the earlier approval. Consequently, on this basis, we managed to justify a subsequent planning proposal to demolish the Hay Barn and replace it with a substantial new dwelling of striking contemporary design. The process involved both our in-house planners and design team working closely with the client to secure the planning permission and make the project come to life.

Martin Ranner



NORWICH TO TILBURY

What is Norwich to Tilbury?

National Grid are proposing to install a 400 kV overhead electricity line between the existing Norwich Main Substation in Norfolk to Tilbury in Essex. The overall aim is to bring new sources of renewable energy to homes and businesses across East Anglia and the UK. The way that we generate electricity in the UK is changing rapidly and we are transitioning to cheaper, cleaner and more secure forms of energy like new offshore wind farms.

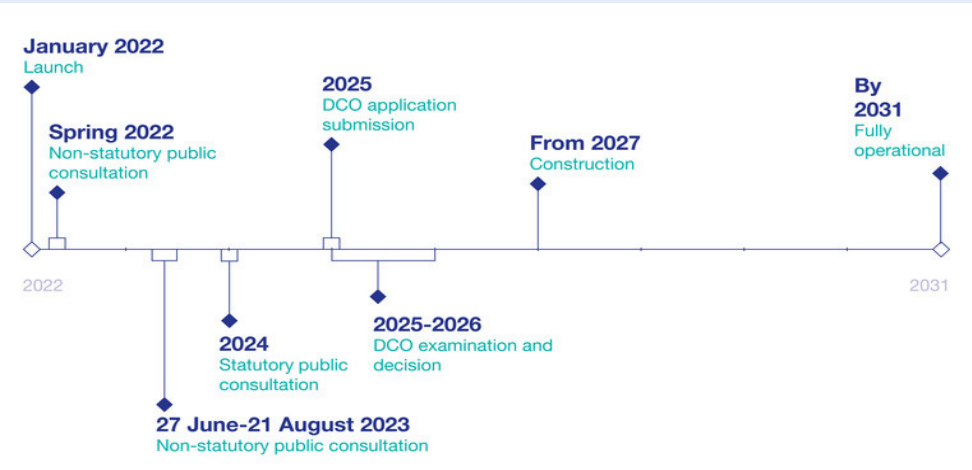
The scheme has undergone a recent name change from East Anglia Green. According to National Grid, the name has been changed as “all our projects that are part of The Great Grid Upgrade will include specific locations in their names to make it easy for people to understand what and where we are proposing to build new grid infrastructure”.

What stage of the process are we in?

The scheme has just passed through the non-statutory public consultation which ended on 21st August 2023 and is moving towards the statutory public consultation which is due to begin in 2024. This will outline how feedback from the non-statutory consultations has informed the project and provide more detail on Norwich to Tilbury. After the statutory public consultation, the DCO (Development Consent Order) application submissions will open in 2025.

If you are affected by the scheme, we would advise appointing an agent, who will ensure you are represented properly. National Grid will cover reasonable professional fees for work undertaken. Please contact our Norfolk or Hertfordshire office for further advice on how we can help.

Paddy Downing



THE RENTERS' (REFORM) BILL

On 17th May, the Government revealed the long-awaited draft Renters' (Reform) Bill. It primarily seeks to create a fairer rental market by strengthening the rights of tenants and will 'deliver on the Government's commitment to bring in a better deal for renters'.

The key proposals are as follows:

- Remove Section 21 'no fault' evictions, moving away from assured shorthold tenancies and replacing them with periodic assured tenancies which would provide more security for tenants.
- Introduce more comprehensive possession grounds in order that landlords can still recover their property under certain grounds, making it easier for landlords to repossess a property when the tenant is at fault. For example, in the case of anti-social behaviour and repeat rent arrears.
- Introduce a new Private Rented Sector Ombudsman.
- Create a Privately Rented Property Portal to help landlords understand their legal obligations and demonstrate compliance.
- Provide tenants the right to request a pet in a property. This means, the landlord must consider the request, and cannot unreasonably refuse. Pet insurance can be requested by the landlord to cover any potential damages.
- Rent can only be increased once a year by the landlord, by providing two months' notice. The tenant can either accept the proposal or challenge it at tribunal. Any existing rent review provisions will be ineffective.



Where are we now?

The bill is currently on its second reading in the House of Commons with amendments at this stage likely. After it passes through the House of Commons, it will then be put to the House of Lords, after which the bill can be sent to the King for Royal Assent and pass into law. This can be a lengthy process.

Paddy Downing



STAFF UPDATE



The Sworders' triathletes competed in the JLL triathlon in July and put in a tremendous effort. Michael won his age category and Ellie came 7th and Hazel 12th in their respective age groups.



Sworders hosted a charity wine tasting event at Burn Valley vineyard in aid of YANA in September. It was a huge success and a thoroughly enjoyable evening, with guests sampling 6 different North Norfolk wines, local breads and cheese boards. The evening raised an astonishing £1,275! This charity is so important in rural communities and supporting people with farming and rural backgrounds. Whilst agriculture and working on the land can be incredibly fulfilling it can also be very isolating and lonely. Please do contact YANA for more support.



NEW STAFF



JESSICA HORN
SURVEYOR



MISHA GASKIN
APPRENTICE SURVEYOR

Welcome to our newest members of staff, Jessica and Misha. Jessica has joined the Somerset office and Misha has joined the Norfolk office whilst part time studying at Harper Adams University.

Congratulations to staff who have all been promoted. A special mention to Michael, Paddy and Abbie who all passed their APC as well as Abbie passing her CAAV exam.

PROMOTIONS



HESTER DALTON
SENIOR ASSOCIATE



JEREMY PIDGEON
ASSOCIATE



MICHAEL SILLS
SENIOR SURVEYOR



PADDY DOWNING
SENIOR SURVEYOR



ABBIE LEWIS
SURVEYOR

As rural property professionals, we advise across the agricultural, commercial and residential sectors on all aspects of rural property. We provide advice that seeks to maximise the value of clients' properties, often on a shared risk basis.

To be sure you are maximising the value of your asset, please contact us to discuss your opportunities.

Sworders recognises its impact on the environment throughout its business and is passionate about the need to reduce and manage waste wherever practicably possible. Please recycle or give me to a friend.

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Please note, the articles featured in this publication have been selected and prepared with a view to disseminating key information available at the time of publication and are not intended to be comprehensive nor to provide advice. It should not be acted upon or relied upon, and is not a substitute for seeking professional advice that is specific to your individual circumstances.

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