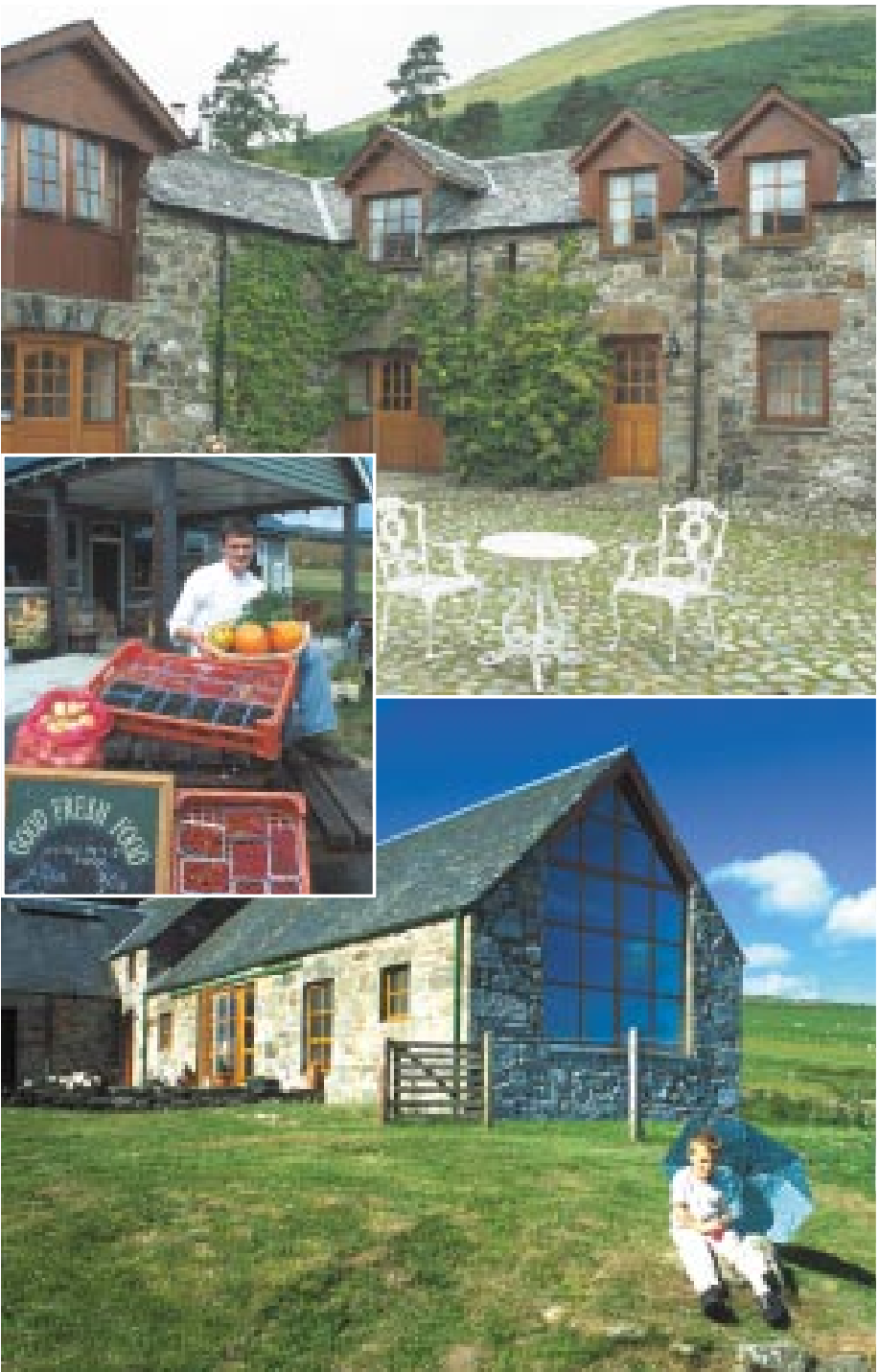


A Guide to
**Farm Diversification and
Planning Permission**
in Scotland



Introduction



Agriculture is essential to rural communities, the rural economy and the environment. Around 70,000 people in Scotland are directly employed in agriculture, with significant numbers employed indirectly in downstream and ancillary industries.

Despite high levels of Government support, farming incomes have been badly depressed in recent years. Many farmers are therefore looking at new ways to generate income outwith mainstream agricultural activity. Although diversification will not be practicable for every farmer, well planned and reasoned projects can create new sources of income for farmers, and can enhance the range of facilities available in our rural areas.

Your land and buildings are assets that can be used to supplement your income from farming. Many farmers have already found success by diversifying into alternative enterprises to mainstream agriculture. Some farmers have allowed others to use buildings or land to bring new enterprises onto the farm.

In some cases planning permission will be required for a farm diversification project. This booklet explains the process you should go through if you want to diversify your farm business, and highlights some examples of recently successful projects.



Our Vision

The Scottish Executive is committed to a developing and thriving rural economy that sustains communities and takes proper care of the environment. The planning system has an important part to play in this. The relationship between town and country is changing and modern technology is allowing new types of work to locate in rural areas. Planning policies for rural areas should enable them to develop and thrive without damaging environmental quality. National Planning Policy Guideline 15 on rural development encourages planning authorities and other organisations to adopt a more positive and proactive approach to providing development opportunities.



Do I Need Planning Permission?

Most activities connected with mainstream farming and forestry do not need planning permission. However, if you propose to develop a project outwith mainstream farming the possible need for planning permission has to be examined carefully.

If you propose to alter the appearance of an existing building substantially, convert a building to a different use, develop a new building for a use not classed as agriculture or forestry or construct a new access or car park then you will generally need planning permission. Planning permission is also necessary for any larger agricultural buildings either over 465 square metres or 12 metres in height and any building for the keeping of livestock for non-agricultural purposes, such as horses. Planning permission is normally not required if you are planting woodland or changing crops or livestock.

It is always worth checking first with your planning authority even if you think that your proposed project does not need planning permission. You can phone them for informal advice, but you need to obtain confirmation in writing before taking any positive action based on such advice. If you go ahead without the necessary planning permission your planning authority could take enforcement action against you, which could require you to stop an activity or demolish a new building.



The Town and Country Planning (General Permitted Development Order) (Scotland) 1992 Class 18 allows a wide range of agricultural and forestry developments to proceed without the need for a full planning application. Some temporary uses of land are also permitted if they run for no more than 28 days in a year.

Most typical building, excavation and engineering operations for the purpose of farming or forestry are permitted development. But there are exceptions where planning permission is needed, such as development of livestock, sewage or slurry structures within 400 metres of a building normally occupied by persons not involved in farming, or development within 25 metres of a trunk road. Your planning authority can tell you what is, or is not, permitted development.

Whether or not planning permission is required, careful consideration should always be given to the siting and design of any new development. Advice on siting and design can be obtained from your planning authority.

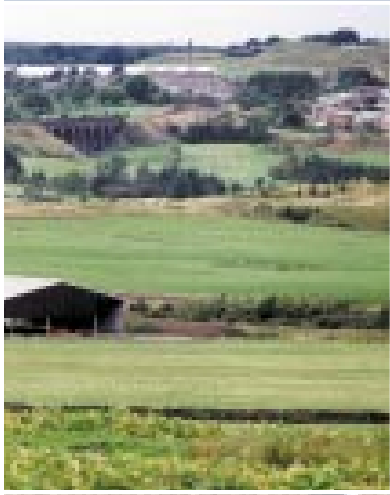


Prior Notification



In 1992, because of concerns about the environmental impact of some substantial new buildings in rural areas, additional referral arrangements for farming and forestry buildings were introduced.

The planning authority has to be informed about the erection of any new agricultural or forestry buildings, significant extensions or alterations to existing buildings and the alteration of a farm or forestry track. This is not a planning application, although there is a fee, currently £42.

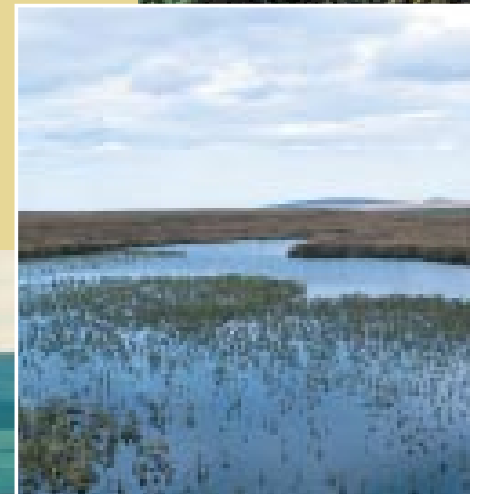
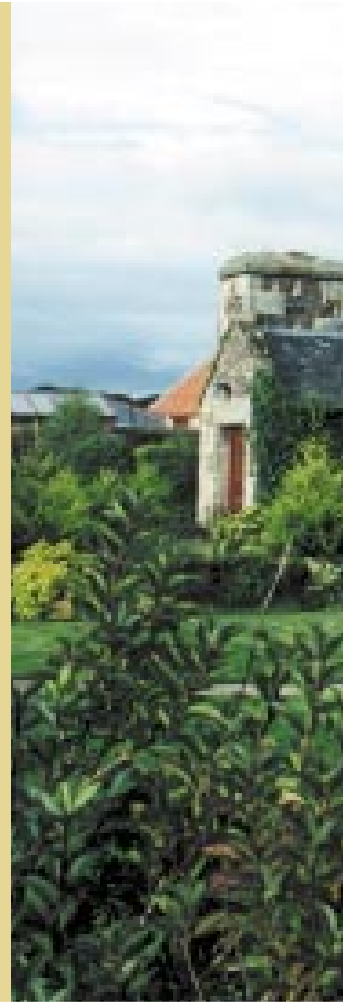


The purpose of the referral is to allow the environmental impacts to be considered and to ask for any changes in siting and design to be made. The authority has 28 days to decide whether to then ask for full details to be submitted for prior approval of the siting, design, external appearance and means of construction. This is required only if the authority considers that the proposal is likely to have a significant impact on its surroundings. Most notified proposals do not have such an impact and will be allowed without further details having to be submitted.

Environmental Designations

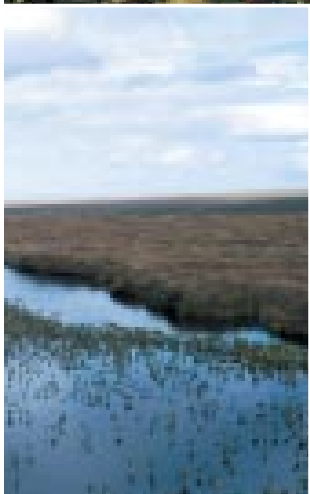
Your permitted development rights may be restricted if your farm is situated in or near an environmentally designated area such as a Special Protection Area (SPA) and Special Area of Conservation (SAC), or within a National Scenic Area (NSA) or Site of Special Scientific Interest (SSSI). You should ask the planning authority or Scottish Natural Heritage whether there are any special designations affecting your proposed site and the implications for your application.

Designation as an Environmentally Sensitive Area (ESA) does not bring with it any special status within the planning system, such as restricting permitted development rights.





Steading conversion, East Lothian



Historic Environment

Some farm buildings are also listed buildings of special architectural or historic interest which must not be demolished or altered in any way without the consent of the planning authority. In a very few cases, farm land may fall within a conservation area which is designated for its historic interest. Permitted development rights are restricted in such areas.

Popular Types of New Development Needing Planning Permission

Conversion of redundant farm buildings

Conversion of redundant farm buildings to uses other than agriculture, for example accommodation for let or private use, workshops, offices or sport and recreation facilities will require planning permission even if there are no structural alterations. Planning authorities will generally be more in favour of projects that use redundant buildings instead of developing new ones.



Bunkhouse, Perthshire



New houses

Planning permission is required for all new housing. Building new houses for sale on a farm may not be seen as diversification by your planning authority. Nevertheless, it is one way in which you may be able to realise part of the value of your land. The development plan should indicate where housing is possible. You can view the development plan and ask questions about it at your planning authority. Particular regard should be given to the siting and design of new housing in the countryside, and advice is contained in our Planning Advice Note 36. Many planning authorities will oppose new housing in the countryside unless it is needed in connection with agriculture, forestry or other established rural businesses. Other planning authorities, particularly those in remote rural areas, may be more supportive of new housing, especially proposals intended to meet local needs.





Tourist accommodation

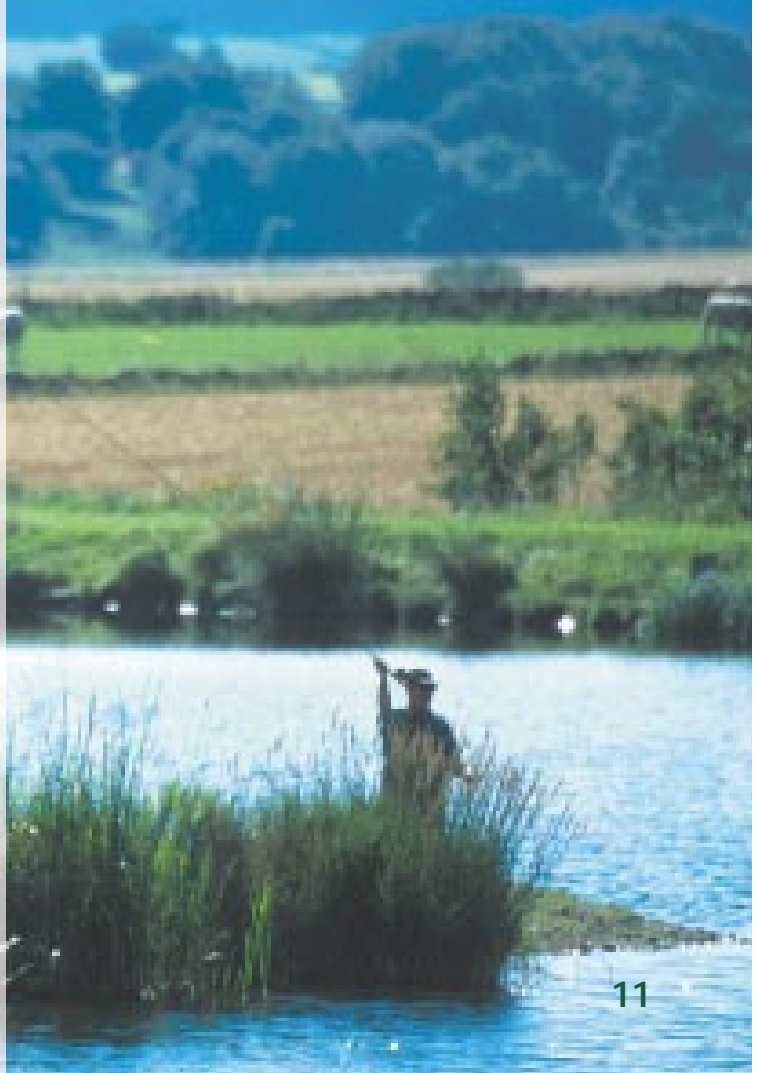
The use of farmhouses for 'Bed and Breakfast' accommodation will only need planning permission if the main use of the house is no longer as a family dwelling. Development of self-catering accommodation, hostels, bunkhouses or chalets will usually require planning permission.

Restaurant and accomodation, Stirlingshire



Visitor facilities

Tearooms, restaurants, riding schools, pony-trekking centres, off-road driving centres and war game centres are likely to require planning permission. Diversifying into providing small scale educational facilities, such as demonstrating farm jobs or providing facilities for bird and wildlife watching are less likely to require consent. The main considerations in assessing any visitor facilities will be the size and design of buildings, the amount of traffic generated, the standard of the road access and exits from your farm, the design of the parking facilities and any other environmental impacts.





Golf course, East Lothian

Golf facilities

Some farmers have used low quality agricultural land to develop golf course or golf driving ranges. These golf facilities will require planning permission.



Visitor attraction, West Lothian

Food processing

The need for planning permission usually depends on the scale of the operation. Small processing operations, ancillary to the farm use, will not need planning permission. However, food processing operations that require raw produce to be brought onto the farm for processing, packaging and onward distribution to retailers, or which generate large volumes of traffic, particularly on to a busy road, will require planning permission.

Pick your own

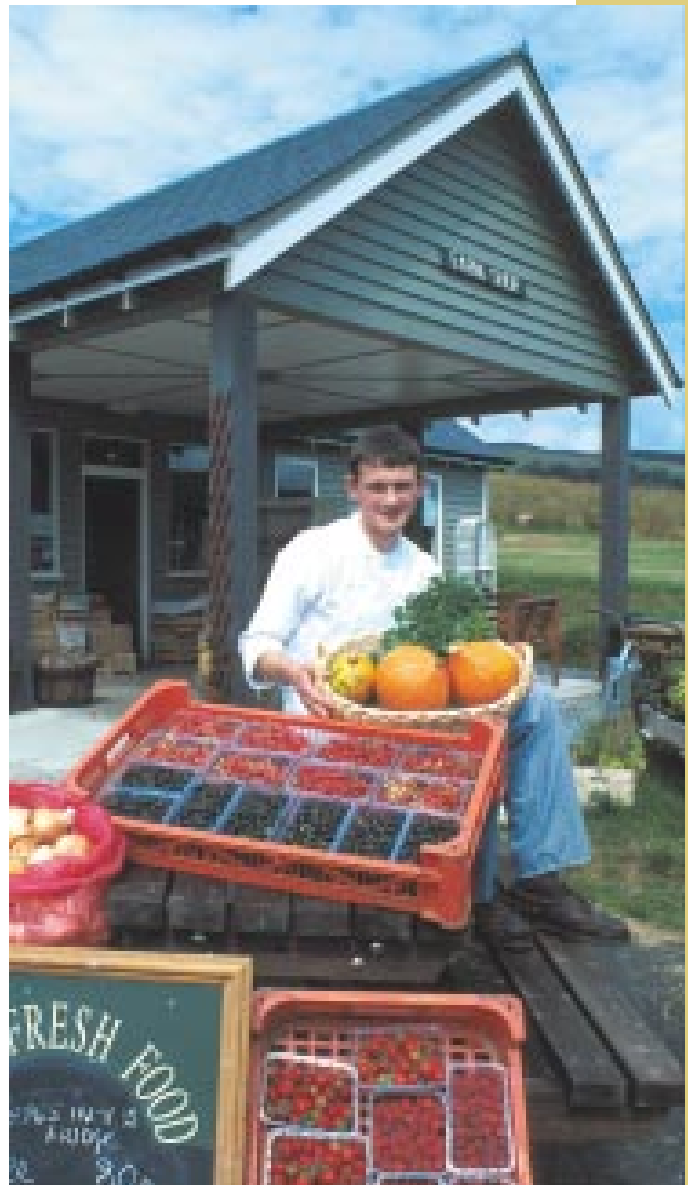
The need for planning permission depends on the scale of the operation and the volume and type of traffic generated.

Caravan and camping

If you propose to locate caravans on your farm you should contact your council. Certain permitted development rights are given particularly if you have a site certified by an organisation such as the Caravan Club. In most other cases planning permission will be needed for caravans.

Farm shops

If a farm shop is ancillary to the farm and is in an existing building, planning permission is not normally required. However, if a significant percentage of the goods sold are brought in for sale from outside the farm then planning permission will be required. The planning authority's main consideration is likely to be the nature and scale of the shopping activity together with the amount of traffic it will generate.



Farm shop, Perthshire

Preparing for Diversification

Consider your options

A wide variety of successful diversification projects have already taken place on many farms across Scotland. This has accelerated in recent years. There is now an abundance of experience which can be shared to increase understanding. Speaking to farmers who have already diversified will help you decide whether your business idea could succeed. They will have valuable experience and be able to inform you of the local market conditions, the skills and resources required and the actions you need to take to make your business idea a reality. It is always worth making a visit to see first hand how others have successfully diversified.

Scientific, technical, business, environmental and conservation advice can be obtained from your nearest Scottish Agricultural College (SAC) office. SAC maintains a Farm Diversification Database on alternative enterprises, which can give you some ideas and general information to help you make an informed decision.

Local tourist boards and local enterprise companies may also be able to assist you with information, for example visitor numbers, local strategies and priorities in your area.

A list of useful websites, addresses and phone numbers is provided at the back.

Business viability

Before spending money on submitting a planning application you should consider the business requirements. A business plan is the standard means of deciding whether your proposals are financially viable. Although a business plan is not essential, most banks, building societies or funding organisations will ask for a plan if they are to lend you money or pay grants. Your local enterprise company will be able to give advice on preparing a business plan. They also have extensive local knowledge and business expertise and can offer a wide range of business development and training services.

Available financial support

The Scottish Executive Environment & Rural Affairs Department (SEERAD) can provide financial support to diversification projects as part of separate schemes for the Highlands & Islands (which includes European Union resources) and lowland Scotland. The Agricultural Business Development Scheme (ABDS) and the Farm Business Development Scheme (FBDS) fall within the scope of the European Union Rural Development Regulation.

Farm shop, gallery and tea room, Perthshire

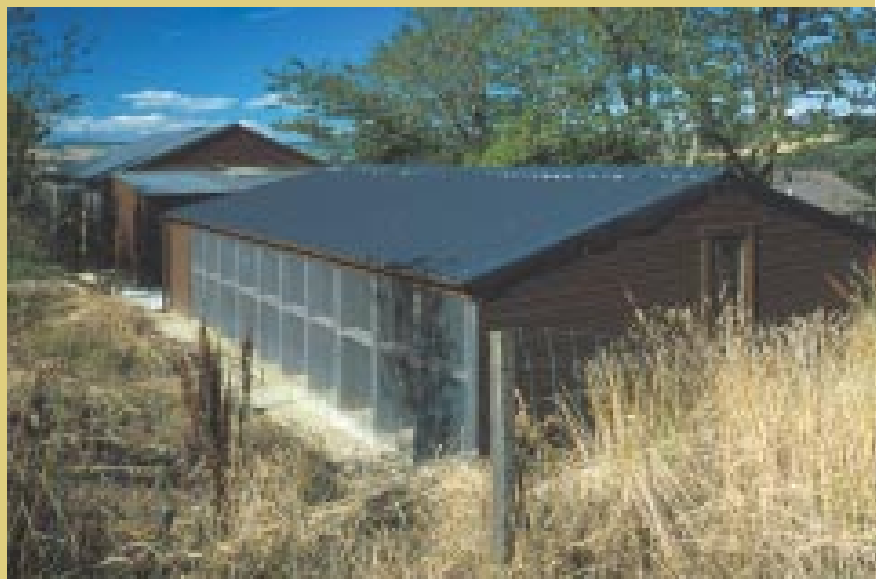


The purpose of the Schemes is to provide financial support to farming families to develop new enterprises or to support the expansion of an existing diversified activity. Activities eligible for grant assistance include the provision of facilities for tourism, leisure and recreation, alternative agriculture, residential letting and rural services. Assistance with associated training and marketing is also available. Both Schemes are competitive and discretionary, application is not guarantee of success. For further information contact SEERAD on 0131 244 6167.

The Agriculture Processing & Marketing Grant Scheme can provide assistance to a wide range of applicants including individuals, partnerships, groups of producers and private or public companies that process or market primary agricultural produce. Separate schemes operate in the Highlands and Islands and lowland Scotland with maximum rates of public assistance up to 50% in the Highlands and Islands and 40% in Lowland Scotland. The priorities for assistance under both schemes are in the main projects which add value, involve collaboration and develop new products and markets. The principal priority of the scheme is to ensure that tangible lasting benefits accrue to the primary agriculture sector. For further information contact SEERAD on 0131 244 6253.

The Rural Stewardship Scheme is the main plank in Scotland's agri-environment programme. It helps promote a viable and environmentally friendly farming industry by providing financial support for farming methods that protect and enhance Scotland's landscape, habitats, wildlife and historic environment.

In addition to SEERAD, advice on grant aid is available to farmers from the Scottish Agricultural College. SAC advisers are familiar with all grant schemes available to Scottish farmers and will be pleased to assist you in completing grant scheme applications and assessing the impact on your business. You can also contact FWAG Scotland (Farming and Wildlife Advisory Group) for expert and up-to-date conservation advice and guidance on grant aid.



Boarding kennels and cattery,
Aberdeenshire

Preparing your Planning Application

At an early stage your planning authority will be able to provide general advice. They will also be able to tell you where you can view and ask questions about the development plan for your area. Development plans are the basis for decisions on planning applications and will tell you about:

- policies for development allowed in the countryside;
- what land is designated as greenbelt or protected in some way because of its nature conservation or landscape quality;
- what the planning authority's policies are on individual topics such as farm diversification, economic development, tourism, rural housing, recreation or retailing; and
- development projects or proposals likely to affect your property.



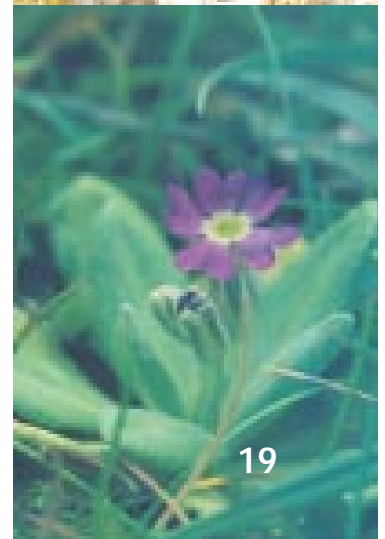
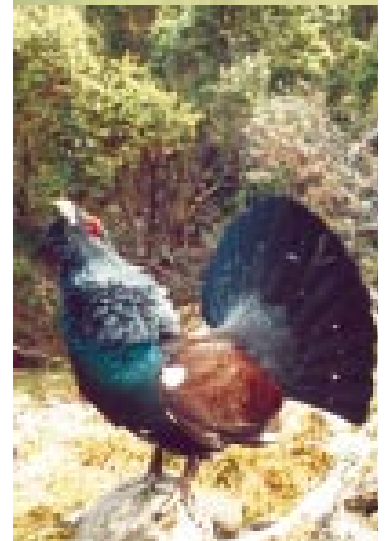
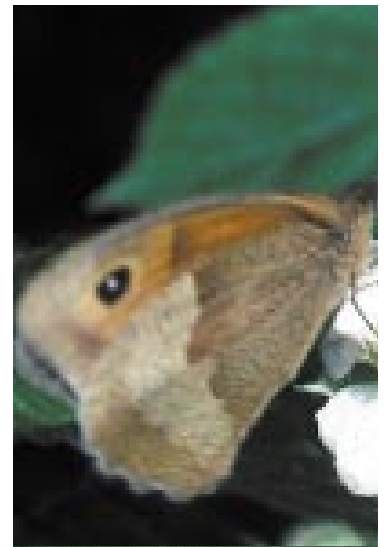
Conforming to the development plan and listening to advice from the planning authority when designing your project will increase the likelihood of success. Some planning authorities have supplementary guidance notes that may also be of assistance to you. Discussing your proposal with your planning authority before submitting an application can save time and prevent difficulties later on. These discussions are free.

There are obvious financial advantages in preparing an application yourself. However, it may be beneficial to get some help from professional advisers such as planning or agricultural consultants, architects, surveyors or solicitors.

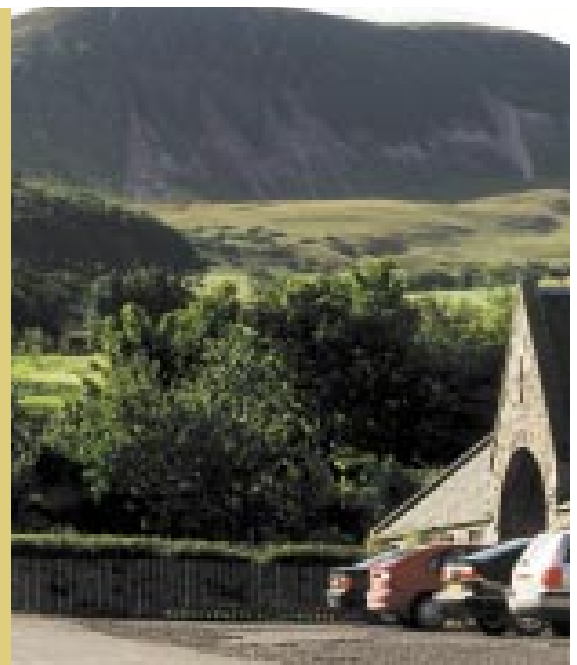
You should try to have in mind, when preparing your planning application, what sort of things the planning authority will be concerned about. Clearly the larger and more complex the application the more thought you need to put into it, although, on the whole, preparing a planning application should be relatively straightforward. It is worthwhile however speaking to planning staff using the following general checklists if you are in any doubt.

When designing any diversification project you should consider the following:

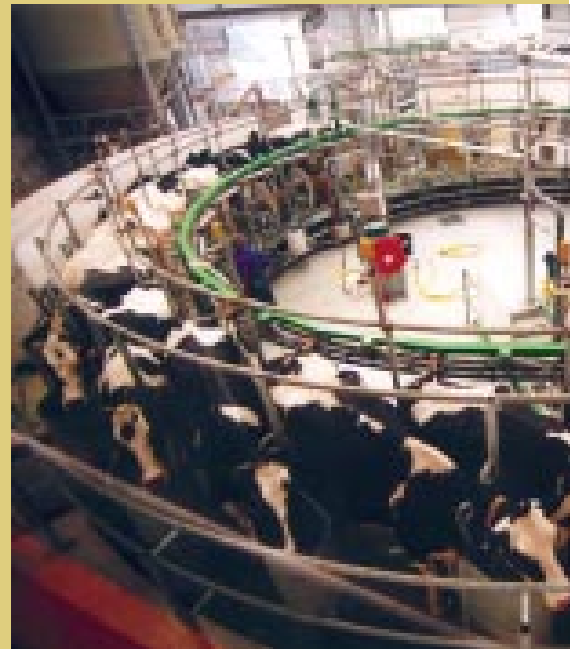
- your local community, particularly your neighbours;
- landscape, wildlife habitats and historic features; and
- traffic, water, sewage, noise and pollution impacts.



Steading conversion, West Lothian



Business centre, near Edinburgh

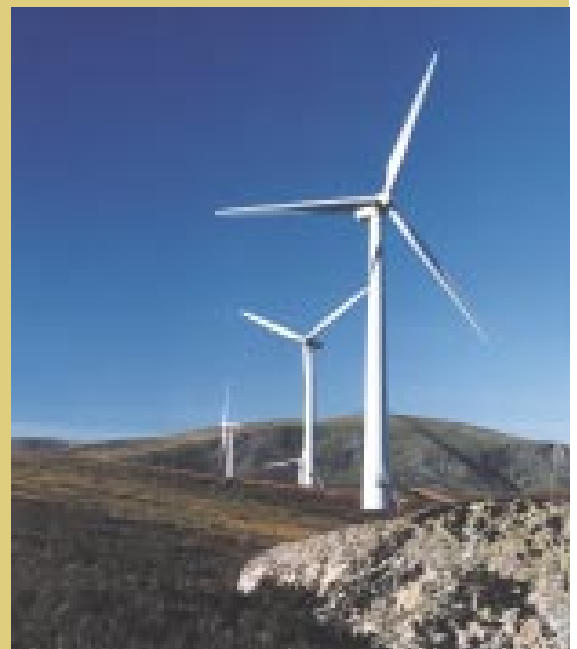


Farm visitor centre, Morayshire



Bird watching, Islay

Wind farm, Novar, Highland





Your planning authority will normally consult other organisations when considering the application. In some instances, they may advise you to consult one or more of these organisations before making an application. This can save time by resolving sensitive issues early on. This is particularly valuable when an application:

- raises potential sewage, water or flooding issues;
- affects a historic structure or its setting;
- lies within an environmental designation; or
- is likely to affect road safety.



You should concentrate on the positive aspects of your development that will favour permission being granted. For example:

- careful siting in the landscape;
- good architectural design and use of materials;
- reference to vernacular and local character;
- reuse of derelict buildings;
- improved public access;
- creating or enhancing natural habitats, perhaps by planting woodland or creating wetland;
- providing new or alternative employment; and
- community benefits.



How to Apply

Who can apply?

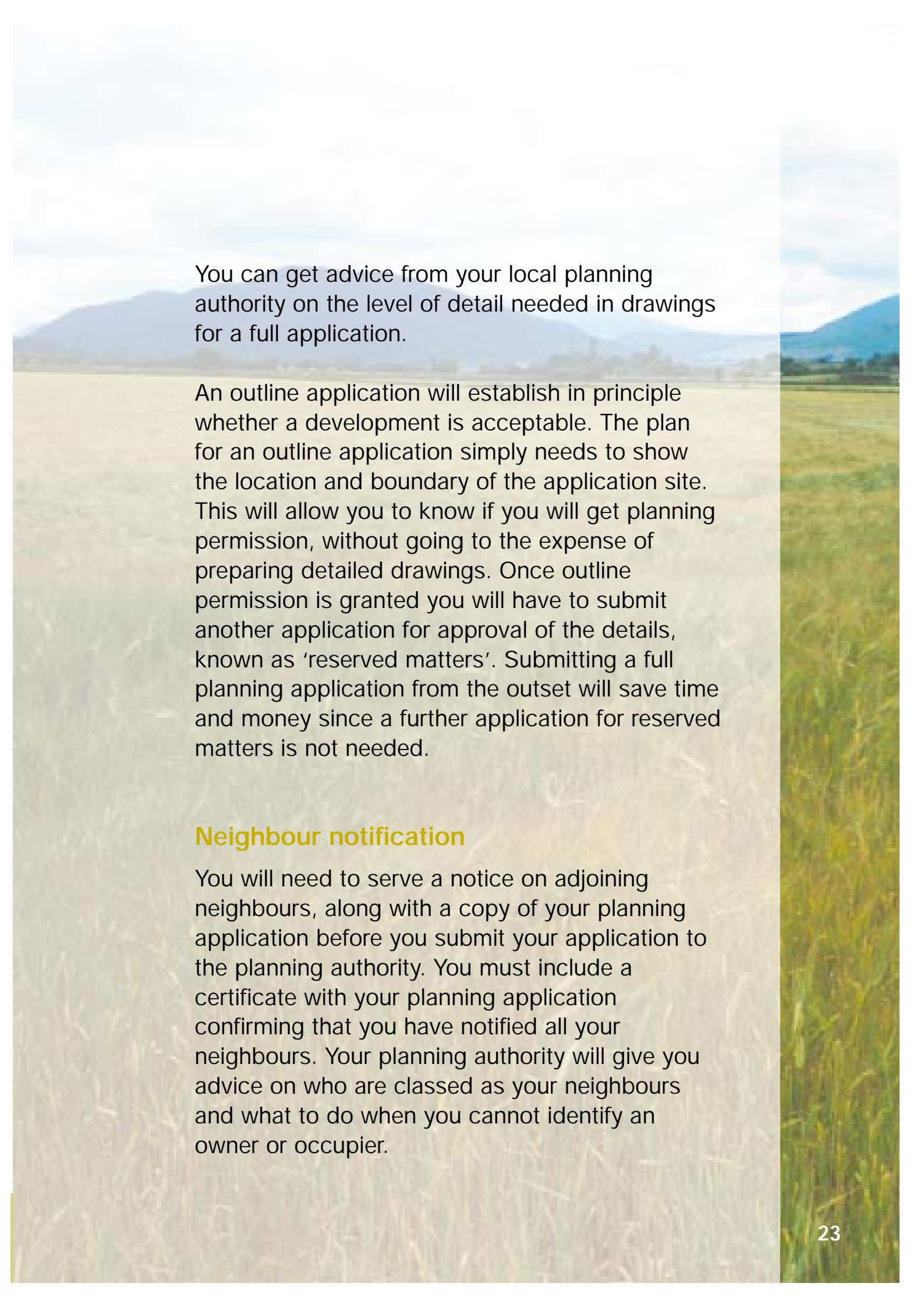
Anyone can apply for planning permission, whether or not they own property or land. However, if you are not the owner, or only have part ownership of your land, you will have to inform the owner or other part owners. Agricultural tenants must always be informed.

The planning application

The planning authority will provide the appropriate form and information on the fee required, which is not refunded if planning permission is refused or the application withdrawn.

You can apply for outline or full planning permission, you will need to decide which is appropriate for you. In most cases a full application will be the most appropriate.



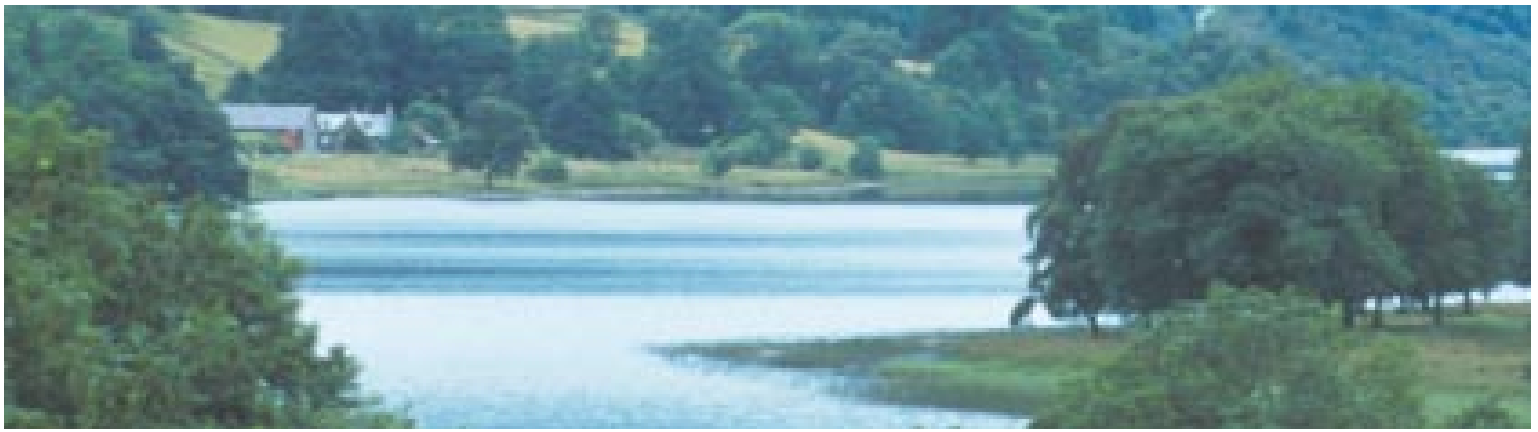


You can get advice from your local planning authority on the level of detail needed in drawings for a full application.

An outline application will establish in principle whether a development is acceptable. The plan for an outline application simply needs to show the location and boundary of the application site. This will allow you to know if you will get planning permission, without going to the expense of preparing detailed drawings. Once outline permission is granted you will have to submit another application for approval of the details, known as 'reserved matters'. Submitting a full planning application from the outset will save time and money since a further application for reserved matters is not needed.

Neighbour notification

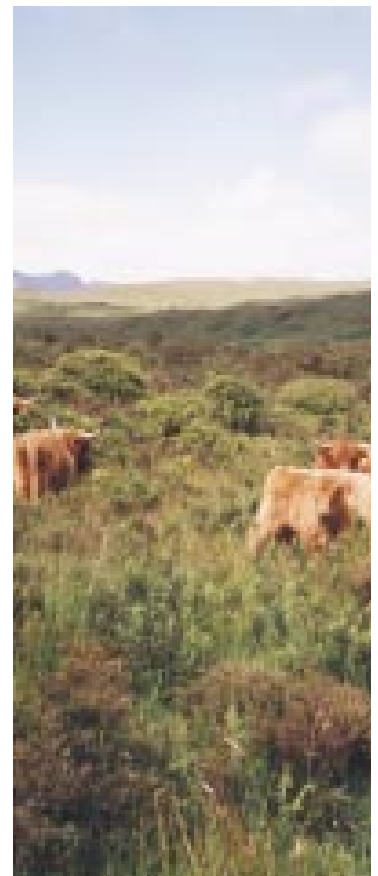
You will need to serve a notice on adjoining neighbours, along with a copy of your planning application before you submit your application to the planning authority. You must include a certificate with your planning application confirming that you have notified all your neighbours. Your planning authority will give you advice on who are classed as your neighbours and what to do when you cannot identify an owner or occupier.



What to send to the planning authority

This is clearly and simply set out in most planning application forms. You should send the following to the planning authority.

- Up to 4 copies of the application form and plans.
- A certificate confirming that you have notified the neighbours of your application.
- A certificate confirming that you are the landowner or that you have informed the landowner or a leaseholder with at least 7 years of a lease to run.
- A certificate confirming that you have notified any agricultural tenant of the application.
- The fee. The size of the fee is dependent on the type of application and scale of the development. Applications to develop or convert a building for one housing unit will normally be £210. Your planning authority will tell you the necessary fee.





The decision process

The planning authority normally makes a decision within 2 months; although decisions on complicated and controversial applications can take longer. The decision should be made in line with the council's development plan unless material considerations suggest otherwise.

A 'material consideration' is a planning matter which is relevant to the application. This can include national planning policy considerations, comments by the public, organisations or people consulted, the design of the proposed development, vehicle access or the impact on the environment. The planning authority will decide how important these material considerations are.

Planning decisions on minor or straightforward applications are normally delegated to planning officials. The planning committee, which is made up of elected councillors, decides more significant or controversial applications.

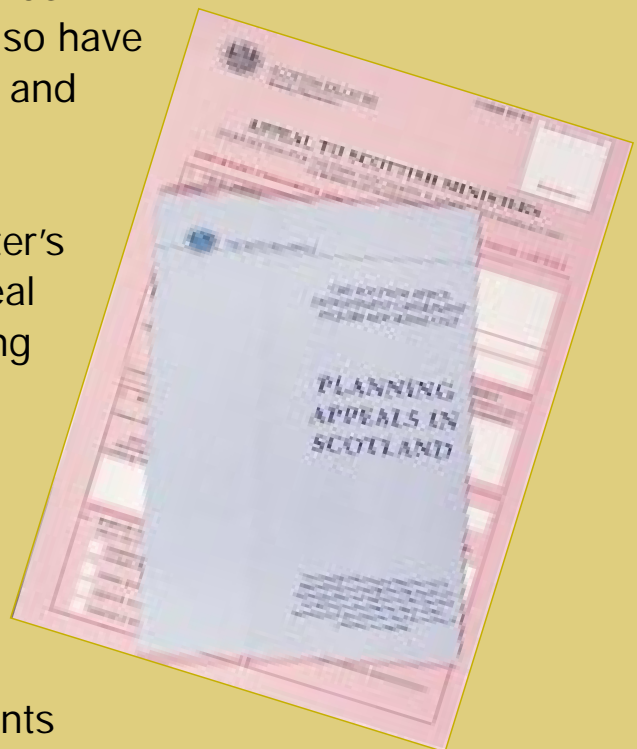
The planning authority can:

- grant permission without conditions;
- grant permission with conditions; or
- refuse permission.



What if I am Refused Permission or Don't Like the Conditions Imposed?

If you are refused permission you should talk again with the planning authority since changes to your proposal may overcome any objections. There is normally no additional fee to pay if you reapply within 12 months of the decision with a proposal on the same site that has changed only marginally. You also have the right to appeal the decision and any conditions to the Scottish Ministers. Appeals should be submitted to our Inquiry Reporter's Unit. You must make your appeal within six months of the planning authority's decision.



Other Consents

You may well need other consents depending on the nature of the project, for example a building warrant or road construction consent. Your local council can give you advice on what is needed. See the annex for further information.



Where Can I Find More Information?

Scottish Executive

You can write to us about planning matters at Planning Division, Victoria Quay, Edinburgh, EH6 6QQ.

For help over the telephone about planning in Scotland, call 0345 741 741 Monday to Friday, 9am to 5pm, and ask for the planning helpline. Your call will be charged at the local rate.

Our planning website gives details of planning legislation, National Planning Policy Guidelines (including NPPG 15 Rural Development), Planning Advice Notes, and information on performance and good practice by planning authorities.
www.scotland.gov.uk/planning

For information about appeals, please contact our Inquiry Reporters Unit: SEIRU, 2 Greenside Lane, Edinburgh, EH1 3AG. Telephone 0131 244 5649.

Information on new SEERAD schemes can be obtained from the Department's HQ in Edinburgh. You can telephone 0131 244 6171, or write to SEERAD, Room 257, Pentland House, 47 Robbs Loan, Edinburgh, EH14 1TY.



Local Enterprise Company

Your local enterprise company will be able to give you advice on developing your business package. Their telephone numbers are in the Phone Book, alternatively you can contact:

Scottish Enterprise

5 Atlantic Quay, 150 Broomielaw, Glasgow, G2 8LU.
Telephone 0141 248 2700. www.scottish-enterprise.com

Highlands & Islands Enterprise

Cowan House, Inverness Retail and Business Park, Inverness, IV2 7GF. Telephone 01463 234 171. www.hie.co.uk

Scottish Agricultural College

Can give advice on agriculture, rural development and conservation. For your nearest SAC office (see local Phone Book) or telephone 0131 535 4192.
www.sac.ac.uk/diversification

FWAG Scotland

The Rural Centre, Ingliston, Midlothian, EH28 8NZ.
Telephone 0131 472 4080. www.fwag.org.uk

Historic Scotland

Can give advice on listed buildings and ancient monuments.
Historic Scotland, Longmore House, Salisbury Place, Edinburgh, EH9 1SH.
Telephone 0131 668 8777. www.historic-scotland.gov.uk



Scottish Natural Heritage

Can give information on the natural heritage and grants for interpretation: SNH, 12 Hope Terrace, Edinburgh, EH9 2AS. Telephone 0131 447 4784. www.snh.org.uk

Planning Aid for Scotland

A charity offering advice and support on planning for individuals and groups: PAS, Bonnington Mill, 72 Newhaven Road, Edinburgh, EH6 5QG. Telephone 0131 555 1565. www.planning-aid-scotland.org.uk

Royal Town Planning Institute in Scotland

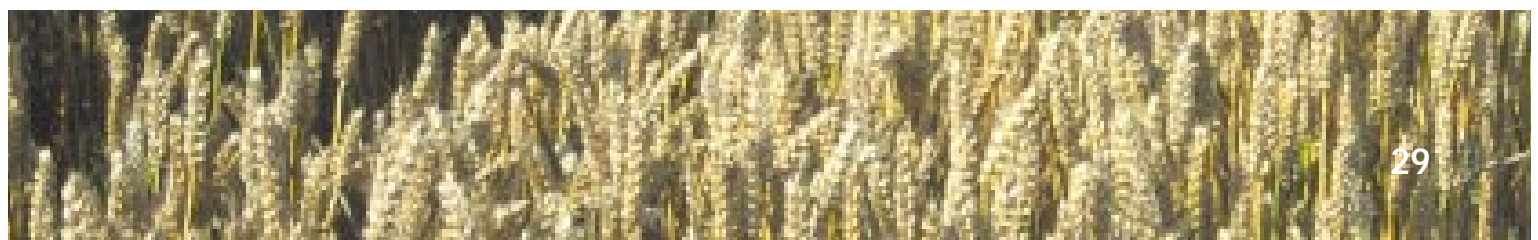
The professional organisation of town planners: RTPi, 57 Melville Street, Edinburgh, EH3 7HL. Telephone 0131 226 1959. www.rtpi.org.uk

Royal Institution of Chartered Surveyors in Scotland

Can suggest appropriate chartered surveyors: 9 Manor Place, Edinburgh, EH3 7DN. Telephone 0131 225 7078. www.rics.org.uk

Royal Incorporation of Architects in Scotland

Can suggest appropriate architects: 15 Rutland Square, Edinburgh, EH1 2BE. Telephone 0131 229 7545. www.rias.org.uk



Annex - Other Consents

Building Control

Any alteration to a building or change of use of a farm building to another purpose will need a building warrant. Advice is available from your local council's building control office.

You should complete and return to your local council an application for a certificate of completion, together with a certificate of compliance for the electrical installation where appropriate when the warrant work is complete. Some grants available to farmers for diversification projects will only be paid once these certificates have been obtained.

Road Consent

Road construction consent is needed for the construction of a new road, extension of an existing road or alteration to your access. Your local roads authority can advise you when road construction consent is needed.

Advertisement

Your planning authority will advise you whether an application for advertisement consent is needed or not. It is usually illegal to display any advertisement on a road and in some cases on land adjoining the road without the consent of the roads authority.



Scheduled monument consent

Any works that affect a scheduled monument will need scheduled monument consent. If you propose to carry out works to or near a scheduled monument you must contact Historic Scotland.

Listed Building consent

If you propose to demolish or alter a listed building you must first obtain listed building consent. Applications for consent must be made to your planning authority.

Caravan sites

Land cannot be used as a caravan site without a site licence. Your local council can issue a site licence. The council can advise you of the limited circumstances where a site licence is not required.

Pollution

If you propose to discharge substances into the air, land or water or affect the drainage of land in your area you may need a licence from the Scottish Environment Protection Agency (SEPA).

Health and Safety

If you will be handling food in a farm shop, restaurant or processing operation you should contact the environmental health service of your council. There are also safety requirements that must be kept if large numbers of people are likely to visit your farm. Advice is available from the Health and Safety Executive.

Public Utilities

The adequacy of public electricity, water and sewage supplies must be checked with the appropriate organisation if you intend to connect to them. If you intend to use local arrangements such as springs and wells or septic tanks and soak-aways you will need to satisfy the requirements of your council's building control service and possibly SEPA.



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*The address of your local
planning department is:*

