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**INTRODUCTION**

This research is part of a wider project to explore the potential of the urban fringe for food production. That research is commissioned by an organisation called ‘Making Local Food Work’ and is being carried out by f3-local food consultants and the Countryside and Community Research Institute.

Adam Sheppard and I were commissioned to contribute to the main project by exploring the perceived barriers that the planning system might place in the way of utilisation of the peri-urban space for food production.

**CONTEXT**

The context for the study is a changing one

‘The Transition Network’ organisation is one example of a group practically preparing for a life with less oil and a changing climate.

As part of that network we have seen the emergence of ‘Transition Towns’ – trying to provide for sustainable local food supplies:

‘...the need to rebuild around our settlements the food systems which supply the bulk of their needs, designed to function beyond the availability of cheap liquid fuels’

These movements emphasise the importance of the peri-urban space – including for use for small holdings, starter farms and allotments

Peri-urban space was originally seen as a simple spatial definition of the city’s perimeter or ‘rural-urban fringe’ but it now also refers to blended forms of land use and, potentially, lifestyles. It has become a more complex and dynamic space with varying, and sometimes competing, roles and uses. The space will have different characteristics in different locations. In affluent nations or regions, peri-urban issues will be those of landscape integrity, heritage,
environmental quality and rural residential development supplanting productive farmlands.

In less affluent regions, such as cities in Africa, Asia and Latin America, peri-urban concerns are ones such as major pollution of land and waterways, poverty, informal settlements and slum living conditions.

One thing stands out - it is a transitional space, and one that is difficult to define; it is the town-country border dimension.

There is growing momentum in the drive to re-examine our food growing, consumption and management strategy, with an emphasis upon local sourced food from the per-urban space. Work such as that by Julie Brown of Growing Communities identified food zones around London, suggesting what food could best come from where and is an initial attempt to illustrate what percentage of our food we might aim to source from different zones: starting with the urban areas in which most of us live and applying a kind of food subsidiarity - raising what it is best to raise as close as we can and then moving outwards.

Recent (2012) publication based on the main research project I referred to earlier - 'Food from the urban fringe: issues and opportunities for making local food work' highlights the potential of the urban fringe – close to customers, efficient and sustainable agriculture etc. All this makes it ideally suited to small scale producers. Legacy factors also mean small scale producers often found in the area already. The report also identifies the barriers, of which planning is one.

So turning to planning; in the UK planning emerged from a desire and need to do two things: first, manage urban space and second, protect rural space. Since the foundation of the system in 1947 settlement boundaries have tended to be demarked by fixed black lines, differentiating the urban from the rural

As a result of this black and white divide peri-urban space is not commonly recognised specifically in policy; the space typically falls within the countryside for the purposes of planning policy, but will often include the urban fringe of settlements, small settlements and development alongside transport corridors. It will therefore be a transitional space. It will also be a space identified with significant policy designations. In the context of this work the most significant of which is perhaps Green Belt.
Planners have tended to use the term urban fringe is more than peri-urban but the latter term is now becoming more widely used to reflect the dynamic and complex nature of the space, rather than emphasising the simple transition from urban to rural.

In planning policy terms protection of landscapes, agricultural productivity, and biodiversity have been the main themes in this fringe space. They have been seen as complementary to each other.

Urban spaces are also managed in isolation of what lies beyond the ‘black line’

Along with the policy objectives just mentioned there is a development management/control system which is seeking to balance interests. It is clear that the many conflicts with policy objectives that new activity can bring tests the current planning approach. There is a lack of recognition of unique nature of this space in some cases and, specifically, a lack of focus upon it.

Other research has explored the urban-fringe and the use of planning tools such as Area Action Plans (see Gallent and Shaw). Some local authorities are actively starting to plan for the peri-urban space, such as South Hams, Plymouth City and Devon CC who are currently consulting on a joint approach to the urban fringe around Plymouth. This has multiple aims, one of which relates to food production. This includes the identification of two parks as locations for community food growing. South Swindon (North Wessex Downs) has produced an action plan for the urban fringe area.

Recognition of the uniqueness of this space and attempts to pro-actively plan is positive, but the challenge remains in relation to how to manage space and deliver increased local food production specifically when there are inherent conflicts and competing demands. The policy approach, legal framework and development management/control is a key element of this challenge.

Planning policy is generally supportive of agriculture. Indeed it has little choice but to be as when the planning system was established in 1947 agriculture was deliberately left outside of planning control. However once we move beyond simply the production of food and we enter the world of, say, processing we are in
a different regime, one that is often defined as non-agricultural and we face a more challenging policy environment.

Landscape and biodiversity protection and environmental health/amenity questions pose challenges and are often conflicting with agricultural production.

When it comes to food production the law on what does and does not need planning permission has not kept pace with fashion. In the peri urban space this has led to complexity and misunderstanding.

AGRICULTURE AND THE LAW
When it comes to the law there are three main principles to keep in mind:

1. Everything done to land or buildings that is classed as development needs planning permission
2. Not everything is development, many things are not and knowing what is and is not development is very legal
3. Things that are development, and which therefore need planning permission, can get that permission in two main ways:
   a. If they are regarded as having a relatively small impact on the environment they are automatically given planning permission by the government – these are known as permitted developments. A list of these is contained in the GPDO.
   b. If they have potentially bigger and more harmful impacts then more thought is needed as to whether they should go ahead; so permission is not automatic and it must be applied for to the LPA who can give the correct degree of consideration to the impact the proposal might have.

So now applying these principles to farming...

As I have mentioned the 1947 act that set up today’s planning system exempted agricultural use of land from needing planning permission. It did this by stating that the agricultural use of land is not development. So clearly it would now help to know what is covered by this term ‘agricultural use’. When it comes to food production there is a legal definition of ‘agriculture’ given in section 336 of the Town and Country Planning Act 1990. It includes: horticulture, fruit growing, seed growing, dairy farming, breeding and keeping livestock, use of land for grazing, meadow land market gardening and woodland used in connection with agriculture.
Significantly, the exemption from needing planning permission only relates to ‘uses.’ New buildings on the farm or activities often associated with farming such as food processing are not exempt from being classed as development. Storage facilities, for example might well be ‘development’ and require permission. Production and processing activities also, for example, could be defined as non-agricultural.

Of course, these legalities make for a confusing picture when we introduce different scenarios, including that of the peri-urban area being used for food production. There are a number of different issues that emerge when applying these broad definitions of ‘agriculture’ and ‘food production’ to urban housing, allotments, very small holdings, smaller holdings and large farms.

**DWELLINGHOUSES**

Within the curtilage of a dwelling house activity that is ‘incidental to the enjoyment of the dwellinghouse as such’ not development. Such activities would not only include the growing of crops for personal consumption, but also the keeping of poultry, bees, birds or other livestock for the personal needs of the occupants of the dwellinghouse i.e. not for trade or business.

The erection of buildings to support such activities would be development but, within specified criteria, would be permitted development so there would be no need to bother the LPA with a request for planning permission.

This would not override any covenant in existence on the property e.g. one prohibiting the keeping of animals.

Should someone decide to use their garden for agriculture for trade or business then permission would be required and significant environmental health issues associated with garden based agriculture would emerge: amenity implications including noise, smell (neighbours); plus transport, parking & access + sustainability of the location for a ‘business’ etc, so it may be unlikely to get planning permission in many instances.
**ALLOTMENTS**

They are often established on the grounds that they would be used for recreational use, not agriculture. Recreational use does not allow for commercial food production nor does it carry with it any significant permitted development rights.

More often than not allotments are not used for trade or business. In such a case they have no permitted development rights so any building on site does need planning permission.

When used for trade or business the law considers allotments as agricultural. and with very few exceptions that are not worth bothering with here, planning permission will also almost certainly be needed for all new buildings on allotments associated with trade.

The site management and legal issues around the setting up of allotments such as land covenants and using the tenancy agreement to prohibit business use, limit the potential for use of allotments to go far beyond personal self-sufficiency.

**SMALL HOLDINGS – UNDER 0.4HA**

Small holding originally referred to a legal status for tax exempt, self sufficiency plots set up to help the poor and soldiers returning from war. Now it is a more generically used term. Planning law does not use the term per se, it simply deals with anything above the size of the allotment in three size categories.

The first of which is those under 0.4ha.

Creating a small holding needs planning permission as it constitutes the formation of a new planning unit and it involves putting up buildings and other structures on site. Once established a so called, small holding under 0.4 hectares does not have any permitted development rights so all changes, except to the way in which the land is used agriculturally, needs planning permission.

The planning system is generally supportive of agricultural development where a need for the building to support the agricultural activity can be demonstrated, but in the peri urban zone especially there are implications regarding impact – conflict with landscape implications and, potentially, biodiversity protections that might result in applications being refused.
SMALLHOLDING - 0.4-5ha
The second category is the larger small holding of between 0.4-5ha

Larger small holdings are often indistinguishable from small farms. Again, planning permission is needed to set one up but once established smallholdings of between 0.4 – 5 ha do have some permitted development rights so that buildings can be put up without getting permission from the LPA.

There is a claw back though whereby the LPA must be notified of the intention to build. When the question of siting and design of the new building might impact on landscape protection etc the LPA can influence these issues.
In general terms on the larger smallholding, when it is reasonably necessary for the purposes of agriculture, development including extensions to buildings and the provision of plant, machinery and hard surfacing may be undertaken as permitted development.


FARM – OVER 5HA
On agricultural units over 5ha the government has given automatic planning permission (known as permitted development) for putting up many types of building or carrying out excavation and engineering where it is reasonably necessary for agricultural activity. Any farmer wishing to build simply has to tell the LPA of his intentions and only with good and exceptional reason can the LPA say that it needs to influence the siting, design and appearance of the building. In most cases this means the farmer can go ahead without needing planning permission. But, the building must be for agricultural purposes (e.g. milking parlour) not for other food related activity (e.g. food processing or farm shop).

NOT A NEW IDEA
Peri urban food production is not a new area of concern...
When it comes to agriculture, planning law is complex. It will become increasingly so if there is an increased demand to use peri-urban land for growing food. Within the legal framework that I have described not only are there legal complexities but there are many potential conflicts that would be played out and would indeed be amplified by the present system
It is often assumed that *agriculture* is compatible with the countryside, but if countryside means ‘open’ and ‘protected’ then conflicts arise.

At the domestic scale there is a potential conflict around neighbourhood amenity issues in towns and with transport and sustainability questions related to the location and dispersed nature of production.

Allotments have potential but management and unsightly appearance is a thorny issue. Like the domestic scale they are dispersed so can be unsustainable from a transport point of view.

Small holdings, in particular because they bring an accumulation of dispersed buildings, fences etc... have the potential to conflict with landscape designations such as national parks, AONB and green belt.

At a farm level, rural dwellers and those enjoying the countryside for leisure seek an idyll not always compatible with large scale food production and the buildings and machinery associated with it.

**CONCLUSION**

So, are Transition Towns and more sustainable patterns of food production viable in the context of:

- legal complexities?
- environmental health, amenity and wider expectations on how urban areas are managed?
- landscape and biodiversity protection regimes and the way in which we manage the rural environment?

We suggest a number of ideas for consideration to make it work for everyone:

First, a wider recognition of the ‘peri-urban’ area by the planning profession and especially the designation of appropriate land as such.
This would be much the same as with other familiar designations: green belts, national parks, conservation areas etc...

Second, policy guidance, support and a strategy to support an aspiration to increase local food production and self-sufficiency
Third, deliberate planning for this newly recognised peri-urban space with an emphasis upon the effective management of small scale food growing.

Fourth, all this is predicated on the concept of keeping the ‘foodshed’ to a minimum. It means looking holistically at a town and its hinterland and ensuring that the policies are in place to support local production, processing and consumption. Without such a mature and sustainably driven set of policies in place it would be difficult to advocate for a relaxation of controls over agricultural production in the potentially production peri-urban space around our towns and cities.

Planning law is complex and strictly controlling. If it is to be adjusted then planning policy needs to move away from the 1947 model of designating land on the one hand ‘urban’ and on the other ‘rural.’ It must recognise peri-urban land and devise policies to allow it to be used without compromising the wider, well established and successful work planning has done to control urban sprawl.

Only if law and policy work together can a solution be found to address this emerging phenomenon of peri-urban food production.

END