**Permitted Development and Allotments Consultation Response**

**Social Farms and Gardens**

Social Farms and Gardens[[1]](#footnote-1) has been advocating for community led food growing initiatives and projects across the UK for 40 years. Our day to day work involves guiding, inspiring, advising, showcasing and representing hundreds of groups and organisations right across the UK. We have been operating in Wales and largely funded by Welsh Government since 2008. We manage the Community Land Advisory Service Cymru[[2]](#footnote-2) which has been funded by Landscapes and Outdoor Recreation Branch of Welsh Government since 2018, to support communities across Wales to acquire land for allotments and community food growing, as well as other community led green space initiatives.

Our Patron HRH the Prince of Wales has stated,

*"It has been a great source of pleasure to me to watch this organisation become a real force for good in recent years, not least in the development of national policy. I hope and pray that this will continue for the next thirty years because there is no doubt in my mind that its work is only going to grow in importance."*

Social Farms and Gardens welcomes changes to allotment permitted development rights that seek to simplify and clarify what needs planning permission on allotment and community food growing sites.

**The need for permitted development rights**

We agree that requiring an application for planning permission for development which is small in scale and has limited effects is **unnecessary.** We feel requiring planning permission for small incidental structures on allotments and community led gardening projects is currently imposing **unwarranted costs** on individuals, businesses and local authorities. Permitted development rights, if designed correctly, can effectively prevent these unwarranted costs and use of resources.

The purpose of providing the permitted development rights in this consultation document would appear to be to encourage and support community food growing. We have also been informed that it is the intention of Welsh Government that the permitted development rights contained in this document **have the broadest scope possible in order to encourage and support community growing.** Therefore, it is important that the wording and make-up of the permitted development rights achieves encouragement of community food growing.

**The need for a clear definition**

The first thing that needs to be addressed in the document is to provide **a clear definition** of the type of land use and type of food growing the permitted development rights apply to. A slim definition of ‘allotments’ is no longer valid in modern day Wales, where all different sorts of community food growing exists. We would encourage consultation with Social Farms and Gardens on the wording of this definition in collaboration with the **Landscapes and Outdoor Recreation Branch** (LORB) of Welsh Government who (with our support) are compiling an updated guidance document on allotments and community food growing. In addition, we trust you are aware of and will be taking note of the **mapping work** that is being carried out by LORB in order to provide a baseline for the amount and different types of allotments and community growing spaces across Wales. Some are community owned, some by the local authority, some are owned by a community or town council, some by NSALG, some are community gardens providing allotment spaces, some sites are statutory allotment sites managed by communities. All users are carrying out the same use of the land– gardening and growing local food for themselves, their families, their friends and their local community. A**llotments and community led gardening projects look very similar.** As it is the same use of land by the same bracket of people, the fairest and most practical option would be for the permitted development rights in this document to be applied to **all types of allotments and community led gardening projects.**

**The need to cover all types of allotments and community led gardening projects**

The reality and increasing trend is that communities are acquiring and managing land for allotments and community led gardening themselves and there are hundreds of examples of this across Wales. Local authorities are looking to safeguard or dispose of their assets and move away from allocating more statutory allotment sites. Many sites that are currently owned and managed by local authorities have already been enjoying ‘permitted development’ rights by interpreting what amounts to development in a more relaxed manner.

On many community managed sites we currently have a situation where some planning authorities are wasting valuable time and resources assessing planning applications for very small incidental structures on all types of allotments and community led gardening sites; for example – green houses, compost toilets, polytunnels, storage sheds and shelters. Such are the inconsistences; other local authorities are advising that the same structures do not require planning permission as the structures do not amount to development.

Strict interpretation of case law (The lead case in the matter is *Cardiff Rating Authority v Guest Keen Baldwins Iron and Steel Co (1949)) [[3]](#footnote-3)* demonstrates that in nearly all instances these structures might amount to development because of their permanence in nature and intention.  Clearly, many local authorities do not wish to waste valuable resources on determining applications and choose to interpret the definition of development differently. However, if we are to meet our duties under the **Wellbeing of Future Generations Act** and be flexible to the needs of our population in the face of climate change we need to make the situation clear in Wales that planning applications are not required for such incidental structures that enable a way of life that is so widely encouraged. Providing a consultation document of this kind announces an intention to do this and we must not lose sight of the opportunity. Local Planning Authorities need a steer from Welsh Government as to what might amount to development and what might constitute permitted development, and this should be provided in this document.

**Size and amount of structures**

Social Farms and Gardens believes a **sliding scale** based on the size of site, would be more appropriate than that suggested in the consultation document.

We agree that it is important to prevent the density of development increasing to unacceptable levels however, we are aware that the size of allotments and community led gardening projects across Wales varies greatly. We are also aware that a method of encouraging greater take up of allotment sites is to offer smaller sites for gardeners to manage. Many people garden on a third size plots. It would not be fair or practical to exclude them completely from having a shed or green house on their site. We, therefore, feel the threshold for allowing structures on allotments and community gardens should be lowered to 83 square metres (a third size plot or garden). Perhaps one shed or green house could be allowed in this instance; at 125 square metres two structures could be allowed; at 250 square metres a shed and larger green house or polytunnel could be allowed. Finally, community gardens over 250 square metres should be allowed a large communal shed and larger polytunnel. Many community gardens and community managed allotments are communal in nature and the scenario of having a larger communal shed and larger green house or polytunnel is common. This should be encouraged as the potential impact in the landscape would be preferred to a proliferation of a small structures spread across one site. We also feel that this consultation provides the opportunity for relaxing some sustainable drainage methods on community growing sites for example; a small pond should be defined as non-development. Again, we would welcome further discussion with Social Farms and Gardens on these points.

Some standard measurements that are worth noting are as follows –

* A common domestic polytunnel size is 8’x10’ (2.44m x 3.05m) – slightly bigger than a standard glasshouse.
* 125m2 is now a standard full plot on many sites so a half plot would be in the region of 60m2.

Finally, we would like to comment on the definition of the structures that might be permissible under permitted development. We contend that all types of structures should be permissible. Restricting the definition to sheds and glass houses does not cover the reality of the existing situation in Wales. Many gardeners create green houses, small polytunnels, shelters and storage sheds, sometimes from upcycled materials, which should be encouraged. It is the size and amount of structures that should be managed in this instance not the type of structure or its materials.

Thank you for the opportunity to comment on this consultation document. Given our extensive experience in this area and the partnership work we are doing with Welsh Government, we strongly encourage you to meet with us to discuss how to shape permitted development rights for allotment holders and community gardeners going forward.

We are also aware that this document has not been consulted on widely amongst the third sector or the community it will affect. We would welcome the opportunity to carry out this important work in partnership with Planning Division.

1. https://www.farmgarden.org.uk/ [↑](#footnote-ref-1)
2. https://www.farmgarden.org.uk/clas [↑](#footnote-ref-2)
3. <https://www.isurv.com/directory_record/4718/barvis_v_secretary_of_state_for_the_environment> see also-

   Crowborough Parish Council v. Secretary of State for the Environment November 1980 taken from A Guide for Allotments and Planning Law – Digging Below the Surface. <http://www.wlcvs.org/wp-content/uploads/2015/04/CFG_-_Planning_Digging_Below_the_Surface_Final_2.pdf> [↑](#footnote-ref-3)