

A photograph of a pink house with a thatched roof and a wooden extension, with a person working in the garden. The house has a large arched window and a balcony. The garden is lush with green plants and a person is seen working in the foreground. The sky is blue with some clouds.

# **GROUNDS FOR HOPE**

**Ways to Live Legally  
on Cheap Land  
in the UK**

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## INTRODUCTION

*'Land is the best investment; it's the only thing they aren't making any more of'.*

--MARK TWAIN

I don't suppose I'm the only person who has always dreamed of owning a piece of land on which I can build myself an affordable eco-house and grow my own food and fuel. In my fantasy the land is big enough to support several households, inhabited by all my favourite people, so we can share the joys and the chores in our own little eco-community.

The reason this is difficult to achieve in the UK is the vast disparity between the price of agricultural land (£4,000-10,000 an acre) and so-called 'development' land i.e. land with, or the potential for acquiring, planning permission (PP) to build a house on (£50,000-150,000 for less than a quarter of an acre).

Easy to achieve my dream then if I'd won the lottery, earned or inherited vast amounts of wealth, or even if I was willing to go abroad where land is cheaper and the planning regulations less onerous. Perhaps I'm just getting overly cautious as the years go by, but the thought of having to learn a new language and then navigate a foreign legal system and health system just makes me feel weary...and sometimes angry – why the bleep should I have to emigrate; why aren't I allowed to do this here?

Politicians continue to trot out the usual rhetoric: "sustainable development, sustainable lifestyles, sustainable communities, zero carbon housing, blah, blah, blah". However what, if anything, has actually changed on the ground (*groan*) to make land accessible to groups of Permaculturists, Transitioners, or other people seeking 'the good life', of modest means and self-sufficient dreams? What are the rules and do they vary depending on whether you are in England, Scotland, Wales or Ireland?

This book is the culmination of several years of research and is offered to you in the hope that if enough of us start to demonstrate that we really are willing and able to live sustainably, given half a chance, that the powers that be will recognise us as a resource to be celebrated.

## SHOULD I TAKE THE RISKY ROAD?

Many of you will have heard tales of groups of people\* in the UK who have succeeded in creating their dream communities by buying land, moving onto it illegally, setting up home in teepees, benders, yurts, caravan/cabin hybrids, roundwood and cob dwellings, straw bale or whatever. They may have spent years doing battle with their local planning officials, and finally have won some kind of retrospective planning permission, albeit often with less well-known conditions attached e.g. Ben Law's PP only applies to him. When he goes so must his house – despite the fact that Kevin McCloud of *Grand Designs* called it his all-time favourite house design/build.

*\* (I am currently one of these people, so you might expect me to be promoting this route.... but the truth is it's not much fun being harassed by officialdom, being served an 'enforcement notice' and the insecurity and inconvenience borne of not knowing if we'll be allowed to stay, and hence whether it's worth investing yet more time and energy making home improvements/planting seeds this year etc)*

It's true that some people manage to make this route work thanks to *The Ten Year and Four Year Rules*.

These rules, which apply in the whole of the UK, state that if you manage to live in a caravan for 10 years unnoticed by the powers that be, or in a '*substantially completed building*' for 4 years, the dwelling becomes lawful and you can apply for a '*certificate of lawfulness*'. You have to be able to prove that this has been your main residence for the requisite time and that you have lived there continuously (and there is a lot of debate about what constitutes a caravan and what a building).



*A caravan that morphed into a cabin*

Clearly this means you need tolerant neighbours and that you will spend 4 or 10 years living with the same insecurities mentioned above. Should someone complain about your dwelling, even at the 11th hour, you can be served an enforcement notice and rendered homeless. To add insult to injury, you will also be instructed to remove all trace of your home or pay the council's bill if you wait for them to come and demolish it.

It's also worth noting that even if you get a certificate of lawfulness you won't then be entitled to replace the caravan with a building, or knock down your building and build a 'proper' house.



*Caravan in the Woods*

Nonetheless, there are undoubtedly people up and down the UK pursuing this strategy, lying low, hidden away in bits of woodland; mostly I suspect single people or couples. It would be a lot harder to conceal a community for years...

## SAFER ROUTES: THE DIY FARM/SMALLHOLDING

This chapter is based on information collated by David Acreman in his book *Field to Farm* ([www.fieldtofarm.com](http://www.fieldtofarm.com)). I have added information relating to the law in Scotland.

There are two routes available using this approach:

### Route 1

Buy a suitable piece of land, then apply for PP to site a mobile home on your land to run your agricultural business. In order to acquire PP you will have to pass the *functional* and *financial* tests (see below) and, in the highly unlikely event that you are successful, the maximum time PP will be granted for is 3 years.

The draw back to this approach is that you will be entirely dependent on your ability to prove to the planners that you have a viable business plan and you will have nothing concrete to show them – it will be your vision/fantasy versus their scepticism...and guess who's most likely to win?

To be fair, it is one of the planner's responsibilities to ensure that speculators don't get PP to build on cheap agricultural land and then sell the house on at vast profit. Your job is to convince them that you do actually intend to live on your land and make a living from it. How will you do that? By following Route 2.

### Route 2

Buy a suitable piece of agricultural land, then submit an '*Agricultural Prior Notice Consent Form*' to your local planning office detailing the agricultural building you intend to build on your land, which must be less than 465 square metres and be necessary for your agricultural business. This is *permitted development* on agricultural land and hence doesn't need PP. You can then start your business, build your barn, legally site a mobile home there to live in, and have 5 years to prove that your business works before having to apply for PP for a house.

But first steps first...

### Location, location, location

Although the minimum amount of land you need to be classed as an agricultural holding is 5 hectares, aim to buy the biggest bit of land you can afford as the only way to extend your farm/smallholding later is to buy from your neighbours who will know that they can charge you as much as they like since you can't look elsewhere. Your land needs:

- To be designated agricultural land. It can include woodland, but woodland alone will not do.
- Good road access (at least a B road), with a flat area at least 25m from the road for siting your barn and mobile home).
- Good public transport links, and easy access to your proposed customers (e.g. Do your customers pass by every day? Is there a farmer's market nearby? Are the restaurants who will buy your salads or herbs within easy reach?)
- Sporting rights and mineral rights to be included in the sale.
- A source of water.
- Connection to the electricity grid, or access to a connection close by.



*Field for sale in Wales*

Take care to avoid:

- Any land with restrictive covenants or clawbacks attached to it.
- Land with an *Article 4 direction* which has removed the permitted development rights.
- Land in England and Wales with rights of way and bridleways over it. This is not possible in Scotland where everyone has the right to roam anywhere.
- Ancient monuments, National Parks, areas of outstanding natural beauty, SSSIs and woodland. Your local council can tell you whether the land has any particular designations on it.
- Land within 400m of a conservation area, or within 3km of an airport.

You should also ensure your solicitor does the appropriate searches e.g flood risk, contamination, pylons, mining etc.

Having taken ownership of your land, you can now submit an *Agricultural Prior Notice Consent Form* to your local planning office detailing the agricultural building you intend to build on your land.

Under the terms of permitted development granted by *The Town and Country Planning (General Permitted Development) Order 1995, Part 6* (see Appendix 1a which applies to England and Wales and Appendix 1b for the relevant Act in Scotland), the local planning office are allowed to ask you to seek '*prior approval*' as to '*the siting, design and external appearance of the building*', but they cannot refuse you permission to build it.

You should be able to sort this out by inviting the planning officer for a site visit. Once these details have been agreed you may submit your form, the fee, a sketch showing elevation, and a catalogue showing the building supplier and colour options. If you hear nothing by day 28, you are legally entitled to start construction.

The barn must:

- Look like an agricultural building, i.e. it mustn't look like something you could later convert into a house.
- Be more than 25m from the road.
- Should blend into the landscape as far as is possible.