

Reflections on the primacy of the productive functions of the countryside

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Abstract

This article addresses the growing conflicts between farmers and rural residents not engaged in agricultural production, who are disturbed by the nuisances arising from this activity. The main purpose of these reflections is to answer the question of whether the dominant voices in the public debate are properly oriented, and to present an alternative perspective. The intention is to draw attention to the need to counteract the adverse demographic trends affecting rural areas, particularly those situated at a distance from urban agglomerations.

Keywords: depopulation of rural areas, a holistic approach to agriculture and rural territories, sustainable rural development with respect for all residents.

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Introduction

Rural areas continue to be perceived primarily as spaces for the production of food and agricultural raw materials. In addition, they also fulfil functions connected with crafts and with services supporting agricultural production. Today, however, it is becoming increasingly clear that agricultural production plays a diminishing role among the functions performed by rural areas. Non-agricultural functions – both productive and consumptive – are gaining in importance, such as making natural resources available in the form of tourism and recreational services, or providing living space for people not engaged in farming. It should also be noted that the contribution of agriculture to economic development is declining, not only at national level but also within the countryside itself. We are therefore witnessing a process of rural deagrarianisation. This process consists in the decreasing role of agriculture in productively engaging human labour and in generating income for the maintenance of the rural population.

Problem Analysis

In recent years, growing conflicts have been observed between farmers engaged in agricultural activity and rural residents not involved in agricultural production, who are disturbed by the nuisances arising from such activity. In response to this trend, the Ministry of Agriculture and Rural Development established a Task Force on the Preservation of the Productive Functions of the Countryside, whose remit includes, *inter alia*, developing solutions aimed at maintaining these functions. The direct impetus for initiating these measures was a court judgment in a case brought against a farmer by his neighbours, who sought an injunction to prohibit immissions and claimed compensation¹. In the reasoning of its judgment, the court drew attention to the trend that has become increasingly evident over the past decade, namely that urban residents are moving to smaller towns and to the countryside. As a result, villages are gradually losing their predominantly agricultural character in favour of a residential function, which often becomes a source of conflict.

1. Wyrok Sądu Apelacyjnego w Łodzi z 23 lipca 2025 r., sygn. akt I ACa 239/2,3 Portal Orzeczeń Sądów Powszechnych.

In the judgment in question, as well as in the earlier ruling that preceded it², the courts held that the property rights of neighbouring landowners had been infringed due to the burdensome impact of agricultural production. The farmer was ordered to take measures to mitigate these nuisances and to pay compensation to the claimants.

The Court of Appeal also observed that in villages, particularly those located on the outskirts of urban agglomerations, many residents are not engaged in agricultural production. Some of them are former rural inhabitants who abandoned farming and now retain only their residential houses, working in the city or living on a pension. Others are newcomers from towns and cities who have chosen the countryside as their place of residence. As a result, for some, the countryside functions as a dormitory and a leisure-recreational zone, whereas for others it continues to serve as a place of agri-industrial production.

In such situations, the source of disturbance is the ordinary use of agricultural means of production by an ever-smaller group of farmers. Their activity, however, affects the surroundings inhabited by people not connected with agriculture. It should be emphasised that this is not a matter of farming being conducted maliciously. The problem arises from the considerable scale of the agricultural activity and the proximity of the dwellings of other residents in rural areas. The court carried out an analysis which demonstrated that the socio-economic function of the neighbouring properties, as outlined above, together with local conditions, led to the conclusion that the exercise of property rights by the farmer conducting animal production on his holding interfered, beyond the average measure, with the use of neighbouring properties where no agricultural production was taking place. For such an assessment, what matters is the actual way in which the properties are used by the inhabitants of that particular locality, rather than, as the court noted, stereotypical notions of rural areas. In this locality, those engaged in farming constitute a clear minority, and those running larger farms are an exception. Importantly, the defendant carried out agricultural production in rural areas that are by their very nature designated for such activity. At the time when the claimants purchased their property and began building their house, the defendant's activity, taking into account its scope at that time, remained within the bounds of local conditions. However, its subsequent significant expansion, as the court pointed out, was unlawful.

Moreover, as emphasised by the courts of both instances, the unlawfulness of the defendant's actions was not altered by the fact that he had obtained an administrative

2. Wyrok Sądu Okręgowego w Łodzi z 25 października 2022 r., sygn. akt II C 234/17, Portal Orzeczeń Sądów Powszechnych.

decision authorising him to carry out this activity³. The essence of the dispute in this respect, as the court pointed out, lay in the location of the village in the vicinity of an agglomeration and in its evolution – typical of suburban areas. As a result, the defendant was the only person in this locality conducting agricultural activity on a significant scale, while the remaining residents limited themselves to household cultivation or small-scale breeding. The defendant expanded his activity, thereby interfering with the use of neighbouring properties beyond the average measure resulting from the socio-economic function of the properties and from local conditions. This means that, following the expansion of agricultural production, the disturbances to the use of neighbouring properties exceeded the customary measure accepted in local conditions, which the other residents did not tolerate. It is also significant in the judgment that the situation changed only at the moment when the defendant considerably expanded his activity under circumstances in which these areas no longer had a typically rural character.

On the basis of the factual and legal circumstances arising from the court's ruling, one can discern the application of the concept of "temporal priority of infringements"⁴. Although this concept has been rejected by legal doctrine⁵, it nevertheless, as can be seen, meets with approval in judicial practice. According to this concept, it is assumed that if an owner acquires a property located in the vicinity of a facility causing burdensome impacts, he cannot demand their cessation. It is, of course, obvious that a purchaser of property is expected to consider his decision carefully – to some extent he should adapt to the new environment in which he intends to live. However, this does not mean that he can be deprived of a negatory remedy in a situation where the impacts originating from the neighbouring property exceed the average measure. The temporal criterion is relevant for recognising certain infringements as immissions primarily because it requires determining whether such infringements are permanent or at least recurrent, and at what times of day or at what intervals they occur⁶. Thus, the fact that the scope of the agricultural production was expanded, thereby increasing the intensity of its impact on neighbouring properties, is of importance for

3. Cf. wyrok Sądu Najwyższego z 30 września 2008 r., II CSK 169/08, *legalis*.

4. In other words, it amounts to a specific right to define local conditions, according to which, if someone commenced a burdensome activity before, for example, residential buildings were constructed in their vicinity, the surrounding residents are expected to tolerate those nuisances. The fact that these nuisances are connected with the local conditions known to them at the time of their settlement determines that there has been no exceeding of the average measure of disturbance.

5. T. Dybowski, *Ochrona własności w polskim prawie cywilnym*, Wydawnictwo Prawnicze, 1969, p. 325–326; S. Rudnicki, *Sąsiedztwo nieruchomości. Problematyka prawna*, kantor Wydawniczy Zakamycze, 1998, p. 31; A. Sylwestrzak [in:] *Sąsiedztwo nieruchomości. Komentarz*, M. Balwicka-Szczyrba, G. Karaszewski, A. Sylwestrzak, Wolters Kluwer, 2014, p. 42.

6. A. Wilk, *Ochrona własności nieruchomości przed imisjami w prawie polskim*, C.H. Beck, 2018, p. 298.

the court in the present case. Reference in judicial practice or by legal practitioners to the notion of “temporal priority of infringements” as an argument justifying the dismissal of a negatory claim may, however, give rise to objections. The chronological order in which the neighbouring parties to a negatory action acquired their properties should not be decisive, since the question of whether we are dealing with immissions is determined by the conditions set out in Article 144 of the Civil Code.

Without delving too deeply into an assessment of the court’s ruling in question, attention should be drawn to the ongoing socio-economic changes taking place in the countryside. This is particularly important in the context of the depopulation of both towns and villages. The data of Statistics Poland (GUS) are unequivocal. Since 2012, the population of Poland has been in continuous decline. Only in 2017 was a slight increase recorded – of less than one thousand. Until 2018, a natural decrease was observed in towns, while villages recorded a small natural increase. Since 2019, however, both have shown a natural decrease. According to this year’s report of Statistics Poland⁷, the demographic processes under observation indicate that Poland’s population situation remains difficult, and in the near future no significant changes can be expected that would ensure stable demographic development. In addition, attention was drawn to the fact that internal migration also contributes to the population decline. Some urban residents move to the outskirts of cities, among other things due to lower property prices and increasingly better commuting opportunities.

The functions of rural areas have long been evolving, and it will be difficult to halt this process without negative consequences for their development, particularly in the face of the demographic crisis, among other factors. Therefore, in fostering the development of rural areas, efforts should be directed towards enhancing their diversity – by enriching the composition of their inhabitants and thereby enabling the realisation of various socio-economic functions, as well as supporting the protection of tradition, culture and the natural landscape.

The countryside is still perceived mainly as a place for the production of food and agricultural raw materials. Nevertheless, as already mentioned, agricultural and productive activity is now clearly diminishing in its share of the range of functions performed by rural areas in favour of non-agricultural productive and consumptive functions, such as making natural resources available (tourism and recreational services) or providing new places of residence. It follows that the contemporary countryside is losing its purely agri-productive character and thus ceases to be a monofunctional area. This means that we should consciously support changes in this respect – provided

7. Dziennik Gazeta Prawna, *Polaków ubywa samorządy robią, co w ich mocy*, PAO, JPO, Perły Samorządu, issue of 23 April 2025.

that they are effective and rational – or accept the ongoing transformations, possibly influencing their direction so that they do not harm the development of rural areas or the fulfilment of the managerial functions for which the state is responsible. Particular attention should be paid here to the state's educational, upbringing and care activities, as well as the organisation of health care. With a declining population, this may prove particularly difficult. Contrary to appearances, this is closely linked to the proper conduct of agricultural policy in rural areas. At present, undertakings in the shaping of agricultural policy may be more effective, since they are organised by public administration through financing from the state budget and are additionally supported by substantial funds from the European Union (EU). Within these activities, priority should be given to supporting rural development. Measures should be directed towards increasing the competitiveness of farms, ensuring the sustainable development of rural areas, including those not directly connected with agriculture, and supporting human potential, restructuring, improving the quality of agricultural production and products, and diversifying the rural economy.

In connection with the changes taking place in rural areas, a number of concepts of local development have emerged⁸, among which the idea of multifunctional development occupies a central place. The concept of rural areas as multifunctional spaces currently provides the basis for research relating primarily to the spatial differentiation of rural territories⁹.

Multifunctionality of the countryside is perceived as a process of moving away from the dominance of agriculture in the economy of rural areas in favour of other forms of activity, which in turn increases the attractiveness of the countryside as a place to live and work outside agriculture¹⁰.

On the one hand, multifunctional development may be seen as an effort to skillfully integrate into rural space new elements that enable inhabitants moving away from agriculture to pursue their aspirations, plans and intentions – without having to abandon them due to the hitherto dominant productive function of the countryside. On the other hand, multifunctionality of rural areas and their development cannot be reduced merely to the creation of new jobs outside agriculture. Multifunctionality should be treated in a comprehensive manner, meaning that it should consist in skillfully reconciling all the needs of rural inhabitants in both spatial and socio-economic

8. J.L. Siemiński, *Główne koncepcje rozwoju lokalnego (zarys problematyki)*, "Człowiek i środowisko" 1994, nr 18(3), p. 435–454.

9. M. Wójcik, *Funkcje wsi. Ewolucja koncepcji i współczesne wyzwania badawcze*, "Studia Obszarów Wiejskich" 2019, nr 53, p. 7–18.

10. J. Wilkin, *Wielofunkcyjność rolnictwa. Kierunki badań, podstawy metodologiczne i implikacje praktyczne*, Warszawa, IRWIR PAN, 2010.

terms. Of key importance here is the spatial distribution of gainful activity in rural areas – both agricultural and non-agricultural – which should result from conscious planning and spatial management. It should be noted that the concept of a multifunctional perception of rural areas emerged quite some time ago¹¹. It is emphasised that it has taken shape under the influence of socio-economic progress, which has led to the emergence and development in the countryside of functions other than agriculture. In addition, the multifunctionality of the countryside is the result of substantial diversification of rural areas stemming from their different histories, varied socio-economic development and environmental conditions. In order to ensure the proper development of rural areas, they also require appropriate guidance in the specialisation of particular territories, which should be linked to the skilful use of local environmental conditions, natural resources and human capital. The concept of multifunctionality in the countryside gained significance in the 1990s, both in research and in practical applications, as one of the possible options in development strategies¹². Thus, at present, it would be difficult to depart from the socio-economic processes taking place in the countryside, not least in view of the changes in population size and structure, which have a fundamental impact on socio-economic development.

Therefore, changes that run counter to the socio-economic processes taking place in rural areas should be approached with caution. It is difficult to expect that agriculture can be restructured in an unchanging environment. Accordingly, multifunctional rural development should not be impeded if we do not wish to exacerbate the demographic crisis in the countryside – which is linked to additional risks, as will be discussed later in this article.

The implementation of the concept of multifunctional rural development is closely connected with the dissemination of broadly understood entrepreneurship based on development and supported in various ways, for example through preferential arrangements in the social security system and through EU funds. Entrepreneurs in rural areas often combine agricultural and non-agricultural activities, and support is frequently directed at them in the initial phase of developing non-agricultural activity, which is ultimately intended to become their main source of livelihood. Thus, the growing number of entities engaged in non-agricultural activity in the countryside represents one of the key trends of transformation in rural areas, and it would be difficult to reverse. Non-agricultural activity, in consequence, generates demand for employees and thereby contributes to further changes in the structure of the rural

11. J. Kostrowicki, *Obszary Wiejskie jako przestrzeń wielofunkcyjna. Zagadnienia badawcze i planistyczne*, "Przegląd Geograficzny" 1976, t. 48, nr 4, p. 601–611.

12. B. Kutkowska, W. Hasiński, *Wielofunkcyjność – nowe spojrzenie na rozwój obszarów wiejskich*, "Więś i Rolnictwo" 2018, nr 2(179), p. 113–131.

population, whose interests should be safeguarded in order to ensure multifunctional rural development.

Research analyses indicate the continuous decline in the role of agriculture in the economy and, importantly, in the proportion of farmers among the rural population¹³. Whereas in the early 1990s every second rural inhabitant was a farmer, a quarter of a century later this figure had fallen to just one in four¹⁴. At the beginning of the third decade of the twenty-first century, as many as eight out of ten rural inhabitants showed no connection whatsoever with a farm¹⁵. When looking at the share of the rural population within the overall population of a given area, villages can be divided into those with a predominantly rural character and those in which the rural element is only partial. However, there are also localities – such as the one described in the judgment under discussion – where the dormitory function predominates, and it is precisely there that conflicts and court disputes most frequently arise.

In view of the declining proportion of farmers among the rural population, it is therefore necessary to conduct an effective society-wide information campaign on agriculture and agricultural production. The addressees of this campaign should be all inhabitants of the country – both farmers and those not professionally connected with agriculture. Public authorities, as well as agricultural organisations, advisory bodies, the education sector and the academic community, play an important role in this process. On the one hand, consumers should be shown the benefits of supporting agriculture, and on the other, farmers should be made aware of the needs and expectations of rural residents not directly engaged in agriculture, who have chosen the countryside as their place of residence, thereby fostering mutual understanding. Spatial order in rural areas should be shaped in such a way as to safeguard the basic needs of all parties. Attention should also be drawn to the social acquiescence towards the spontaneous and chaotic urbanisation of rural areas. People often consciously choose to live in locations that may pose various difficulties. The reproach in this respect may be directed at planning legislation, and partly it also stems from market conditions, which ultimately do not favour the rational management of space. For

13. A. Rosner, M. Stanny, *Monitoring rozwoju obszarów wiejskich. Etap I. Przestrzenne zróżnicowanie poziomu rozwoju społeczno-gospodarczego obszarów wiejskich w 2010 r.*, Fundacja Europejski Fundusz Rozwoju Wsi Polskiej, IRWIR PAN, Warszawa 2014; A. Rosner, M. Stanny, *Monitoring rozwoju obszarów wiejskich. Etap II*, Fundacja Europejski Fundusz Rozwoju Wsi Polskiej, IRWIR PAN, Warszawa 2016; A. Rosner, M. Stanny, *Rozważania o pojęciu i procesie dezagraryzacji polskiej wsi*, "Wiś i Rolnictwo" 2018, nr 2(179), p. 281–292.

14. M. Halamska, D. Zwęglińska-Galecka, *Od wsi chłopskiej do robotniczej* [in:] *Ciągłość i zmiana. Sto lat rozwoju polskiej wsi*, red. M. Halamska, M. Stanny, J. Wilkin, t. 1, IRWIR PAN, Warszawa, Wyd. Naukowe Scholar, 2019, p. 203–246.

15. Lecture by Prof. W. Poczta at the conference organised by the Ministry of Agriculture and Rural Development together with protesting farmers, 20 January 2025.

this reason, the fundamental remedy should be a transparent and unequivocal spatial planning system, the aim of which is to shape spatial order and support the sustainable development of rural areas.

It should be borne in mind that the introduction of special measures to protect the productive functions of the countryside may contribute to depopulation, particularly in economically peripheral rural areas. Such a process will lead to a slowdown in the growth of municipalities' own revenues, since the number of rural residents not directly engaged in agriculture will decline. The loss of population will also affect the condition of local entrepreneurs, who will experience a fall in demand for their products, further intensifying demographic pressure. As a result, lower municipal revenues and a shrinking population may lead to a situation in which some rural municipalities, and in the longer term also poviats, will be unable – in a manner rational from an economic point of view – to provide residents with access to legally guaranteed social services of adequate quality. The threat associated with the decreasing number of inhabitants of rural municipalities, and consequently of poviats, will mean the need to bear higher costs of maintaining administrative and social infrastructure, disproportionate to the outcomes achieved. Examples include schools, the maintenance of which for only a few pupils per class becomes unjustifiable, and hospitals which, with a decrease in the number of potential patients by several per cent, are unable to sustain all necessary clinics and departments, let alone guarantee services of a high standard.

Natural tensions will therefore arise between the need to adapt the network of public institutions providing social services to a declining number of recipients and the understandable reluctance of residents and local authorities to restrict or alter the conditions of access to such services.

As the experience of other countries shows, such risks often result in the public sector taking the necessary decisions belatedly. This leads to the prolonged maintenance of excessive costs, which in turn may increase the indebtedness of local government units and create additional problems.

In municipalities affected by depopulation, there will be pressure to reduce social services to a minimum, i.e. to mandatory benefits, which makes it possible to cut costs in the context of mounting financial shortages associated with depopulation. In many institutions, the quality of services will also deteriorate – each employee will be responsible for an increasing number of tasks, which will necessitate multitasking, hinder specialisation, and at times even make it difficult to update knowledge and competences. In the longer term, this will lead to growing social discontent.

Conclusions

In undertaking the task of protecting the productive functions of the countryside, it is essential to adopt a holistic approach to agriculture and rural areas. In this way, the interdependence between the measures taken and the existing socio-economic conditions will not give rise to further problems. It is also important to be aware of the synergies between the proposed measures, so as not to trigger a crisis in another area which would then require additional remedial action. It must further be borne in mind that the evolutionary processes taking place in contemporary agriculture are to a greater extent the result of changes occurring in its environment than within agriculture itself. Agriculture should therefore be viewed in a broader context, since attempts at intervention directed solely at this sector of the economy are ineffective or only limited in scope. As a rule, agriculture adapts to its environment, creating diverse forms and types of activity, which may generate various conflicts, particularly in the vicinity of large urban agglomerations whose residents choose the countryside as their place of residence. Managing such conflicts should not favour one group at the expense of other inhabitants, as in the longer term this may lead to dangerous depopulation of these areas. Of particular importance should be the appropriate territorial distribution of burdensome activities, in order to ensure the sustainable development of rural areas with respect for all residents. Accordingly, a desirable solution would be the creation of an appropriate strategy, to be implemented by local governments. The objective of this strategy would be to develop a spatial policy specific to the given region, which would protect the interests of the rural population – both those engaged in agricultural activity and those who merely reside in rural areas and are engaged in other forms of activity.

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