

Ightham
Ightham

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21.11.2005

TM/05/02374/OA

Proposal: Outline Application for Agricultural dwelling for Nursery
Manager
Location: Ivy Hatch Nurseries Ismays Road Ivy Hatch Ightham Kent
Applicant: Mr T Norris

1. Description:

- 1.1 Members will recall that this application was deferred from December's Area 2 Planning Committee meeting in order for officers to re-examine the issues relating to the functional tests and to seek further information regarding remote telemetry.
- 1.2 The previous report and supplementary report are attached at Annex 1.

2. Determining Issues:

- 2.1 The applicant has provided additional information on the skills needed for the operating systems and scope for other nursery staff to carry out the procedures:
 - *I have worked full time on this site, since 2003, over the last 2 years, working on average 12-14 hours a day from March to October and weekends (day and evenings) as and when necessary.*
 - *3 members of staff live in Tonbridge (only 1 drives), 1 lives in Crouch and does not drive; 1 lives in Ightham Common (is unskilled and will not work more than a basic week - certainly not unsociable hours- and is due to retire within a couple of years) and does not drive.*
 - *All the staff are employed as basic nursery workers, they are not skilled and hold no certificates or have any qualifications. None of the staff is computer minded, I have spent ages trying to teach them the simple basics, but they just cannot grasp it at all.*
 - *Only I can set the ventilation and irrigation controls, monitor and carry out any pesticide and herbicide applications, and this usually needs carrying out very early in the morning or late evening, depending on the crop and the chemical being applied. Watch and monitor the weather conditions and react accordingly, this particularly frustrating when the wind suddenly gets up, and I have to drive up to the nursery and close about 60 doors on the tunnels, and then find the next day the sun is shining and you have to go back up and open them all again, or you go out for the day and spend the day worrying about the possible consequences. Or the weather forecast is for rain, so you turn off the controls to save water over night, just to find the rain has passed us by, so up we go once again and have to reset, etc. Irrigation is a particular problem, because of overhead irrigation on the outside beds there are always what we*

call hot spots and dry areas. On particularly hot days and windy days these need hand watering a number of times a day, and they are not always the same area's....frustrating to say the least. The list is endless!!

2.2 He has also provided further information on the scope for remote telemetry as follows:

- *This type of technology may well be available within some areas of the industry such as house plant production in Holland, or tomato and cucumber production in Jersey/Guernsey (if any production left these days due to cheap all year round imports).*
- *Cost wise it is totally prohibitive. These other 'European' countries still tend to get grants or cheap money to modernise their units, in the UK there are no such grants available.*
- *Their production is carried out in ultra modern glass and a scale where the smallest unit is probably 10 acres of glass. Crops also tend to be mono production, where you have acres of one crop being grown, such as tomatoes, poinsettias etc. Whereas in my sector of the industry we grow many different lines, on a much smaller scale, e.g. I may grow herbaceous plants! But produce possibly 1000 different species and cultivars, and in a number of pot sizes 9cm, 1L, 2L, 5L and 7.5L.*
- *Also I produce climbers and specimen shrubs and many other lines as well, the mix that we produce which is partly protected as in glass, polythene and shade (paraweb) as well as outside production does not lend it self to this type of technology, even if the margins allowed for the investment.*

2.3 I have taken the opportunity to research relevant appeal decisions nationwide and can provide the following examples relating to a functional need for a dwelling in relation to horticulture:

- Retention of a mobile home for a horticultural worker was dismissed. The area farmed was 0.8 ha and there were 8 polytunnels. The functional test failed because any shrubs grown were frost hardy and any frost vulnerable plants were of too small a number to justify on-site accommodation.
- A dwelling was dismissed at a nursery/garden centre. It was argued that it was essential to have somebody at the premises to check the condition and heating of the buildings and to combat trespass, theft and vandalism. However, the manager already lived next to the premises and other staff nearby. Any problems with the propagation equipment at night could be dealt with by existing local staff given a modern automatic alarm system.

- Enforcement action was upheld against a caravan at a horticultural holding specializing in supplying bulbs by mail order. Security of the bulb collection, some of it rare, was cited as one reason for retention of the caravan. The other related to constant temperature monitoring in the winter. An inspector was not satisfied that reasonable security, temperature monitoring and automatic standby heating could not be effected from the appellant's residence over a mile away.
- Retention of a caravan at a nursery was dismissed. An inspector noted that the business was viable but was not convinced that the heating and watering systems needed an on-site presence. Suitable alarms would mean that a person living in a nearby village could respond quickly to any problem. Neither was she convinced that security problems required a permanent presence.
- The viability of a sheep farm included the cultivation of roses for perfume. An inspector thought that although the cultivation of roses may need attention at unsocial hours, there was no reason why irrigation, spraying and control of a polythene tunnel could not be undertaken by a worker resident in a nearby village - Appeal dismissed.
- A dwelling for the management and security of a wholesale nursery was allowed on appeal as the owners lived some distance away and were unable to respond quickly when equipment failed or weather changed unexpectedly. This led to crops being lost or impaired in quality. Higher profit species that require heating were said to be more vulnerable and any failures would be very expensive. Increased automation and more alarm systems would be of very limited value unless someone was nearby and able to respond when incidents occurred.
- A dwelling was allowed on appeal at a horticultural holding where a range of crops were grown in 8 polytunnels. As the holding was not closely overlooked and much of the stock was "of an eminently saleable and directly consumable type of high value to opportunist thieves", the Inspector felt that the risk of theft and vandalism was severe. A dwelling was needed for the efficient operation of the holding.
- A dwelling was proposed at a horticultural holding specializing in pot plants. An inspector thought that the presence of someone at the holding would be convenient but not essential. However, having regard to the large number of young plants and the amount of exposed materials and equipment at the premises, it would be reasonable to allow someone to live at the site to protect it from vandals and livestock - Appeal allowed.

2.4 In terms of recent similar cases in the Borough, whilst each case is considered on its merits, Members are advised as follows:

- Church Farm Organic Nursery (TM/04/03545/FL), was granted planning permission for a permanent dwelling in 2004 to replace 3 temporary mobiles. The functional need accepted was to facilitate careful husbandry for fragile crops with a need to constantly monitor irrigation, ventilation and temperature control. The scale of the operation did not allow the installation of sophisticated and expensive electronic control systems, hence the need for constant checking and adjustments by hand.
- Pierce Mill Farm (TM/02/02384/FL) is a top and soft fruit farm which was granted planning permission for a permanent dwelling in 2002 to replace a mobile home. The crops were not judged to require essential care at night. The functional need was met by the need for the farmer to live on site to assist and manage the large number of resident foreign workers.
- Beech Farm, Stan Lane, West Peckham, is another top and soft fruit farm for which a second farmhouse (TM/02/02123/OA) was dismissed on appeal and where the functional need was not accepted by an Inspector who felt that monitoring irrigation systems and temperature inside the polytunnels could be carried out by shift workers.
- Gate House Farm Nursery is a retail garden plant nursery with containerised bedding and hanging basket plants. Planning permission (TM/00/00125/OA) was granted for a new agricultural dwelling in 2000. The accepted functional need was for on-site security and plant husbandry including dealing with frost, irrigation and overnight failure of heating systems.

2.5 The functional test is detailed in PPS7 and hinges upon whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night in case agricultural processes require essential care at short notice or to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems.

2.6 Members will recall that the Council's agricultural adviser makes a distinction between "essential for the needs of the farm enterprise" and "essential for the **proper** functioning" of the holding. The former is the wording in Policy P6/8 of the TMBLP whereas the latter is the wording in PPS7. Our adviser is of the view that if significant financial losses would be minimised from 24 hour on-site presence, this is taken to be a legitimate factor in considering what constitutes the "proper" functioning of the holding and in accordance with national policy in PPS7.

2.7 Taking account of the local and national cases above, I am of the view that this application is of similar merit to cases which have been permitted in recent years in this Borough and also to some of the cases allowed on appeal nationally. None of the dismissed appeal cases reported nationally appears to be similar to this application: they relate to crops with different husbandry needs, where the scale of the operation was much smaller or where there were potential dwellings for occupation in the close locality that had the potential to fulfil any identified need.

2.8 My recommendation is unchanged.

3. Recommendation:

3.1 **Grant Outline Planning Permission** as detailed by supporting statement date stamped 01.08.2005; letters dated 06.10.2005; 18.11.2005; site location plan date stamped 21.11.2005; emails dated 09.09.2005; 15.12.2005; 19.12.2005 subject to the following conditions:

1 Approval of details of the siting, design and external appearance of the building(s) and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

3 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

4 The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.

Reason: The site of the dwelling is outside any area in which development would normally be permitted if it were not required for occupation by a person employed locally in agriculture or in forestry.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Class A, B, E, of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To ensure the dwelling remains of a size commensurate with the financial and functional requirements of the holding and in the interests of the Green Belt.

- 6 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- 7 The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping and boundary treatment which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date for completion of any new planting and boundary treatment. The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Authority. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Authority gives written consent to any variation.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 8 No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

- 9 No development shall take place until details of any joinery to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

- 10 The details submitted in pursuance of Condition 1 shall include a contoured site plan and indicate the level of the ground floor of any building proposed to be constructed.

Reason: To enable the Local Planning Authority to assess adequately the impact of the development on visual and/or residential amenities.

- 11 The use of the access shall not be commenced until turning facilities have been provided within the curtilage of the site and these facilities shall be retained thereafter free from any obstruction.

Reason: In order that a vehicle may enter and leave the site in a forward direction to ensure the safe and free flow of traffic.

- 12 The details submitted in pursuance of Condition 1 shall show land, reserved for parking or garaging in accordance with the adopted County Parking Standards. None of the buildings shall be occupied until this area has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access to reserved vehicle parking area.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.

- 13 Any gateway to the access shall be set back 5.0 metres from the edge of the highway.

Reason: To enable vehicles to stand off the highway whilst any gates are being operated.

- 14 Development shall not begin until details of the junction between the proposed service road and the highway have been approved by the Local Planning Authority and the building shall not be occupied until that junction has been constructed in accordance with the approved details. The access shall not be used until the area of land within the vision splays shown on the approved plans has been reduced in level as necessary and cleared of any obstruction exceeding a height of 1.05 metres above the level of the nearest part of the carriageway. The vision splay so created shall be retained at all times thereafter.

Reason: To ensure the safe and free flow of traffic.

- 15 None of the buildings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of pollution prevention.

Informatives:

- 1 You are advised that details to be submitted in respect of condition 1 are expected to show a dwelling of size justified by the financial status of the business and in any event, no larger than 150 sqm gross floor area.
- 2 With regard to works within the limits of the highway, the applicant is asked to consult The Highways Manager, Kent Highway Services, West Kent Division, Joynes House, New Road, Gravesend, Kent, DA11 0AT.

Contact: Marion Geary