

Trottscliffe **563886 160280** **14 March 2011** **TM/11/00658/FL**
Downs

Proposal: Retrospective application for the retention of a residential caravan/mobile home ancillary to the Nursery Business and retention of 2 No. dog kennels and pens
Location: The Nursery Taylors Lane Trottscliffe West Malling Kent
Applicant: Mrs P Valler

1. Description:

- 1.1 Since 6 January 2011, part of the application site has been used for the stationing of a residential caravan/mobile home. This application seeks retrospective consent to continue to use the land for the stationing of a caravan/mobile home: the submitted supporting information details that the stationing of the caravan/mobile home is ancillary to the use of the wider site as a nursery business and represents a temporary agricultural dwelling which is required to support a new farming activity at the site.
- 1.2 The submitted plans indicate that the section of the site where the caravan/mobile home is located, and would continue to be, is within the centre of the application site, located on an area of tarmac.
- 1.3 The caravan/mobile home which has been erected on the site is a white single-unit caravan. Two dog pen enclosures have been erected on the site to the east of the caravan/mobile home and consent is also sought for the retention of these structures.

2. Reason for reporting to Committee:

- 2.1 The application is locally controversial.

3. The Site:

- 3.1 The application site is located outside the settlement of Trottscliffe and is therefore within the countryside. It is also in the Kent Downs AONB and the MGB. The southern end of the eastern boundary adjoins the boundary of the Trottscliffe Conservation Area.
- 3.2 The application site comprises a broadly rectangular shaped piece of land located to the west of Taylors Lane. Close boarded fencing of approximately 1.8 – 2 metres in height has been erected at or just within the site boundaries. Mature deciduous vegetation is located along sections of the boundary, either within or outside the close boarded fencing. Vehicular access to the site is taken from Taylors Lane via a gate, which is set back approximately 6 metres from the back edge of the highway.

- 3.3 The northern part of the site comprises an area of open ground containing a series of semi-circular metal frames, which appear to be the frames for polytunnels. A close boarded fence and post and wire fence have been erected to delineate the south western corner from the remainder of the site. Within the south western section of the site, an area which abuts the western boundary of the wider site contains a number of mature trees. The remainder of this part of the site has been laid to tarmac hardstanding: it is on this hardstanding that the single unit caravan/mobile home has been placed. A close boarded fence within the site which runs from north to south is located immediately adjacent to the caravan/mobile home, with two small wooden sheds used for domestic purposes to located to the south.
- 3.4 The majority of the remainder of the site (with the exception of strips adjacent to the eastern and southern boundaries which contain bare soil or some deciduous vegetation) has been covered in loose-bound Type I stone. There are two wooden gable ended buildings located towards the centre of the site. The larger (and more westerly) of the two buildings was granted planning permission as a replacement agricultural building comprising a workshop and office facilities under TBMC reference TM/10/00473/FL: work was still being undertaken to this building at the time of a recent site visit (07 April 2011).
- 3.5 Two dog kennels and pens have been erected between the internal close boarded fence adjacent to the mobile home and this building on an area of hardstanding located on the slab of a former building which has since been demolished.

4. Planning History:

MK/4/60/61 Refuse 26 February 1960

Outline Application: for one dwelling.

MK/4/72/217 Refuse 24 May 1972

Outline Application: for detached house for M. Gatt, Esq.

TM/00/01249/OA Refuse 3 August 2000

Outline Application: Demolition of existing timber buildings and glasshouse, upgrading of existing parking area and erection of one detached dwelling with attached garage.

TM/04/03795/FL Refuse 1 August 2005

One wooden telegraph pole and overhead wires

TM/09/02849/FL Application withdrawn 4 January 2010

A replacement agricultural building comprising a workshop and office facilities; replacement of glasshouse with 2 polytunnels; and revised parking and access.

TM/10/00473/FL Approved 15 June 2010

Replacement agricultural building comprising a workshop and office facilities; replacement of glasshouse with two polytunnels; parking and revised access.

TM/10/02411/RD Approved 27 October 2010

Details submitted pursuant to condition 8 (lighting); 10 (a) & (b) (site investigation) and 11 (sewerage) of planning permission TM/10/00473/FL: Replacement agricultural building comprising a workshop and office facilities; replacement of glasshouse with two polytunnels; parking and revised access

- 4.1 As detailed above, there is a long planning history for the site, including several proposals seeking consent for the erection of a dwelling at the property.
- 4.2 It should also be noted that an Enforcement Notice regarding the unauthorised change of use of land to a residential caravan site was served on 31 January 2011 (TM/11/00008/UNAUTU):
- following the receipt of a complaint that a caravan had been stationed on the application site on 06 January 2011, a series of site visits were undertaken which established that by 19 January 2011 the caravan was being occupied;
 - main and supplementary reports were presented to the 19 January 2011 APC2 detailing the breach of planning control and recommending that an Enforcement Notice be served;
 - The Planning Committee authorised the undertaking of enforcement action and accordingly the Enforcement Notice was issued on 31 January 2011.
- 4.3 An appeal has been lodged against this Enforcement Notice (Planning Inspectorate reference APP/H2265/C/11/2148611) on the following grounds:
- That the breach of control alleged in the Notice has not occurred as a matter of fact;
 - That the steps required to comply with the requirements of the Notice are excessive and lesser steps would overcome the objections;
 - That the time given to comply with the notice is too short.

4.4 The appellant did not appeal on the basis of Ground (a): that planning permission should be granted for what is alleged in the Enforcement Notice and did not pay the fee to the Planning Inspectorate which was required in respect of a deemed application. Accordingly, the appeal is not being determined on this basis.

4.5 A PINS site visit for the Appeal Inspector has been scheduled for 24 May 2011.

5. Consultees:

5.1 Following the submission of the original application, amended plans were provided indicating that the application also proposed the retention of the two dog kennels/pens at the site. A further round of consultation was undertaken with the PC and neighbours. Where relevant, the further responses received are referred to below.

5.2 PC: Strongly objects as it is inappropriate development in the Green Belt for which there are no special mitigating circumstances and it would have a detrimental effect on the area. The visual impact assessment undertaken by Graham Simpkin Planning (GSP) consultants appears to have been manufactured to show that the caravan has little or no visual impact on the Green Belt and AONB. Viewpoints which clearly show the negative visual impact of the caravan have not been included. The assessment itself has not been undertaken in accordance with recognised current recommended guidelines and therefore cannot be considered as evidence in support of the application. Murdoch Wickham, a firm of Chartered Landscape Architects established since 1983 have assessed the visual impact of the caravan from a prominent viewpoint at the northern entrance of the village. Their assessment has been undertaken in accordance with current recommended guidelines and their report also includes the methodology for visual impact assessment and photography, which has not been included in GSP's statement. The viewpoint assessed is located in front of the first speed bump, as you enter the village of Trottiscliffe, from the north along Taylors Lane. The caravan is clearly visible from this vantage point and the assessment concludes that the caravan has an overall moderate/large impact on the visual amenity, with an adverse (negative) effect on the local landscape character, AONB and the Green Belt.

5.2.1 The assessment provided by the PC is available on the Council's website and within the planning application file.

5.2.2 Following the submission of amended plans, the PC stated that it "strongly objects to the amended plan on the same grounds as before in that it is inappropriate development in the Green Belt area".

5.3 KCC (Highways): The proposal utilises an existing access and no objection is raised subject to Conditions to control the discharge of surface water to the highway and the provision of a properly consolidated access.

5.4 DHH:

- Housing standards: If planning consent is granted for the land to be used as a caravan site then a caravan site licence under the Caravan Sites Control and Development Act 1960 will be required. Conditions will be attached to the licence to protect the health and safety of the site users and visitors;
- Contaminated land: No comments.

5.5 Private representations (10/1X/6R/0S) and Site and Press Notices (Conservation Area and General Public Interest). One neighbour wrote two additional letters following the first representation. Six objections were raised on the following grounds:

- Harm to the character of the area;
- Harm to the character of the AONB;
- Harm caused through lighting;
- That there are other properties available within the vicinity of the application site which are available for occupation;
- There is a lack of horticultural activity at the site;
- There is not a need for a permanent security presence at the site;
- There are extensive areas of tarmac at the site, which is not in accordance with the approved permission TM/10/0241/RD;
- The Landscape and Visual Impact Assessment is deficient;
- Concerns that the applicant will operate a tarmac business from the site.

5.6 The Borough Council's retained agricultural consultant advises as follows: The applicant and her husband Mr Luke have owned this 0.45 hectare site since December 2009 and last year obtained planning consent under TM/10/00473 for the provision of a potting/packing shed/office (15.3m x 4.9m) and a pair of polytunnels (47m x 6m and 30m x 6m).

5.6.1 Much effort has been since put in by the owners in clearing what had become a derelict site, levelling the ground for the tunnels (the hoops have been erected and ground sheeting provided but the tunnels are not yet covered or equipped/stocked), and erecting the building, which is a good way towards completion, and timber fencing the boundaries.

- 5.6.2 Mr Luke works in part for his father in a ground works business so has been able to undertake most of the development himself, and this has been undertaken in a neat and orderly fashion to date.
- 5.6.3 Mr Luke would assist with the proposed business but the aim is that it would provide fulltime day-to-day employment for Mrs Valler. She has submitted a detailed business plan explaining how the venture (based largely on wholesale production) would comprise a combination of laurel and leylandii hedging plants, (estimated 13,000 annually to be propagated and grown on site from 20,000 cuttings), the growing of fuchsia standards (estimated 1600 annually to be propagated and grown on site from 2,000 cuttings), and the growing of plants for winter bedding (up to 2000 pots). The aim would be to maximise the use of the polytunnels for raising young plants, and associated standing-out areas for more mature plants, throughout the year.
- 5.6.4 The owners have experience in plant production, albeit not on a commercial scale on their own account to date, and have contacts in the horticultural trade who have expressed potential interest in their produce. Rather more definitely, a well-established local nursery grower, Mr Paul van Leeuwen, for whom Mr Luke has worked part-time, is able to offer the outlet for the laurel and leylandii hedging plants as he has an established contract for this, but now (through lack of space at his own premises) requires someone else to assist fulfilling it. Mr van Leeuwen met me on site to confirm this and to add his general support for the applicants' proposals and verify their good intent.
- 5.6.5 The owners used to live in West Kingsdown but sold that property in order to re-invest in the nursery. If the current application were successful, the applicants expect it would be on a temporary basis, and would hope to review the longer-term case for accommodation on site after a period of 3 years.
- 5.6.6 The submissions outline the functional requirements that are likely to arise on site for the care of the young plants, being raised with the benefit of heated beds. Tending, ventilating and watering the plants will require close attention to varying and potentially adverse seasonal weather conditions ranging from summer heat to winter cold/frost, and in the latter respect there is also a need to avoid problems of site accessibility and potential damage to plants and tunnels that could otherwise arise when there is heavy snow.
- 5.6.7 A presence at most times would also assist general husbandry tasks such as spraying and vermin control, and should assist in limiting damage or theft which is a valid additional consideration, although not usually regarded as sufficient in itself to justify residence.
- 5.6.8 There appears to be no suitable residential accommodation on the site or elsewhere close enough locally that would be suitable and available for meeting these functional needs.

5.6.9 Overall I consider on-site accommodation is essentially warranted under the functional test (of Annex A of PPS7) for the proper development and future operation of the nursery.

5.6.10 Regarding the financial test, as indicated above a fairly comprehensive business plan has been prepared and submitted which appears broadly achievable and the potential outlets already secured are of considerable assistance in this respect. The work on site to date, and the other steps taken to set up the business, are indicative of a firm intention and ability to establish the enterprise, and it also appears to have been planned on a sound financial basis, in accordance with the Annex A tests.

6. Determining Issues:

6.1 The chief determining issues are whether the proposal satisfies the tests for a temporary agricultural dwelling as set out in Annex A of PPS7 and the effect of the development on the character of the landscape and rural area plus an assessment of the impact on the openness and amenities of the MGB and the landscape quality of the AONB.

6.2 The planning policy which needs to be taken into account in the consideration of this application includes:

- National planning guidance: PPS1, PPG2, PPS3, PPS7 and PPG13;
- TMBCS: Policies CP1, CP3, CP6, CP7, CP14 and CP24;
- TMB MDE DPD: Policies SQ1 and SQ8.

6.3 In respect of the South East Plan, the Government has announced its intention to revoke Regional Spatial Strategies and the Courts have held that this intention is a material consideration to which regard must be had in the determination of planning applications.

Principle of Development

6.4 Paragraph 12 of Annex A of PPS7 details that if a new dwelling is essential to support a new farming activity it should normally for the first three years be provided by a caravan or other temporary structure. To demonstrate that such accommodation is essential, it is necessary that a series of criteria be satisfied:

(i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intention);

(ii) a functional need – whether it is necessary for the proper functioning of the enterprise for one or more workers to be readily available at most times;

(iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;

(iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;

(v) other normal planning requirements are satisfied.

- 6.5 In respect of criterion (i), on 07 April 2011 the replacement agricultural building permitted under reference TM/10/00473/FL had been largely constructed and work was still being undertaken to it. The supporting framework for the polytunnels has also been put up, close boarded fencing around the site had been erected and recently stained, and sizeable areas of tarmac and loose-bound Type I stone have been laid (albeit the extent of these hard surfaces was not indicated on the plans submitted under application TM/10/00473/FL). No horticultural work was being undertaken at the site. It was further observed by the case officer on 10 May 2011 that the framework on the polytunnels had still not been covered. The applicant (Mrs Valler) and her husband (Mr Luke) indicated to the Council's retained agricultural consultant that they have experience in plant production, albeit not on a commercial scale. It is understood that it is intended that the horticultural enterprise would provide full-time employment for the applicant, who would be assisted by her husband who is also employed in a ground works business.
- 6.6 A detailed business plan has been provided as part of the application which the agricultural consultant has considered to be "broadly achievable" and the agricultural consultant was also met on site by a "well established local nursery grower" who confirmed that he would be able to provide an outlet for the hedging plants which are proposed to be grown at the site, as this grower has an established contract which he cannot satisfy through his own nursery. Having regard to these considerations, together with the investment in horticultural buildings which has been undertaken at the site, the agricultural consultant has concluded that there is evidence of a firm intention and ability to develop the enterprise concerned, taking into account the applicant and her husband's limited commercial plant production experience. I have no reason to reach a different conclusion.
- 6.7 In respect of criterion (iii), the agricultural consultant has concluded that the enterprise appears to have been planned on a sound financial basis. Again, I have no reason to reach a different conclusion to this, albeit it is understood from the agricultural consultant's response that the applicant and her husband sold their dwelling in West Kingsdown in order to re-invest in the nursery. Given that the business plan indicates that the start-up costs (not including the purchasing of plants) are covered by a loan to be re-paid over a period of ten years, it is not certain exactly how the proceeds from the sale of the previously – occupied dwelling have been re-invested in the nursery. If it were to be determined that the

enterprise was financially dependant on investment as a result of the sale of the house in West Kingsdown, despite the fact there was no assurance that the applicants would gain permission for a temporary agricultural dwelling at the site, I may reach a different conclusion in respect of criterion (iii). Further information will be requested from the applicant in this regard and will be presented to the Committee in a Supplementary report.

- 6.8 In terms of criterion (ii), paragraphs 4 and 5 of Annex A of PPS7 set out that a functional requirement might arise if workers are needed to be on hand day and night 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. Paragraph 6 of this annex explains that the protection of livestock from theft or injury by intruders “may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not by itself be sufficient to justify one” (an agricultural dwelling): no reference is made to security concerns related to other agricultural enterprises such as horticulture.
- 6.9 The applicant’s case that the functional need is met as set out in the submitted application can be summarised as:
- climate control systems will be installed in the polytunnels at the site (heating elements, automated irrigation, misting systems) with low level heating of laurel hedge cuttings;
 - these systems and the climate of the polytunnels will be monitored electronically and linked to an alarm;
 - “the breakdown of climate control systems can have a devastating effect on young plant crops. If a polytunnel becomes too cold or too hot, young, tender plants will suffer and deteriorate rapidly”;
 - “...a response within 15 minutes (to identify and rectify the problem) will often be necessary, although some breakdowns may permit a longer response time. Obviously the operator cannot tell from an alarm what or how severe the failure is, so must respond swiftly in all cases”;
 - back up heating systems (proposed to be gas-fired space heaters) can be deployed in minimal time;
 - a resident worker is required to check growing plants (the times of 06.00 and 23.00 are detailed) and adjust the climatic conditions if necessary.
- 6.10 In respect of criteria (i) and (iii) of the PPS7 test, the agricultural consultant appointed by TMBC has concluded that “on-site accommodation is essentially warranted under the functional test (of Annex A of PPS7) for the proper development and future operation of the nursery” and that “there appears to be no suitable residential accommodation on the site or elsewhere close enough locally

that would be suitable and available for meeting these functional needs”. I attach considerable weight to the comments of the agricultural consultant: given his expert advice it is concluded that there is a need for a worker to be able to attend to the site in the event of failure of the climate control systems and to check the climatic conditions. However, it is understood that as the systems are monitored electronically, any alarms can be remotely linked to dwellings away from the application site. Furthermore, I am of the opinion that whilst an on-site presence may assist in limiting damage or theft, there is no evidence that this site (rather than any other nurseries elsewhere in the Borough) will be particularly susceptible to vandalism or theft and, nevertheless, this would not in its own right warrant sufficient justification for an on-site residential presence anyway. Accordingly, I conclude that it is not essential for a worker to be living in accommodation at the site, but the functional requirement is for accommodation to be within reasonable driving distance to enable attendance to the site in the event of an alarm being triggered, to undertake the more general monitoring of plant growth and to allow the worker to walk to the site in the (infrequent) event that the roads become blocked, for example through heavy snowfall.

6.11 The applicant considers that there is not any other alternative existing accommodation in the area which is suitable and available for occupation by an agricultural worker. In reaching this conclusion, the applicant has limited the area within which they have searched for such accommodation to Trottiscliffe village: the supporting information which was provided indicated that there were two dwellings for sale (at £895,000 and £1.3 million) and one for rent (in excess of £1,000 per month) in Trottiscliffe at the time of the application. Following a review of estate agency information, it is apparent that there are at least six other family dwellings for sale within Trottiscliffe at present, ranging from £435,000 - £675,000. No details of properties for rent could be ascertained.

6.12 However, it is considered that the applicants have not provided sufficient justification as to why the “area of search” was limited to Trottiscliffe. Addington and Wrotham Heath are both within five minutes driving time of the application site, with Vigo village being between four and nine minutes driving time. It would also be possible to walk to the application site from these locations in the very infrequent occasions that roads are impassable. Family houses are presently available for sale in all three of these settlements, at prices summarised in the chart below, with a considerable number for sale in Vigo (eight no. two bedroom houses and seventeen no. three bed houses):

Settlement	2 bedroom houses	3 bedroom houses	4 bedroom houses
Vigo village	£150,000 - £180,000	£170,000 - £270,000	N/A
Wrotham Heath	£150,000 - £183,000	£265,000	£310,000 - £350,000
Addington	£325,000 - £340,000	£275,000 - £385,000	£450,000

- 6.13 Although my search did not indicate any properties currently for rent, it is apparent that a number of properties have recently been available to rent in Vigo (£695 - £725 per calendar month for 2 bedroom houses and £895 per calendar month for 3 bedroom houses).
- 6.14 I am therefore of the opinion that whilst the nursery may have a functional requirement for an agricultural worker to reside in relatively close proximity to the site, there is no specific justification for that worker to reside at the site or within Trottiscliffe itself given the potential to install remote alarms. There is a broad selection of other existing accommodation within four – nine minutes drive of the application site which is suitable and available for occupation, would allow the applicants to attend the site in the event that an alarm is triggered and to seek to address the reasons why the alarm was set off within a short period of time (including the fifteen minute window detailed in the supporting information which accompanied the application) and would also allow the growing conditions to be frequently checked with minimal travel. In the infrequent event of heavy snowfall, the application site is accessible by foot from these settlements and if there were particular concerns regarding the weight of settled snow on the polytunnels overnight, a practical solution would be for a worker to occupy the potting building for a night or two.
- 6.15 Therefore, Members may agree that the proposed development does not satisfy the tests for a new temporary agricultural dwelling as set out in Annex A of PPS7, as it has not been demonstrated that there is a functional need for accommodation to be provided on-site which could not be provided by other existing accommodation within the area which is suitable and available for occupation by the workers concerned.
- 6.16 As the proposal fails the tests which are required for new temporary agricultural dwellings, the change in use of the site fails to maintain openness and conflicts with the purposes of including land in the MGB through the positioning of structures on the site associated with the change of use, including the caravan/mobile home itself and ancillary structures such as the two sheds/playhouses and dog kennels/pens, together with the siting of domestic paraphernalia such as washing lines and outdoors furniture. Accordingly, the proposal comprises inappropriate development and causes actual and definitional harm to the openness of the MGB. I do not consider that the justification expressed by the applicant in the submission amounts to very special circumstances to overcome this harm, for the reasons detailed above.

Impact on the character of the AONB, the visual amenities of the MGB, the rural character of the area and the setting of Trottiscliffe

- 6.17 TMBCS Policy CP7 details that development which is detrimental to the natural beauty and quiet enjoyment of AONBs will not be permitted except in exceptional circumstances, including development which is essential to meet local social or economic needs. If there are exceptional circumstances, such development must have regard to local distinctiveness and landscape character and use sympathetic materials and appropriate design. Paragraph 21 of PPS7 details that AONBs have the highest status of protection in relation to landscape and scenic beauty.
- 6.18 As detailed above, I am of the opinion that the criteria for temporary agricultural dwellings as set out in Annex A of PPS7 have not been satisfied. Accordingly, it is not considered that the proposal comprises development that is essential to meet local social or economic needs: the horticultural business which the applicant indicates will be developed at the site can take place without the stationing of a caravan/mobile home ancillary to this business.
- 6.19 The site is relatively well screened when viewed from Trosley Park, the PROWs to the north of the application site and other publicly accessible locations within the wider area. I do not consider that the change of use harms longer distance vistas within the AONB. However, the caravan/mobile home, as situated at present on site, is visible from Taylors Lane. This visibility will increase during the winter months as the foliage decreases on the deciduous vegetation in the hedge along the western side of Taylors Lane. The accommodation appears as a visually intrusive feature which is detrimental to the natural beauty and local distinctiveness of the area. There is considerable scope for this intrusiveness to increase if the caravan/mobile home were to be sited elsewhere within the site, or indeed if a different structure within the statutory definition were to be substituted. Accordingly I consider that the development is detrimental to the scenic beauty of the AONB and is contrary to Policy CP7 of the TMBCS and the guidance provided in PPS7.
- 6.20 I am also of the opinion that the use of the site causes harm to the visual amenities of the MGB and the countryside generally and serves to erode the setting of Trottiscliffe as a settlement: there are no dwellings or residential uses on the western side of this section of Taylors Lane (north of Millers Farm) and the development has served to introduce residential structures and associated paraphernalia (eg the dog kennels) within this location which appear incongruous and do not reflect the character and appearance of the site and its surroundings. I therefore consider that the proposal is contrary to TMB CS Policies CP1, CP3 and CP6 and MDE DPD Policy SQ1.

Residential Amenity

- 6.21 As there are no other dwellings located on the western side of this section of Taylors Lane, the use of the land does not have a materially detrimental effect on living conditions of residential properties. The dog kennels are domestic in nature and the use would not be harmful to residential amenities from a planning point of view.

Highways

- 6.22 There is an existing access to the site, with a gate set sufficiently far back from the highway to allow a car to be parked whilst the gates to the site are opened. KHS has raised no objection to the proposal, subject to the imposition of Conditions. It is considered that the proposal is in accordance with MDE DPD Policy SQ8.

Drainage

- 6.23 Foul drainage is provided to a cess pit. DHH has not raised any objections in this respect.

Conclusion

- 6.24 A caravan has been placed on the application site. Although planning permission for the polytunnels was granted in June 2010, they have not yet been completed so no horticultural activity is taking place at the application site at present. Member may agree that more resources appear to have been invested in the caravan and the associated residential use rather than the requisite horticultural activity. The applicant asserts that the caravan which has been placed on the site is required in association with the development and running of an agricultural (horticultural) enterprise. However, there is not a current functional need for on-site accommodation and it would have been appropriate in my view for the applicants to start to develop the enterprise from an off site residence until any functional need specifically arose.
- 6.25 It is considered that the applicant has not demonstrated that the criteria set out in Annex A of PPS7 to justify a temporary agricultural dwelling have been satisfied. Accordingly, the use of the site for a caravan/mobile home ancillary to the use of the site as a nursery comprises inappropriate development which is harmful to the openness of the MGB and causes demonstrable harm to the rural character of the locality. I do not consider that there are very special circumstances that overcome this harm.
- 6.26 It is accordingly recommended that planning permission be refused. As detailed above, actions to enforce against the breach of planning control have already been undertaken and the refusal of permission would not alter this situation.

7. Recommendation:

7.1 Refuse Planning Permission for the following:

Reasons

1. The Local Planning Authority is not satisfied that the applicant has demonstrated that there is a current functional need for a temporary agricultural dwelling on the site. If the horticultural business were to be developed as proposed, any functional need for a temporary agricultural dwelling on-site could be fulfilled by another existing dwelling in the area which is suitable and available for occupation. Notwithstanding the lack of a clear need for a residential presence on the site, there is currently no agricultural/horticultural activity taking place on the site, and the siting of the existing caravan is also, therefore, premature. The proposal comprises inappropriate development which is harmful to the openness of the Metropolitan Green Belt and is therefore contrary to Tonbridge and Malling Borough Core Strategy Policy CP3: Green Belts and the guidance detailed in PPG2(Green Belts) and PPS7 (Sustainable Development in Rural Areas).

2. The Local Planning Authority is not satisfied that the applicant has demonstrated that the development is essential to meet local social or economic needs. The development appears as a visually intrusive feature which is detrimental to the natural beauty and local distinctiveness of the Area of Outstanding Natural Beauty, the rural character of the area, the visual amenity of the Metropolitan Green Belt and the setting of the settlement of Trottiscliffe. The development is contrary to Tonbridge and Malling Borough Core Strategy Policies CP1, CP3, CP6 and CP7, Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document Policy SQ1 and the guidance provided in PPG2: Green Belts and PPS7: Sustainable Development in Rural Areas.

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