

West Malling **TM/10/02910/FL**
West Malling And
Leybourne

Erect 5 stables, hayroom and tack room and provision of 12 metre x 12 metre area of hardstanding at Land Opposite 170 Offham Road West Malling Kent for Mrs Susan Palmer

Private Representations: A further representation has been received from the occupiers of Gundulf's Meadow expressing concern that foul water from the stables would drain over the applicant's field onto their field (located to the north east of the proposed stables) which could contribute to waterlogging.

DPTL comment: Although this small field appears to be at a lower level than the section of the application site within which the stables are proposed to be located, having regard to the distance of the stables relative to the boundary between the application site and this land, I am of the opinion that water brushed or washed from the concrete apron on which the stable is proposed to be situated is unlikely to flow or seep laterally to this neighbouring land. My recommendation remains unaltered.

RECOMMENDATION REMAINS UNCHANGED

Ryarsh **TM/11/01420/FL**
Downs

Two storey front extension at Stoned Lodge The Street Ryarsh West Malling Kent ME19 5LL for Mr P Cheeseman

No supplementary matters to report.

Ightham
Ightham

TM/11/01602/FL

Revised application for the erection of a detached dwelling house for occupation by the Horticultural Manager of the nursery at Planet Plants Back Lane Ightham Sevenoaks Kent TN15 0NY for R Mckenna

Private Representations: A further six representations have been received in support of the application detailing that on-site accommodation would allow any emergencies which arose to be dealt with promptly and would reduce the risk of theft and vandalism and rabbit damage. Of the representations, one is from the applicant's wife and three are from employees of the enterprise.

An additional letter has also been received from the Dartford Farmers and North West Kent Growers National Farmers Union group supporting the proposal and detailing that it is considered that the reason why the enterprise may have undergone any financial hardship is due to losses associated with the damage caused by snowfall in last winter.

A representation has also been submitted representing the International Plant Propagators Society and the UK Ornamental Plant Growing Industry supporting the application.

Applicant: A letter has been received from the applicant's agent, together with an aerial photograph. These are provided at Annexes 1 and 2 respectively. The letter is summarised below:

- The applicant does not consider that it is appropriate to use the appeal decision at The Nursery, Trottiscliffe to "override" the advice from the Council's retained agricultural consultant and the comments provided by the applicant's agricultural consultant in respect of whether the functional test as set out in Annex A of PPS7 is satisfied;
- The applicant considers that the functional need for a permanent dwelling is not limited to responding to changes in growing conditions but rather that there is a wider need for a high degree of care and attention to the existing plants from a nurseryman;
- The applicant considers that the installation of remote monitoring equipment would be unreliable and overly expensive and it would be more important to continue to concentrate on building up the stock of plants and sales;
- The applicants require a four bedroom property but properties of £295,000 for sale and £1,100.00 per calendar month for rent would be too expensive;
- The applicants consider that to walk (either in the event that the roads are not passable due to winter weather or more generally in the case of the applicant's wife and children) to the site would be overly dangerous and would take too long in the event of failure of irrigation or heating systems or damage to the glasshouse/polytunnels;

- The applicants consider that the suggestion that an agricultural worker could reside in the existing building during periods of potential snowfall would not be appropriate as there is no hot water or facilities for preparing hot food and that in times of severe weather the applicant would wish to be at home with his family to help and support his wife in looking after their young children;
- The applicants consider that the horticultural enterprise is in a good financial position despite the national economic decline, the financial test as set out at paragraph 3 (iii) of Annex A of PPS7 has been satisfied and that without on-site residence the business is exposed to potential risk;
- The applicants believe that the draft National Planning Policy Framework does not appear to have been taken into account in the assessment of the proposed development;
- Ivy Hatch Nurseries went into administration shortly after the refusal of planning permission for an agricultural worker's dwelling at that site and it is the applicant's consideration that "one of the reasons for this is likely to have been a lack of on-site accommodation". The business currently operating from the site (Select Nurseries) is a case of that site "starting afresh";
- The applicants are disappointed that case officers "have changed their mind" in respect of whether the size of the dwelling is commensurate with the functional requirement of the site;
- The conclusions set out at paragraph 6.11 and 6.40 are inaccurate and misleading in respect of the applicant's need to reside at the site;
- The main report contains inaccuracies at paragraphs 3.1 (operation of internet plant delivery business) and 3.2 (number of glasshouses), Section 4 (in respect of the name of nursery) and paragraphs 5.3.1 and 5.3.2 (comments of the Council's retained agricultural consultant).

DPTL comment:

Relevance of appeal decision at The Nursery, Trottiscliffe: Members may recall that in determining the planning application at The Nursery, the Borough Council had regard to the comments made by both the Council's retained agricultural consultant and the agricultural consultant instructed by that applicant. Both consultants considered, in that instance, that the functional and financial tests as set out in Annex A of PPS7 were satisfied. However, the Borough Council reached a different conclusion, particularly having regard to a wider knowledge of the availability of alternative available and suitable housing in the area around the application site, and refused planning permission. In determining the appeal, the Planning Inspectorate had regard to the comments of the two agricultural consultants, but supported the conclusions of the Council in respect of whether the tests for an agricultural worker's dwelling had been satisfied – and dismissed the appeal.

The appeal decision for The Nursery was issued after the Council's receipt of the comments of the retained agricultural consultant on the current application at Planet

Plants. As I have acknowledged at paragraph 6.5 of my main report, whilst there are substantial differences between the circumstances of the two sites and proposals for development, the Inspector has reached conclusions which are of direct relevance to the current proposal at Planet Plants (despite the acknowledged differences between the sites and the nature, scale and range of plants grown at the nurseries) and as a very recent decision issued by the Planning Inspectorate it is my opinion that regard should be had to these conclusions in the consideration of this application – indeed, I believe it is appropriate to afford these conclusions substantial weight. In taking account of these conclusions, I have reached a different view to that of the retained agricultural consultant in respect of whether there is a functional need for an agricultural worker to reside on-site. These conclusions are as follows:

- That an on site presence is not necessary in principle providing that there are appropriate technological arrangements (sensitive on-site monitoring equipment linked to remote alarms) and persons are sufficiently close to the site to be able to be able to respond within an effective time frame;
- That an appropriate “area” of search for available and suitable alternative accommodation would be villages surrounding the application site (up to 8 minutes drive time to the site) and that such journeys by car would be of sufficient swiftness to respond to emergencies without damage to plants;
- That the likelihood of local roads being blocked by extremely adverse weather conditions would be “a very occasional occurrence”, that “meteorological information of impending situations of this kind is highly likely to be available in advance of such weather” and “this would permit a temporary overnight stay at the unit to be considered in order to deal with any problems which might emanate from such an event and threaten the wellbeing of the plants being grown”.

Functional need: The applicant has reiterated his belief that there is an overall need for a worker to reside at the site, which includes the need to respond to changes in growing conditions, deter theft/vandalism, prevent damage to plants from rabbits and to deal with emergencies. As set out at paragraph 6.11 of my main report, the test in Annex A of PPS7 is that it is “essential for the proper functioning of the enterprise for one or more workers to be readily available at most times”. My conclusions (as detailed in the main report) are that, subject to the applicant residing within a reasonable distance of the site to allow plant husbandry and the day-to-day activities at the site to be undertaken without incurring extensive travelling times and to respond to emergencies/changes in weather conditions within a short period of time, there is not an essential need to have on-site accommodation. My conclusions remain unaltered.

In respect of being able to respond to emergencies promptly, considerable emphasis has been placed in the application on the potential for stock to be damaged by extreme weather conditions or the failure of automated systems such as irrigation. In terms of the potential to install monitoring and remote alarm equipment, it is my understanding that such equipment is used extensively in horticulture (and indeed in industrial and other processes) on a variety of scales and whilst it would require further investment this should

not be prohibitively expensive: indeed it represents infrastructure which could reasonably be expected at a nursery. In respect of the unfortunate damage to equipment and stock which occurred through the accumulation of snow on the glasshouse and polytunnels last winter, such weather events are both predictable and highly infrequent and whilst the suggested practical solution of residing for a couple of nights at times of predicted snowfall within a tent in the existing building may be rather uncomfortable, it can be easily undertaken, is not an uncommon agricultural practice, and has been endorsed as a suitable solution by the Planning Inspectorate. Indeed, there are a number of instances where owners/operators of enterprises (both horticultural and otherwise) have to operate differently at such times of heavy snowfall in order to protect products or to allow services to be maintained.

Available and suitable alternative accommodation in the area: The applicant's letter asserts that no suitable and available alternative accommodation has been found within the area, either as it is too expensive or too small for their family requirements. In reviewing the potential for alternative accommodation in the area, PPS7 is clear that the personal preferences or circumstances of any of the individuals involved are not the determining factors for agricultural workers' dwellings, but rather it is the needs of the enterprises concerned. Nevertheless, I have had regard to the applicant's family size and I fully understand the applicant's wish to live in a dwelling of a similar standard to that which they inhabit currently. However, as detailed in my main report, there are a number of examples of dwellings within the area surrounding the application site which would facilitate easy access to the enterprise which appear to be of a reasonable price relative to their location within west Kent and provide family accommodation. Indeed, case officers have examples of a considerably greater number of dwellings (particularly in Borough Green and Plaxtol) than those set out in the applicant's letter. Details of these properties can be provided to Members if requested.

The applicant has also detailed that an on-site residence would be beneficial in terms of sustainability. Whilst planning policy encourages reductions in the number and length of journeys undertaken by private vehicles, I consider that due to the need for private vehicle travel to shopping, education, health and community facilities within surrounding settlements any benefit in terms of a reduction in private vehicle trips associated with journeys to the site would be marginal and would not represent sufficient justification to reduce the area within which suitable and available alternative accommodation for a worker to reside could be located. In terms of the safety of the surrounding road network for pedestrians, as detailed previously I am of the opinion that the number of occasions when the road network would be impassable to vehicles is limited and a suitable practical solution of temporary accommodation at the site on such occasions has already been suggested and endorsed by the Planning Inspectorate.

Financial test: My conclusions in respect of whether the enterprise satisfies the financial test remain unaltered and are set out at paragraphs 6.20 – 6.23 of the main report. These conclusions are supported by the findings of the Council's retained agricultural consultant.

Size of dwelling: Following the withdrawal of the previous application (TM/10/02923/FL) the applicants engaged in pre-application discussions with case officers: advice was provided as to how the applicants could seek to reduce the size of the dwelling (for example through internal layout and room sizes) but the applicants were advised throughout this process of the requirements of paragraph 9 of Annex A to PPS7: the requirement that agricultural dwellings should be of a size and construction cost commensurate with the established functional requirement and long-term income of the enterprise, the latter of which could not be determined until production of the full accounts.

Draft National Planning Policy Framework: As detailed in the main report, whilst the draft NPPF is a consultation document and is capable of being a material consideration, the weight to be given to it will be a matter for the decision maker's planning judgement in each particular case. The draft NPPF sets out that sustainable economic growth in rural areas should be supported by taking a positive approach to new development, planning strategies should support the sustainable growth of rural business and that an essential need for a rural worker to live permanently at or near their place of work in the countryside can represent special circumstances to overcome the general policy of avoiding isolated homes in the countryside. This reflects the present advice as set out in PPS4 and PPS7, albeit the draft Framework does not contain any of the detailed tests against which such proposals should be assessed. Accordingly, and given the draft status of the Framework, I consider that the relevant national guidance to this application is that as detailed in the main report at paragraph 6.2, to which regard was had in my consideration of the application.

Ivy Hatch Nurseries: The references in the main report to Ivy Hatch Nurseries refers to the horticultural nursery accessed from Ismays Road, which was formerly linked to the application site by an access to the north of the intervening paddock between the two sites. The planning history indicates that planning applications were submitted in respect of Ivy Hatch Nurseries Ltd until 2008 at which point the relevant documentation refers to submissions by Selected Plants Nursery. However, the submitted documentation also indicates that the same individual (Mr Tom Norris) was the owner and manager of the nursery at the site regardless of the name. The nursery is presently operating, and has been for a considerable period of time.

To clarify, the planning history as set out in the main report under paragraph 4.1 refers to that specifically at the application site (i.e. not including applications made for both the application site and the Ivy Hatch Nurseries site, which is detailed at paragraph 4.2): it is understood and acknowledged elsewhere in the main report that Planet Plants only began operating in 2007 and accordingly the planning history at paragraph 4.1 relates to the operation of different enterprises (formerly Coblands Nursery and presently Planet Plants) at the same site.

Operation of internet delivery service and involvement of applicant's wife: Whilst the Planet Plants website indicates that orders for plants can be ordered over the internet and delivered, I acknowledge the applicant's assertion that the internet delivery side of the

enterprise is “due to start-up in January/February 2012”. The applicant has also referred to paragraphs 5.3.1 and 5.3.2 of my main report, which relate to the involvement of his wife in the enterprise. These paragraphs refer to the comments made by the retained agricultural consultant: these comments are usually based on his review of the submitted documentation and discussions which are undertaken on site with the operators of the various agricultural enterprises. Specifically, the comment regarding the role of the applicant’s wife in the enterprise was made by the consultant in December 2010 in respect of the original application. I acknowledge the role which Mrs McKenna undertakes at the site as detailed by the applicant in the recent letter: “a vital member of the management team for Planet Plants in both business development, accountancy and financial management, customer contact liaison roles as well as providing hands on support”.

Conclusions: The applicant has made several references to my conclusions as to the whether there is a functional need (at paragraphs 6.11 and 6.40). To clarify, the functional test is whether a permanent dwelling at the site is essential for the proper functioning of the enterprise. For the reasons detailed in the main report and above, I am of the opinion that it has not been demonstrated that it is essential for the proper functioning of the enterprise. The reference to the fact that on-site accommodation would be “more convenient” is not a reflection of the purpose or reasons for which the applicants made the application, but rather an expression that whilst on-site accommodation may facilitate the more efficient operation of the enterprise it is not considered to be essential to the operation of the enterprise.

Having regard to the representations received since the publication of the main report, I am aware of the local support which has been expressed for this application and would re-iterate that regard was had to the need to support the rural economy throughout the consideration of the application. However, there is a clear set of tests and requirements for permanent agricultural workers dwellings as set out in PPS7 which must be satisfied, and I remain of the opinion that the proposal as detailed fails these tests and requirements. My recommendation therefore remains unchanged.

RECOMMENDATION REMAINS UNCHANGED

**Borough Green
Borough Green And
Long Mill**

**Request for revocation of Lawful Development Certificate
issued under ref. TM/08/01852/LDE**

**Revocation of Certificate of Lawful Development (Existing): Use as car parking area
at Land Rear Of 19 - 29 Station Road Borough Green Sevenoaks Kent TN15 8ET for
Mr Bengt Landgren**

No supplementary matters to report.

living through growth of our own fruit and vegetables whilst educating our children where food comes from and how to grow vegetables, an enhanced community spirit of sharing crops between neighbours and the enjoyment of seeing families and children socialising together. It seems such a shame that only one negative appeal can have such a huge impact on so many people's livelihoods. We would be extremely grateful if you would reconsider the application."

DPTL comment: Planning permission has not been granted to extend the gardens of either of the properties adjoining the western or eastern boundaries of this site. The current extent of both properties are as shown on the 1963 edition of the Ordnance Survey map and appear to be contemporary with the respective houses. The five houses to the west of this land all have gardens that extend to the PROW, but are of differing sizes due to the diverging angle of the PROW away from the rear of the affected properties. Prior to the submission of application TM/11/01873/FL, it was informally and without prejudice suggested to the applicant that the use of a smaller area approximately in line with the end of the garden adjoining the western boundary may be supportable. However the application submitted applied to the change of use of the whole of the land.

RECOMMENDATION REMAINS UNCHANGED

Annex 1: Aerial Photograph of site (submitted 26 October 2011)



Annex 2: Letter from applicant's agent (received 21 October 2011)

Our Ref: SME/VRO/1519
Dated: 20th October 2011

Mr. S. Baughen
Tonbridge and Malling Borough Council
Planning Department
Gibson Drive
Kings Hill
West Malling
Kent
ME19 4DX

Dear Mr. Baughen

Re: Planet Plants, Back Lane, Ightham – Application Ref: TM/11/01602/FL

I have now received a copy of your committee report which I have sent to my client. We wish to make the following comments which we feel should be addressed in your Supplementary Report to the Committee in order that the Members have a fair and full assessment of the planning merits of the case.

Firstly, we note that you have taken a different view in respect of the functional test than that expressed by your Council's retained Agricultural Consultant Mr. Lloyd Hughes and by our clients Agricultural Consultant Mr Kernon. Both of these specialist consultants were satisfied that the functional tests were met. You have referred to a recent Appeal Decision at The Nursery as providing grounds for taking a different view.

The Nursery was a very different case and the Inspectors reasoning and decision was based on the particular circumstances of that case alone. In my opinion it is not appropriate to use that decision, which may be modified by current negotiations and a further application, to override the advice of 2 specialist consultants.

In particular based on that case you draw members attention to the possibility of utilising remote monitoring systems which would obviate the need to live on the site and you draw attention to the fact that the applicants could live in a rented property or could purchase a property close enough to the site to make it feasible to drive to or walk to the site to deal with any emergency.

It seems to me that both Mr. Lloyd Hughes and Mr. Kernon would have considered these possibilities in reaching their conclusions. After all, these are not new ideas and in fact the

application addressed the issue of finding suitable and affordable accommodation close to the site. In this respect, I would ask you to consider the following:

- i. In principle this particular type of horticultural nursery requires on-site presence, not just to deal with emergencies but so that the plants can be properly tended from early morning through to late in the evening. Mr. and Mrs. McKenna wish to stress that there is no substitute for the human eye and that the wide variety of plants sourced from around the world which they have in many cases grown on to mature specimens now require a very high degree of care and attention.
- ii. As you know from looking at the stock valuation figures, the stock is valuable and although some of it is under glass or polythene some of it is out in the open. To rely on weather forecasting and remote monitoring equipment would be extremely risky and although there is possibly technology available for monitoring, in Mr. McKenna's experience, reliability is not proven. Power failure would disable monitoring systems and any remedial control systems which could be fitted and it would be extremely unwise to rely on weather forecast given the wide variations in microclimate throughout this part of Kent. The failure of automatic systems is a valid issue which is referred to in PPS7 Annex A Paragraph 4 ii, and it is clear from looking at the size of the nursery and the cost of the equipment (which can be looked at on the internet) that the scale of investment in the systems would be very significant, particularly if it is necessary to have backup systems. My clients consider that it is more important to continue to concentrate on building up the stock and the sales, for example by attending exhibitions etc. rather than investing in technology which is not proven to be successful and which does not in any event substitute for hands on care from an experienced qualified Nurseryman. The cost of installing equipment across the whole of the nursery would be high and would not be justified in comparison with the cost of constructing a dwelling as an alternative, with the wider attendant benefits of the latter option.
- iii. A further consideration in respect of automatic systems is that in a worst case winter scenario, where it was not possible to drive to the nursery, it would take too long to walk to the site to take any necessary remedial action. Damage from failure of irrigation equipment or from the weight of heavy snow on glass or polythene would occur relatively quickly and to walk to the site from any of the surrounding villages in severe weather along unlit rural lanes where there is no footway would take a significant length of time as well as involving considerable risk (this point is referred to again below).
- iv. Reliance on remote monitoring and control systems does, of course, presuppose that it is possible to find a suitable and affordable dwelling within 10 minutes drive time of the nursery. In your report you have set out in some detail why you think that accommodation is available sufficiently close to the site to provide the necessary supervision and care of the plants. You refer to properties which you have found for rent and sale in the area for less than £400,000.00. You refer to a 4 bedroom house for sale in Ightham at £295,000.00 but this is approximately £100,000.00 more expensive than the costs of construction of the new dwelling on the site. My clients could not afford to purchase a property at this price. You also refer to a 3 bedroom house which is available for rent at £1,100.00 per calendar month but

again this is too expensive and my clients do require 4 bedrooms for themselves and their 3 children. I have also looked at the internet and I have found a 2 bedroom cottage to let for £750.00 per month but this is not suitable. It is far too small and is only really suitable for a single person, a couple or a family with 1 child. Other properties in Ightham include a 2 bedroom house at £950.00 per calendar month (again not suitable) and then the remaining properties which I have looked at are 4 or 5 bedroom houses which range from £1,495.00 per calendar month to £2,650.00 per calendar month (through Kings Estate Agents, Helen Breeze Property Management, and Savills). You have stated that these dwellings are suitable but my clients strongly disagree. They would experience a significant fall in their standard of living compared with their current standards of living and in particular, Mrs. McKenna is astounded that you would expect her to walk to The Nursery site with 2 young children and a baby in a pushchair in bad weather along unlit country lanes with no footpaths in the event that her husband is away at a show or exhibition and that there is an emergency at The Nursery. In my opinion this would be detrimental to my clients Human Rights to enjoy their family life and their home under Article 8 as well as placing them in potentially dangerous situations. You have referred in Paragraph 6.15 of your report to "very infrequent occasions" when there would be a need to walk to the application site. I would remind you that your LDF document (Managing Development and the Environment DPD April 2010) addresses issues of climate change, identifies the fact that this is a serious and urgent issue and documents events of severe weather including data indicating that the district is one of the driest, hottest and sunniest regions in the UK. My clients suggest that it is unrealistic to assume that events such as those that occurred last winter, where there was serious damage from heavy snowfall, will be "very infrequent".

In addition to these 2 important issues we would like to address views expressed in the most recent comments from Richard Lloyd Hughes and set out and supported in your assessment in relation to the financial test. My clients feel very strongly that the tests are met and that the business is well established and financially sound. This is questioned largely due to the fact that there have been significant increases in stock valuation and also due to the fact that there has been investment from "outside" capital rather than just from profits generated through the enterprise.

My clients are of the opinion that this is good business practice and is common wherever it is feasible throughout horticultural, agricultural and other sectors of the economy. The specific nature of this nursery business means that whilst the initial stock is grown on and increases in value, in order for the business to grow there needs to be an injection of capital and this is exactly what has happened. This shows the commitment and confidence of my clients in the business because they have invested family resources in the business, rather than elsewhere. As the long-term liabilities of the business have been reduced; the effect has been positively beneficial in terms of financial soundness. The business is in a good position despite the fact that we are currently suffering a severe recession when other small businesses are struggling or ceasing to trade. This is due not only to the level of expertise and commitment of Mr. and Mrs. McKenna but also due to their business sense and acumen. This is reflected in the success of Wyevale Nursery

which you refer to in Paragraph 5.3.1. of your report. Richard McKenna has helped to develop this business so that it is now an extremely successful commercial nursery.

This nursery business is also extremely successful in the midst of a recession.

The simple fact of the matter is that the test set out in Annex A of PPS7 requires the business to “have been established for at least 3 years and to have been profitable for at least 1 of them”. This test has been met and this has been demonstrated. The test also requires the business to be currently financially sound and does not elaborate on this requiring the soundness to have come only from profit generated through sales of stock. The fact is this test is also met. The policy then requires the business to have a clear prospect of remaining financially sound. In these very difficult economic times it is difficult to establish a clear prospect for any business enterprise but in this case, there is every indication Mr. and Mrs. McKenna will continue to expand the business to produce high quality stock which will increase in value, and also to achieve increasing sales through their efforts in starting up their internet business (which you should note has not yet commenced) and in building up contacts by attending and exhibiting at significant national and international events, for example the Chelsea Flower Show.

In my opinion, the Borough Council should be fully supporting and assisting this business enterprise in line with advice set out in PPS1 and PPS4 and in the National Planning Policy Framework. The business is, in fact, achieving sustainable economic growth and in preventing Mr. and Mrs. McKenna from living on the site, the Council will be exposing the business to potential risk rather than supporting it.

In addition to these main issues, there are additional points of detail where your report is either in error or where we feel that it is misleading.

In Paragraph 3.1 you state that the applicants operate an internet plant delivery business, in fact, this is due to start-up in January/February 2012.

In Paragraph 3.2 you refer to glasshouses in plural, in fact there is only one glasshouse at the present time.

In Paragraph 3.5 you refer to Ivy Hatch Nurseries. We note that Richard Lloyd-Hughes supported an application for onsite accommodation at Ivy Hatch Nursery but permission was refused against his advice. Ivy Hatch Nursery then went into administration. One of the reasons for this is likely to have been a lack of onsite accommodation. A new business called “Select Nurseries” is now operational.

In Section 4, Planning History, you refer to early applications in 1995 and 2004 as being for “Planet Plants”, in fact these were for Coblands Nursery.

At Paragraph 5.3.1, you refer to Mrs. McKenna as “becoming involved in the management of Planet Plants”. In fact, Mrs. McKenna is a vital member of the management team for

Planet Plants in both business development, accountancy and financial management, customer contact liaison roles as well as providing hands on support.

In Paragraph 5.3.1, you refer to members of staff. There are in fact, 3 full time workers (Bill, Karen and David) and 1 part-time worker (Ben) at Planet Plants at the present time.

In Paragraph 5.3.1, you refer to the dwelling as “unusually large” but you do not give any comparative information either locally, regionally or nationally. We are aware of the fact that dwellings of a similar size have been permitted including at Appeal.

In Paragraph 6.2, you refer to the draft National Planning Policy Framework but you do not appear to have taken its contents into account in your assessment. Although the guidance is in draft, it is a material planning consideration. The main thrust of the Framework is that it is essential to support growth to achieve a sustainable future and that planning must operate to encourage growth and not to act as an impediment. Significant weight should be placed on the need to support economic growth through the planning system. Local Planning Authorities should take a positive approach to Planning Applications and approve all proposals wherever possible. There should be a clear presumption in favour of sustainable development and the default answer to development proposals should be “yes” except where this would compromise key sustainable development principles. In this case, the proposal supports a local business which makes a positive contribution to the local economy providing jobs, helps to sustain other related businesses and has clear potential for sustainable growth for the future.

In Paragraph 6.5, you state that the enterprise has operated for 4 years without on-site accommodation. My clients would remind you that there was serious damage last winter because they did not live on-site.

In your Paragraph 6.10, you comment on Ivy Hatch Nurseries. I have referred to this above and the fact is that it has not successfully developed since 2005, in fact the business failed. It is currently starting afresh.

In your Paragraph 6.11, you mention that it would be convenient and desirable for Mr. and Mrs. McKenna to live on the site. They consider that this is very much an understatement and is an inaccurate and misleading assessment of their need to live on the site. Mr. McKenna points out that there is a cost involved in being always available for work and this will be borne by the whole family. The family are willing to live in this way because they are absolutely committed to making a success of The Nursery business.

In your Paragraph 6.18, you refer to the fact that someone could stay in the existing potting shed in the event of severe snowfall. Actually there is no proper heating in the building and no hot water. There are no facilities for preparing hot food, washing or having a shower. The building does not provide habitable accommodation. In addition, in severe weather, Mr. McKenna would wish to be at home with his family to help and support Mrs. McKenna in looking after their young children. It is considered unreasonable to suggest

that someone should stay in the potting shed for up to a week in extremely severe weather conditions and again, this impinges upon their right to a normal and happy family life.

In your Paragraph 6.26, you refer to the fact that you provided general advice at the pre-application stage for this application and the previous application. Although I did not attend the most recent meeting, Mrs. McKenna informs me that you indicated that the size of the dwelling and the revised proposal were more in line with what you had in mind and with your thinking. Mrs. McKenna is particularly disappointed that you seem to have changed your position in respect of the size of the dwelling and it would have been more helpful if you had made it clear before the application was resubmitted that you considered that it was still too large.

In your Paragraph 6.28, you refer to the applicants "wish that their children could be accommodated on-site". Mrs. McKenna finds that this statement is unacceptably harsh and unreasonable and again prejudices their Human Rights to a normal, happy family life/home.

In Paragraph 6.40, you once again refer to the fact that the erection of a permanent dwelling at the site will be "a more convenient arrangement". My clients feel that this wording is rather "loaded" and gives a misleading impression to your Members of the purpose of the application.

Finally, as a general point, my clients have asked me to stress that events have proved that there is now a pressing need for them to live on-site. They do not consider that it is appropriate or feasible for them to live on-site in temporary accommodation and in fact, they do not see the necessity for this when they have been operating for 4 years and have achieved profitable status even in the depths of a serious recession.

I hope that you will be able to report these points to the Members and thank you in anticipation.

Yours sincerely,

SUSAN M ELLIOTT