

Ightham
Ightham

559968 156701 12 September 2012 TM/12/02634/FL

Proposal: Stationing of a mobile home for a temporary period of 3 years
Location: Mount Farm Borough Green Road Ightham Sevenoaks Kent
Applicant: Mr N Connell

1. Description:

- 1.1 The application is for the stationing of a mobile home on the site for a temporary three year period to be used as a dwelling for the applicant and his partner/family. The mobile home will take the form of a timber log cabin that is brought to the site in sections. The temporary building will measure 6.8 metres in width x 16 metres in length. The ridge height of the roof will be 3.8 metres and the eaves height 2.6 metres. This is in law a caravan.
- 1.2 Significant supporting information has been submitted with the application to justify the need for an agricultural dwelling on the site. This includes a Business Plan, Essential Needs Statement, Planning and Design and Access Statement and additional information in respect of costs, crime figures, photographs and supporting letters and appeal decisions.
- 1.3 The applicant has put forward a case of essential need to live on site for a temporary period while he establishes and expands the farm business. This case is based on the need to be available at short notice, on a 24 hour basis, to look after the animals on site, due to breeding, wild boar, sheep and alpacas on site. It is also stated that the wild boar, in particular, due to their nature need closer attention than other animals. In addition, security for the animals and farm equipment is needed.
- 1.4 It is submitted by the agents that the proposal for a temporary mobile home is not inappropriate development in the MGB and complies with national and local planning policies. Paragraph 55 of the NPPF allows for isolated housing in special circumstances such as the essential need for a rural worker to live permanently at or near their place of work. The agents argue that the proposed use and building is therefore essential and sustainable. In addition, they say that the proposal complies with planning policy CP14 of the Core Strategy that allows for development in the countryside that is necessary for the purposes of agriculture or forestry, including essential housing for farm or forestry workers. It is submitted that the proposal would also comply with previous guidance in PPS7 Annex A (now superseded by NPPF).
- 1.5 In terms of financial need, the sales and profit figures have been revised since originally submitted, and seek to identify a potentially profitable business. The applicant also suggests that alternative accommodation in the immediate area

does not fulfil the need to be on site and is too expensive or does not meet his family's needs.

- 1.6 The applicants bought the site in 2009 and commenced farm activities on the site. Due to the nature of the farming activities, the applicant has chosen to live on site, on an occasional basis, in a new farm building that was initially erected without consent but which was approved, together with other buildings on the site, under TM/12/02572/FL.

2. Reason for reporting to Committee:

- 2.1 The nature of the proposed development which turns on the agricultural justification and viability.

3. The Site:

- 3.1 The application site is situated outside the village settlement boundary of Ightham, in open countryside which is within the Metropolitan Green Belt and also within an Area of Outstanding Natural Beauty. Ightham is situated to the west of the site.
- 3.2 The site is accessed from the eastern side of Borough Green Road and is a well maintained track that also serves the dwelling to the north of the site. Adjoining the western boundary of the access road and the application site is a public right of way.
- 3.3 The application site is situated in a narrow valley and largely screened from longer distance views. The yard area is where all the existing buildings are situated at the end of the access drive. This yard is surrounded by two metre high close boarded fencing to two boundaries (north and west) and accessed via a two metre high electronically operated close boarded gate. The other two boundaries of the yard area are post and rail fencing. The yard is largely hardsurfaced with road chippings. One building (referred to as "Building 4" in the previous planning application below) is in unauthorised residential occupation at present.
- 3.4 The yard is on a slope and separated into 3 different areas. The area closest to the gates is used for car parking and has most of the existing buildings. At a higher level is a storage and farm office area and includes the siting of a large shipping container, used for secure storage purposes. This is where the proposed temporary mobile home is to be sited, with the shipping container being re-positioned. There is some paving to the front of "Building 4" and a retaining wall. The area beyond this has been planted with some fruit trees and these new buildings and structures house the chickens. There are a total of 10 different buildings or structures.
- 3.5 There is a separate building within a small area of woodland to the east of the main site. This is used as storage for the farming of the wild boars.

3.6 Building 4 is currently being used as living accommodation by the applicant with a bathroom, kitchen, living area and bedroom. This building is connected to all the facilities and has central heating.

4. Planning History:

TM/12/02572/FL Approved 13 December 2012

Retrospective application for the retention of 5 agricultural buildings to be used for; Building 1 (livestock shelter), Building 2 (chicken shed/ chicken run and dog kennel), Building 3 (Dry storage), Building 4 (office/ mess-room/ cold store / meat packaging and Building 11 (wild boar feed store)

5. Consultees:

5.1 PC: No objection.

5.2 Private Reps (8/1R/0X/7S) Article 13 Site Notice and PROW Press Notice:

- The letter of objection raises concerns about a permanent two storey dwelling being built in 3 years' time and the fact that most of the work at the farm has taken place without planning permission and the building footprints are greater than previous buildings on the site.
- The letters of support highlight the close relationship between the applicant and his neighbours, the fact that local produce can be bought and is used by local businesses and how well he runs a sustainable local farm on the site. They state the support for a local farmer and active member of the community.

6. Determining Issues:

6.1 In respect of the NPPF, paragraph 28 relates to development in the rural areas and the need to boost the rural economy whilst encouraging economically and socially sustainable development. It emphasises the need to support growth and the expansion of all types of business and promote the development and diversification of agricultural and other land-based rural businesses

6.2 This is an application for a mobile home on the site that will be used by the applicant as an agricultural dwelling. It is therefore necessary to consider this temporary structure and the use of the land.

6.3 New mobile homes are identified as inappropriate development in the MGB under paragraph 88 of the NPPF. Paragraph 88 identifies the type of development that is acceptable within the MGB and the need to protect the visual amenity and openness of the MGB. Paragraph 88 states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The proposed mobile home is to be used as a dwelling, albeit an

agricultural dwelling, but would be considered inappropriate development within the MGB and needs to be justified, as such, by a case of very special circumstances.

- 6.4 The NPPF does, however, outline in paragraph 55 that new homes in the countryside may be acceptable under special circumstances that includes the essential need for a rural worker to live permanently at or near their place of work in the countryside. There is, therefore, in paragraph 55 of the NPPF an exception to normal MGB considerations where there is a demonstrated agricultural need, and an appropriate level of financial viability which could, in combination form a case of very special circumstances.
- 6.5 The applicant has submitted a significant level of supporting information to justify an essential need to live on site, which also amounts to a case of very special circumstances. Supporting evidence submitted with the application and the type of farming being undertaken on the land, identifies a need for this mobile home to be sited on the farm due to the different animals (chickens, sheep, wild boar and alpacas) that are being farmed and the need to provide hands on care for these animals. Also submitted are a number of Planning Inspectorate appeal decisions that are claimed to be of a similar character to the development being proposed.
- 6.6 Following detailed assessment of the operational and financial background to the case, including additional material submitted during the life of the application, I am satisfied that there is a functional need for this residential accommodation and that the financial case justifies the grant of a temporary planning permission to allow the business to be developed. This would be consistent with paragraph 55 of NPPF.
- 6.7 In terms of the impact on the countryside, policy CP14 of the TMBCS identifies the type and scale of development that is acceptable within the open countryside. It identifies that development that is necessary for the purposes of agriculture is an acceptable form of development in the open countryside. This includes essential housing for farm workers. As the applicant has identified a case of essential and functional need for a temporary dwelling for an agricultural worker, the proposed development therefore complies with policy CP14, in my opinion.
- 6.8 In addition, I consider that the size and scale of the proposed temporary mobile home and its siting will have a limited impact on the visual character the landscape, open countryside, openness and visual amenities of the MGB. The proposed temporary mobile is low key, with a ridge height of 3.8 metres and an eaves height of 2.6 metres. The building is also sited in a small natural valley within the landscape and is consequently screened from most long distance views. In addition, the farm yard area, where the temporary mobile home is to be sited, is surrounded by a 2 metre high close boarded fencing. In terms of the use of the land for a dwelling, this is self-contained within the site and will have a limited visual impact for the reasons identified above.

- 6.9 As a result of the limited scale and size, there is unlikely to be a significant impact of the AONB due to the low key nature of the proposed building. The proposal is therefore in accordance with policy CP7 of the TMBCS and paragraph 115 of the NPPF that seek to protect the natural beauty and quiet enjoyment of the Area of Outstanding Natural Beauty. The siting of the proposed mobile home does not have a detrimental impact on the natural beauty and quiet enjoyment.
- 6.10 In terms of the size, scale and design of the mobile home, that is of a timber clad construction with a tiled roof. A log cabin would not be entirely out of keeping in a rural environment and would have a similar appearance to the existing agricultural buildings on the site. The appearance of the proposed mobile home would also be of a higher quality than a normal mobile home structure. The application therefore complies with policies CP1 and CP24 of the TMBCS and policies SQ1 of the MDE DPD that seek proposals to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. In addition, the proposal complies with paragraphs 17, 58 and 61 of the NPPF that deal with the design of new development and the need for it to be of a high standard and integrate with the built and natural environment.
- 6.11 There are no immediate residential properties adjacent to the main farm yard area and the mobile home that forms this application. Therefore there is unlikely to be any residential amenity issues, due to the significant distance between the site and residential properties. The application complies with policies CP1 and CP24 of the TMBCS and policies SQ1 of the MDE DPD. In addition, the proposal complies with paragraphs 17, 58 and 61 of the NPPF.
- 6.12 In terms of highway access, this already exists and is acceptable for additional use. There are vision splays in both directions and a clear line of sight for all road users. I do not consider there are any highway issues as a result of any increased use of this access. In terms of car parking and turning there is sufficient space on site and no issues are raised in this regard. Consequently, it is not considered there are any issues in respect of highway safety and the application complies with policy SQ8 of the MDE DPD.
- 6.13 In respect of the unauthorised existing living accommodation, in what has been referred to as "Building 4", a condition has been drafted that would ensure the removal of the living accommodation, within this building, within one month of the occupation of the mobile home. The building thereafter would be used for agricultural purposes, as approved under TM/12/02572/FL. This situation will be closely monitored.
- 6.14 The application for the stationing of a mobile home for a temporary 3 year period is, on balance, therefore recommended for approval. If the applicant wishes to seek to demonstrate the need for a permanent dwelling on the site in the future then this would need to be fully assessed at that time.

7. Recommendation:

7.1 Grant Planning Permission in accordance with the following submitted details:

Block Plan 2034/10 dated 28.08.2012, Elevations 2034/12 Rev A dated 14.01.2013, Elevations 2034/13 dated 28.08.2012, Sketch View 2034/14 Rev A dated 14.01.2013, Block Plan 2034/15 A dated 12.09.2012, Letter dated 28.08.2012, Letter dated 12.09.2012, Details rental properties dated 28.08.2012, Details sale properties dated 28.08.2012, Details farm thefts list dated 28.08.2012, Letter NFU dated 28.08.2012, Letter of support dated 28.08.2012, Assessment ESSENTIAL NEEDS APPRAISAL dated 28.08.2012, Design and Access Statement dated 28.08.2012, Email dated 29.10.2012, Photographs dated 29.10.2012, Block Plan 2034/17 A dated 20.11.2012, Location Plan 2034/16 A dated 20.11.2012, Location Plan 2034/18 A dated 20.11.2012, Email dated 20.11.2012, Email dated 20.11.2012, Letter SUPPORTING INFORMATION dated 20.11.2012, Letter SUPPORTING INFORMATION dated 20.11.2012, Floor Plan 2034/11 Rev A dated 14.01.2013, Email dated 10.12.2012, Supporting Information APPEAL DECISION, dated 10.12.2012, E-mail dated 14.01.2013, site Layout Plan 2034/7 dated 14.01.2013 and Floor Plan dated 14.01.2013, subject to the following:

Conditions:

- 1 The use for which permission is granted shall cease, the mobile home shall be removed and the land shall be restored to its original condition on or before 31st January 2016.

Reason: The permanent retention of a mobile home on this site would be detrimental to the amenities of the area and contrary to Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 57, 58, 61 of the National Planning Policy Framework 2012.

- 2 The consent shall enure only for the benefit of Mr N Connell and his partner/dependants and it shall not enure for the benefit of the land or any other person or persons for the time being having an interest therein.

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 the applicant and partner who are employed locally in agriculture or forestry, having regard to Policies CP3 and CP14 of the Tonbridge and Malling Borough Core Strategy and paragraphs 55 and 89 of the National Planning Policy Framework 2012.

- 3 The occupation of the dwelling shall be limited to a person solely or mainly employed in the associated farm business 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 at the farm business, having regard to Policies CP3 and CP14 of the Tonbridge and Malling Borough Core Strategy and paragraphs 55 and 89 of the National Planning Policy Framework 2012.

- 4 The use of Building 4, shown on Plan No. 2034/7 dated 14.01.2013, as residential accommodation shall cease within one month of the first occupation of the new temporary building hereby permitted. All fixtures and fittings therefrom that facilitate residential occupation shall be removed from the building. Thereafter, Building 4 shall be used solely for agricultural purposes as shown on Plan No. 2034/8 dated 14.01.2013.

Reason: To prevent the erection of an additional dwelling in an area where it would not normally be permitted, contrary to Policies CP1, CP3, CP14 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 55, 57, 58, 61, 89 of the National Planning Policy Framework 2012.

- 5 No porch, canopy or other structure shall be erected or attached to the mobile home without the written consent of the Local Planning Authority.

Reason: To avoid harm to the character and appearance of the area in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 57, 58, 61 of the National Planning Policy Framework 2012.

- 6 All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 57, 58 and 61 of the National Planning Policy Framework 2012.

- 7 The use shall not commence until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and paragraphs 17, 57, 58, 61 of the National Planning Policy Framework 2012.

- 8 The use shall not commence until foul drainage works have been carried out in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of water pollution prevention in accordance with Policy CC3 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and Paragraph 120 of the National Planning Policy Framework 2012.

Informatives

- 1 The applicant is advised that the site is considered unsuitable for sewage disposal systems other than a sealed cesspool or a biological system producing effluent suitable for discharge to a watercourse, for which a licence may be required from the Environment Agency, Orchard House, Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH.
- 2 A caravan site licence may be required. Please contact the Housing Manager Linda Hibbs on 01732 876190.

Contact: Lucinda Green