

Ightham

TM/13/01382/FL

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Erection of new agricultural/nursery dwelling and demolition of existing buildings at Crown Point Nursery, Sevenoaks Road, Ightham for Reuthes Nursery

No additional representations have been received since the original report was published.

The applicant has, late this afternoon, submitted further financial information in support of the application. This appears to show that the operating profit for G Reuthe Limited for the year ended 31 August 2013 has increased significantly, compared to the previous year. However, given the lateness at which this information has been submitted, it has not been possible to give it detailed analysis. Moreover, it is far from clear whether this account relates solely to the operations at Crown Point Nursery, or whether it relates to the business as a whole which, as explained in my main report, also includes the Nursery at Edenbridge. Members will also note from paragraph 6.7 of my main report that, given the national policy context that now prevails, it is not considered that a detailed financial analysis is necessary in order to judge the planning merits of cases such as this, and my recommendation does not rely on this information.

DPHEH: I have given some further thought to the detailed nature of my recommendation on this case, particularly in the light of recent appeal decisions elsewhere in the country (i.e. following the introduction of the NPPF and the demise of PPS7). In view of the particular justification that is put forward by the applicants in support of this proposal, and also in the light of the detailed nature of the development itself, in terms of the size, detailed design and layout of the proposed dwelling, I think that this is a case where there is merit in considering whether it would be appropriate to require a S106 Planning Obligation (either an agreement or unilateral undertaking) tying the occupancy of the new dwelling to this particular agricultural unit, in addition to the more generic agricultural workers occupancy condition, as set out in condition 2 of my initial recommendation.

I am satisfied that, in this instance, a requirement for such an Obligation would meet the necessary legal tests (as set out in Regulation 122 of the Community Infrastructure Regulations) in terms of it being necessary to make the development acceptable in planning terms, being directly related to the development, and being fairly and reasonably related in scale and kind to the development. Such an approach would also be consistent with that adopted by the Borough Council in relation to other recent permissions granted for agricultural workers' dwellings of a similar nature in this locality in recent years.

I have therefore amended my recommendation to include a requirement for a S106 Planning Obligation to this end.

AMENDED RECOMMENDATION:

Grant Planning Permission as detailed by the plans and other documentation as set out in paragraph 7.1 of my main Agenda report, subject to:

- **The applicant entering into a satisfactory Planning Obligation (either a legal agreement or unilateral undertaking) to tie the occupation of the new dwelling to the operation of the agricultural unit (Crown Point Nursery) and**
- **The conditions as set out in my main report.**