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Proposal:	Temporary stationing of a mobile home for a horticultural worker
Location:	Rosie's Garden Plants Rochester Road Aylesford Kent
Applicant:	Miss J C Aviolet

1. Description:

- 1.1 This application seeks the siting of mobile home on a temporary basis of three years for a horticultural worker. The site is used as nursery primarily specialising in the growing of geraniums. The application is a resubmission following the withdrawal of a similar application last year and this second submission now includes further business details to support the application.
- 1.2 The applicants agent has submitted supporting statements setting out the business plan, the need for the mobile home and how it would enable the expansion of the business which, it is stated, is essentially run by a single person. The applicant states that the plants grown on site are susceptible to changes in climatic conditions, such as frosts, high winds or excessive heat and, by living on the site, changes in conditions can be monitored to protect the stock. On-site living accommodation would also have the benefit of enhancing security at the premises and assist in protecting stock from wild animals.

2. The Site:

- 2.1 Rosie's Garden Plants is situated on the east side of Rochester Road. The site is outside the settlement confines of Aylesford where there is a presumption against new development unless specifically justified in terms of certain criteria set out in the policy. One of these relates to the need for development in a specific location to support an existing agricultural use. The site also lies within the Strategic Gap and the SLA. The site is presently occupied by a number of polytunnels, a small parking area and an outdoor growing area. The site is screened from the surroundings by a native hedge planted as part of the original planning permission for the nursery. A public footpath runs along the north eastern boundary of the site.

3. Planning History:

- 3.1 TM/04/00326/FL Application Withdrawn
Temporary permission for siting of mobile home in connection with horticultural use.

3.2 TM/96/01742/RD Approved 30.12.1996
Details of landscaping submitted pursuant to condition 3 of TM/96/01305FL:
erection of 3 polytunnels, 2 sheds, water tanks, improvement to vehicular access,
access track and parking area.

3.3 TM/96/01305/FL Approved 22.11.1996
Erection of 3 polytunnels, 2 sheds, water tanks, improvement to vehicular access,
access track and parking area.

4. Consultees:

4.1 PC: Object; the site is within a Special Landscape Area, and Area of Landscape Importance and the Strategic Gap. Any new development is contrary to policies of the Tonbridge and Malling Local Plan. The Parish Council considers the appraisal shows insufficient 'need' to outweigh planning policy and is also concerned that this proposal, if granted, would set a precedent for further similar development along Rochester Road.

4.2 KCC (Highways): No objection subject to conditions.

4.3 Medway Valley Countryside Partnership: Application should be used as an opportunity to begin the process of creating a bridleway or bridleway with footpath as part of the Medway Gap access study.

4.4 Council's Agricultural Consultant: Whilst it is acknowledged that there is a functional need for the accommodation considers that in terms of sound financial planning the agricultural case for a mobile home has not been adequately made out as yet. In respect of the submission of further details it is considered that the information provided is insufficiently detailed to comprise clear evidence that the enterprise has been planned on a sound financial basis.

4.5 Private Reps:4/0X/0S/0R + site and press notice.

5. Determining Issues:

5.1 The site falls outside any settlement confines and is within the Strategic Gap and Special Landscape Area. Guidance for development in such areas is contained within Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas, and TMBLP policies P2/18, P3/6 and P6/8 as well as policy RS5 of KSP. The principal consideration is therefore whether or not the mobile home is essential for the horticultural use of the site as to justify an exception to the normal policies of restraint in rural areas.

5.2 Annex A of PPS7 provides guidance on how to assess these cases. The guidance says that there are some cases where the nature and demands of the work make it essential for one or more people engaged in the enterprise to live at the site. Whether this is essential in any particular case depends on the needs of

the enterprise concerned. It is essential that all applications for planning permission for new occupational dwellings in the countryside are scrutinised thoroughly with the aim of detecting attempts to abuse (e.g. through speculative proposals) the concession that the planning system makes for such dwellings. In particular, it will be important to establish whether the stated intentions to engage in farming, forestry or any other rural-based enterprise, are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period of time. If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:

- 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 intentions);
- functional need
- clear evidence that the proposed enterprise has been planned on a sound financial basis;
- 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; and
- other normal planning requirements, e.g. on siting and access, are satisfied.

When assessing the justification for new properties in relation to other rural based enterprises, the criteria for assessing an agricultural dwelling should be used.

5.3 It is considered that the intention of the applicant is genuine and borne out by the submitted evidence. The site gained planning permission for the nursery use in November 1996 and became operational in 1997. The business has been steadily expanding since this time and has been displaying stock at Royal Horticultural Shows since 2000.

5.4 The Council's Agricultural Consultant considers that there is an essential functional requirement to live at the site given the need to protect young plants, particularly from damage by heating failure or power cuts, whereby a temperature alarm could be directly linked to the residential accommodation so that any breakdown threatening the plants would be immediately alerted to the occupier day or night, and quickly attended to. The ventilation of polytunnels also needs close supervision according to weather conditions, and attendance on site enables swift action in the event of storms, or heavy wind/rain threatening the structures and the outside plants.

- 5.5 The applicant does at present live in Pratling Street Aylesford but given the situation of the site our Consultant considers that this is too far away for proper management and oversight of the nursery. It is therefore considered that there is a need to live on the site rather than in a house nearby.
- 5.6 The Council's Consultant considers that the applicant has not provided adequate financial justification to show that the business is viable. On the other hand, I am mindful of the fact that the business has been running since 1997 and, on the balance of probability I consider that the established business is likely to continue to function and expand. Given that the current application is for a mobile home, it would be the normal practice to grant permission for a temporary period (usually three years) so that the financial viability of the enterprise could be tested further. In the particular circumstances of this case, I consider it would be reasonable to grant a temporary permission.
- 5.7 With regard to the details of the mobile home it is considered that the siting would not be detrimental to the overall character of openness of the Strategic Gap or the surrounding countryside as it would be screened by the existing hedge around the site. The existing access is acceptable and the provision of a formal parking area satisfies the requirements of KCC (Highways).
- 5.8 It is considered that the applicants intentions are genuine and satisfy the requirements of PPS7 which should be applied to such proposals. Since proposals for this type of dwelling are dealt with on a case by case basis and judged on the individual circumstances it is not considered that in allowing this proposal a precedent will be created for other development in the area. The granting of approval on a temporary basis only will allow the Borough Council to reassess the viability and functional requirements of the enterprise at a future date in light of the continued operation and development of the enterprise.
- 5.9 The proposal is therefore considered to be acceptable.

6. Recommendation:

- 6.1 **Grant Temporary Planning Permission** for a period of three years subject to the following conditions:

- 1 The mobile home hereby permitted shall be removed and the land restored to its former condition on or before 31 May 2008. (T001*)

Reason: In order that the position can be reviewed at the end of this period since permission has only been granted in the Strategic Gap and Special Landscape Area location in view of the special circumstances put forward.

- 2 The occupation of the mobile home shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry, or dependant of such a person residing with him or her, or a widow or widower of such a person. (V003)

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

- 3 No development shall take place until details of a sealed and watertight cesspool, fitted with a level warning device to indicate when the tank needs emptying, have been submitted to and approved by the local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: In the interests of the prevention of pollution

- 4 The mobile home shall be located on the site shown on the approved plan and in no other position unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the locality

- 5 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space. (P004)

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

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