

TM/04/03838/FL

Refuse
Appeal Dismissed

27 May 2005
12 April 2006

Temporary stationing of a mobile home for a horticultural worker

5. Consultees:

- 5.1 Aylesford PC: Objection. This would set a precedent for residential dwellings outside the confines of the village on the east side of Rochester Road where there are no other such properties.
- 5.2 DHH: There is a presumption that connection to the Public Sewer should be the first considered method of sewage disposal.
- 5.3 KCC (Highways): No objection.
- 5.4 Agricultural Advisor: (Summarised) Broad agreement that the proper operation of the nursery does require a responsible worker who needs to be on hand at most times, out of normal working hours, to deal with any emergencies. On-site residency will also allow for longer opening hours. Security at the premises has been a particular problem. The business is sufficiently financially sound to provide a full time owner/manager. The illustrative size of the proposed dwelling is reasonable however the indicative budget may need to be reduced.
- 5.5 Private Reps: 5/0X/0S/0R + site and notice. No responses received.

6. Determining Issues:

- 6.1 The site lies within an area designated as Strategic Gap. Policy CP5 of the TMBCS 2007 seeks to maintain a physical gap between the built up areas of Maidstone, Medway Towns and the Medway Gap. The introduction of a single dwelling associated with an established agricultural business will make no significant impact upon the function of the Strategic Gap.
- 6.2 The site lies within the open countryside. Policy CP14 of the TMBCS 2007 seeks to restrict development in the countryside. However Section (c) does allow for development that is necessary for the purposes of agriculture or forestry, including essential housing for farm or forestry workers.
- 6.3 Paragraph 55 of the NPPF seeks to provide sustainable development in rural areas by locating housing where it would enhance or maintain the viability of rural communities. This means that isolated new homes in the countryside should be avoided unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work.

- 6.4 It is therefore necessary to determine whether the need for an agricultural dwelling at the site is both necessary and essential.
- 6.5 The nursery was started in 2008 by the applicants and comprises 1.8 hectares with three polytunnels, two shade tunnels and a timber sales shed. The nursery produces a large variety of garden plants which are sold on site and wholesale. The plants are mainly propagated on site. The site has previously suffered from snow damage and theft.
- 6.6 The application states that the nursery requires on-site supervision in order to operate properly and that a full time on-site worker is required at all times, including out of normal working hours, in order to deal with any emergencies that might endanger plant production. These mainly relate to changes in weather conditions; the polytunnels have previously collapsed due to snow damage. The Agricultural Advisor is in agreement that there is a functional need for a full time on-site worker in order to manage the temperature of the polytunnels, react to potentially damaging weather conditions and remove any heavy snow.
- 6.7 The nursery has been operating since 2008 and accounts have been provided that show an annual increase in turnover and profit. The Agricultural Advisor considers the nursery to be sufficiently financially sound and profitable to provide an adequate livelihood for a full time owner/manager.
- 6.8 The applicants currently live in Eccles, over 2 miles from the site. This inhibits the nursery operators from reacting to the changing weather conditions but also leaves the nursery insecure. The nursery has lost considerable stock through theft and vandalism. An on-site presence would act as a deterrent and increase security. It would also allow for greater opening hours and potentially greater economic success.
- 6.9 The application seeks outline planning permission only but does provide indicative details of the proposed size and siting of the dwelling. The proposed dwelling must be affordable in terms of the profit generated by the nursery. It will be important to assess the relationship between profit and building cost at the Reserved Matters stage; however the business appears sufficiently profitable to provide a 3/4 bedroomed dwelling.
- 6.10 The proposed location of the dwelling is shown to the south west of the existing polytunnels, set back from Rochester Road. The land slopes away to the south east which would help to mitigate the impact of the dwelling on the wider countryside. In addition any impact of the dwelling could be further mitigated by appropriate planting.
- 6.11 The nursery is located within the countryside away from any immediate dwellings. The proposed agricultural dwelling will therefore have no impact upon any adjacent residential amenity. The proposed agricultural dwelling does not raise

any highway concerns. KHS has commented that the traffic generated by this proposal will not lead to any significant increase and adequate parking is available on site.

6.12 The applicant has demonstrated that there is a necessity for an on-site full time worker for the proper operation of the existing agricultural business. The business is viable and can support a full time worker and is sufficient to make an on-site dwelling affordable. The need for an on-site worker is essential to provide adequate on site supervision to react to changing weather conditions and provide the necessary security. The presence of an on-site worker is likely to aid the expansion of the existing rural business and contribute to the overall economic health of the wider area. The application is therefore in accordance with policy CP14 and paragraph 55 of the NPPF.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Email dated 11.09.2012, Letter dated 03.09.2012, Design and Access Statement dated 31.08.2012, Report dated 31.08.2012, Location Plan 100 dated 31.08.2012, Block Plan 101 dated 31.08.2012, subject to the following:

Conditions

1. Approval of details of the layout and appearance of the development, access to and within the site, the landscaping of the site, and the scale of the development (within the upper and lower limits for the height, width and length of each building stated in the application hereby approved) (hereinafter called the “reserved matters”) shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Class A, B, C, D, E, F and G of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: The agricultural dwelling has only been permitted due to its relationship with the existing nursery. It is sited within an area where a dwelling would not usually be permitted and therefore there is a need to control any potential addition to the bulk and form of the dwelling and any other potentially unacceptable domestic paraphernalia.

4. The occupation of the dwelling shall be limited to a person solely or mainly employed in the associated Nursery 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 Nursery business due to the proven essential need to have a permanent on-site presence.

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