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**Report of 30 October 2013**


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**Ightham**  
Ightham

**557667 155361 8 May 2013**

**TM/13/01382/FL**

Proposal:                   Erection of new agricultural/nursery dwelling and demolition of existing buildings  
 Location:                   Crown Point Nursery, Sevenoaks Road, Ightham, Sevenoaks, Kent, TN15 0HB  
 Applicant:                   Reuthes Nursery

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**1. Description:**

- 1.1 The application proposes the construction of a new proprietor/manager's house for the horticultural nursery at Crown Point, known as Reuthes Nursery. As part of the application it is also proposed to demolish/remove an existing site office and implement shed from the site.
- 1.2 The new dwelling is a chalet bungalow style property which would be constructed by Scandia-Hus, a designer and supplier of Swedish energy-saving timber framed homes in the UK. The dwelling comprises of some 254 square metres of new floorspace, split over two levels, although 58 square metres of this floorspace at ground floor level would be allocated to ancillary nursery accommodation (nursery reception, office, staff room, storage rooms and WC). Although specific external materials details have not been provided at this stage, it is anticipated that local stock brickwork would be used at ground floor level, with tile hanging used for dormers and gable ends and clay tiles to the roof. The dwelling would be located in the north western corner of the site on generally higher land, allowing the dwelling to overlook the wider nursery site.
- 1.3 As outlined above, the proposals involve the removal of some 132 square metres of building footprint from the site; comprising an existing site office (47 square metres) and an implement shed (85 square metres).
- 1.4 The plant nursery activities at Crown Point, specialising in rhododendrons and azaleas, forms part of a long-established business (G Reuthe Limited). The application states that Reuthes Nursery is an internationally known centre for the propagation and growing of Rhododendrons and other acid loving plants. Reuthes Nursery was originally established at Keston, Bromley by Gustov Reuthe in 1902, with the Ightham branch opened in 1926. In the early 1980's Keston Nursery was closed and all production was moved to Ightham. The third generation of Reuthes sold the nursery to the current owners in 1992, with the Nursery winning awards for the quality of its rhododendrons in 1993, 1994 and 1995.
- 1.5 The application details that there is an urgent requirement to enable the proprietor of the business to propagate plants at the nursery. To live on the site to monitor the propagation unit is also said to be a necessity; a year's work could be lost

overnight due, to for example, power cuts, snow fall, strong winds, water leaks, rodents, pests, diseases and burglary/vandalism. The nursery has in the past tried to resolve the propagation problem by outsourcing it but this has proved to be unsuccessful, with high levels of plant failures during propagation attempts at growers in Sussex and in Belgium.

- 1.6 The owners are keen to maintain the long tradition of the nursery and are also interested in developing a centre for education and diversification at the site, using their knowledge and expertise to help educate future horticultural workers.
- 1.7 The site's planning history, with regards to proposed residential accommodation, goes back many years, with outline planning permission for an agricultural workers dwelling originally granted to the current owners in 1994 under application TM/94/00732/OA, after they took over the nursery in 1992. This permission was never implemented. A subsequent proposal to extend the time limit of the 1994 outline approval was submitted under application TM/99/01792/OA, but was refused.
- 1.8 It should be noted that the applicant currently operates a nursery in Edenbridge (Starborough Nursery), which is the registered office of G Reuthe Limited.

## **2. Reason for reporting to Committee:**

- 2.1 The application relates to a case where there is a balance to be made between diverging and significant policy considerations.

## **3. The Site:**

- 3.1 Crown Point Nursery is located on the south side of the A25 (Maidstone Road), just east of the Crown Point Inn. The Nursery has a narrow entrance from the main road situated within dense woodland, forming part of Fish Ponds Woods, an area of Ancient Woodland and part of a wider SSSI, although there would be no direct impact on the Ancient Woodland or SSSI.
- 3.2 The main plot occupied by the horticultural nursery is located some 250 metres back from the A25 road and forms a broadly speaking triangular shaped piece of land. The land within the nursery generally rises from north to south, with the area covered by existing rhododendrons, azaleas, together with a variety of other rare plants and trees. There are also a number of built structures within the nursery land, including polytunnels, various sheds/outbuildings, an office, raised planting beds and greenhouses.
- 3.3 The nursery site is located within the Metropolitan Green Belt (MGB) and North Downs Area of Outstanding Natural Beauty (AONB). The site is also located outside any defined rural settlement and is therefore, by definition, within the open

countryside. The south western boundary of the nursery forms part of the boundary between land within Tonbridge and Malling Borough and Sevenoaks District.

#### 4. Planning History:

TM/86/10741/OUT Grant with conditions 28 November 1986

Outline application for supervisors dwelling.

TM/88/10419/FUL Grant with conditions 31 March 1988

Stationing of Portakabin (to replace existing office/prefab building) and Portaloo toilet.

TM/89/11893/FUL Grant with conditions 6 September 1989

Widening of entrance to nursery.

TM/90/10979/FUL Grant with conditions 18 May 1990

Detailed application for an agricultural dwelling

TM/94/00732/OA Grant with conditions 6 December 1994

Outline application for agricultural dwelling

TM/99/01792/OA Refuse 9 December 1999

Variation of conditions 2 and 3 (time conditions for submission of reserved matters and commencement of development) of permission TM/94/01320/OA: Outline Application for agricultural dwelling

#### 5. Consultees:

- 5.1 PC: We support this thorough and well argued application for replacement of existing buildings with an attractive new horticultural dwelling.
- 5.2 KCC (Highways): Has no objection to this proposal.
- 5.3 KCC (Archaeology): Notes that the application site lies in an area which has revealed prehistoric activity, particularly Iron Age. There are some "fish ponds" identifiable on the 1<sup>st</sup> Ed OS Map and some of these still survive c.200m to the east. The early OS Field Drawings highlight some buildings to the west of the

nursery. Associated post medieval or medieval activity may be revealed during groundworks, therefore recommends a condition be imposed on any forthcoming consent securing the implementation of an archaeological watching brief.

5.4 Environment Agency: Has no objection to this proposal.

5.5 Private Reps: 5/0X/1R/2S + departure site and press notice. A total of 3 letters of representation have been received, raising the following matters:

#### Support

- If ever there was a planning application that made sense in both aesthetic and economic terms, this is surely it - it makes enormous sense for the manager to be on site in his own dwelling house, and from an aesthetic basis the proposed house blends well with the surroundings and involves the demolition of existing (much less attractive) buildings/structures; and
- We have used Crown Point Nursery for many years populating our gardens and woodlands with large quantities of first class specimen Rhododendrons, Azaleas and specialist trees. The Nursery has an international reputation for its quality stock, having won many Gold medals at the Chelsea Flower Show

#### Objection

- The access to the nursery from the A25 runs through land belonging to an adjoining property. When the nursery was owned by G Reuthe the neighbour was asked, because of traffic congestion, if they could agree to two lay-bys to be constructed on their land. This was subsequently agreed with a Licence Agreement drawn up at the time to cover the provision of the new lay-bys;
- I have written to the current owner of the nursery giving them 3 months notice terminating the lay-by agreement. In addition to the termination of the agreement, I propose to physically restrict the width of the access drive. With the removal of the lay-bys and because of the bend in the access road, it is impossible for vehicles, longer than 6.2 metres, to access the nursery;
- Having lived next door to the nursery for over 30 years, in this time it has changed ownership and with it, it has fallen into neglect and dereliction;
- The planning application submitted on behalf of the owner alludes to the reinstatement of the site into a productive propagating and growing on nursery. If the Council is minded to grant planning permission for this scheme in the Green Belt may I suggest that a decision is at least delayed until the owner first proves he can re-establish a viable nursery on the site then that horticultural jobs are created in the process; and

- Another point to consider is that the reputation of horticultural excellence built up at the nursery by the Reuthe family over decades has been totally destroyed and, as we all know, a reputation lost is very hard to regain.

## 6. Determining Issues:

- 6.1 The key determining issues in this specific case relates to the balance which needs to be struck between potentially diverging policy considerations; those being the acceptability of the proposals in Metropolitan Green Belt (MGB) terms; the current policy tests in relation to assessing whether there is an essential need for rural workers accommodation in the countryside; and the general thrust of national planning policy in supporting sustainable economic growth in rural areas.
- 6.2 Given that the application site lies within the Metropolitan Green Belt (MGB) the proposals for a new permanent agricultural workers dwelling must be assessed in relation to National Green Belt Policy as set out in the National Planning Policy Framework 2012 (NPPF) and Tonbridge and Malling Borough Core Strategy 2007 (TMBCS) Policy CP3. The NPPF states that the construction of new buildings is inappropriate development in the Green Belt except for (inter alia) buildings which are specifically for agriculture and forestry. With the exception of the dedicated nursery accommodation within the proposed residential dwelling (totalling some 58 square metres out of a total 254 square metres of the overall building) the overall purpose of the new building is not for agricultural use per se. The new dwelling is therefore not considered to meet with any of the Green Belt exceptions, and therefore should be regarded as inappropriate development. The NPPF states that inappropriate development is, by definition, harmful to the MGB and should not be approved except in very special circumstances. It also states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the MGB. Very special circumstances will not exist unless the potential harm to the MGB by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.3 In terms of the policy tests in relation to assessing a need for rural workers accommodation in the countryside, the NPPF states (in paragraph 55) that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. Similarly, TMBCS Policy CP14 states that in the countryside development will be restricted to (inter alia) development that is necessary for the purposes of agriculture or forestry, including essential housing for farm or forestry workers.
- 6.4 Prior to the publication of the NPPF in March 2012, a proposal such as this would have fallen to be judged under the criteria of Annex A of Planning Policy Statement 7 (PPS7), the long-standing Government advisory statement on new

rural occupational dwellings which applied both a functional test and a financial test. PPS7 required an applicant to satisfactorily demonstrate as part of the essential need test for a new rural workers dwelling that: there is a clearly established existing functional need for a full-time worker; and that the unit and the agricultural activity concerned have been established for at least 3 years, have been profitable for at least one of them, are currently financial sound, and have a clear prospect of remaining so; and that the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area. That said, in light of the policy framework which we find ourselves faced with today, there is no further clarification nationally or locally to assist in deciding upon what is termed in the NPPF to be “essential need” in individual cases. There are individual cases where a Local Planning Authority and/or Planning Inspector has found that there is no good reason to presume against adopting the sort of functional and financial considerations that were set out in PPS7; on the other hand there are cases where it has been found that assessing applications against out of date policy considerations may leave a decision open to challenge. In the light of this new policy context, it is considered that the “essential need” of this new agricultural workers dwelling at Crown Point Nursery will need to be determined on its own merits, taking account of national policy guidance and adopted development plan policy in the round. It should be noted that the Council’s retained Rural Planning Advisor has assessed this application using the sort of functional and financial considerations that were previously set out in PPS7, and his views are summarised in an Annex.

- 6.5 The third key policy consideration is the presumption in favour of sustainable development which lies at the heart of the NPPF. This presumption includes the requirements to: support sustainable economic growth in rural areas (which includes supporting sustainable growth and expansion of all types of business and enterprise in rural areas and promoting the development of agricultural and other land-based rural businesses); requiring good design; protecting Green Belt land; and conserving and enhancing both the natural and historic environments.
- 6.6 The Nursery at Crown Point has a long-standing history of propagating and supplying high quality rhododendrons and azaleas (and other acid loving plants) to suppliers on a national and international basis, a reputation which was built up by the Reuthe family from 1926 onwards. The Nursery was taken over by the current owners, Mr and Mrs Tomlin, in 1992, who also operate a separate nursery (Starborough Nursery) in Edenbridge, some 16 miles away. In more recent years the Nursery at Crown Point, whilst remaining operational, has been operated on a low-intensity basis. The application states that the Nursery has struggled in recent years as a result of a lack of on-site accommodation to allow for full-time propagation, whilst there have been many instances of plant loss due to failure of watering or heating, and cases of vandalism.

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- 6.7 Financial accounts have been provided as part of the consideration of this application. The Council's Rural Planning Advisor has assessed this financial information and concluded that it demonstrates that, whilst profitable, the Nursery has not shown an existing sufficient level of income to support the additional cost of the dwelling proposed. That said, it needs to be borne in mind that the provision of detailed financial accounts for the Nursery is not explicitly required to meet the *essential need* test set out in the NPPF in the same way as would have been required under the old Annex A of PPS7.
- 6.8 The applicants claim that allowing new Nursery workers accommodation on site (either for the proprietor or for a site manager) would ensure that the Nursery once again becomes a viable rural business. Given the long-standing reputation of the Nursery at this location and the specific growing conditions which exist at the site (i.e. the acidic soil conditions), I consider there to be a case for arguing that the economic factors may outweigh any presumption against inappropriate development in this location.
- 6.9 Having visited the site I note that the Nursery is well screened from any wider or long-distance views across the MGB or North Downs AONB. Whilst the proposed dwelling would be located on a relatively high point of the site itself, the actual views of any new dwelling would be limited due to existing dense tree and vegetation screening around the site perimeters. The impact of the dwelling would also be limited due to the nature of the chalet bungalow and ensuring a clearly defined residential curtilage, beyond which domestic paraphernalia would be restricted.
- 6.10 The application states that foul sewage is proposed to be disposed of via a septic tank. Specific details have not been provided at this stage, although this method of disposal has been chosen owing to the distance which the dwelling would be located away from any mains drainage systems. Having consulted both the Environment Agency and the Council's own Environmental Protection Team on this indicative detail, neither have raised concerns with this element of the proposals. I therefore consider that specific details of foul and surface water drainage can be reserved for later consideration in this case.
- 6.11 On balance, taking account of current national planning policy guidance and adopted development plan policy, I consider that the applicant has been able to sufficiently demonstrate that there is enough of an essential need for new nursery workers accommodation at the site at this point in time. That essential need, together with other material considerations such as the long-standing history of the Nursery and its past national and international reputation, the removal of some 132 square metres of existing undesirable buildings from the site, together with general support in the NPPF for supporting sustainable rural enterprise, in my opinion amounts to a sufficient set of very special circumstances which, in this particular case, outweigh the general presumption against what is considered to be inappropriate development.

- 6.12 Whilst I note that concerns have been raised from an adjacent neighbouring property regarding the provision of lay-bys, this is a legal matter between the adjoining residential and Nursery owners, and not a specific planning consideration in this instance. Having consulted with Kent Highways on this application I note that it has raised no objection on highway matters to the additional new rural workers dwelling in this location. It should also be borne in mind that the highway considerations of this specific application relate solely to the provision of a new dwelling as opposed to other general concerns with the adequacy of vehicular access to the Nursery operation itself.
- 6.13 As outlined above, the application has been reported to Committee in recognition of the balance which needs to be struck between diverging policy considerations. Government guidance is currently silent at the national level as to what is specifically required to demonstrate an “essential need” for a rural worker to live permanently at or near to their place of work in the countryside and therefore this judgement needs to be made on a case by case basis by the decision maker. This specific judgement needs to be made in the round, taking account of other planning considerations as set out in the NPPF. For the reasons discussed above, I consider that, in light of the current national planning policy guidance, and subject to the imposition of the conditions set out below, planning permission should be granted in this particular instance.

## **7. Recommendation:**

- 7.1 **Grant Planning Permission as detailed by:** Letter dated 08.05.2013, Validation Checklist dated 08.05.2013, Other FORM 1B dated 08.05.2013, Planning Statement dated 08.05.2013, Other FINANCIAL VIABILITY STATEMENT dated 08.05.2013, Design and Access Statement dated 08.05.2013, Schedule dated 08.05.2013, Other KEY TO PLANTING PLAN dated 08.05.2013, Planting Plan PLAN 1 56/12 dated 08.05.2013, Location Plan PLAN 2 dated 08.05.2013, Drawing PLAN 3 dated 08.05.2013, Site Plan PLAN 4 01S REV A dated 08.05.2013, Floor Plan PLAN 5 X01 REV C dated 08.05.2013, Floor Plan PLAN 6 X02 REV C dated 08.05.2013, Section PLAN 7 SO1 REV A dated 08.05.2013, Elevations PLAN 8 X03 REV C dated 08.05.2013, Letter dated 04.06.2013, Site Plan 01S Plan 4 Rev A dated 09.07.2013, Letter dated 30.07.2013, Details ADDITIONAL INFORMATION dated 30.07.2013 and Viability Assessment: MANAGEMENT INFORMATION dated 04.06.2013, subject to:

### **Conditions / Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.



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2. The occupation of the dwelling 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 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 locally in agriculture or in forestry.

3. No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

4. No development shall take place until a plan indicating the extent of the residential curtilage around the dwelling hereby permitted has been submitted to and approved by the Local Planning Authority. The residential curtilage around the dwelling shall thereafter only include the land indicated on the approved plan and no domestic paraphernalia shall be located, or stored overnight, outside this curtilage.

Reason: To ensure that the size of the dwelling and associated curtilage relate to the functional requirement of the horticultural enterprise and to protect the openness of the Metropolitan Green Belt.

5. 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, D, E and F, of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of ensuring the size of the dwelling relates to the functional requirement of the horticultural enterprise and to protect the openness of the Metropolitan Green Belt.

6. The rooms at ground floor (as shown shaded as Nursery Office, Reception/Coats, WC, Nursery, Nursery Staff Room and CPD, which total 58 square metres) on approved plan X01 Revision C shall only be used for the purposes which are ancillary to the operation of the horticultural nursery and shall not be used for domestic residential purposes in association with the occupation of the house itself.

Reason: The application was determined on this basis, and to enable the Local Planning Authority to regulate and control any such further development in the interests of ensuring the size of the dwelling relates to the functional requirement of the horticultural enterprise and to protect the openness of the Metropolitan Green Belt.

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7. The dwelling hereby permitted shall not be occupied until the two buildings as shown on Plan 3 (drawing number 56/12/OV) have been demolished and the land reinstated to its original condition.

Reason: The application was determined on this basis and to protect the openness of the Metropolitan Green Belt.

8. No development shall take place until details comprising plans of the proposed and existing levels of the site have been submitted to and approved by the Local Planning Authority. The development hereby permitted shall be undertaken in accordance with these approved details.

Reason: In order to control the development and to ensure that the development does not harm the character of the locality.

9. No development shall take place until details of the new vehicular access to the dwelling hereby permitted (including location, levels, method of construction and surface type) have been submitted to and approved by the Local Planning Authority. The development hereby permitted shall be undertaken in accordance with these approved details.

Reason: In order to control the development and to ensure that the new vehicular access is appropriate in character and appearance for the rural setting.

10. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees shown to be retained on 'Proposed Site Plan' (drawing 01S Revision A and annotated as Plan 4/Rev A July 13'), including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).

(b) No fires shall be lit within the spread of the branches of the trees.

(c) No materials or equipment shall be stored within the spread of the branches of the trees.

(d) Any damage to trees shall be made good with a coating of fungicidal sealant.

(e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.

(f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

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Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

11. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

12. Prior to the commencement of development, details of a scheme to demonstrate that the development hereby approved will incorporate appropriate measures to contribute to a sustainable environment shall be submitted to the Local Planning Authority for approval. The scheme shall include measures to minimise waste generation, and to minimise water and energy consumption, having regard to the need for 10% of energy consumption requirements to be generated on-site from alternative energy sources and the potential for recycled water. The approved scheme shall be implemented prior to the first occupation of the dwelling hereby approved.

Reason: In the interests of ensuring a sustainable form of development.

13. There shall be no external lighting except in accordance with a scheme of external lighting submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: In the interests of visual amenity.

14. The dwelling hereby permitted shall not be occupied until works for the disposal of foul and surface water drainage have been provided on site, in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of pollution prevention.

Contact: Julian Moat

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**Summarised views of the Council's retained Rural Planning Advisor**

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Notes that this proposal would have fallen to be judged under the criteria of Annex A of PPS7, the long-standing Government advisory statement on new rural occupation dwellings, prior to 27 March 2012. This has now been replaced by the new NPPF which simply states (in paragraph 55), in the context of sustainable housing development in rural areas, that local planning authorities should avoid new isolated homes in the countryside unless they are special circumstances such as the "essential need" for a rural worker to live permanently at or near their place of work in the countryside.

At present there appears to be no further clarification nationally or locally to assist in deciding upon "essential need" in individual cases. However there is nothing to suggest that paragraph 55 of the NPPF or TMBCS Policy CP14, are promoting any significant departure from the sort of functional and financial considerations that were set out in detail in Annex A, and there appears to be a general consensus amongst decision makers that the principles set out in Annex A continue to be broadly relevant to applications relating to isolated dwellings in the countryside.

In this case I am therefore applying the Annex A criteria in order to judge whether an essential need, amounting to very special circumstances, arises in this case.

The plant nursery activity here, specialising in rhododendrons and azaleas, forms part of a long-established business (G Reuthe Limited). The site's planning history, with regard to proposed residential accommodation, goes back many years, and indeed outline permission for a dwelling was originally granted to the current applicant in 1994 after he took over the nursery, but this was never implemented.

A proposal to extend the time limit of the 1994 consent was made in 1999 but refused. At the time, I advised the Council about the application, whilst employed by KCC. I noted therein that the applicants were also operating a nursery at Edenbridge where they lived, and this appears still to be the case today (the property being Starborough Nursery, Edenbridge, which is the registered office of G Reuthe Limited).

I also noted in 1999 that whilst the management of the nursery could clearly benefit from on-site residence, the applicants had been able to develop and sustain their business without residing on site, and I did not consider a dwelling was essential to its proper functioning. At the time propagation had been organised elsewhere, using material taken from Crown Point's stock plants, later brought back as young established plants for growing on, and this appeared to have been a cost effective arrangement.

Similar arguments are now advanced again as to the requirement to live at Crown Point, for re-introducing propagation on site, and to help security and general management. However the future continuance of the business for almost another 14 years, post 1999, without a dwelling at Crown Point, does call into question any essential need for permanent accommodation here, particularly since the advice in Annex A of PPS7 is that the functional need must be *existing*.

Also, whilst there have been some failures in sending material away to other growers (in Sussex and Belgium) for propagation, it is unclear why cuttings taken from Crown Point could not be propagated by the applicant himself at Starborough Nursery.

Even if it were clear that the re-introduction of propagation warranted accommodation at Crown Point, the most that would be indicated, under Annex A criteria, would be for some form of temporary dwelling unit until it was demonstrated that this new activity had been successfully introduced (usually over a period of at least 3 years). In that context, it would be expected that any such proposal would be supported by sound financial planning, i.e. a detailed business plan demonstrating how the changes to the operation would be cost effective and viable.

For the current application, for a permanent new dwelling, it is also necessary to consider if the existing unit at Crown Point Nursery is profitable, financially sound, has a clear prospect of remaining so, and can support the construction costs of the proposed dwelling.

The overall submitted business accounts, whilst profitable, do not show a sufficient level of income to support the additional cost of the large dwelling proposed. It is suggested that the cost of the dwelling could be largely funded from a recent sale of an investment property (understood to be in Devon), but it is the ability of the nursery unit itself to support the cost of the dwelling that is relevant, and there is no evidence that there are sufficient profits from Crown Point to warrant and afford a dwelling of this cost. Nor is it established that the dwelling would need to be so large, in function terms.

To summarise, therefore I do not consider it has been shown that the proposed development is needed to meet an existing crucial function requirement, nor that it is financially sustainable in relation to the current Crown Point Nursery operation. Consequently, in my view, no essential need, amounting to very special circumstances, has been demonstrated for the proposed dwelling.

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SUPPLEMENTARY REPORTS

AREA 2 PLANNING COMMITTEE

DATED 30 October 2013

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Ightham  
Ightham

TM/13/01382/FL

**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.**
-