
Report from 26 September 2018

Trottscliffe
Downs And Mereworth

11 July 2018

TM/18/00357/OA

Proposal: Outline Application: Erection of a detached dwelling for an agricultural worker relating to the nursery business to replace the mobile home, with landscaping reserved

Location: The Nursery Taylors Lane Trottscliffe West Malling Kent

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1. Description:

- 1.1 Members may recall that the APC2 resolved to grant planning permission on 8 November 2017 for permanent retention of a mobile home for an agricultural worker relating to the nursery business on the site under reference TM/16/01753/FL. This followed from a 3-year temporary permission for the same development granted at planning appeal under reference TM/12/00379/FL. The principle of an essential need for a permanent residential presence on the site has therefore been established.
- 1.2 The current application proposes to replace the static mobile home with a detached dwelling as permanent accommodation for an agricultural worker associated with the plant nursery. The application is for outline planning permission. Amendments were received on the 10 July 2018 providing more specific details of the dwelling proposed and now all matters have been submitted for approval except for landscaping which has been reserved. Due to the nature of the amendments received, the application was re-notified to neighbours and the Parish Council for a further two week period and a further site notice was placed near the site.
- 1.3 The new dwelling will be sited in a similar position on the site as the mobile home and will measure 15m wide x 6.6m deep, with an eaves height of 2.9m and ridge height of 6.6m. It is of a barn-style design with a dual pitched roof with quarter hips, with a half hipped gable entrance element. The floor plan layouts comprise a kitchen/dining room, lounge, entrance hall and 1 bedroom (with ensuite) at ground floor and 2 bedrooms with a bathroom at first floor within the roof space. The external materials comprise dark stained weatherboarding, grey slate roof and brown windows.
- 1.4 The layout of the site is the same as that approved under TM/16/01753/FL except for the depth of residential curtilage which is now shown to be 18m deep instead of 14.5m (3.5m increase).
- 1.5 The report to APC2 for the previous application under reference TM/16/01753/FL is provided as an annex to this report.

2. Reason for reporting to Committee:

2.1 At the request of Councillor Kemp due to the history of the site.

3. The Site:

- 3.1 The application site comprises a rectangular parcel of land located on the west side of Taylors Lane, adjacent to the settlement confines of Trottiscliffe. It is fully enclosed by a brown stained close-boarded fence set just inside established hedgerows which align the boundaries of the site. The vehicular access to the site is on Taylors Lane within the northern section of the frontage. Gates are provided well back from the frontage.
- 3.2 The northern part of the site comprises two polytunnels, with black sheeting covering the land around them with arrangements of potted plants. A timber clad agricultural building comprising a workshop/potting shed with office facilities is situated within the centre of the site. The driveway and area around the potting shed is surfaced in bonded gravel. A static mobile home is positioned to the west of the agricultural building with an associated domestic garden area. Two dog kennels and pens lie just to the south of the potting shed and static mobile home.
- 3.3 The site is situated within the Green Belt, countryside and the Kent Downs AONB. A groundwater source protection zone covers the southern part of the site. The Trottiscliffe Conservation Area lies to the southeast. Taylors Lane is a Classified Road.
- 3.4 Agricultural land lies to the north and west. A vacant parcel of land lies to the south between the application site and Millers Farm. The residential properties of Little Berries, The Cottage and 1-6 Taylors Lane are situated to the east.

4. Planning History (relevant):

TM/10/00473/FL	Approved	15 June 2010
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Replacement Agricultural Building comprising a workshop and office facilities; replacement of glasshouse with two polytunnels; parking and revised access

TM/10/02411/RD	Approved	27 October 2010
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Details submitted pursuant to condition 8 (lighting); 10 (a) & (b) (site investigation) and 11 (sewerage) of planning permission TM/10/00473/FL: Replacement agricultural building comprising a workshop and office facilities; replacement of glasshouse with two polytunnels; parking and revised access

TM/11/00658/FL	Refuse	7 June 2011
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Retrospective application for the retention of a residential caravan ancillary to the Nursery Business and retention of 2 No. dog kennels and pens

TM/12/00379/FL	Refuse	9 July 2012
	Allowed on appeal	9 April 2013

Retrospective application for the retention of a static mobile home as temporary accommodation for an agricultural worker ancillary to a nursery business and retention of 2no. dog kennels and pens

TM/16/01753/FL	Approved	15 November 2017
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Permanent retention of a static mobile home as accommodation for an agricultural worker ancillary to the nursery business and retention of 2no. dog kennels and pens

TM/17/03396/RD	Approved	24 January 2018
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Details of conditions 7 (site investigation), 8 (remediation) and 9 (verification report) submitted pursuant to planning permission TM/16/01753/FL (Permanent retention of a static mobile home as accommodation for an agricultural worker ancillary to the nursery business and retention of 2no. dog kennels and pens)

5. Consultees:

5.1 PC: Objection. The concerns raised are summarised as follows:

- The size of the dwelling is not suitable for the small nursery business
- There is not a viable business operating on the site.
- No very special circumstances to justify a case to replace a mobile home in the Green Belt on the edge of the village envelope
- How is the land to be reinstated if the nursery use ceases.

5.2 Private Reps: neighbour letters + site notice + press notice 1/0X/1R/0S. The concerns raised have been summarised below:

- There is no recourse to remove a permanent building compared to a mobile home
- The size of the dwelling does not reflect the size of the site and business

6. Determining Issues:

6.1 The main issues are whether the size, scale and appearance of the new dwelling would result in any additional harm to the openness of the Green Belt, and any other harm from the proposal, that would outweigh the very special circumstances already established in respect to essential need for a residential presence on the site. The effect of the new dwelling on the character of the area and visual amenity of the locality will also be considered. The scheme also needs to be assessed in light of the newly introduced Revised NPPF.

Principle considerations:

- 6.2 The report to the committee under planning reference TM/16/01753/FL on 8 November 2017 provided a robust analysis that concluded there was an essential need for the plant nursery business to have a worker living on the site permanently to provide appropriate care and monitoring of the plant stock. This position was supported by Kernon Countryside Consultants Ltd (a specialist agricultural, equine and rural planning consultancy) who provided supplementary information on behalf of the applicant, the Council's retained specialist rural consultant (Richard Lloyd Hughes), and by Dominic Hall, who is a reputable horticultural adviser commissioned by the Council.
- 6.3 This current application was submitted on 13 February 2018, which is only 3 months after the previous application was determined, and after inspecting the site recently it is not considered that the activities on the site vary in any noticeable way to that at the time of the last application.
- 6.4 Therefore, the view remains that there is an essential need for a rural worker to live permanently at the site and that this remains consistent with paragraph 79 of the revised NPPF (previously paragraph 55). It is important to note that this policy relates to new homes in the countryside and therefore there is no distinction as to whether this is a mobile home or a new dwelling. As such, a new dwelling to replace the previously approved permanent stationing of a mobile home would be acceptable.
- 6.5 As with the recent extant permission, it would be necessary to restrict the occupation of the dwelling to a person who is a rural worker (and their family) relating to the nursery business on the site (or to a person employed in agriculture or forestry in the locality).
- 6.6 Although the extant permission requires the mobile home to be removed and residential use to cease in the event that the nursery no longer has an essential requirement for permanent on-site presence, there is no policy preventing a permanent building being erected to house a rural worker where there is an essential need.
- 6.7 In relation to concerns from the Parish Council and a local neighbour, in the event that the nursery business ceased to operate in the future, the conditions any planning permission granted would continue to apply.

Green Belt considerations:

- 6.8 The application site is in the Green Belt where Policy CP3 of the TMBCS advises that National Green Belt policy will apply (Section 13 of the NPPF).

- 6.9 Paragraph 143 of the NPPF states that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*
- 6.10 Paragraph 144 follows stating that *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*
- 6.11 The Planning Inspector in granting the temporary planning permission in 2013 advised that if an essential need for a rural worker were to be established then very special circumstances would exist that would outweigh the harm of the development’s inappropriateness in the Green Belt.
- 6.12 It is noted that this related to a mobile home being situation on the site and not a new dwelling. However, the new dwelling would not be substantial in its size and scale and, although it would be larger than the mobile home for which it replaces, would be adequately commensurate to the scale of the nursery business and the smaller workshop buildings on the site. The dwelling would, therefore, not result in any substantial additional harm to openness that would weigh against the development in terms of the very special circumstances that have previously been shown exist.

Character and Visual Amenity/Setting of Conservation Area:

- 6.13 Policy CP24 of the TMBCS requires development 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. Policy SQ1 of the MDE DPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area.
- 6.14 Paragraph 127 of the NPPF also seeks to ensure that development will function well and add to the quality of the area, be sympathetic to local character, establish or maintain a strong sense of place and create attractive and safe places in which to live, work and visit.
- 6.15 Section 72 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* requires planning authorities to give special attention to the desirability of preserving or enhancing the character or appearance of the CA.
- 6.16 The proposed dwelling to replace the mobile home is considered to be of a size and scale that is appropriately commensurate with the size and functional requirement of the business and would not appear unusually large in the context of the other buildings on the site (workshop and shed). The building is of a barn-like design with dark stained horizontal weatherboarding and slate roof tiles which would complement the existing workshop and shed. It would also be well

separated from the Conservation Area that lies adjacent to the site to the east. The dwelling would also not be readily visible from public vantage points in light of its size and scale and the hedged boundaries.

- 6.17 The proposal would therefore not harm the appearance or character of the site or its setting with the adjacent Conservation Area and therefore accords with Policies CP24 of the TMBCS and SQ1 of the MDE DPD and with Section 12 (Achieving well-designed places). Regard has also been had to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.18 The site is within an AONB where paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs (as well as National Parks and the Broads) which have the highest status of protection in relation to these issues. The scale and extent of development within these designated areas should be limited. In this case, I do not consider the size, scale and appearance of the proposed dwelling would adversely affecting the natural beauty of the AONB.

Technical considerations:

- 6.19 In respect to land contamination, trial pit data was submitted as part of an investigation of the land under application TM/17/03396/RD. It was considered that only Trial Pit 8 was relevant to the garden area approved and that this showed there was no made ground in that area and therefore no further investigation was required. It is noted that the garden area proposed has been enlarged slightly (3.5m to the west); however this would not alter the conclusion made under TM/17/03396/RD. The development therefore accords with paragraph 178 of the NPPF.
- 6.20 Foul water is to be connected to the mains sewer which runs along Taylors Lane. A condition can be added to confirm this requirement.

Planning balance and conclusions:

- 6.21 It is considered that there remains an essential need for a worker to live permanently on the site to operate the nursery business and, although the new dwelling to replace the permanent static mobile home would result in a physical change to the residential unit on the site and some level of additional harm on openness, this would not be significant. It is also concluded that the size, scale, design and appearance of the dwelling is commensurate to the nursery business on the site and would not harm the character of the site or the setting with the Conservation Area. As a consequence, very special circumstances exist in this case.
- 6.22 Accordingly, it is recommended that permission be granted for a new dwelling to replace the existing permanent mobile home on the site for the purposes of

accommodation for an agricultural worker relating to the nursery business, subject to conditions.

7. Recommendation:

7.1 Grant planning permission in accordance with the following submitted details:

This was approved in accordance with the following submitted details: Site Layout 1786/19 A dated 10.07.2018, Proposed Floor Plans 1129/2 A dated 10.07.2018, Proposed Floor Plans 1129/3 A dated 10.07.2018, Proposed Elevations 1129/1 B dated 10.07.2018, Other Amended Application Form dated 11.07.2018, Location Plan 1786/1 A dated 13.02.2018, Site Layout 1786/18A Rev 04/11 dated 13.02.2018, Other Kernon Countryside Supplementary Info dated 13.02.2018,

Conditions / Reasons

- 1 Approval of details of the landscaping of the site (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 No development above ground level 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 area or the visual amenity of the locality.

- 4 No development above ground level shall take place until a plan showing the proposed finished floor, eaves and ridge levels of the dwelling in relation to the existing ground levels of the site and adjoining land has been submitted to and approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-

enacting that Order), no development shall be carried out within Class A, B, D or E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality.

- 6 The area shown on the submitted layout as vehicle parking space shall be 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 2015 (or any order amending, revoking or 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.

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

- 7 The occupation of the dwelling hereby approved 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 locally in agriculture.

- 8 No external lighting shall be installed on the site, except in accordance with a scheme of external lighting that has been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To safeguard neighbouring residential amenity and the visual amenity of the locality.

- 9 Foul water shall be disposed of directly to the mains sewer, unless agreed in writing by the Local Planning Authority for any variation.

Reason: To prevent pollution of groundwater.

Informatives

- 1 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
- 2 During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours. On

Saturday 08:00 to 13:00 hours, with no work on Sundays or Public or Bank Holidays.

- 3 The applicant should be aware that the disposal of demolition waste by incineration or use of bonfires on the site can lead to justified complaints from local residents and would be contrary to Waste Management Legislation.

Contact: Mark Fewster

SUPPLEMENTARY REPORTS

AREA 2 PLANNING COMMITTEE

DATED 26 September 2018

Trottiscliffe TM/18/00357/OA
Downs And Mereworth

Outline Application: Erection of a detached dwelling for an agricultural worker relating to the nursery business to replace the mobile home, with landscaping reserved at The Nursery Taylors Lane Trottiscliffe

Paragraph 7.1: Specific reference should be made to the fact that outline planning permission is sought through this application for the avoidance of any doubt.

DPHEH: Since publication of the main report, officers have taken the opportunity to revisit the conditions recommended. As a result, a further condition is recommended along with several amendments and additions. To summarise:

Conditions 1 and 2 have been amended to clarify the requirement for approval of the reserved matter of landscaping to be obtained and the time within which development must commence.

Condition 3 is now the occupancy condition tied to the nursery use. The reason for this condition has been revised slightly.

Condition 4 has been added to ensure that the existing mobile home will be removed from the site on first occupation of the new dwelling or completion of the development, whichever is the earlier.

The remaining conditions are unchanged, however, for completeness and in the avoidance of any doubt, the conditions have been reproduced in their final format below for Members consideration.

AMENDED RECOMMENDATION

Paragraph 7.1: Grant Outline Planning Permission in accordance with the following submitted details: Site Layout 1786/19 A dated 10.07.2018, Proposed Floor Plans 1129/2 A dated 10.07.2018, Proposed Floor Plans 1129/3 A dated 10.07.2018, Proposed Elevations 1129/1 B dated 10.07.2018, Other Amended Application Form dated 11.07.2018, Location Plan 1786/1 A dated 13.02.2018, Site Layout 1786/18A Rev 04/11 dated 13.02.2018, Other Kernon Countryside Supplementary Info dated 13.02.2018, and subject to the following conditions:

- 1 Approval of details of the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority.**

Reason: No such approval has been given.

- 2 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.**

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

- 3 The occupation of the dwelling hereby approved 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 on the site for agricultural/horticultural purposes.

- 4 The existing mobile home shall be removed from the site prior to first occupation of the dwelling or completion of the development hereby approved, whichever is the earlier.**

Reason: The retention of the mobile home on the site is likely to cause harm to the openness of the Green Belt and visual amenity of the rural locality.

- 5 No development above ground level 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 area or the visual amenity of the locality.

- 6 No development shall take place until a plan showing the proposed finished floor, eaves and ridge levels of the dwelling in relation to the existing ground levels of the site and adjoining land has been submitted to and approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.**

Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no development shall be carried out within Class A, B, D or E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.**

Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality.

- 8** The area shown on the submitted layout as vehicle parking space shall be 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 2015 (or any order amending, revoking or 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.

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

- 9** No external lighting shall be installed on the site, except in accordance with a scheme of external lighting that has been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To safeguard neighbouring residential amenity and the visual amenity of the locality.

- 10** Foul water shall be disposed of directly to the mains sewer, unless agreed in writing by the Local Planning Authority for any variation.

Reason: To prevent pollution of groundwater.

Informatives:

- 1** This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
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- 3** The applicant should be aware that the disposal of demolition waste by incineration or use of bonfires on the site can lead to justified complaints from local residents and would be contrary to Waste Management Legislation.