

BENTLEY – BENTLEY PLANTS, BERGHOLT ROAD, BENTLEY

Outline – Erection of dwelling and double garage to be occupied by a horticultural worker.

Applicant: Mr R Pooley

Case Officer: Gareth Durrant

SITE

1. The site forms part of the existing Bentley Plants centre on Bergholt Road, Bentley and is situated in the countryside in-between the main settlement of Bentley and East Bergholt (East End). The site of the proposed dwelling is currently laid out as a sales area for plants. The nursery holding is 2.8 hectares in size. The site is situated within the locally designated special landscape area.

PROPOSAL

2. The application is for outline planning permission for the erection of a dwelling and double garage. All matters (access, layout, appearance, scale and landscaping) are reserved but an indicative plan has been submitted. The dwelling would measure approximately 12 metres by 7.5 metres giving a footprint of approximately 90 square metres. The dwelling would measure 4.5 to 5.5 metres to eaves and 7 to 8 metres to ridge. The proposed garage would be approximately 5.5 metres square and 4.5 to 5 metres high.
3. The application proposes accommodation for a key horticultural worker and the application is accompanied by a statement of justification and a planning statement. Full copies of the statements can be viewed in advance of the meeting by prior arrangement with the case officer. The key findings of the horticultural justification are summarise in the submitted planning statement. The planning statement is summarised as follows;
 - Mr and Mrs Pooley live too far away from the site to be able to provide the essential supervision required for the nursery.
 - At present the potting shed/horticultural store and heated propagation tunnel have not been erected because Mr Pooley is reluctant to invest further in the site without the certainty he will be able to live on the holding. He would be happy to accept a condition preventing commencement of construction of the dwelling until such time as these structures have been substantially completed.
 - The combination of the suggested controlling condition together with Mr Pooley's experience of propagation should provide sufficient confidence to allow this dwelling at an enterprise that is proven to be profitable.

- Mr and Mrs Pooley currently live in East Bergholt and whilst it is noted that the Authority would be likely to grant consent for a mobile home whilst the propagation activity is being re-established it would be unreasonable to expect them to have to sell up and move into a mobile home. In this respect, Mr Pooley is the only person with the necessary expertise to carry out the essential out-of-hours supervision.
- The ACORUS report explains the sensitivity of the plants to changes in temperature and irrigation, which means that close attention is required at all times of day to ensure that the correct conditions are maintained. Climatic conditions can change almost daily in this country and an area with nothing but seedlings planted could be devastated in one night with a failure in the irrigation or temperature controls. Automatic warning systems are prone to false alarms and failures and would not be an appropriate solution for someone living a significant distance from the site.
- This is a genuine nursery operation in that the income for the business is wholly dependent on the production of plants, in contrast to a garden centre or some other nursery operations where ancillary goods i.e. tools etc, form a major part of the business.
- The nursery is prone to break-ins and thefts. This adds to Mr Pooley's reluctance to contemplate higher investment in the enterprise without the on-site supervision that this proposed dwelling would provide.

RELEVANT HISTORY

4. 2006 – Planning permission granted for the erection of potting shed/agricultural store and poly tunnel. (B/06/00623/FUL and B/06/00624/FUL).
5. 2007 - Outline planning permission refused for the erection of dwelling and double garage to be occupied by a horticultural worker. (B/06/02140/OUT). The reasons for refusal were as follows;
 - *Whilst the Local Planning Authority does not question that the existing nursery business is profitable and therefore fulfills the financial tests as set out in PPS7, concern is raised with regard to the functional need for a dwelling at the site. Much of the justification for the dwelling depends upon improving security on site and upon the implementation of a proposal to propagate plants and grow them on as nursery stock, facilitated by planning permission B/06/00624/FUL for the erection of a heated polytunnel.*
 - *The applicant suggests that a grampian style condition could be imposed upon the grant of planning permission that prevents the construction of the house until the polytunnel is completed. As the dwelling would be largely necessitated by an activity that has not yet begun it would be premature to grant planning permission for a permanent dwelling at this point in time. The proposal would therefore be contrary to Policy ENV6 of the Suffolk Structure Plan, Policy CR12 of the Babergh District Council Local Plan Alteration No.2 and advice given within Planning Policy Statement 7: Sustainable Development in Rural Areas.*

NATIONAL GUIDANCE

6. PPS1 (Delivering Sustainable Development) - relates to achieving sustainable development and high quality layout and design.
7. PPS3 (Housing) – sets out the Government’s planning policies relating to housing.
8. PPS7 (Sustainable Development in Rural Areas) – sets out the Government’s policies for rural areas.

PLANNING POLICIES

9. The following adopted Development Plan policies are considered relevant to this application;

Babergh Local Plan (Alteration No.2)

HS04 (housing in the countryside)
HS30 (design of new housing)
HS32 (public open space provision – small sites)
CR01 (landscape quality)
CR04 (special landscape areas)
CR07 (landscaping of new development in the countryside)
CR12 and paragraphs 6.46-6.50 (agricultural workers dwellings)
CN01 (maintaining local distinctiveness)

** please note that details or extracts of policies are no longer included in reports - see page 4 of these papers*

OBSERVATIONS

10. PC – No objection.
11. LHA – No objection - recommend the imposition of a single condition regarding the provision of vehicle parking and manoeuvring facilities.
12. SCC Footpath Officer - no objections to the application but comment on the potential impact upon the adjacent public footpath.
13. Head of Community Development – There appears to be no job creation, not even in the long-term. The applicant has declared that the application is commensurate with family needs and therefore Economic Development cannot support this application.
14. Representations - none received.

ASSESSMENT

15. The application site lies well outside of the defined built up boundary for Bentley and is therefore classified as countryside for settlement planning policy purposes where rural area planning policies of restraint apply. There is therefore a strong presumption against residential development at this location. Established planning policy seeks to prevent the erection of any new dwellings in the countryside unless there is an agricultural (or forestry/horticultural) case based upon the need of a key worker to live on the site.
16. PPS7 sets out the criteria against which planning applications for agricultural workers' dwellings are considered. This is as follows;
17. New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing:
 - There is a clearly established existing functional need, for example, if workers are needed to be on hand day and night, to deal quickly with emergencies that could otherwise cause serious loss of crops or products,
 - The need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement,
 - The unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so,
 - 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 planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

Functional Need

18. At present it is not readily apparent that there is a functional need for a horticultural worker to live at the site. It is understood that plants are currently imported to the site from elsewhere, are grown-on, and sold to retail or wholesale from the nursery. The establishment of a functional need that could justify planning permission being granted for a permanent dwelling much depends upon the implementation of a proposal to propagate plants at the site and grow them on as nursery stock, facilitated by planning permission B/06/00624/FUL for the erection of a heated polytunnel. Accordingly, it can only be concluded that there is no current functional need for 24 hour supervision at the site; that need is merely a potential future need that may never materialise.
19. The applicant has expressed caution at investing in the propagation facilities until he is able to live on the site. A Grampian style condition is suggested that would prevent the construction of the dwelling until the polytunnel is completed. There is no reason to doubt the applicant's intentions, but even with such a condition imposed the use of the polytunnel to propagate plants cannot be ensured and the applicant could simply decide to cease propagation thereby removing the need to live on site. The applicant currently

lives in East Bergholt, only a relatively short distance from the nursery. There is no evidence submitted with the application that demonstrates this arrangement is not suitable to meet the current needs of the nursery.

20. Local Planning Authorities commonly grant temporary planning permission for mobile homes or similar temporary residential structures at agricultural (or horticultural) units to provide occupation whilst a business is being established. There are similarities in this case insofar as the applicant is seeking to re-establish propagation of plants at the nursery which could in the future justify a permanent dwelling. An application for temporary living accommodation is likely to be considered favourably and it is likely that a three-year consent would be a sufficient period for the applicant to establish the propagation of plants at the site by fully implementing the 2006 planning permission. The functional need could be re-examined a few months before the expiry of the temporary planning permission and it may be the case (depending upon changes in circumstances at the site) that a functional need for a workers' dwelling at the site is established through time. It would be premature to grant planning permission for a permanent dwelling at this time.
21. The applicant has also cited the security benefits that would accrue if the site were to be permanently occupied. PPS7 is firm that issues of security carry little weight in justifying the need for a worker's dwelling in the countryside and, in itself, cannot justify functional need.

Full-Time Worker

22. The applicant has not established a current need for a full time worker to be present at the nursery on a 24-hour basis in order to meet the needs of the unit.

Financial Test

23. There is no known reason to question the financial viability of the holding which has been established for more than the three year period suggested in PPS7.

Existing Dwellings

24. Once propagation of plants at the nursery is established the needs of the holding are likely to dictate that a worker would need to permanently live on site. This is particularly the case at this unit because there is only a scattering of existing dwellings in the vicinity, none of which have a close relationship to the holding. However, there is no evidence in the application which demonstrates that dwellings within a couple of miles of the site (including the applicant's existing dwelling at East Bergholt) are not sufficient to meet the current needs of the unit.

Other Planning Issues

25. There are concerns in principle with this proposal. Furthermore, the proposal would lead to the introduction of a further building in the countryside which is designated as a Special Landscape Area in the adopted Local Plan. The dwelling would not be located such that it would dominate or overlook existing dwellings and there are no highway safety concerns arising from the development. There is no risk of flooding to or from the development.

Conclusions

26. In light of the above it is considered that the application fails the tests of PPS7 and the proposed development should be regarded as additional dwellings at an unsustainable location in the countryside, being contrary to adopted and emerging Development Plan policies. Approval of these applications would have a detrimental impact upon the countryside and set a serious and undesirable precedent for similar developments in the locality and throughout the District, to the further detriment of the countryside.

RECOMMENDATION

Refuse planning permission. Reasons –

- Insufficient functional need (PPS7)
- Contrary to Local Plan Policy CR12

DECISION
