

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1st April 2009

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/2033/08/F - WILLINGHAM
Change of Use of Land for the Stationing of a Mobile Home
at Oasis Plant Nursery, Station Road
For Mr M Wright

Recommendation: Approval

Date for Determination: 23rd January 2009

Notes:

This Application has been referred to the Planning Committee by the Chairman's Delegation Meeting held 21st January 2009.

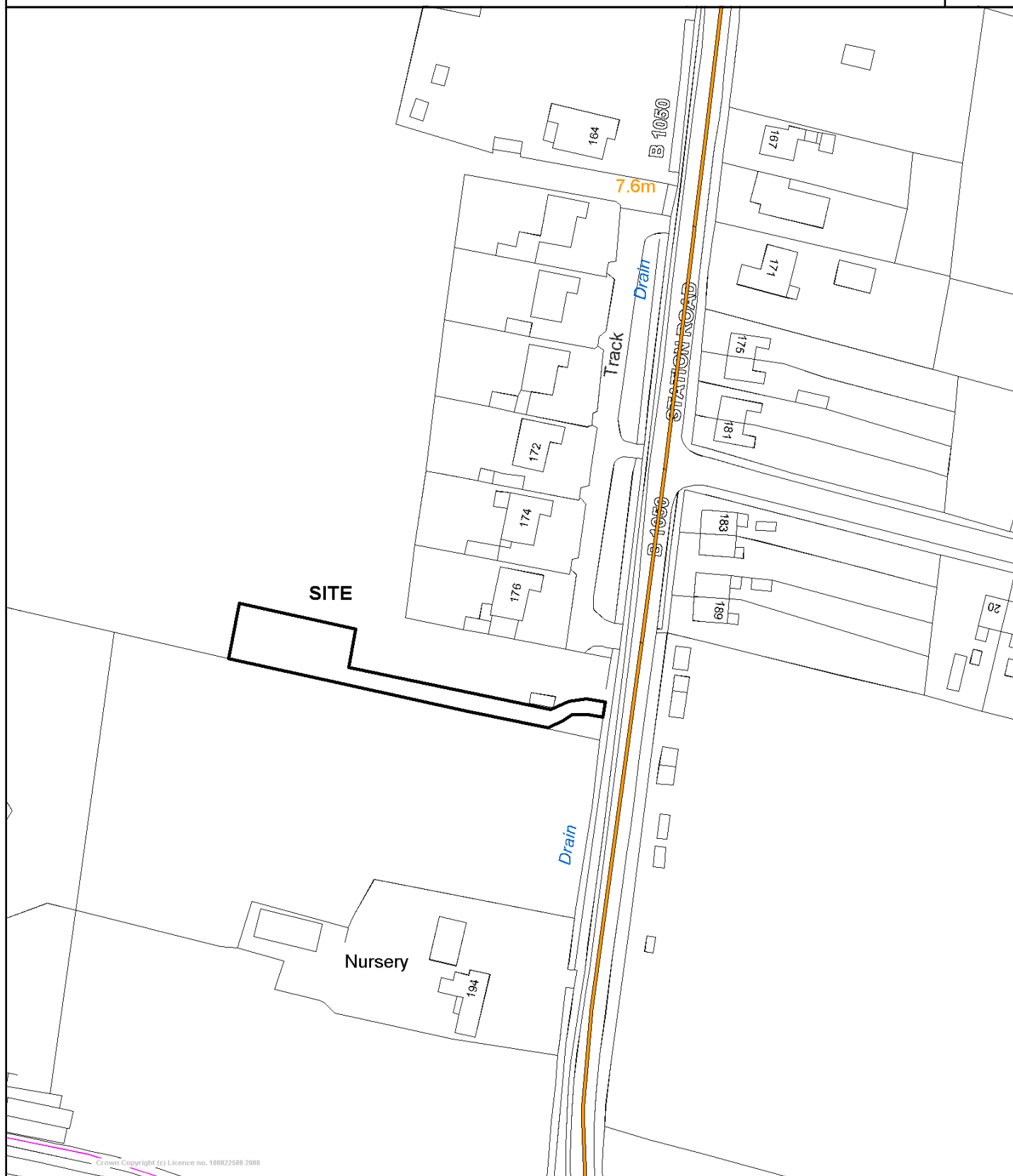
Members will visit this site on Wednesday 1st April 2009.

Site and Proposal

1. The 0.096 ha site lies approximately 550m south of the Willingham Development Framework on the west side of Station Road which connects Willingham with Longstanton. It is currently agricultural land. To the north lies a row of bungalows all accessed from a private roadway, which has two point of access to Station Road. To the east is a development of Local Authority housing off Westfield. The roadside elevation of the site is now very open, as the front boundary has been cleared for an access to the site by bridging a ditch, which runs along the front of the site. The southern and northern boundaries of the site are marked with mature vegetation, which continues along Station Road in either direction such that the site is not readily visible.
2. The application, received 21st November 2008, proposes the stationing of a mobile home 70 metres from the edge of the highway. It is accompanied by a report, which assesses whether special justification exists for the proposed temporary accommodation on agricultural grounds.
3. There is a hedge located at the centre of the site, at a distance of 50m from the edge of the highway. This would screen the mobile home from being visible within the street scene from the north, south and east boundaries.

Planning History

4. **S/1469/08/F** – Removal of Condition 6 (restricted sales and any retail use whatsoever) of Planning Permission **S/0008/08/F**. This was approved 16th December 2008. The consent was conditioned that only goods produced on site shall be sold from the property and no products or services are to be brought to the



Crown Copyright (c) Licence no. 100022500 2008



Reproduced from the 2008 Ordnance Survey mapping with the permission of the controller of Her Majesty's stationary office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Scale 1/1250 Date 17/3/2009

Centre = 539956 E 268971 N

April 2009 Planning Committee

site for sale. The reason for this was highway safety. The permission is exclusive only to the applicants and ceases on or before 30th April 2011.

5. **S/0008/08/F** - Erection of 3 polytunnels and a single storage shed. The consent conditions the proposal to be removed on or before 30th April 2011 and the land restored to its former condition. The reason for this was to assess the impact of the development on highway safety during the consent period so that any future application can be decided on this assessment.
6. **S/1674/07/F** - Part change of use for siting of mobile home, erection of two sheds and three Polytunnels. This application was withdrawn October 2007.

Planning Policy

Relevant policies are listed below.

National Policy Guidance

7. **Planning Policy Statement 7** - Sustainable Development in Rural Areas states at (Annex A), Paragraph 15 that:

“There may also be instances where special justification exists for new isolated dwellings associated with other rural-based enterprises. In these cases, the enterprise itself, including any development necessary for the operation of the enterprise, must be acceptable in planning terms and permitted in that rural location, regardless of the consideration of any proposed associated dwelling. Local planning authorities should apply the same stringent levels of assessment to applications for such new occupational dwellings as they apply to applications for agricultural and forestry workers’ dwellings. They should therefore apply the same criteria and principles in paragraphs 3-13 of this Annex, in a manner and to the extent that they are relevant to the nature of the enterprise concerned”.

8. Temporary dwellings should satisfy the following criteria:
 - i) “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);
 - ii) Functional need (see paragraph 4 of this Annex);
 - iii) Clear evidence that the proposed enterprise has been planned on a sound financial basis;
 - iv) 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
 - v) Other normal planning requirements, e.g. on siting and access, are satisfied.”

If a dwelling is essential to support a new activity, it should normally, for the first three years, be provided by temporary accommodation.

9. **South Cambridgeshire Local Development Framework (LDF) Development Control Policies adopted January 2007.**

Policy **DP/7** – Development Frameworks

Policy **HG/9** – Dwelling to Support a Rural-based Enterprise

10. Both Planning Policy Statement 7 and Policy HG/9 work in conjunction with each other. Both require a functional and financial test to establish need for a mobile home in the countryside. Both tests need to be fulfilled if a mobile home is to be granted consent in the countryside.

Consultation

11. **Willingham Parish Council recommends refusal** – The Council consistently recommends refusal for planning permission to site caravans within the Parish as it considers that there are already too many in relation to the number of non mobile homes. The site falls outside of the village envelope. It is considered that the site is not large enough to justify such an application. The Council's view regarding additional traffic on the busy B1050, especially in the absence of a by-pass, must by now be well known by planners.

Local Highways Authority

12. No significant adverse effect upon the public Highway should result from this proposal, should it gain Planning Permission.

Environment Agency

13. Requests a condition is added to any consent regarding foul water drainage.

Chairman's Delegation Meeting held 21st January 2009

14. Members felt that they could not support the proposal for a mobile home at this site as it is outside the village framework. The applicants owned 171 Station Road, Willingham at the time that the first application S/1674/07/F for a Mobile Home, 3 Polytunnels and two sheds, was withdrawn. The applicant's submitted report by Acorus stated that the dwelling at 171 Station Road has subsequently been sold to fund the enterprise. Members at Chairman's Delegation also felt that they could not support the proposal due to concerns of the neighbour at 176 Station Road, Willingham.
15. Extracts from Report by Andrew Slaymaker MSc MRICS who was commissioned as an Independent Consultant to Assess the Functional Need for a Mobile Home and the Financial Viability of the Business at Oasis Plant Nursery, Station Road.
- a) The applicants have a firm intention and an ability to establish a horticultural business on site; this is due to the applicants having spent £12,500 on site infrastructure such as polythene tunnel, mains service utilities of water and electricity, a road bridge across the roadside ditch, an internal access track, hard standing area, site drainage and boundary hedging. The applicant has also obtained a horticultural qualification. The business is becoming established; the applicants have invested their own time and money in buying, developing and cropping the site in order to achieve their ambition of running a viable horticultural nursery business.
 - b) There will be a functional need to live on the site as outlined in PPS7. This is due to the expansion plans, and the need to monitor the proposed range and types of plants, the weather and equipment on a day and night basis to respond to attack and failures.

- c) During the time that the applicants have been learning about the business, its markets and growing healthy plants they have not returned a profit. If the applicants can keep on top of the management the profit forecast is not unreasonable. Previous experience of fledgling nurseries tells me that it can sometimes take 4 to 5 years to reach the profit predicted at the end of year 3. On the basis that the applicants have spent time prior to buying the site learning how to grow and sell plants, that they are aware of the cost of inputs and likely returns and that they know what they want to achieve, the business is being planned on a sound financial basis. Therefore, if sound husbandry and marketing are applied consistently and competently then not only will the business have been planned on a sound financial basis but it will be sustainable for the foreseeable future.
- d) There are no immediate dwellings on the holding to fulfil a supervisory need. A dwelling immediately adjacent to the nursery would be suitably located.
- e) The applicants lived at 171 Station Road on the opposite side of the road to the nursery approximately 90 metres from the application site in 2007, which is an untied domestic dwelling. It was bought as a refurbishment project.
- f) The bare land was bought after Mr Wright was told by the Planning Department at South Cambridgeshire District Council that they would not be able to develop a nursery at the land to the rear of this house (171). The location close to the house was a coincidence.
- g) The sales proceeds from 171 Station Road have allowed the development of Oasis Nursery and the purchase of the increased number of plants.
- h) The general rule of thumb for agricultural dwellings is that they should be within sight and sound of the enterprise. No. 171 is within neither.
- i) The close monitoring of the irrigation and watering systems and the heating system, and the prevention of pest attack are the critical operations on the nursery that need to be provided.
- j) Failure of a system and incidence of pest attack cannot be seen from off site.
- k) Alarms are a back up safety system and not a primary source of defence. Alarms fitted to temperature and intruder alert and sending a message to a mobile phone can be installed and provide a measure of functional protection. An alarm fitted to a bell wire, which rings in the house on the same land, provides better functional protection. However, alarms are not failsafe and close and constant supervision are the best form of protection.
- l) Whether or not the house was connected with the land, if the nursery is developed as described the only place for a supervisory dwelling is on or immediately adjacent to the nursery land.
- m) The business and its circumstances, meets all the other national policy criteria laid down to aid the assessment of need for residential development in the countryside.

Representations

16. Owner/Occupier of 176 Station Road, Willingham.

Object strongly to numerous points of the application:

- a) The applicants breached condition 6 of planning consent S/0008/08/F (which restricted sales and any retail use whatsoever on the site), by displaying notices at 171 Station Road in Aug 2008 stating all sales would move and instead take place at land adjacent to 176 Station Road. This action occurred knowing it was breaching planning condition and was only stopped by intervention from the Planning Enforcement Team.
- b) Before consent was granted for S/1469/08/F Removal of Condition 6(sales and any retail use whatsoever) of Planning Permission S/0008/08/F), the applicant opened up the site for retail sales at the end of November 2008. Display signs were erected to indicate that Oasis Nursery was open, and retail sales subsequently took place on this site, this was prior to any decision being granted.
- c) Condition 6 on the decision notice, which was granted on 16th December 2008 (S/1469/08/F) states "Sale of goods from the site are limited to ancillary sales of goods/plants produced on the site only. No products or services are to be brought to the site for sale". Despite this at the end of November 2008, Christmas trees, and other similar seasonal products were delivered to the site for retail sales. This was both before the Decision Notice was granted, and continued after the Decision Notice was granted, being blatantly contradictory to Condition 6.
- d) At the end of November 2008, signs stating "Xmas Trees Now on Sale" were erected at both sides of the entrance to the site, near the traffic calming post. This action has the potential consequence of being a danger to road users, causing them to catch sight of the displayed signs and brake suddenly at this hazardous part of Station Road resulting in increased risk of roadside accidents.
- e) A Predicted Traffic Assessment was submitted with planning application S/1469/08/F. The figures contained in these reports were overridden in just 4 weeks of retail sales during November and December. The figures predicted were not a true indication of traffic movements that occurred.
- f) Cars going to the site were pulling into the driveway of 176 Station Road, blocking the property exits and in a number of instances members of the public knocked on their door thinking they were the sellers.
- g) The application states that the majority of the sales will be from the Cambridge Market Stall and attendance of show and events. This is the opposite of what the applicants have done. The display of signs was clearly to entice the general public (passers-by and/or driving past). This site is totally unsuitable for this purpose, being at this dangerous section of Station Road, with the high number and speed of the vehicles already using this stretch of road, this level of traffic is not conducive to this use.
- h) The applicants have a blatant disregard for approval conditions.

- i) This is not a suitable site; it does not have room for future expansion, and does not meet the policies of farming or essential. The erection of only one polytunnel, together with a steel container (contrary to permission which granted consent for a wooden shed) does not meet the criteria of significant investment. The selling of their house, against profit forecast figures produced, to sustain one full time worker does not warrant a sound financial basis. The site is too small and unsuitable to demonstrate the ability to develop on a commercially viable basis.
- j) The comparable planning example quoted as “nursery well established and financially viable and being well established for three years” does not apply in this situation. The location of the example case and this site are different, the example case being on the crest of a hill does not apply to this site.
- k) The predicted sales and margins does not take into account the current economic climate. The planning policies state that agreement must be firmly resisted if commercial viability is uncertain.

17. Owner/Occupier at 174 Station Road, Willingham

There is a great deal of difference between a mobile home and a Park Home. Has Mr Wright detailed which of these it is to be?

I also understand that the business has to be economically viable for a mobile home to be erected on the property. How is this surveyed? Living next door I see very little business conducted there.

I have no wish to deny Mr Wright a home but we have to completely fence in our back garden for security reasons as anyone visiting the nursery can obtain entrance to the back of the bungalows.

We bought our bungalow 2 years ago because we wanted to enjoy peace and quiet of the countryside. It is now shattered, mainly due to Mr Wright's dog constantly barking.

Planning Comments – Key Issues

- 18. The proposal is for a mobile home in the countryside on a narrow plot of land, which currently is agricultural land. At the time of purchase in 2006, the land was a bare plot. The applicants have gradually worked on the site by clearing the land and by growing exotic plants on a small scale and selling at car boot sales and other such places locally.
- 19. In August 2007, the applicants submitted a planning application (reference S/1674/07F) for part change of use for siting of a mobile home, 3 polytunnels and two storage sheds at the site. This application was withdrawn as it was to be refused. At the time of the submission of this planning application the applicants lived at no. 171 Station Road, Willingham, which is approximately 90 metres away from the application site.
- 20. Following the withdrawal of S/1674/07/F, planning application S/0008/08/F was submitted proposing “Erection of 3 Polytunnels and 2 Storage Sheds Including Sales/Transaction Area and Associated Display Areas.” Due to opposition, on highway safety grounds, it was agreed to omit one of the storage sheds and to omit

the sales and transaction and display area on the site. Therefore, this application granted consent for 3 polytunnels and a wooden storage shed.

21. The applicants then submitted another planning application S/1469/08/F for removal of condition 6 on planning consent S/0008/08/F, which prevented any sale or retail use of the site whatsoever. This was granted consent in December 2008 as it was felt that the applicants had overcome the reasons for the sale restrictions on the site. The reason for the restriction was in the interests of road safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007. The applicants had submitted a comparative traffic assessment, and a plan indicating appropriate access to the site, including visibility splays, parking and turning area within site and an analysis of potential traffic movements associated with the use incorporating sales. This satisfied the concerns of the Local Highways Authority, that sales from the site would not prejudice highway safety, given the small scale of the retail use.
22. The applicants have now applied for change of use of land for the stationing of a mobile home at the site. It is therefore necessary for the Local Planning Authority to assess if there is a functional need for the home and whether the business is financially viable in accordance with Policy HG/9 and Planning Policy Statement 7: Sustainable Development in Rural Areas.
23. The business is relatively new and therefore it is appropriate that a mobile home has been applied for rather than a permanent dwelling, a temporary dwelling means if the business fails or out grows the site, it can be removed. The applicant has supplied a detailed supporting statement for the proposed temporary accommodation. The Local Planning Authority has sought the advice of an Independent Consultant to assess the need for a temporary dwelling against the relevant planning Policies PPS7 and HG/9.

Assessment of Policy Planning Policy Statement 7 and HG/9 Dwelling to Support Rural-based Enterprise by Independent Consultant

24. The Independent Consultant assessed the information submitted with the application and conducted a site visit on 19th December 2008, followed by subsequent phone calls. The conclusion of the assessment was that the business and its circumstances meet all the requirements of Planning Policy Statement 7 (PPS7) and Policy HG/9 of the South Cambridgeshire Local Development Framework, Development Control Policies, adopted July 2007.
25. Further clarification was sought on Policy HG/9 part 1(e), which requires that there are "no existing dwelling serving the unit or closely connected with it has either recently been sold off or in some way separated from it". The planning history of the site indicates that the applicants owned no.171 Station Road, Willingham in 2007 when the first planning application was submitted. Therefore, I wanted clarification that the dwelling at no. 171 Station Road, (although not physically connected to the site it was in the ownership of the applicants and was located 90 metres away from the site), would at this distance have been sufficient for the applicants to continue living there while working at the nursery. The Consultant concluded that agricultural dwellings should be within sight and sound of the enterprise and that no.171 is within neither. Therefore it would appear that no.171 Station Road would not have been sufficient for the successful operation of the nursery.

Relevance of Supporting Case Law

26. Within the supporting document on the application, a case law example (Appeal Decision APP/P3040/A/05/1195375 was submitted, for a similar application. However, there were two particular differences that could not be applied to Oasis Plant Nursery. The nursery site at Sulney Nursery, Station Road, Upper Broughton was an already established and a financially viable nursery. The owner lived 2km away from the site. The Sulney Nursery was located 'at the crest of a hill in an exposed location where the weather conditions could be considerably more severe. Oasis Nursery is located on a level site, which is enclosed with hedging along the north and south boundaries and residential dwellings to the north. Therefore this case is not applicable to this site.

Impact on Local Education Provision

27. There have been recent objections to proposed siting of mobile homes in Willingham. This is due to the inability for Willingham Primary School to provide new school places. Cambridgeshire County Council, New Communities Team, states that Willingham Primary School has no spare capacity, and unless the applicant has already got a place at the school, it is unlikely that they will be able to gain a place. The County Council has a statutory responsibility to ensure a place is provided. Therefore, it would offer a child/children a place at the nearest alternative and if required, will also provide transport. There is a project within the County's Capital programme to expand capacity at Willingham Primary School. It is expected that this will be completed in September 2010.
28. The applicant has confirmed that his child is already attending Willingham Primary School. Therefore, there is no requirement for Willingham Primary School to provide an additional school place if this application were to be approved.

Impact on Neighbours and Surrounding Areas

29. The main objections raised by the neighbour are in respect of the impact on road safety/highway issues, and that the site is not suitable for what is being proposed. However, having considered the response of the Local Highways Authority and other consultees including the advice of an Independent Consultant on the proposed mobile home, I consider that the proposal should be supported.

Recommendation

30. Approve

Conditions

1. Sc32 Agricultural dwelling. "The occupation of the mobile home, hereby permitted, shall (Rc32).
2. The use of the land for stationing of one mobile home, hereby permitted, shall be discontinued and the mobile home, hereby permitted, shall be removed and the land restored to its former condition on or before 30th April 2012 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority. (Reason - To ensure the development is in accordance with PPS7 and Policy HG/9 of the South Cambridgeshire Local Development Framework, Development Control Policies, adopted July 2007, as a permanent dwelling would not be given approval unless it can be proved

that the rural enterprise has been established for at least three years and is financially viable.)

3. The residential use, hereby permitted, shall be restricted to the stationing of no more than one caravan/mobile home at any time. (Reason - Rc32).
4. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and agreed in writing by the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time as may be specified in the approved scheme. (Reason - To prevent the risk of pollution to the water environment.)

Informative

See Environment Agency letter dated 24th December 2008.

Background Papers: the following background papers were used in the preparation of this report:

- Planning Policy Statement 7 “Sustainable Development in Rural Areas”.
- South Cambridgeshire Local Development Framework, Development Control Policies, adopted July 2007.
- Planning Files Reference: S/1674/07/F, S/0008/08/F, S/1469/08/F and S/2033/08/F.
- Report by Andrew Slaymaker – Independent Consultant - “An agricultural appraisal relating to an application for a mobile home in association with Oasis Plant Nursery”.

Contact Officer: Laura Clarke – Planning Officer
Telephone: (01954) 713092