

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

1<sup>st</sup> July 2009

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

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**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: 23<sup>rd</sup> January 2009**

**Background**

1. The above planning application was discussed at the Planning Committee Meeting held 1<sup>st</sup> April 2009. The outcome of which was as follows:  
  
“The committee deferred the application in order to obtain an independent consultant’s report on the functional and financial need for a full-time worker to live on site. The committee gave officers delegated powers to refuse the application if the independent advice indicated that there did not exist a need for a temporary dwelling to be positioned on the site.”
2. The second independent consultants’ report to assess the Financial and Functional need for a mobile home at the above site was received on 11<sup>th</sup> June 2009.
3. The following is a summary of the report.

**Evidence of Intention and Ability**

4. The applicants have carried out the following, which are considered to be evidence of their intention to develop a full-time business:
  - (a) Purchasing the land when they were unable to develop land adjoining their previous dwelling
  - (b) Carrying out all of work needed by working long hours in free time
  - (c) Obtaining the necessary planning permissions so far (*except that he has erected a wooden structure for display and storage of plants without consent*).
  - (d) Investing £60,000 to date
  - (e) Sold home to fund enterprise could be argued to show firm intention
5. Overall in terms of the policy, I consider there is clear evidence of a firm intention.



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July 2009 Committee

### **Functional Need for a Full-time Worker on Site**

6. The majority of the plants propagated and reared at the nursery are either frost tender exotics or bedding plants, both of which need heat to germinate and grow, and then need warm conditions until outside conditions are free of frost and warm enough for plants to grow successfully unprotected.
7. At Oasis Plant Nursery a moveable, manually operated gas heater provides background heat. Poly tunnels lose heat rapidly once the source is removed, growth stops and if the temperature drops below freezing, plants will die. Hence the need to ensure there is no interruption from power cuts during propagation, or mechanical failure of the heaters. Degree of heat will also depend on outside conditions and appliances must be checked and adjusted as appropriate.
8. In the case of Oasis Plant Nursery, they have had thefts of machinery and there are police records to verify this. Therefore, persons living on site are the best deterrent, because most gates and fencing are vulnerable.
9. The business is based very much on retail sales from the premises. Although not a factor in husbandry side, it is important for one or both partners to be on site for very long periods, which is not conducive to family life when living accommodation is some distance away. It will also become necessary to employ part time staff to deal with sales when both partners are away at markets and events.
10. The applicants live in rented accommodation in Earith and through necessity have to leave the premises for considerable periods. As the enterprise develops living removed from the premises causes increasing difficulties and in particular significant risk to both successful propagation and growing but also in terms of security.
11. There is an essential functional need for at least one worker to be readily available at more times, if the business is to succeed.

### **Evidence of Sound Financial Planning**

12. The Acorus appraisal provided comprehensive details and provided a good picture of the business as it develops over 3 years. It shows the annual cost of financing the business in the form of depreciation, interest on tenants capital and providing a permanent dwelling after three years. At this stage, the net projected profit would provide an adequate living of around £23,000 after allowing for the construction of a dwelling.
13. It is considered that the business has been planned on a sound financial basis. It is understood that in this first serious sales season, the projections are proving accurate, although it is too early to have any proper accounts or records available.

### **Could residential need be fulfilled by another nearby dwelling?**

14. The applicants present rented accommodation is too far away to fulfil the need in the longer term and that a considerable financial risk is being run at present.

15. The dwelling immediately to the north would fulfil the need, but is not available.
16. The applicants previously owned no. 171 Station Road, Willingham about 90m north and on the opposite side of the road to the present nursery. It was not possible to acquire additional land at the rear. There is no doubt that the initial development could have been carried out from no. 171, the land clearance and construction, as in fact, I understand it was. In fact with some assistance from temperature alarms via a telephone, some of the husbandry problems and emergencies could be handled at such a distance. Although not ideal, I consider such an arrangement might allow growing to be carried on successfully.
17. However, the success of the business would be immediately jeopardised if a whole seasons work were to be lost through either a well-planned theft, or a vandalism incident, which tampered with the heating or the integrity of the poly tunnels. It would be impracticable to make the whole premises fully secure while keeping appearances acceptable for customer. It is normal in such cases to say that functional need is fulfilled if the living accommodation is within sight and sound of the working areas.
18. No. 171 does not fall within that criterion.
19. Husbandry considerations and security are both part of the functional need and in a business like this success is reliant on both.
20. Therefore, No.171 would not adequately fulfil the functional need of the business, except in the early development phase.

### **Conclusion of Report**

- (a) After a development phase, the enterprise is now in its first full season of sales.
- (b) The applicants have demonstrated a firm intention through their investment and hard work. This has been shown by early financial success of the enterprise, product quality, appropriate qualification and experience.
- (c) The functional need for a worker arises from careful husbandry which is required in propagating and rearing tender plants, the need to deal with emergencies if power or heating fail or weather conditions change quickly and adequate security of the premises.
- (d) Sound financial planning has been demonstrated by the presentation of a well-considered business plan and its successful early implementation.
- (e) There is no available dwelling able to fulfil the functional need. Nor would no. 171 Station Road have been suitable to fulfil the need after the initial development phase.

### **Neighbour at 176 Station Road, Willingham – 6<sup>th</sup> June 2009**

21. Some of the objections raised on the 6<sup>th</sup> June 2009 have been mentioned in the previous report to Committee on 1<sup>st</sup> April 2009. Below are the objections, which have not been raised before.

22. There has been another breach of planning rules with the erection of a very large wooden display structure. This construction has been built, completed, put into use, and effectively hidden behind the row of conifer hedge, without any application for planning permission. This is a blatant disregard for approval conditions
23. More and More display signs have been erected on both the pathway and the entrance to the site, daily as many as 8 large signs.
24. The site is totally unsuitable for this purpose, being at an extremely dangerous section of Station Road. Could result in traffic accidents.
25. Strangely, use of the front third of the land continues to be avoided, with all structures instead being developed behind the row of conifer hedge. Squashed onto the back two thirds of the site, is the steel container with canopy, now behind a long high wooden fence, storage shed, restricted area for the guard dog, the poly tunnels and the display structure under this retrospective application. Barely leaving room for adequate car turning and parking and most certainly does not allow room for any dwelling, although the planning application for change of use of land for the stationing of a mobile home is still under review.
26. This site is too small to accept all these structures – even without the first third of site being used.
27. The small size of the site makes it financially unsound for sales of these non-necessity luxury produce in this current difficult economic climate.

### **Planning Comments**

28. Following the outcome of the second independent consultant report, I recommend this application for approval. I conclude that the financial appraisal has been thoroughly examined with the same outcome by two different independent consultants. It would appear that there is a functional need for a mobile home on site if the business is to succeed.
29. The second report states that the financial predictions of the appraisal are proving accurate, although it is too early to have any proper accounts or records available. There is evidence that the business has been planned on a sound financial basis.
30. The concern that the nursery could have been operated successfully from no. 171 Station Road, has proven not to be the case. Therefore, the proposal is not considered to be contrary to Policy HG/9(e) of the Local Development Framework, Development Control Policies adopted July 2007.
31. The neighbour has raised the point that the applicant has erected a wooden display structure without planning consent. This is correct and a retrospective application S/0626/09/F has been submitted and is currently being considered.

## **Recommendation**

32. 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 30<sup>th</sup> June 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. The use, hereby permitted, shall cease and the mobile home brought onto the land for the purposes of such use shall be removed within 28 days of any one of the following requirements not being met:
  - i) Within 3 months of the date of this decision there shall have been submitted for the written approval of the Local Planning Authority a scheme for the provision and implementation of foul water drainage and the said scheme shall include a timetable for its implementation.
  - ii) Within 11 months of the date of this decision, the foul water drainage scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority fail to approve such a scheme, or fail to give a decision within the prescribed period, an appeal shall have been lodged and accepted by the Secretary of State;
  - iii) In the event of an appeal being made in pursuance of requirement (ii) above, that appeal shall have been finally determined and the submitted foul water drainage scheme shall have been approved by the Secretary of State.
  - iv) All works comprised in the foul water drainage scheme as approved shall have been implemented, and completed within the timetable set out in the approved schemes.

(Reason - To ensure that a scheme of foul water drainage is implemented in accordance with Policy NE/10 of the adopted Local Development Framework 2007 in order to prevent the risk of pollution to the water environment.)

**Additional Background Papers:** the following background papers (additional to those referred to in the agenda report) were used in the preparation of this update:

- Independent Consultant Report Prepared by Peter Chillingworth – Oasis Plant Nursery, Station Road, Willingham – Change of Use for the Stationing of a Mobile Home dated 9<sup>th</sup> June 2009.

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