



Delegated Report

Application No: 20190310

Location: Land South East Of Cozendon Wood Copthall Road Cobham Gravesend

Description: Continued use of mobile home and site office.

Applicant: Miss Fiona Hunter

Submitted Documents/Plans

The application comprises the following documents and plans:

- Application form;
- Planning Statement
- OS Plan 1:2500
- Existing site photographs

Relevant Planning History

20151015 - Retention of existing mobile home and site office/store. **Temporary Permission (expired on 31 December 2018).**

20150071 - Determination as to whether prior approval is required for the erection of an agricultural barn. **Prior Approval not required 30.04.2015.**

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS07 – Economy, Employment and Skills
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 - Development & Design Principles

Saved Policies in the Gravesham Local Plan First Review (November 1994):

- P3 – Vehicle Parking Standards
- C10 – Agricultural Dwellings

Other material considerations

National Planning Policy Framework (February 2019)

- Section 2 – Achieving sustainable development
- Section 6 – Building a strong, competitive economy
- Section 12 – Achieving well-designed places

- Section 13 – Protecting Green Belt Land

Supplementary Planning Guidance

- SPG2 - Residential Layout Guidelines (1996)
- SPG 4 - KCC Parking Standards (2006)

Consultations, Publicity and Representations

Meopham Parish Council

Objection on the grounds that applicants were granted temporary permission in 2015 and feel this should not be extended in a Green Belt location.

Cobham Parish Council

Cobham Parish Council objects to the application. The continued use of the mobile home and office building does not seem aligned with the temporary nature of the described activities. The area is green belt land and we believe that any applications of a 'permanent' nature (implied by the application for continued use from temporary permission) should be considered equally as applications for traditional buildings and homes. On this basis, the appearance and visual impact of the proposed buildings is not acceptable in this location. The continued use of these temporary buildings in this location do not enhance the local environment. Without clarity as to the time scales that the applicant intends to continue using these temporary facilities, it cannot be prudent to extend this application for continued use.

GBC Highway Development Management Officer

I have no highway objections to the proposed extension to the temporary permission.

However I note on the application form it is unknown how foul sewage will be disposed of, as the caravan has been on site for several years a solution must be in place.

Neighbouring properties

1 surrounding property was consulted and a site notice displayed on site with an overall expiry date of 4 December 2019. As a result of this consultation no 3rd party representations have been received.

Analysis

The application site lies within the Metropolitan Green Belt and Paragraphs 133 of the NPPF (2019) states that the fundamental aim of Green Belts is to prevent urban sprawl by keeping land permanently open, with their essential characteristics being their openness and their permanence.

Paragraph 134 of the NPPF (2019) states Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In addition to the above five nationally defined purposes of the Green Belt, policy CS02 of the adopted Gravesham Local Plan Core Strategy (LPCS) states that the local purposes of the Green Belt will be maintained. Paragraph 4.2.7 of the document sets these purposes as being:

- to maintain the break in development between the eastern edge of Gravesend and the Medway Towns which is one of the few barriers preventing the further eastward sprawl of

- London and the merging of towns along the southern part of the Thames Estuary;
- to assist in safeguarding the countryside by minimising the expansion of the Borough's rural settlements; and
- to assist in concentrating development on underused, derelict and previously developed land in the urban area of Gravesend and Northfleet.

Paragraph 143 of the NPPF (2019) sets out that 'inappropriate development' is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 144 of the NPPF (2019) advises 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, is clearly outweighed by other considerations.

Any development in the Green Belt is inappropriate unless it falls within one of the exceptions set out in the closed lists contained in paragraphs 145 and 146 of the NPPF (2019).

Paragraph 145 of the NPPF (2019) states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are listed in sub section A – G of the paragraph 145 of the NPPF (2019).

Paragraph 145 of the NPPF (2019) asserts that the construction of new buildings in the Green Belt should be regarded as inappropriate unless falling within one of the exceptions set out in the paragraph. The siting on a mobile home office store on land does not fall within one of the exceptions, and as such is by definition inappropriate within the Green Belt.

At para 79 the NPPF (2019) states that Local Planning Authorities should avoid new isolated homes in the countryside unless there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

The following section evaluates in detail of the proposal complies with paragraph 79 of the NPPF (2019).

Agricultural Justification (Paragraph 79 of the NPPF)

The retention of a caravan for residential purposes would not normally be supported in policy terms.

When the original temporary permission was granted (20151015) the applicant sought to justify the retention of the caravan though providing a detailed farm business plan which has been produced by Complete Land Management LLP. This report was sent to Rural Planning Limited (Gravesham Agricultural Consultant) who has reviewed and provided extensive comments on this report (see 20151015).

Any assessment made relies on the guidance which is contained within PPS7 which has been cancelled and superseded by the NPPF as revised (2019). The only reference to agricultural dwellings is paragraph 79 of the NPPF which simply 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.

The conclusions of Rural Planning Limited from the previous temporary approval (20151015) is that the information provided is adequate to provide that agricultural tests are summarised as

following:

I would judge that the venture has a reasonable prospect of providing the equivalent of a minimum livelihood for a full-time worker, at least as long as accommodation costs are minimised through use of the mobile home. Whether there would be sufficient net income in due course to warrant the construction of a permanent dwelling, if that were to be proposed, is very difficult to assess at this very stage.

The essential need for a rural worker to live permanently at or near their place of work in the countryside can only be judged on an objective basis, and in that regard the methodology explained in Annex A to PPS7 (see Appendix 4), whilst it no longer forms part of ministerial policy as such, is the most helpful way to make the objective assessment of whether a proposal is essential. Where as in this case the tests of that former advice are failed it would be reasonable to conclude that the development as applied for is not essential and therefore it is concluded that there is no agricultural justification for the retention of the caravan for residential purposes.

This has recently been tested at appeal on Broadfield, White Post Lane appeal reference 3004917 (attached as appendix 1) where the Inspector did not support the retention of a caravan on site due to the lack of farm business plan. In paragraph 9 of the appeal decision the Inspector stated.

The council's agricultural consultant also questions the functional need for a resident worker on site, noting that Soay sheep are a hardy breed for which the only essential residential presence would be during lambing. There may nevertheless be a functional justification for a worker to live on site to attend to the livestock and to provide security (particularly in the light of the security history noted below), but the absence of a sound financial basis for the business significantly diminishes the weight that can be attached to this.

Section 12 of Annex A to PPS7 provides guidance on the criteria that should be satisfied at point (iii) it says "clear evidence that the proposed enterprise has been planned on a sound financial basis". The application is accompanied by a detailed farm business plan which has found to be sound and supported by Rural Planning Limited. It is therefore concluded that there is sufficient agricultural justification for the retention of the caravan and office/store on site. As the farming enterprise is new it is suggested than an initial temporary period of 3 years would be acceptable.

With the additional information received with this application (Commercially sensitive relating to trading accounts) Rural Planning raise no objection to a further temporary permission stating the following:

Based on the explanations provided in this additional statement, including the latest information that has been provided regarding the recent scaling up of production of chickens and turkeys, and the prediction (based on results to date) of a net profit for the current year (ending 31 December 2019) exceeding that originally estimated for "Year 4", I consider there is a justifiable agricultural case for extending the term of the existing mobile home consent.

However you may consider that with 3 years having already passed, a further 3 years, as requested, goes beyond what is normally allowed in these circumstances, and beyond what may be needed to judge the ultimate establishment of a viable business.

I would suggest, if acceptable in principle, a further consent could be reasonably limited to another 18 months, i.e. to the Spring of 2021, at which time two further years' accounts (to 31 December 2019 and 31 December 2020) should be available.

Having concluded that there is a robust farm business plan which still needs further time to be evaluated e.g. 18 months until spring 2021.

As such it is concluded there is no need to evaluate the proposal against paragraph 143 of the NPPF (2019).

It should be noted that the original application was accompanied by a statement listing criminal/anti-social events which has occurred on or near the site which is summarised as below:

- Walkers entering the land leaving gates open
- Quad bikes/motorbikes entering the land
- Sheep being let out onto road or onto surrounding fields
- Fly tipping.

As per the previous temporary approval it is concluded that there is sufficient justification for the retention of the caravan as is clearly demonstrated in the above section relating to paragraph 79 of the NPPF (2019).

Impacts on the landscape

Section 11 of the NPPF (2019) highlights the importance of conserving and enhancing the natural environment, one aspect of which is the protection and enhancement of valued landscapes. Policy CS12 (LPCS) states that the overall landscape character and valued landscapes within the Borough will be conserved, restored and enhanced and that proposals will take account of the Gravesham Landscape Character Assessment.

In May 2009 the Local Planning Authority published the Gravesham Landscape Character Assessment which identified 11 distinct areas within the borough. The application site falls within Meopham Downs.

The Gravesham Landscape Character Assessment demonstrates the qualities which make the landscape area special and undermines Policy CS12 (LPCS) which seeks to conserve and enhance its quality.

It is considered that the retention of the mobile home and office/store would not look out of place as they have the appearance of the type of items found within an agricultural site. Being hidden behind mature hedging also means there will be no adverse impact on long views across Meopham Downs and it will not undermine the Key Characteristics of Meopham Downs.

Wildlife

Directly to the east of the site is Nurstead, Cozendon Woods, Nash Street Local Wildlife Site which are wildlife-rich sites selected for their local nature conservation value. They contain important, distinctive and threatened habitats and species. It is considered that this proposal will not have any adverse impact on the Local Wildlife site as the caravan/office store is located over 200 metres from the Local Wildlife Site and no development is proposed within the field adjacent to the Local Wildlife Site.

Objections

The site is mostly located within Meopham Parish who have objected to the proposal along with Cobham Parish. It should be noted that Meopham did not object on the first application as it was temporary. Whilst the concern from the Parish Council is noted this is for a further temporary permission and the fact is that Meopham Parish Council did not object to previous temporary permission. Cobham Parish Council have objected (the road frontage of the site is within their parish).

No ward councillor or other Member interest or neighbour objections have been received.

Conclusion

It is considered that a sound and robust farm business plan has been supported and this proposal complies with paragraph 79 of the NPPF (2019) and can be supported subject to a further

temporary period until the end of spring 2021 which for the purposes of this application is will be the end of March 2021.

It should be noted that [paragraph 014](#) of the planning practice guidance states the following

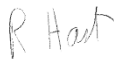
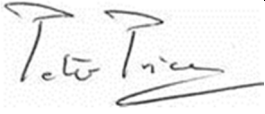
It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently.

In this instance it is considered that a second temporary permission is required in order to give the applicant time to provide additional information on the trading accounts which meets the changing circumstances of the site. As such a second temporary permission is recommended.

Recommendation:

Temporary Permission

See draft Decision

Case Officer: Mr Richard Hart	Team Leader: Peter Price
Signed: 	Signed: 
Dated: 5th December 2019	Dated: 5th December 2019