



Delegated Report

Planning Application

Application No:	20211081
Location:	Land South East Of Cozendon Wood, Copthall Road, Cobham, Gravesend, DA13 9AU
Description:	Continued use of mobile home and site office.
Applicant:	Miss Fiona Hunter
Site Visit:	3 rd November 2021

Submitted Documents/Plans

Application Form - dated 03/09/2021;
Covering Letter - dated 04/08/2021;
Supplementary Information - Email from applicant re. working arrangements (received 24/11/2021);
Supplementary Information - Email from applicant re. use of static caravans (received 26/11/2021);
Ordnance Survey Site Location Plan (scale - 1:1250);
Un-numbered Site Plan - Block Plan (scale 1:500) (dated November 2021).

Relevant Planning History

Application No.	Description	Status	Decision
20190310	Continued use of mobile home and site office.	TEMPORARY PERMISSION (expired 31/03/2021)	06.12.2019
20151015	Retention of existing mobile home and site office/store.	TEMPORARY PERMISSION (expired 31/12/2018)	21.12.2015
20150071	Determination as to whether prior approval is required for the erection of an agricultural barn.	AGRICULT - 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

Gravesham Local Plan: First Review (1994)

- P3 - Vehicle Parking Standards
- C10 - Agricultural Dwellings

Paragraph 33 of the NPPF (2021) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- Section 2 - Achieving Sustainable Development
- Section 6 - Building a Strong, Competitive Economy
- Section 12 - Achieving Sustainable Development and Well-Designed Places
- Section 13 - Protecting Green Belt Land
- Section 15 - Conserving and Enhancing the Natural Environment

Supplementary Planning Guidance

- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 (amended June 2020)
- SPG 4 - KCC Parking Standards (2006)
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

Consultees

Meopham Parish Council - No objection, providing this remains temporary.

Ward Councillors - No representations received.

Surrounding properties

A notice was displayed on site 17/09/2021 and no representations were received. The consultation period expired 8th October 2021.

Analysis

The application site is located within the Metropolitan Green Belt and paragraph 137 of the National Planning Policy Framework (NPPF) (2021) states that the fundamental aim of Green Belts are to prevent urban sprawl, keep land permanently open and notes their essential characteristics are their openness and permanence.

Paragraph 138 (NPPF) states Green Belts serve five key purposes:

Further to the nationally defined purposes of the Green Belt listed above, Policy CS02 of Gravesham's Local Plan Core Strategy (LPCS) (2014) ensures that the local purposes of the Green Belt will be maintained. Paragraph 4.2.7 of the plan 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 147 (NPPF) sets out that 'inappropriate development' is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 (NPPF) 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 149 and 150 (NPPF).

Paragraph 149 (NPPF) 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 149 of the (NPPF).

Paragraph 149 (NPPF) 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 80 (NPPF) 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 80 (NPPF).

Agricultural Justification (paragraph 80 of the NPPF)

The retention of static caravans for residential and office purposes would not normally be supported in policy terms.

Currently, there are two static caravans on site, with one being used as residential accommodation. The second caravan is being improved in order to provide suitable living accommodation. When the refitting is complete the applicant confirmed in an email received 26/11/2021 (supplementary information) that the existing caravan will be sold. Therefore, only one caravan will remain on site and a condition will ensure that once improvements have been made to provide suitable living conditions in the new caravan that the existing caravan is removed from site within 3 months.

When the original temporary permission was granted in 2015 (ref. 20151015) the applicant sought to justify the retention a single caravan through providing a detailed farm business plan that was produced by Complete Land Management LLP. This was reviewed by Gravesham's Agricultural Consultant (Rural Planning Limited) who provided detailed and extensive comments on the plan (see 20151015 report – Appendix 1), and summarised the 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."

The more recent application submitted in 2019 (ref. 20190310) (see Appendix 2) was supported by additional information (trading accounts) and the Council's Agricultural Consultant raised no objection to a further temporary permission.

The current application was supported by revised information (commercially sensitive trading accounts) and were reviewed by the Agricultural Consultant, stating that:

"These accounts appear far too light in terms of allocated costs, as can be seen by looking at the projected costs for future years.

Be that as it may, given the difficulties experienced over the last two years with the pandemic, as explained by the applicant, I can see that a further period of consent may well be justifiable in order to allow the business to progress further in the way predicted"

Although the business plan and accounts are not as expected, this has been justified by the applicant as a result of the pandemic. The Agricultural Consultant therefore considers a further period of consent acceptable to enable a full evaluation, e.g. 18 months until late spring 2023.

It should be noted that the application, as per previous applicants, 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 80 (NPPF).

Agricultural Occupancy

As part of the agricultural occupancy condition the occupation of accommodation within an agricultural holding shall be limited to a person solely, mainly or last employed locally in agriculture. The Agricultural Consultant requested that the applicants working arrangements are clarified to ensure that the condition is complied with.

It was confirmed by the applicant that one family member works solely in agriculture on the farm and one has sought second employment to supplement income, but works on the land at weekends and non-working days. As such, it is considered that the agricultural occupancy condition is complied with in this case.

Impacts on the Landscape

Section 15 (NPPF) 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) 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 (2009). The application site is located within the Meopham Downs Landscape Character Area, an area characterised by gently undulating topography with a mix of arable and pasture farmland, three large settlements located along the A227 and traditional architecture surrounding village greens providing local vernacular.

It is considered that the retention of one mobile home would not look out of place as they have the appearance of the type 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 characterises of the Meopham Downs identified in the Landscape Character Assessment (2009).

Wildlife

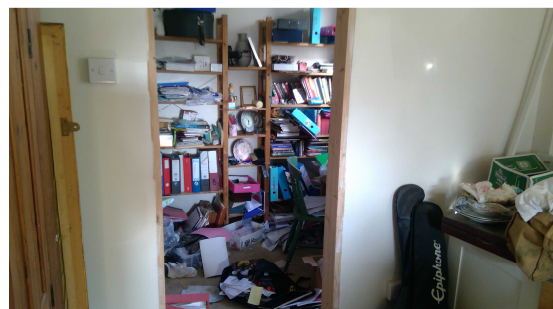
The Nurstead, Cozendon Woods, Nash Street Local Wildlife Site are located directly to the east of the application site, and are wildlife-rich areas selected for their local nature conservation value. They contain important, distinctive and threatened habitats and species. It is not considered that this proposal will 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.

Representations

No objections were received from any consultees or neighbours.

Use of the Barn

A timber-framed section has been erected within the main barn (see pictures below), this structure has been insulated and has three sections.





The applicant stated that the intended use of the sections would be an office, toilet and a kitchen area. The Agricultural Consultant was informed of the development and stated that there is no issue provided that the use is for agricultural or equestrian working during working hours, remaining ancillary to the day to day agricultural. Therefore, to make certain that the use of the barn is principally for agriculture, a condition will be attached to the decision notice to ensure that the barn remains ancillary to the day to day agricultural or business use of the land and should never be occupied as a primary unit of living accommodation at any point.

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 will be the end of March 2021.

It should be noted that paragraph 014 of the National 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, with the impacts of the pandemic, it is considered that a third 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 third temporary permission is recommended.

Recommendation

Temporary Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:		Signed:	R Hart
Dated:	2 nd December 2021	Dated:	3 December 2021