



Delegated Report

Application No:	20151015
Location:	Land South East Of Cozendon Wood Copthall Road Cobham Gravesend
Description:	Retention of existing mobile home and site office/store.
Applicant:	Miss Fiona Hunter
Site Visit Date:	22 June 2015 (Site visit with Enforcement Team)

Proposal

The application is for the retention of existing mobile home and site office/store and application consists of the following documents/plans:

- Application form;
- OS Plan 1:2500
- Farm Business Plan – January 2015
- Planning Statement – 13 October 2015
- Photographs

Relevant Planning History

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

15/00167/EN - Enforcement Complaint Received of Stationing of Caravan on Land.

Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises the adopted Gravesham Local Plan Core Strategy September 2014, saved policies from the adopted Gravesham Local Plan First Review 1994 and saved policies from the Kent Minerals and Waste Local Plans.

Saved policies contained in the Gravesham Local Plan First Review should still be accorded significant weight, albeit that the weight accorded should be greater where policies are consistent with the National Planning Policy Framework (NPPF, paragraph 215).

The policies relevant to the consideration of this application are set out below.

Gravesham Local Plan Core Strategy September 2014:

- CS02 – Scale and Distribution of Development
- CS07 – Economy, Employment and Skills
- C12 – Green Infrastructure

- CS19 – Design & Development Principles

Gravesham Local Plan First Review 1994:

- P3 – Vehicle Parking Standards
- C10 -

Other Relevant Guidance

National Planning Policy Guidance

The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications. The Gravesham Local Plan Core Strategy has been found to be sound and consistent with the NPPF. The weight to be given to the saved policies in the Gravesham Local Plan First Review and the Kent Minerals and Waste Local Plans will depend on their consistency with the NPPF. Planning Practice Guidance supports and clarifies areas in the NPPF.

At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 14) which means approving development proposals that accord with the development plan and where the development plan is absent, silent or relevant policies are out of date planning permission should be granted unless any adverse impacts would so significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate development should be restricted.

Supplementary Planning Guidance

The Council has adopted a number of Supplementary Planning Guidance documents, Development Briefs and Conservation Area Appraisals. These elaborate on saved policies in the Gravesham Local Plan First Review and policies in the Gravesham Local Plan Core Strategy and are material considerations in determining planning applications. The following documents are relevant to the consideration of this application:

- SPG 4: Kent Vehicle Parking Standards (July 2006)

Consultations, Publicity and Representations

Engineering Services

There are no objections to this proposal for a single mobile home on highway grounds.

Regulatory Services

This application is for a non-seasonal mobile home for agricultural use. In the event it is permitted as such, it would appear its use is not one of the listed exemptions set out in schedule 1 of the Caravan Sites and Control of Development Act 1960 and therefore it will require a site licence.

Cobham Parish Council

Cobham Parish Council objects to this application on Green Belt/Agricultural Land; the retrospective planning application has arrived several months after said mobile home appeared and has been lived in. The business plan is designed around someone being resident on the site full time, and cannot therefore be deemed to be “temporary”.

Meopham Parish Council

Meopham Parish Council would recommend that GBC gives temporary permission for 1 year to the above application.

Dickens' Country Protection Society

The area of land forming the holding is insufficient to justify a dwelling.

Rural Planning limited

Extensive comments received which can be viewed on Anite but the key points raised by Rural Planning Limited are summarised below:

In the meantime, however, I consider that further development of their agricultural business would be very difficult without their being able reside on site to be on hand to care for the proposed livestock and guard against trespass and theft.

As far as the financial viability of the venture is concerned, the submitted budgets (prepared in January 2015) are some guide, but do not fully reflect the applicant's current proposals, and they also include quite a large sum for bank charges which in practice the applicant should not have to pay. Clearly much will depend on the ability to find and secure sufficient premium sales outlets, but on balance 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.

Neighbours

A site notice was displayed on site but no comments have been received.

Analysis

The application site lies within the Metropolitan Green Belt and Paragraphs 79 of the NPPF 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 80 of the 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 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 87 of the 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 88 of the 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 89 and 90 of the NPPF.

Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include:-

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Paragraph 89 of the Framework 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 55 the NPPF 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 at or near their place of work in the countryside.

The following section evaluates in detail of the proposal complies with paragraph 55 of the NPPF.

Agricultural Justification (Paragraph 55 of the NPPF)

The retention of a caravan for residential purposes would not normally be supported in policy terms. However this application seeks 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 has then be sent to Rural Planning Limited (Gravesham Agricultural Consultant) who has reviewed and provided extensive comments on this report.

Any assessment made relies on the guidance which is contained within PPS7 which has been cancelled and superseded by the NPPF. The only reference to agricultural dwellings is paragraph 55 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 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 that an initial temporary period of 3 years would be acceptable.

Having concluded that there is a robust farm business plan it is concluded there is no need to evaluate the proposal against paragraph 87 of the NPPF.

It should be noted that the application is 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.

Whilst the issues of security are noted it can be concluded that this alone is not sufficient to justify the retention of a caravan within the Green Belt as has clearly been demonstrated in appeal decision 004917 where the Inspector concluded the following on security.

I have considerable sympathy with the appellant's problems over security, although these are concerns that could be replicated on countless other sites throughout the Green Belt.

Overall though there is sufficient justification for the retention of the caravan as is clearly demonstrated in the above section relating to paragraph 55 of the NPPF.

Impacts on the landscape

Section 11 of the 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 of Gravesham Local Plan Core Strategy 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 of the Core Strategy which seek 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 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 not objected to the proposal subject to the development being given a temporary period. Cobham Parish Council have objected (the road frontage of the site is within their parish).

No Member interest or neighbour objections.

Conclusion.

It is considered that a sound and robust farm business plan has been supported and this proposal complies with paragraph 55 of the NPPF and can be supported subject to a temporary period of 3 years.

Recommendation:

Temporary Permission (3 years)

See draft Decision

Case Officer Initial: RJH

Date: 14 December 2015