

Parish:	Walpole Highway	
Proposal:	The siting of temporary accommodation unit, incorporating staff welfare facilities	
Location:	Land SW of Ivy Farm West Drove Link Road Walpole Highway Norfolk	
Applicant:	Tamar Nurseries Limited	
Case No:	20/00222/F (Full Application)	
Case Officer:	Clare Harpham	Date for Determination: 22 April 2020 Extension of Time Expiry Date: 6 July 2020
Reason for Referral to Planning Committee – Councillor Julian Kirk has requested that the application be determined at Planning Committee		
Neighbourhood Plan: No		

<p>Case Summary</p> <p>The application site is located within the countryside as defined within the Site Allocations and Development Management Policies Plan 2016 and is within land which is currently operated by Tamar Nurseries at Walpole Highway.</p> <p>The application seeks planning permission for a mobile home (caravan) which would be used as residential accommodation for a staff member, as well as incorporating staff welfare facilities. The residential aspect of the application fails to comply with Policy DM6 of the Site Allocations and Development Management Policies Plan (Housing Needs of Rural Workers) and as such there is an in-principle policy objection to the proposal.</p> <p>Key Issues</p> <ul style="list-style-type: none"> • Principle of development • Neighbour Amenity • Flood Risk • Highways Issues • Other material considerations • Crime and Disorder Act <p>Recommendation</p> <p>REFUSE</p>
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THE APPLICATION

The application site is located on the western side of West Drove South and almost opposite the junction with West Drove South Link Road that leads to the village of Walpole Highway

and the turning onto the westbound carriageway of the A47. The agricultural field within which the application site sits lies immediately south of the A47.

The application site is currently agricultural land within an existing field, immediately adjacent to large glasshouses which have been erected under planning permission reference 19/00356/FM and which are in the same ownership. Application 19/00356/FM is linked to application 16/00813/OM which is outline approval for residential development including the construction of a village store and post office at the existing Tamar Nursery site at School Road, West Walton. Members may recall that this was approved at planning committee in February 2017 subject to a legal agreement (Section 106) which linked the development to the relocation of the nursery to this site in Walpole Highway.

The agricultural field within which the application site sits is bounded to the road (eastern boundary) by a bund and security gates and is relatively open on other boundaries.

The application is for full planning permission for the siting of a temporary accommodation unit which incorporates staff welfare facilities at the nursery site.

Clarification was sought from the agent who confirmed that a current member of staff will sleep on site to act as security, in effect living there and therefore the mobile unit would be residential accommodation, albeit on a temporary basis as it may be necessary to relocate the unit elsewhere on site as the nursery expands. The mobile unit will also be used for other members of staff who need access to washing / toilet facilities and somewhere to eat lunch.

SUPPORTING CASE

Tamar Nurseries have embarked in an ambitious plan to expand and develop their business, part of which has seen them acquire the proposal site at West Drove South, and invest over £1m, with this investment continuing.

This development has gone hand in hand with the existing site on School Rd, and a Section 106 agreement is in place which, once completed, will provide for further significant investment in the future.

The ambition of the company has been supported, and praised, from prominent representatives at BCKLWN, principally derived from site visits, whereupon an appreciation and understanding was gained into the challenges which Tamar has been facing during this phase of its expansion – one of which being rural crime.

At the time of application, the site has been subjected to thefts involving many £1000s - documentation identifying this forms part of this submission, and there have been others since applying.

It was suggested to the company that an overnight presence was required to act as a deterrent and ensure that the considerable investment was not compromised. Although it was appreciated that security alone was not a sufficient justification on which to base an application it was stated that support would be forthcoming from significant parties.

As a unit providing welfare facilities would be needed on site it was decided that it would be both economical, and less obtrusive in planning terms, to integrate these uses.

The company would be content to receive temporary permission at this juncture, as it is most likely that the unit would need to be re-located in the future, as the business develops the site further.

Although the Environment agency have raised no objection, measures are proposed to mitigate any relevant flood issues.

Similarly, no other consultee has raised objection.

PLANNING HISTORY

16/00812/FM: Application Permitted: 10/02/2017: Establishment of plant nursery and associated glasshouses, growing beds, office and staff facilities

19/00356/FM: Application Permitted: 24/09/2019: (Retrospective) glasshouse and internal roadway

RESPONSE TO CONSULTATION

Parish Council: NO COMMENTS RECEIVED

Highways Authority: NO OBJECTION to the principle with regard to highways considerations.

Emergency Planning: Due to the location in an area at risk of flooding it is advised that the site operators sign up to the EA FWD service and prepare a flood evacuation plan.

Environmental Health & Housing - Environmental Quality: NO COMMENT to make regarding contaminated land or air quality.

Environment Agency: NO OBJECTION; it is for the LPA to decide whether the Sequential Test needs to be applied. We have reviewed the Flood Risk Assessment (FRA) with regard to tidal and designated main river flood risk sources only. We consider that the main source of flood risk at this site is associated with watercourses under the jurisdiction of the Internal Drainage Board (IDB) therefore the EA have no objections with regard to flood risk.

Natural England: NO COMMENT; please refer to Standing Advice

REPRESENTATIONS

No third-party representations received.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 – The Economy

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM6 - Housing Needs of Rural Workers

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NEIGHBOURHOOD PLAN POLICIES

N/A

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF) – sets out the Government’s planning policies for England and how these are expected to be applied.

National Planning Practice Guidance (PPG) - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

National Design Guide 2019

PLANNING CONSIDERATIONS

The main issues to consider when determining this application are as follows:

- Principle of development
- Neighbour Amenity
- Flood Risk
- Highways Issues
- Other material considerations
- Crime and Disorder Act

Principle of development

The application site is located outside the development boundary of Walpole Highway and within the countryside as defined by Inset Map G106 of the Site Allocations and Development Management Policies Plan (SADMPP) 2016.

On the basis that the proposed mobile unit will be used as residential accommodation, the application has been assessed as such within this report.

The NPPF, specifically para 78 and 79 states that ‘housing should be located where it will enhance or maintain the vitality of rural communities’, and that LPAs ‘should avoid 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 application site includes some existing glasshouses to the west and an existing dwelling to the north-east and some properties further south along West Drove South. Notwithstanding the physical proximity of a few other dwellings, the application site is located some distance from the development boundary and is located along a narrow road with no

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footpath provision, which leads to the site feeling disconnected from any service provision and the facilities available within the village of Walpole Highway. Notwithstanding this para. 79 of the NPPF allows for new housing in less sustainable locations provided there are 'special circumstances'.

Policy DM6 of the SADMPP also recognises that there may be a need for rural housing and states that development proposals for new occupational dwellings (even temporary dwellings) must demonstrate the stated intentions to engage in farming, or any other rural based enterprise are genuine, are reasonably likely to materialise and are capable of being sustained. Proposals should show that the needs of the intended enterprise require one or more of the people engaged in it to live nearby. This application is for a mobile home, and the Agent has confirmed that the applicant is applying on a temporary basis. No timescale has been given but it is usual for temporary residential accommodation to be granted permission for a three-year period, usually in order to ascertain that the rural enterprise is financially sound before considering residential accommodation of a more permanent nature.

This application has therefore been assessed against the policy regarding temporary occupational dwellings. The policy states at 5(a) that temporary occupational dwellings should only be allowed to support a new rural based activity, providing, they satisfy the criteria set out in 3a) and 3b) of Policy DM6 which are as follows:

- (a) There is a clearly established existing functional need, requiring occupants to be adjacent to their enterprise day and night.
- (b) The need could not be met by existing dwellings within the locality.

Policy DM6 then goes on to state at 5b) that the application must be supported by clear evidence of a firm intention and ability to develop the enterprise concerned (for example significant investment in new farm buildings is often a good indication of intentions); and 5c) the application is supported by clear evidence that the proposed enterprise has been planned on a sound financial basis.

3(a) There is a clearly established existing functional need, requiring occupants to be adjacent to their enterprise day and night.

The justification provided for the siting of the residential accommodation is based solely upon the provision of security at the application site, where an existing member of staff will sleep overnight to provide an on-site presence to deter crime. The agent has confirmed that the mobile unit will not be anyone's sole or main residence, however little further detail has been provided about the length of each stay, other than 'members of staff may stay on an ad hoc basis. This may be one member for several weeks, or another for one night. Principally governed by availability'.

The agent has confirmed that there have been thefts at the site (a crime number and details have been provided for one theft that took place in July 2019), however has stated that the cost of a dedicated night-watchman, 7 days per week, would be considerable and therefore the decision was made to utilise an existing member of staff who would sleep on site to act as security 'in effect living there'. The benefit of having an existing member of staff on site also means that early / late yard openings which coincide with continental deliveries are supervised more easily (currently these are scheduled and supervised as such). The decision was made to apply for a residential unit to negate any future ambiguity. Alongside the residential use the mobile home will also serve as a facility where staff can have access to toilet / washing facilities and spend lunchtime.

The agent has confirmed that there are few existing security arrangements other than the lockable gate at the access to the site and the bund which is to be planted with protective

hedging. That due to the large open site it is difficult to secure, although there are plans to add CCTV to the main gate and working / office area, although the business felt an on-site presence was the best deterrent.

Despite the information regarding security no additional information or justification has been provided regarding the functional needs of the agricultural (nursery) enterprise which would require them to be adjacent to their enterprise day and night. It has therefore not been demonstrated that it is essential to the functioning of the horticultural business that one or more workers are available on site at most times to care for the plants grown on site.

Security needs may increase the weight given to requiring an on-site presence, where a farm is located near a more built-up area, or the livestock / crops kept on-site are particularly valuable. However, security alone is not a sufficient justification for the provision of an agriculturally tied dwelling, even a temporary one, where the principles remain the same. For instance, the Inspector stated at an appeal at Woodstock Farm Caravan Site, Gibbett Road, Wereham (Ref: APP/V2635/A/12/2176102/) that the daily tasks and duties required for the operation of the business could be carried out during the working day. The Inspector acknowledged that dealing with problems that arise during the night such as late arrivals or security breaches were more problematic but stated that given the strong planning policies against additional dwellings in the countryside it was important to examine whether these other matters could reasonably be dealt with by other means. With regard to security the Inspector investigated utilising a CCTV / alarm system which could be monitored remotely and for the areas less easy to monitor (in this case a fishing lake) it was stated that potential poaching did not offer sufficient grounds for the construction of an occupational dwelling.

Another appeal relating to a nursery business at Ashtree Nurseries, River Road, West Walton (Ref: APP/V2635/A/08/2090147) also addressed security in the Inspectors comments stating that security concerns are not by themselves sufficient to justify an agricultural dwelling but may contribute to the case for one.'

Therefore, it can be concluded that the proposal does not comply with Section 3(a) of Policy DM6 and thus also fails Section 5(a) of the same Policy.

3(b) The need could not be met by existing dwellings within the locality.

No information has been submitted regarding whether any other dwellings within the locality could fulfil the need for security at the application site or indeed whether this has been considered.

The application therefore fails to comply with Section 3(b) of Policy DM6 and thus also fails Section 5(a) of the same Policy.

5(b) The application is supported by clear evidence of a firm intention and ability to develop the enterprise concerned (for example significant investment in new farm buildings is a good indication of intentions)

Planning permission was granted in February 2017 for the 'Establishment of plant nursery and associated glasshouses, growing beds, office and staff facilities' (16/00812/FM). This application allowed for the transfer of the existing nursery at School Road, West Walton to this new site in Walpole Highway. This application was not implemented but was amended to provide the large glasshouses currently on-site which were approved under permission 19/00356/FM.

Therefore, it is evident that there has been significant investment at the application site already. Whilst financial details have not been supplied, there looks to be firm evidence the business has both the ability and intention of developing the enterprise at this site in Walpole

Highway. Further development at this site would however be subject to planning permission being granted.

5(c) The application is supported by clear evidence that the proposed enterprise has been planned on a sound financial basis.

No financial details have been submitted in support of this application. Therefore, whilst significant financial outlay has taken place at the application site with the erection of the glasshouses, no details have been provided with which to assess this part of Policy DM6. The application therefore fails to demonstrate that it would comply with Section 5(c) of Policy DM6.

The application for a temporary residential unit therefore fails to comply with Policy DM6 of the Site Allocations and Development Management Policies Plan 2016 and therefore also fails to comply with paragraph 79 of the NPPF.

Neighbour Amenity

The proposed mobile unit will have no material impact on neighbour amenity due to the size of the proposal and distance to the nearest neighbour who is located to the north-east.

The proposal would comply with the provisions of the NPPF with regard to amenity and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016.

Flood Risk

The application site is located within Flood Zone 3 of the SFRA and there is no objection to the proposal from the EA.

Whilst the EA have no objections, the LPA still need to apply a sequential test. The aim of the sequential test aims to steer new development to areas with the lowest probability of flooding. Whilst the proposal is for an agriculturally tied residential unit it has been determined that there is not a functional need for one or more workers to be on site day and night and therefore other sites in the Parish must be considered. The application is essentially for a dwelling, albeit temporary and therefore sites which could accommodate a single dwelling have been considered when applying the Sequential Test. The village of Walpole Highway is within Flood Zone 3 of the SFRA 2018 and therefore no sites at a lower flood risk have been identified and the proposal passes the Sequential Test.

As the proposal is within Flood Zone 3 then the Exception Test needs to be passed as well as the Sequential Test. The Environment Agency are satisfied that the site-specific flood risk assessment demonstrates that the development will be safe for its lifetime, (provided it is on a temporary basis in accordance with Table 2 and Table 3 of the Planning Practice Guidance).

Whilst there may be benefits to the rural enterprise with regard to the provision of a residential unit, these benefits do not outweigh the requirement to strictly control new residential development in the countryside or ensure that if possible it is not located in an area at a higher risk of flooding. In this case, it is considered that there is no requirement for a full-time worker to be living on the application site, given that it has not been demonstrated that the application meets the requirements of Policy DM6 of the SADMP. As a result, the development is considered to fail the Exception Test.

The proposal would fail to comply with para 160 and 161 of the NPPF and Policy CS08 of the Core Strategy.

Highways Issues

The proposal would be accessed via the existing point of access which serves the existing large greenhouses immediately behind (west) the proposed mobile unit and there are no objections to the proposal from the Highways Officer.

The proposal would accord with the provisions of the NPPF with regard to highway safety and would comply with Policy CS11 of the Core Strategy and Policy DM15 of the Site Allocations and Development Management Policies Plan.

Other material considerations

There are no objections to the proposal from Natural England who refer the LPA to their Standing Advice. The Standing Advice gives no indication that the proposal is likely to have a detrimental impact upon any protected species or designation.

There are no objections to the proposal from the Environmental Quality Team who have no comments to make regarding contaminated land or air quality.

Crime and Disorder Act

This application is not considered to give rise to issues relating to Section 17 of the Crime and Disorder Act.

CONCLUSION

The site is within a countryside location where in principle residential accommodation would not normally be permitted. However, this application seeks consent for an agriculturally tied mobile home on a temporary basis.

The applicant has failed to demonstrate that the running of the agricultural enterprise requires someone to live on site during the day and night or that the needs of the enterprise could not be met by an existing dwelling in the locality. As such there is no essential need for a residential unit to be placed on the application site and the proposal is therefore contrary to the provisions of paragraph 79 of the NPPF, Policies CS02 and CS06 of the Core Strategy 2011 and Policy DM2 and DM6 of the Site Allocations and Development Management Policies Plan 2016.

It is the responsibility of the LPA to direct development, where possible, to areas with the lowest risk of flooding and the application passed the Sequential Test. Notwithstanding this, as it has not been demonstrated that there is a requirement for a full time worker to live at the application site, the proposed development is considered to fail the Exception Test, as the sustainability benefit of providing the development in this location does not outweigh the flood risk. The proposal is therefore contrary to paras. 160 and 161 of the NPPF and Policy CS08 of the Core Strategy 2011.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that an application must be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the applicant has failed to demonstrate that the proposal complies with the local development plan and there are no material considerations which outweigh this. Members are therefore requested to refuse the application as proposed.

RECOMMENDATION:

REFUSE for the following reasons:

- 1 Paragraph 79 of the NPPF seeks to restrict residential development outside towns and villages to those dwellings essential to agriculture and other rural enterprises where it can be demonstrated that the need for the proposed dwelling could not be met by an existing dwelling or within the settlement. The proposal fails to demonstrate that there is a functional need for a residential unit which requires a worker to be adjacent to the rural enterprise day and night. The proposal is therefore contrary to Para 79 of the NPPF, Policy CS02 and CS06 of the Core Strategy 2011 and Policy DM2 and DM6 of the Site Allocations and Development Management Policies Plan 2016.
- 2 The application site falls within Flood Zone 3 of the SFRA and passes the Sequential Test; therefore, the Exception Test is required. The proposal does not represent development where the sustainability benefits outweigh the flood risk and therefore fails the Exception Test. The proposed development is therefore contrary to para. 160 and 161 of the NPPF and Policy CS08 of the King's Lynn and West Norfolk Core Strategy 2011.