

**APPLICATION NO.** P07/E0316  
**APPLICATION TYPE** Full  
**REGISTERED** 21.05.2007  
**PARISH** Goring Heath  
**WARD MEMBERS** Mrs Ann Ducker  
  
Mrs Pearl Slatter  
**APPLICANT** D Wilson  
**SITE** Waterfield Nursery, The Old Market Garden, Collins End, Goring Heath  
**PROPOSALS** 3 year siting of mobile home  
**AMENDMENTS** One – revised location plan  
**GRID REFERENCE** 465867/179050  
**OFFICER** Mr T Wyatt

## 1.0 INTRODUCTION

1.1 This application is referred to Committee as the Officer's recommendation conflicts with the views of the Parish Council.

The application site (which is shown on the OS extract **attached** as Appendix A)  
1.2 relates to approximately 1.6 hectares of land that has been used and run as a market garden and nursery for approximately 100 years. The site is located in a relatively isolated area away from any established settlements, however, the site is in a prominent location in terms of the local highway network. In addition the site lies within the Chilterns Area of Outstanding Natural Beauty.

The nursery has recently been sold to the current applicant. The previous owner  
1.3 has however, retained two dwellings immediately adjacent to the nursery, and therefore, this accommodation, which was previously used by the owners of the nursery is no longer available to the current owners. This situation has prompted this application for a mobile home on the site for residential use by the new owners. Indeed, whilst this application was being considered, the mobile home has been brought onto the land and is currently being occupied by the applicant. Therefore, the application is now retrospective although it should be noted that this does not prejudice the consideration of the application against the relevant planning policy.

1.4 Copies of the plans associated with this planning application are **attached** as

## Appendix B.

### 2.0 THE PROPOSAL

- 2.1 The application seeks permission for the siting and occupation of a mobile home at the nursery in order to fulfil the functional requirements of operating the nursery.
- 2.2 The mobile home is currently on site in a relatively open position towards the south east corner of the site.

### 3.0 CONSULTATIONS AND REPRESENTATIONS

- 3.1 **Goring Heath Parish Council** – The application should be refused as the establishment of a new residential use on a green field site is contrary to the Local Plan.

- Environmental Health** – An investigation for contamination at the site should be carried out, and if necessary, the contamination should be remediated.

- Neighbours** – No correspondence received.

3.3

### 4.0 RELEVANT PLANNING HISTORY

- 4.1 P96/S0025 - Five poly-tunnels. Extend existing hardstanding to provide lorry turning area and service area with new relocated access. Continued use of barn for ancillary retail sales, new ancillary plant sales area and 3 no. 2 Tonne gas tanks. Withdrawn prior to determination on 18 December 1997.

- P88/S0054 - New access and use of adjacent land as car park, alterations to farm shop, closure of existing access. Planning Permission on 13 July 1988.

### 5.0 POLICY AND GUIDANCE

- 5.1 Adopted Structure Plan 2016 Policies:

- G1 – General Policies for Development
- G2 – Improving the Quality and Design of Development
- G5 – Development Outside Settlements
- EN1 – Landscape Character
- T1 – Sustainable Travel
- T2 – Car Parking

- T8 – Development Proposals

## 5.2 Policies of the Adopted South Oxfordshire Local Plan 2011 (SOLP):

- G1 – General Restraint and Sustainable Development
- G2 – Protection and Enhancement of the Environment
- G4 – Development in the Countryside and on the Edge of Settlements
- G6 – Promoting Good Design
- C1 – Landscape Character
- C2 – Areas of Outstanding Natural Beauty
- EP8 – Contaminated Land
- D1 – Good Design and Local Distinctiveness
- D2 – Vehicle and Bicycle Parking
- D3 – Plot Coverage and Garden Areas
- D4 – Privacy and Daylight
- D6 – Design Against Crime
- D8 – Energy, Water and Materials Efficient Design
- D10 – Waste Management
- H6 – Locations where New Housing will not be permitted
- A6 – Agricultural Workers Dwellings
- T1 & T2 – Transport Requirements for New Developments

## 5.3 Government Guidance:

- PPS1 – Delivering Sustainable Development
- PPS3 – Housing
- PPS7 – Sustainable Development in Rural Areas

## 5.4 Supplementary Planning Guidance

- South Oxfordshire Design Guide December 2000 (SODG)

## 6.0 PLANNING ISSUES

### 6.1 The key planning issues that are relevant to this application are:

1. Whether the principle of the development is acceptable in this location
2. The impact on the character and appearance of the surrounding area
3. The impact on the amenity of neighbouring occupiers
4. Other material considerations

## The Principle of the Development

- 6.2 The site is located in a relatively isolated location away from any established settlement where there is a very strong presumption against new residential development. Indeed Policy H6 of the SOLP states that new houses will not be permitted in the countryside. This position is reinforced by Government guidance contained within PPS7: Sustainable Development in Rural Areas, which states at Paragraph 10:

- ‘Isolated new houses in the countryside will require special justification for planning permission to be granted. Where the special justification for an isolated new house relates to the essential need for a worker to live permanently at or near their place of work in the countryside, planning authorities should follow the advice in Annex A to this PPS.’
- 6.3

- Therefore, although there are strict controls in place governing new housing in the countryside, particularly away from established settlements with their associated services and facilities, new dwellings associated with rural business, especially agricultural enterprises can be justified in exceptional circumstances. In relation to this matter, Policy A6 of the SOLP deals specifically with proposals for new agricultural workers’ dwellings.
- 6.4 Therefore, the principle of providing a new house for an agricultural worker may be acceptable providing that full justification can be provided.

- The applicant has recently purchased the nursery site. The existing residential properties adjoining the site, which were occupied by the previous owners were withheld from the sale, and therefore, are not available for the current owner to use. As such, there is currently no residential accommodation available on site in connection with the nursery business, although the mobile home relating to this application is currently on the site and in use.
- 6.5

Annex A of PPS7 outlines the issues to consider when determining applications for

agricultural workers’ dwellings in the countryside. In this case the applicant is seeking

planning permission for the mobile home for a period of three years, and therefore, the

- 6.6 guidance regarding temporary agricultural dwellings is of relevance to the consideration

of this application. The application is considered below under the criteria listed under

Annex A for such dwellings. Reading Agricultural Consultants (RAC) were asked to assess the application against the relevant criteria, and their response is **attached** at Appendix C. The assessment of the proposal by RAC is an important factor to consider in the determination of this application.

(i) clear evidence of a firm intention and ability to develop the enterprise concerned

(significant investment in new farm buildings is often a good indication of intentions)

- 6.7 The enterprise has only recently been purchased, and therefore, there has been very little time for the new owners to indicate a clear intention to develop the business. However, as RAC point out, the purchase of the nursery itself gives credence to the applicant's intention to develop the business. Although the land has been used for market garden/nursery purposes for a substantial period of time, at the time of the sale of the site, the existing infrastructure on the site was in a relatively poor condition and required significant time and capital investment to restore. Following a recent site visit on 13<sup>th</sup> July 2007 it is apparent that little has been achieved in terms of redeveloping the site and developing the business. A small number of plants were for sale on a small part of the site, however, the
- 6.8 majority of the site, including the polytunnels, were not being used. Obviously, the purchase of the site indicates an intention to develop the enterprise. It is apparent that the applicant already has experience of landscape gardening, and this level of expertise coupled with the longevity of the nursery business on the site indicates that there is an ability to develop the enterprise although little has been done to develop the business so far.

6.9

(ii) functional need

Paragraph 4 of Annex A of PPS7 explains that, 'A *functional test* is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night:

(i) in case animals or agricultural processes require essential care at short notice;

- 6.10 (ii) to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic

systems.'

Clearly a new dwelling associated with an agricultural enterprise cannot be justified if there is no functional requirement for the agricultural worker to live on or very close to the enterprise. In relation to the nursery business, RAC have advised that the functional requirements of the nursery arise mainly from the risks to tender plants from unforeseen weather or circumstances.

6.11

Approximately 0.26 hectares of the site is taken up by polytunnels. The intention is to use the polytunnels for the growing of plants, including the germination of seedlings in propagation units and the nurturing of young plants during the winter months through heating systems. RAC have stated that a failure of the gas or power supply during the winter months could jeopardise the plants in the polytunnels and the possibility of a failure of the irrigation system has also been cited as a potential risk to the enterprise. As the majority of the plants are to be grown from seed, it is clear that any failure of the gas, power or irrigation systems could be detrimental to the plants and therefore the business.

6.12

A further reason for a permanent on-site presence could be to deter theft and vandalism. The site is in a relatively isolated location and it lies immediately alongside public highways and a public right of way and therefore may be relatively prone to such actions. However, guidance in Paragraph 6 of Annex A states, 'The protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not by itself be sufficient to justify one.' This guidance can also be interpreted as relating to matters concerning the protection of plants.

6.13

Despite the lack of justification associated with the security needs of the site, RAC consider that the functional requirements of the enterprise justify the ready availability of a full time worker at the nursery.

(iii) clear evidence that the proposed enterprise has been planned on a sound financial basis (the financial test)

6.14 If an agricultural dwelling is to be permitted based on the functional requirements of the business, it is necessary for the business to be financially viable over the longer

term. Clearly if this were not the case, the failure of the enterprise after a short period would severely undermine the initial need and lasting legacy of a dwelling associated with the enterprise. In this case, the applicant has only recently purchased the land, and it is not possible for the financial viability of his business to be demonstrated. However, a 12 month business projection for the enterprise has been submitted with the application, which is based on the sales figures and running costs of the previous owner. This indicates a loss of £430 for the first year and given the lack of subsequent yearly projections, there is no clear indication that the business has been planned on a sound financial basis.

However, RAC has reproduced data for horticultural enterprises from the University of Reading's Horticultural Business Data 2007, which indicates that the average net income per hectare of glass/polythene equates to £80,400. This equates to a net income of £21,000 when taking into account the 0.26 hectares of polytunnels at the application site. Although no business plan has been submitted for the enterprise, it is apparent that the market garden/nursery use of the site has existed for a substantial period of time, and therefore, the past viability of a nursery on the site can be assumed. It also has to be recognised that the applicant is re-establishing the nursery business at the site, and part of the logic behind granting initial temporary permissions for workers' accommodation is to reappraise the financial viability of the enterprise after an initial period of time.

The University of Reading's data indicates that a nursery enterprise could be financially viable on this site given the infrastructure and it is considered reasonable to allow the applicant time to develop the business and establish its financial viability. However, given the lack of any significant work to date and the fact that a new dwelling can only be justified if there is a functional need in relation to a financially viable enterprise, it is not considered that the mobile home should be permitted for a period of three years. Given the uncertainties regarding the development of the enterprise, it is considered expedient to grant permission for the mobile home for a period of one year. This period would allow the applicant to develop the business over the full seasonal cycle and allow for progress in relation to the development of the business to be more accurately assessed. It would also allow for a greater understanding of the functional needs of the enterprise as it develops, which are evidently a key part of the justification for a residential use at the site.

6.17

(iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned

The functional needs of the nursery have previously been met by one or both of the

6.18 dwellings adjoining the site. However, as these dwellings were excluded from the sale of the nursery, they can no longer be used to satisfy this need. It has recently come to light that these buildings are now for sale, and therefore, it would appear that an opportunity exists for the applicant to purchase the buildings and reside in an existing dwelling adjacent to the site. However, the buildings do not have an agricultural tie and the asking price is likely to be prohibitive.

6.19 Criterion (iv) of Policy A6 of the SOLP states that permission for new agricultural workers' dwellings will not be granted where dwellings have been sold off from the enterprise within the previous five years, unless in exceptional circumstances. The withholding of the dwellings from the sale of the nursery could be considered tantamount to the selling off of these dwellings from the nursery. However, it must be recognised that these dwellings were not subject to agricultural occupancy restrictions and therefore did not have to be occupied in connection with the nursery business. Furthermore, the retention of the dwellings by the previous owner of the site was outside of the control of the current owner.

6.20 In light of the above, it is considered that exceptional circumstances do exist to justify the consideration of a new unit of accommodation on the site. Furthermore RAC consider that there are very few, if any, dwellings within close proximity to the nursery that could meet its functional requirements as outlined above.

6.21 Given factors such as the lack of evidence with regard to the sound financial planning of the new enterprise and the recent severance of the adjoining dwellings from the nursery by the previous owner, it is considered that there could be grounds for the refusal of the application. However, given that the nursery use is long established and given the lack of control of the current owner over the fate of the adjoining dwellings it is considered, on balance, that there is sufficient justification to allow the siting of a mobile home at the site for a temporary period of one year. After this period, the applicant would need to reapply for the residential use either for a further temporary period or on a permanent basis. After a year there should be reasonable evidence of whether a residential presence is still required on the site in terms of the functional requirements of the enterprise and of whether it can be justified in relation to the financial viability of the enterprise.

### The Impact on the Character and Appearance of the Surrounding Area

The application site lies in a prominent location within the Chilterns AONB. Policy



C2 of the SOLP as well as advice within PPS7 seeks to ensure that development preserves, or where possible enhances, the natural beauty and special landscape qualities of the AONB.

6.22 The application site has had a long established presence within the local landscape and the structures on the site, such as the polytunnels are visible from the surrounding public highway and the bridleway (Goring Heath 45) that runs parallel with the western boundary of the site. The mobile home was originally proposed on the western side of the site adjacent to the public bridleway. In this position the structure would have been largely concealed from views from the public road. The mobile home has actually been stationed on land towards the eastern edge of the site where it is more prominent in views from the road, particularly as the site is slightly elevated above the road. However, the boundary of the site with the highway is formed by hedging and mature trees, which helps to screen and soften  
6.23 the structure from the highway.

6.24 Although sited at some distance from the bridleway to the west, the mobile home is easily viewed across open land from the bridleway as it projects beyond the southern building line of the adjacent polytunnels. Thus the mobile home increases the visual intrusion of the development on the site when viewed from the surrounding land. The mobile home, however, lies in close proximity to the polytunnels and is therefore viewed in context with and against these larger structures. In addition the mobile home is viewed against the backdrop and below the line of vegetation on the eastern boundary of the site. It is not considered that the long term retention of the mobile home on the site would be acceptable in its current position due to the increased visual impact and the consequent failure to fully respect the AONB. Therefore it would be expected that the mobile home would be relocated to a less conspicuous position should permission subsequently be granted for the retention of the mobile home. Given that it is proposed to limit the stationing of the mobile home to one year only, it is not considered that the harm to the character and appearance of the area is sufficient to justify the refusal of this application.

#### The Impact on the Amenity of Neighbouring Occupiers

There are no close neighbouring properties to the mobile home. Therefore, the retention of the mobile home in its current position would not cause any significant harm to the amenity of neighbouring occupiers.

## Other Material Considerations

The Council's Contaminated Land Officer has requested that conditions are imposed on any permission to investigate for and, if necessary, remediate any contamination on the site. However, given the historic use of the site, and in particular the siting of a mobile home for a period of one year it is considered that the imposition of such conditions would be too onerous. In addition, the siting of the mobile home does not require foundations and as such there is no disturbance to the soil in relation to the development.

Evidently should permission be granted for a further residential use on the site, the requirement for a contaminated land investigation would need to be reviewed.

### **7.0 CONCLUSION**

7.1 The application proposal is on balance considered to accord with the relevant development plan policies and national planning policy. The siting of the mobile home for a period of one year would not cause significant long term harm to the character and appearance of the site or surrounding area, or the natural beauty and special landscape qualities of the Chilterns AONB. A period of one year would allow the applicant an opportunity to develop the enterprise and enable the Local Planning Authority to review the acceptability of a residential use in relation to the horticultural enterprise.

### **8.0 RECOMMENDATIONS**

**8.1 That planning permission be granted subject to the following conditions:**

- 1. The mobile home and all associated development and structures shall be removed from the land on or before 3<sup>rd</sup> October 2008.**
- 2. The mobile home is only to be occupied by persons employed in agriculture in connection with the land.**

**Author:** Mr T Wyatt

**Contact no:** 01491 823154

**Email:** [planning.east@southoxon.gov.uk](mailto:planning.east@southoxon.gov.uk)