



Leeds
CITY COUNCIL

Originator: J.Bacon

Tel: 0113 2224409

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 17th February 2011

Subject: APPLICATION 10/03826/FU - ONE 3 BEDROOM AGRICULTURAL WORKER'S DWELLING WITH ATTACHED GARAGE AT RIVERSIDE NURSERIES, LINTON COMMON, WETHERBY LS22 4JD

APPLICANT
BK GROWERS LTD

DATE VALID
1ST SEPTEMBER 2010

TARGET DATE
27TH OCTOBER 2010

Electoral Wards Affected:

Harewood

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: If Members are minded to refuse the application the following reasons are suggested in the report below:

1.0 Introduction and Comment

1.1 This application was presented to Plans Panel (East) on 20th January 2011 with an officer recommendation for approval. Members resolved not to accept that recommendation and requested that a further report be presented to Panel that sets out suggested reasons for refusal for Members consideration and that these reasons should relate to the failure to demonstrate the need for a dwelling at this site and that the scale of the dwelling applied for is too great. Having reflected upon Members comments an additional reason for refusal is suggested for Members consideration and this relates to matters of highway safety. However, this report concludes that whilst strong planning and highway safety arguments can be made to support a refusal of permission it will be difficult to sustain an argument at appeal that the applicant has failed to demonstrate a functional need for any form of residential accommodation on the site (reason 1).

1.2 Following the presentation of the application, Panel Members made the following comments:

- whether there was a need for 24 hour attendance on the site for emergency maintenance and that one of the largest nurseries in the city, Redhall, did not require a continuous presence on their site;
- that the property would not be for an agricultural worker, but for the person who ran the business, as stated by the applicant's agent;
- highways issues, in that Linton Lane which was a single, unmade track in poor condition and already had a number of houses served by it;
- that a more modest, 1 bedroom property, rather than the 3 bedroom house being proposed might be more suitable;
- that the proposal sought to secure development in a desirable location within the Green Belt.

Members considered how to proceed

RESOLVED - That the Officer's recommendation to grant permission be not accepted and that the Chief Planning Officer be asked to submit a further report to the next meeting setting out possible reasons for refusal of the application based upon the Panel's concerns relating to inappropriate development in the Green Belt, failure to demonstrate a functional need for the development and the scale of the proposals

1.2 Accordingly, Panel Members are invited to consider the below suggested reasons for refusal:

1. *The Local Planning Authority considers that the proposed development represents inappropriate development in the Green Belt and that the applicant has failed to demonstrate a functional need for permanent residential accommodation on the site for use in association with Riverside Nurseries. As such, it is considered that the proposal would conflict with the principles of Green Belt control and that no very special circumstances have been put forward to justify setting aside Green Belt policy in this instance. The proposal is therefore contrary to Policy N33 of the Leeds Unitary Development Plan (Review 2006) and to the guidance set out in PPG2 (Green Belts) and PPS7 (Sustainable Development in Rural Areas).*
2. *The proposal by virtue of the overall scale of the dwelling and the level of accommodation provided is considered to be disproportionate to the needs of the agricultural unit and as such the proposal to constitutes inappropriate development in the Green Belt that results in a loss of openness causing harm to visual amenities and character of this Green Belt location. Consequently, the proposed workers dwelling would be contrary to Policy N33 of the Leeds Unitary Development Plan (Review 2006) and national planning policy guidance in PPG2 (Green Belts) and PPS7 (Sustainable Development in Rural Areas).*
3. *The Local Planning Authority considers that the proposed development would be unacceptable in highway terms owing to its isolated and remote location where access to public transport facilities is limited; the inadequate and sub-standard access road; and lack of pedestrian footway. The proposal would therefore be detrimental to highway and pedestrian safety, contrary to Policy T2 of the Leeds Unitary Development Plan (Review 2006), the guidance contained within the Council's Street Design Guide and the guidance contained within PPG13.*

1.3 During the Plans Panel discussions at the 20th January 2011 meeting, Members drew comparisons to the operation of the City Council owned nursery site at Red Hall Lane (Red Hall Nurseries), which operates without the need for a dwelling on

the site. On this issue a number of differences between the two nursery sites can be highlighted:

- Red Hall is a significantly larger operation than the application enterprise and this justifies the most sophisticated equipment and technology to monitor the facilities, and even enable remote control of the facilities.
- Red Hall has the benefit of 24hr security on site (who can raise the alarm or undertake remedial action under instruction by mobile telephone in an emergency).
- Red Hall has staffing resources to provide cover late into the evening and early morning to minimise the hours when the site is unattended by nurserymen. This contrasts with the application enterprise which is a relatively small business which may only be able to provide this level of supervision by living on-site.
- It could be concluded that the nature of Red Hall as a “Council/Institutional” nursery gives rise to a reliance on technology and mechanical solutions as an alternative to providing on site dwellings for staff, as opposed to the “proprietary” situation of the Applicant.

1.4 In light of the information set out above each of the suggested reasons for refusal is commented upon in turn:

Reason 1

1.5 In 2007, Plans Panel Members accepted that Riverside Nurseries had a genuine functional need to site a temporary workers caravan at their premises (for a period of 3yrs), established through the grant of planning permission (Ref:07/04392/FU). This was based on the specific requirements of this nursery business relating to the nature of the plants that are grown and the strict control that needs to be exercised over growing conditions. During the colder months there is a need to be able to react quickly to technical failure of heating systems and to remove snow from glass house roofs. In applying for that permission the applicant acted in accordance with the advice contained in Annex A of PPS7 (Sustainable Development in Rural Areas) which states *‘if a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit of an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation’* (para.12). It is acknowledged that the grant of temporary accommodation does not automatically mean that a subsequent application for permanent accommodation is accepted. However, the circumstances at the business premises have not significantly changed since 2007, when a functional need was accepted and consent granted for temporary worker’s accommodation. The City Council’s Agricultural Surveyor accepts that Riverside Nurseries is financially viable and that due to the scale and nature of the nursery enterprise that there is a genuine horticultural need for residential accommodation at these established premises.

1.6 There is a risk that in pursuing a reason for refusal based on the functional need (reason 1) of Riverside Nurseries that the City Council may leave itself open to a claim of costs in the event of an appeal. At appeal proceedings, the Council will be required to show good reason for rejecting the specialist advice provided by the City Council’s Agricultural Surveyor and produce relevant evidence on appeal to substantiate the decision in all respects (para. B20, Circular 03/2009). An appeal case would result in an assessment of the horticultural operations at the site as well as the financial status of the enterprise and officers would be required to show good reason for rejecting the City Council’s Agricultural Surveyor’s advice. Failure to do

so may result in costs awarded against the authority relating to that ground of refusal.

- 1.7 In light of the above Members are requested to consider whether planning permission should be refused and if so whether a reason relating to functional need can be sustained at appeal.

Reason 2

- 1.8 In answer to Members questions at the January Panel the applicant's representative confirmed that the existing caravan had been occupied at different times by a number of persons employed at the nursery. The agent also confirmed that the intention was that the proposed dwelling would be occupied by the owner of the business and his family. Whilst it is considered that it would be difficult to sustain an argument at appeal that there is not a functional need for some form of residence at this site, a strong argument does exist that what has been applied for is not proportionate to the need demonstrated. The applicant's representative was clear in answering Members questions at the last Panel that the functional need had been satisfied by a nursery worker (not necessarily the owner and his family) residing at the site. From that it could reasonable be concluded that whilst the applicant considers it desirable to have family accommodation on the site it is not necessary or justified by this particular horticultural use. That the need could and has been met by one worker staying in more modest accommodation. During the discussion on the application some Panel Members appeared to indicate that more a modest form of worker's accommodation could be more appropriate at this site.

Reason 3

- 1.9 Turning to the suggested highway reason for refusal it is considered that there differences between the proposed dwelling and the existing caravan. Family housing necessitates a number of reasons to travel, and should be located in areas within convenient walking distance of local facilities and does not create problems of personal accessibility. Linton in general is not a sustainable location, and the application site, fronting Linton Common, is approximately 800m from the adopted highway. The route does not have dedicated pedestrian facilities is unlit and is in a poor state of repair. The site is therefore not considered accessible, and the occupiers would be most likely to need and use a car to travel.
- 1.10 Linton Common is a private road and already serves in excess of 20 dwellings as well as the existing commercial use. As stated above the road does not have dedicated pedestrian facilities and is unlit and in a poor condition (It should be noted that the maximum recommended level of development off a private road is five houses - Street Design Guide). In addition the road does not enable the two way passing of vehicles for significant lengths. It is not a suitable route for additional traffic. A family house has the potential to generate significantly more trips (school runs, shopping and work trips etc) than an individual worker's accommodation. A typical family house could be expected to generate up to 10 movements a day, which given the location is likely to be undertaken by car.
- 1.11 In summary the proposed family house is not accessible except by car, and the overall number of trips to the site would be greater for a dwelling of this size occupied by a family, than worker's accommodation on a route that is sub-standard.

2.0 Conclusion

2.1 Three suggested reasons for refusal are set out for Members consideration. The first reason relates to the functional need for a dwelling. In light of the information available to Members it is considered that it would be difficult to sustain this argument at appeal. However, it is considered that a strong planning case can be made that the dwelling applied for is not proportionate to the needs of the agricultural unit (reason 2). In addition Members should have regard to the additional suggested reason (3) for refusal that relates to highway safety and whether this reflects concerns previously expressed by the Panel.

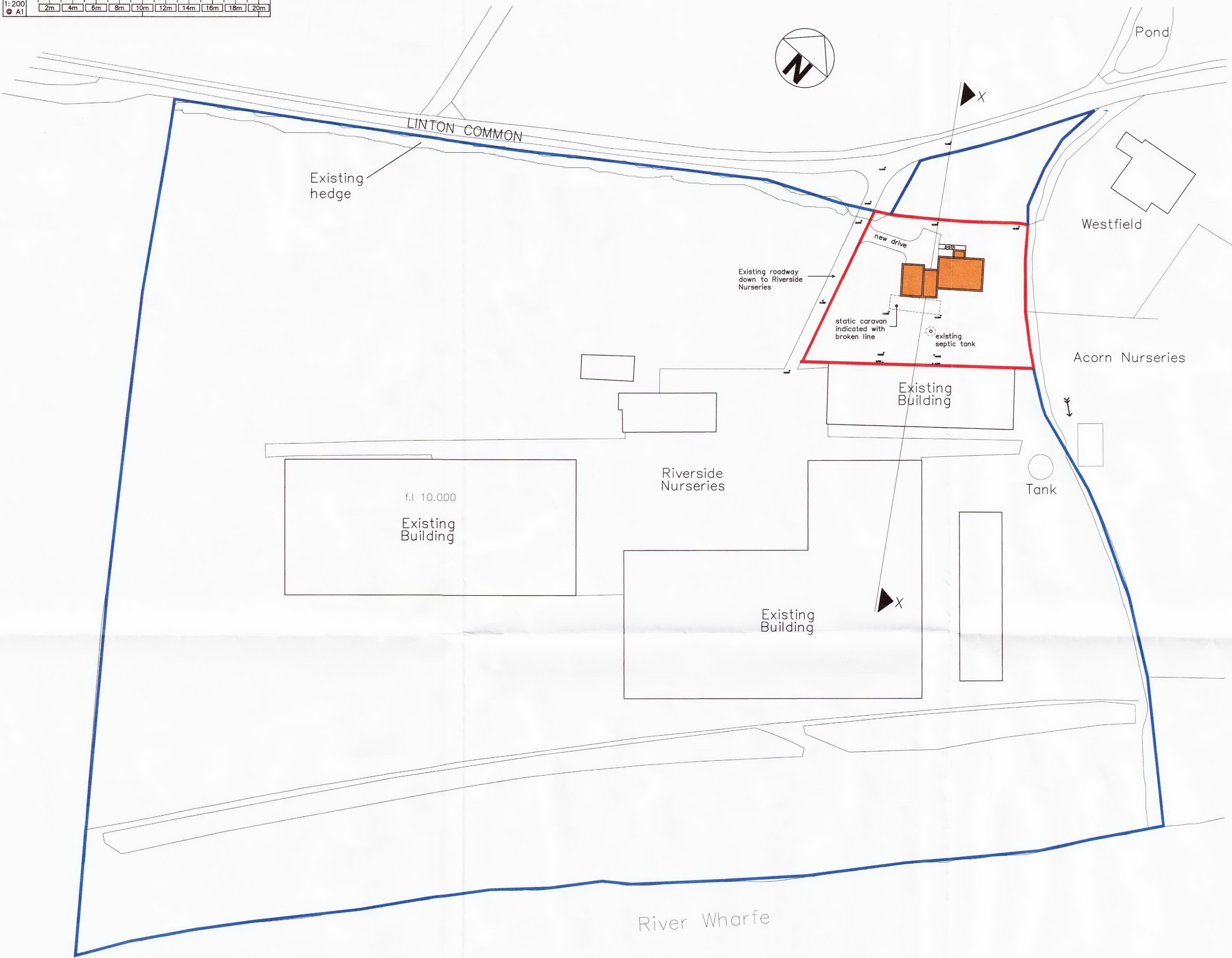
Background Papers:

Application file 10/03826/FU.

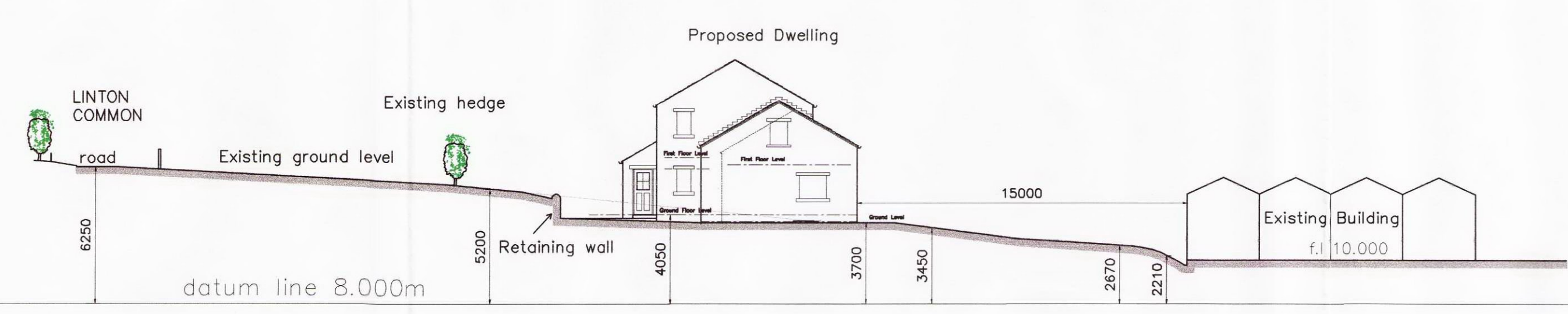
Certificate of ownership:

Signed on behalf of the applicant by the appointed agent (5th August 2010).

1:200
A1
2m 4m 6m 8m 10m 12m 14m 16m 18m 20m

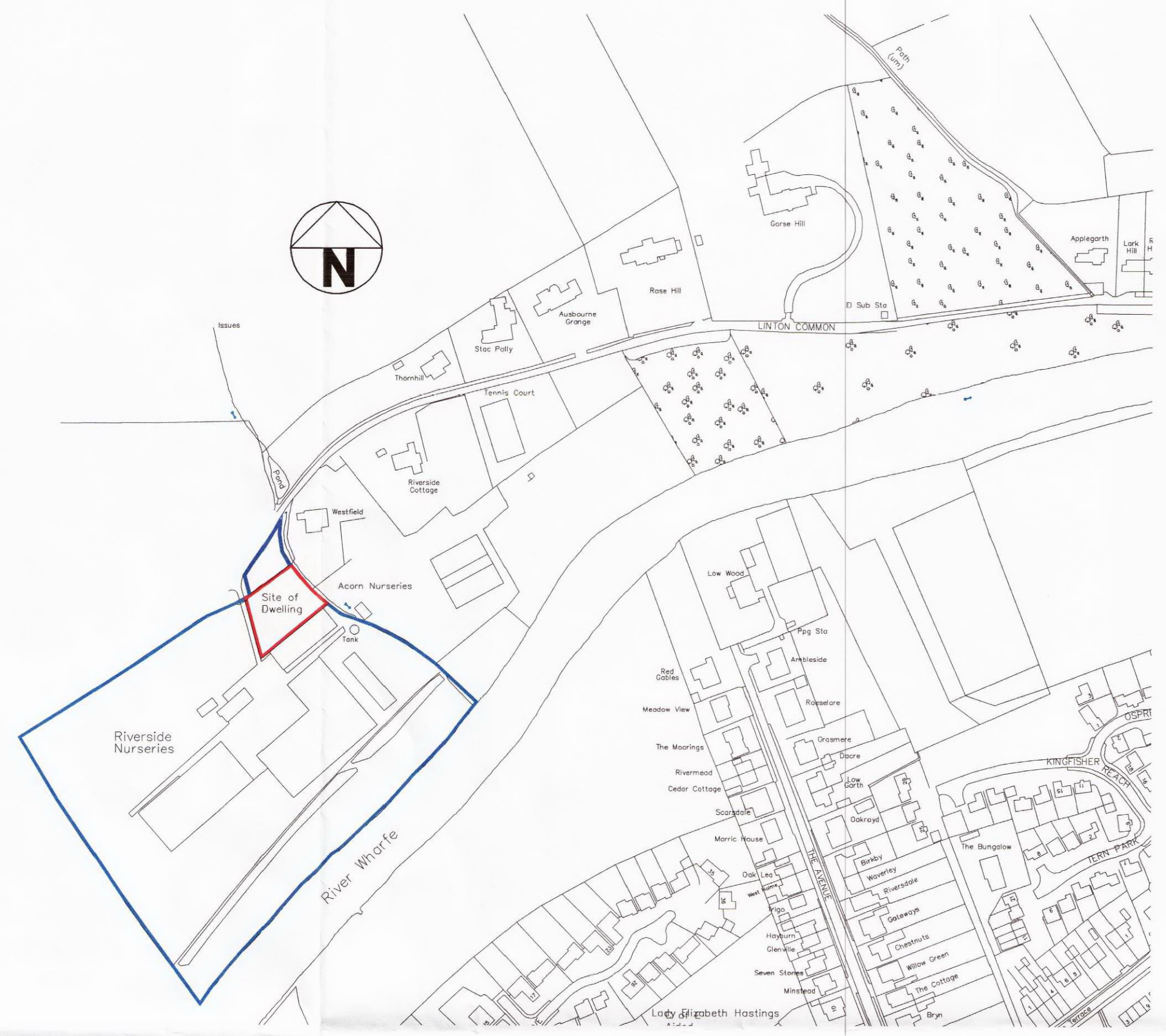


SITE PLAN scale 1:200



SECTIONAL ELEVATION ON LINE X-X scale 1:200

10/03826



LOCATION PLAN scale 1:2500

LEEDS CITY COUNCIL
Please refer to Decision Notice
- 8 DEC 2010
REVISED

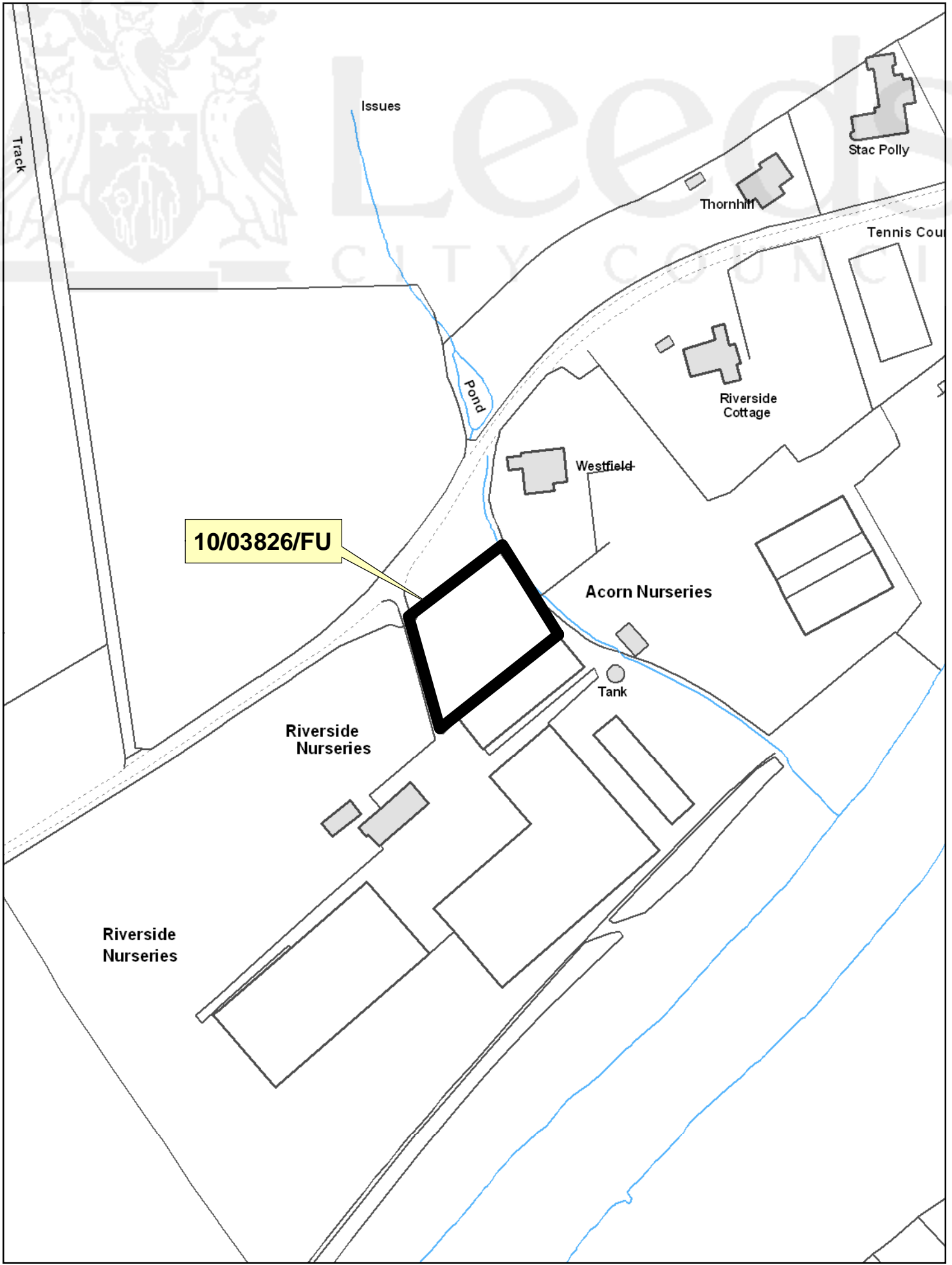
7/12/2010 Revision G:
Red line boundary amended

GENERAL NOTES

- ALL WORK TO BE CARRIED OUT IN STRICT ACCORDANCE WITH THE BUILDING REGULATIONS 2004 AND TO THE SATISFACTION OF THE LOCAL AUTHORITY TOWN / COUNTRY PLANNING, BUILDING CONTROL AND DRAINAGE DEPARTMENTS.
- APPOINTED CONTRACTOR RESPONSIBLE FOR NOTIFYING LOCAL AUTHORITY BUILDING CONTROL DEPARTMENT UPON COMMENCEMENT OF WORK.
- DIMENSIONS ALL TO SITE CHECK.
- THESE PLANS HAVE BEEN PREPARED FOR SUBMISSION TO THE LOCAL AUTHORITY FOR BUILDING REGULATIONS AND TOWN / COUNTRY PLANNING PURPOSES ONLY AND DO NOT CONSTITUTE FULL WORKING DRAWINGS.
- ALL MATERIALS ARE TO BE USED IN STRICT ACCORDANCE WITH THE RECOMMENDATIONS OF THE MANUFACTURERS

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<p>Kaminski Developments Architectural, Building Design & Surveyors 26 Minnie Way, Sutton-in-Craven, Kilgobry, West Yorkshire, BD20 8EX. Tel: 01535 635581 Fax: 01535 635581 info@kaminski.co.uk www.kaminski.co.uk</p>	
Client: MR ALAN WILCOCK	
Job: Proposed Detached Dwelling with Integral garage at: Riverside Nurseries, Linton Common, Linton Nr. Wetherby.	
Drawing: Site Plan, Location Plan & Section through site	
By: a.k	300.03.2 G
Client:	Drawing Number:
Scale: 1:200, 1/2500	Date: October 2010



EAST PLANS PANEL

