

## Report Item No: 2

<b>APPLICATION No:</b>	EPF/0152/16
<b>SITE ADDRESS:</b>	Shottentons Farm Pecks Hill Nazeing Essex EN9 2NY
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	Mr J Colletti
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of 12 x 1 bedroom accommodation units in two blocks for occupation by horticultural workers.
<b>RECOMMENDED DECISION:</b>	Refuse Permission

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=582033](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=582033)

### REASON FOR REFUSAL

- 1 The proposal constitutes inappropriate development in the Green Belt and is therefore by definition harmful to its openness and to the purposes of including land within it. The circumstances of this proposal do not amount to very special circumstances which clearly outweigh the identified harm and it has not been demonstrated that the dwelling is essential in this part of the Green Belt. Furthermore the total floor area exceeds 150sqm and therefore the proposal is contrary to policies GB2A, GB7A and GB17A of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework.
- 2 The proposal involves the use of a non-mains foul drainage system in a publically sewered area but no justification has been provided for this method of sewage disposal. The proposal is therefore contrary to policy U3B of the Adopted Local Plan and Alterations, with the objectives of the National Planning Policy Framework and with the guidance contained within the National Planning Practice Guidance

*This application is before this Committee since it is an application that is considered by the Director of Governance as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(k))*

### **Description of site**

The application site is a 0.22Ha area of land located just off Pecks Hill, to the south east of Shottentons Farm, which is located within the relatively rural area of Nazeing. Whilst there

are a large number of glass houses to the north and a farm complex to the south, currently the site is an open field which has not previously been developed. Access to the site is from a private track which comes off the transition between Pecks Hill and Sedge Green. The application site is located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

### **Description of proposal**

The proposed development is to erect 12 x 1 bedroom units in two blocks for occupation by horticultural workers on the nearby nursery.

### **Relevant History**

There is much history on the main farm complex including various applications for glasshouses and other agricultural buildings. However on the application site in question there is no relevant planning history.

### **Policies Applied**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP6 – Achieving sustainable urban development patterns  
H2A – Previously developed land  
H3A – Housing density  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE3 – Design in urban areas  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
LL11 – Landscaping schemes  
ST1 – Location of development  
ST4 – Road safety  
ST6 – Vehicle parking  
GB2A – Development in the Green Belt  
GB7A – Conspicuous Development  
GB17A – Agricultural, Horticultural and Forestry Workers Dwellings  
U3B – Sustainable drainage systems

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

### **Consultation Carried Out and Summary of Representations Received**

4 Neighbours consulted and Site Notice displayed – NO COMMENTS RECEIVED

NAZEING PARISH COUNCIL – NO OBJECTION – A member of the public commented on the application – would prefer nursery workers to live in this type of accommodation rather than caravans. No objection providing that there is a condition that the accommodation is for nursery workers only.

No objection but if permission is granted it be subject to the following conditions:

- The accommodation is only used for agricultural workers employed by the nursery

- An agricultural tie be placed on the property
- Should the nursery no longer be in existence then the permission would cease.

### **Issues and considerations**

The main issues to consider when assessing this application are the potential impacts on the Green Belt, the living conditions of the neighbours, sustainability issues, the character and appearance of the area, parking and access, tree and landscape issues, land drainage, land contamination and affordable housing.

#### Principle of development within the Green Belt

The National Planning Policy Framework (NPPF, CLG, 2012) attaches great importance to the protection of the Green Belts and states that new residential units are inappropriate development in the Green Belt and should not be approved unless very special circumstances can be demonstrated which **clearly** outweighs the harm and any other harm caused.

When assessing applications within the Green Belt, Paragraph 88 of the NPPF also requires 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 its inappropriateness and any other harm is clearly outweighed by other considerations’.

There are various exceptions to inappropriate development in the Green Belt as outlined through paragraphs 89 and 90 of the NPPF, however the proposal in question does not comply with any of these given exceptions.

The starting point for this assessment therefore is that the development is inappropriate in the Green Belt. However paragraph 55 states that:

*Local Planning Authorities should avoid new isolated homes within 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.*

It is therefore important to assess whether or not it is essential for workers to be on or close to the site in this particular case. The applicant submits that the new residential units will be utilised by workers of the nearby horticultural business and that, due to excessive rental prices and lack of availability of other accommodation in the locality there is nowhere else that the low paid workers could reside other than this new unit within the Green Belt. However there is no evidence to suggest that the workers of this nursery are required to reside on the site for the purposes of the business and therefore whilst it is unfortunate that the rents are too expensive for low paid workers to utilise, it does not constitute very special circumstances which could overcome the harm to the openness of the Green Belt that this development would cause. The price and availability of housing in the area is a market issue and does not in itself justify inappropriate development within the Green Belt. Furthermore the provision of new housing should be brought forward through the plan making process of the Local Plan, which seeks to provide housing in a strategic way, considering consultation responses with local residents and the local Parish Council and not through ad hoc developments such as this.

Additionally part (i) of policy GB17A of the Adopted Local Plan states that the Council will only grant planning permission for agricultural dwellings where it is completely satisfied that:

*The dwelling is **essential**, taking into account the nature of the enterprise (eg. Presence or otherwise of livestock) possible reorganisation of the existing labour force, the potential offered by existing residential accommodation on the farm or holding, and the outcome of any approach made to the Council as a housing authority under the Rent (Agriculture) Act 1976.*

It is clear that to comply with part (i) it must be necessary for a worker to live within close proximity to the agricultural unit for it to function efficiently. During the discussion at the pre application meeting and indeed in the statement provided at the pre application stage, it has been made clear that the majority, if not all the workers perform unskilled or low skilled jobs, usually not during unsociable hours and a lot of the processes within the glass house run on an automated system. It therefore cannot be the case that it is essential for a worker to live within close proximity to the site for it to function efficiently. Consequently it is not essential for a dwelling to be sited in this location and the significant harm to the openness of the Green Belt has not been clearly outweighed by this reason.

Furthermore part (iv) of policy GB17A states that:

*The total floor space (must) not exceed 150sqm*

The proposed residential development comprises an area of 372sqm of new floor space and as such the scale of the development is clearly contrary to this policy requirement. Furthermore the Council has never supported agricultural workers accommodation of this scale within the Green Belt, which is more akin to the provision of a single dwelling rather than 12 individual units.

It is acknowledged that the NPPF promotes sustainable rural businesses and encourages Local Planning Authorities to act proactively when facilitating their viability. The applicant submits that without this development it will not be able to attract and retain the best staff for their horticultural business. Whilst this may be the case, although there is no evidence to substantiate the claim, it does not in any event constitute very special circumstances which clearly outweigh the significant harm to the Green Belt that this development would cause. Furthermore nor will it make its operation unviable, the addition of 12 units for 12 individual workers only constitutes a fraction of the Tomworld workforce and therefore will not ensure its long term viability.

Furthermore part (ii) of policy GB17A states that planning permission may be granted if:

*Part (i) is inconclusive (and) there is firm evidence of viability of the agricultural, horticultural or forestry enterprise concerned at the time of the application and of continued viability in the long term*

If the argument is being made that the nursery would be unviable if this development is not built then firm evidence has not been provided of its viability at the time of making the application or its continued long term viability. As such it is clearly contrary to part (ii) of policy GB17A.

As mentioned at the beginning of this part of the assessment, Paragraph 88 of the NPPF requires 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 its inappropriateness and any other harm is clearly outweighed by other considerations'.

In accordance with this paragraph, the identified harm to the Green Belt is given substantial weight in this assessment, for which there are no very special circumstances.

#### Need for the housing of horticultural workers

The applicant submits that due to their unaffordability, the existing dwellings in Nazeing which are available for rent are not suitable for the relatively low paid workers to afford. Furthermore the applicant contends that neither it is suitable for workers to reside elsewhere and then commute to the site given the excessive cost of renting and commuting.

Through research conducted on 16<sup>th</sup> March 2016 on two well-known property search websites, Right-Move and Zoopla it was found that there were five properties available for rent within Nazeing and nearby Roydon Hamlet, all of which are within relative close proximity to Shottentons Farm, these were:

- Wheelers Close, 4 bed house £380 - PW
- Hamlet Hill, Roydon, 3 bed bungalow £311 - PW
- South Nazeing, 3 Bed terrace - £265 - PW
- Old Nazeing Road, 1 bed house - £127 PW
- Nazeing Park, 9 Bed Mansion - £6,923 PW

(All properties found on Right-Move and Zoopla, accessed 16<sup>th</sup> March 2016)

The applicant has provided further information which was accessed on Right-Move in May 2015 which showed that within Nazeing there were four properties available for rent, these were:

- Bernard Acres, 1 Bed House Share £112 PW
- Nazeing Road, 2 Bed Flat, - £191 PW
- North Street, 5 Bed House - £625 PW
- Nazeing Park, 9 Bed Mansion - £7,500 PW

It is clear that there are indeed properties available within close proximity to the site. However it is questionable as to whether these are genuinely affordable for the horticultural workers.

The applicant contends that:

*'EGL workers could only afford properties available for rent at about £450 per month'*

This statement is based on the fact that the chief executive of Shelter in a BBC interview stated that:

'The widely accepted test of affordability is that housing costs should take up no more than a third of your income'

However according to Clifton and Co Estate Agents (Clifton and Co website, Accessed 16<sup>th</sup> March 2016) and Tenant Verify (tenant Verify website, Accessed 16<sup>th</sup> March 2016) an annual salary of 17,108 (Annual wage of an EGL worker according to the applicant) should be approximately £570 per Month.

When the research of available housing for rent which was conducted by Officers is combined with that of the applicant, it is evident that there have been two properties within relative close proximity to the site which would have been affordable for workers of the nursery based on the lower figure of £450 PM.

The applicant further makes the case that it may be possible for workers to find suitable accommodation further afield, perhaps in nearby Waltham Abbey, the centre of which is approximately a 15 minute bus journey from the site. However the public transport will add further cost, making the housing even less affordable. Through research conducted on 16<sup>th</sup> March 2016 it was discovered that the 505 bus route runs a relatively frequent service from the centre of Waltham Abbey to the application site and a weekly bus ticket would cost £15 (Trustybus website, Accessed 16<sup>th</sup> March 2016).

The result of this research is that commuting from Waltham Abbey will not add a significantly higher cost to the workers of the site.

The applicant details that:

‘There are a total of 48 workers at Shottentons Farm at present. Of these 13 are housed on Shottentons Farm in the existing accommodation. Of the remainder 15 are in accommodation on other nurseries in Nazeing/Roydon and the remaining 20 are either renting rooms or in flat shares in Harlow (9, 7 in a house share), Hoddesdon (7, 4 in a single House Share), Edmonton (1), Hatfield (1), Leytonstone (1) and Nazeing (1).’

Whilst some of this accommodation is relatively far from the site and would involve commuting, it has not prevented the employment of workers nor the profitability of the business which by the applicants own admission:

‘The businesses profit is substantial and is also set to increase in proportion to the increase in turnover’

It also raises the question regarding whether the business could potentially increase the wage paid to its workers, which in turn would increase the affordability of accommodation in nearby areas such as Nazeing, Roydon, Harlow and Waltham Abbey. This in turn would alleviate fears that the business may not be able to attract the best workers in the future viability of the business.

The Private sector housing team at the Council are responsible for assisting those in housing need within the District and promoting good relations between tenant and landlords have offered the following comments for the application:

*‘The Private Sector Housing Team is concerned with the provision of suitable accommodation on the district that is safe from hazards and fit for purpose. The proposal to provide 12 units of purpose built single storey bedsit accommodation is welcomed as experience indicates that provision of accommodation for horticultural workers on the district generally is poor. These units would provide satisfactory key worker accommodation, each of which is suitable for individual occupancy. There is nothing on the application to suggest that the scheme would cause nuisance or be the cause of justified neighbour complaint’.*

Whilst Officers do not disagree that this sort of accommodation is suitable for horticultural workers and that some horticultural workers live in unsatisfactory conditions within the District, there has been no comprehensive study nor evidence submitted to prove this is anything other than anecdotal. Consequently it cannot be proved that there is a certain need

for this development and even less proof that it should be located on a Green field site within the Green Belt, clearly contrary to both National and Local planning policy.

The result of this analysis is that the issues discussed around the need for horticultural workers accommodation does not amount to the very special circumstances required to clearly outweigh the substantial harm to the Green Belt.

### Precedent

Throughout this analysis the development has been considered to constitute inappropriate development in the Green Belt, for which there are no very special circumstances which clearly outweigh the harm caused.

Were this development to be granted it would set an undesirable precedent for similar types of application in the district and whilst the Local Planning Authority would retain control over these applications and every site is assessed on its own merits, an approval on this scheme would severely compromise the Councils position and could diminish its ability to resist similar such schemes on the future.

As previously discussed, this type of decision which is contrary to the development plan should not be made through an ad hoc development such as this but through a genuinely plan led process which involves a rigorous consultation period and engagement with the local community and Parish Council.

### Sustainability

The site is located close to the main settlement of Nazeing which has access to regular bus routes and various shops and other services. Although it is likely that new residents will utilise a private vehicle, the proximity to Nazeing gives them a genuine choice of transportation and therefore the site can reasonably be described as being within a sustainable location.

### Design

The two new blocks will have an eaves height of 2.1m and a ridge height of 4.9m; they will be 31m in length and 6.6m wide. Although the blocks themselves are relatively large, the individual units themselves are small and from a design perspective are of a bulk and mass appropriate to the scale of the development. The single storey aspect will ensure that it will not appear overly prominent in the context of the site. The detailed single storey hipped roof design is what is expected within this relatively rural setting and will read rather like a large barn, albeit with residential features. As a consequence the development respects the character and appearance of the locality and is compliant with National and Local design policy.

### Parking and access

The level of parking would be sufficient for this type of accommodation and the proposed access would not cause any harm to the safety or efficiency of the public carriageway given that it utilises an existing access onto the main road. The nearby public right of way runs further south and will not be affected by the development.

### Tree and landscape issues

There are trees along the boundary with the property to the west. They form an important screen. It should be possible to ensure that they are not impacted upon by development works however tree reports will be required so as to protect the trees and provide a methodology for any works within their rooting areas.

### Land Drainage

The Environment Agency has raised an objection to the application on the basis that:

*'It involves the use of a non-mains foul drainage system in a publicly seweraged area but no justification has been provided for this method of foul sewage disposal. We recommend that the application should be refused on this basis*

*The installation of private sewage treatment facilities within publicly seweraged areas is not normally considered environmentally acceptable because of the greater risk of failures leading to pollution of the water environment compared to public sewerage systems. This objection is supported by government guidance on non-mains drainage in DETR Circular 03/99 which stresses that the first presumption must be to provide a system of foul drainage discharging into a public sewer. Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered.*

*In this instance the site lies within 100m of a foul sewer and no justification has been provided by the applicant for non-connection to the mains sewerage system'*

The DETR Circular 03/99 was withdrawn by the Government in March 2014 and was replaced by the National Planning Practice Guidance (NPPG, CLG, 2014). As a result this circular does not form the basis of the refusal and is instead based on the guidance from the NPPG which states that:

*'Applicants should provide sufficient information for the local planning authority to be able to identify the likely impacts on water quality. The information supplied should be proportionate to the nature and scale of development proposed and the level of concern about water quality.'*

In this instance, the Councils Land Drainage team have not raised an objection to the application subject to the implementation of various conditions.

### Contamination

This field site was historically used for the grazing of the former dairy herd at Shottentons Dairy Farm and so is unlikely to have been treated with potentially contaminating arable farming pesticides and sewage sludge. Although the field containing the site and the surrounding fields have recently undergone hedge grubbing, topsoil stripping and been heavily trafficked and appear to have been used for waste disposal/storage associated with the new horticultural nursery and development works, aerial photography indicates that the part of the field proposed for redevelopment as studio flats has not been impacted. There is, therefore, unlikely to be any significant contamination present on site.

Managed studio flats used by adult employees are not considered a use that is particularly vulnerable to the presence of contamination.



As there is unlikely to be any significant contamination present on site and no sensitive receptors are proposed, it should not be necessary to regulate land contamination risks under the Planning Regime by way of conditions.

### Affordable Housing

The development proposes 12 new units on a greenfield site over 0.1Ha, within a settlement of less than 3000 people and consequently there is a requirement for 50% of the development to be for affordable housing as it falls within the threshold as required by H6A of the Local Plan.

Were Members to consider that this application be approved, it would be recommended that a condition is placed on the development to ensure that it may only be used by horticultural workers attached to Shottenton's Farm. Essentially this will restrict its use for what would be for a low paid, low skilled worker which would fulfil a specific need akin to what may be achieved through the provision of affordable housing units. Therefore whilst not strictly in accordance with the requirements of policy H6A, Officers view is that given the circumstances of the development and that a planning condition would ensure that it could only be utilised by horticultural workers, there is no requirement for provision of affordable housing on the site or a contribution in lieu of an approval if given.

### Conclusion

The proposed development is inappropriate in the Green Belt which will harm its openness and the reasons of including land within it, for which Officers consider that there are no very special circumstances which clearly outweigh the identified harm or any other harm. It is therefore recommended that planning permission is refused.

Should members feel that there is merit to this application and are minded to recommend approval, it will have to be put before members of the District Development Management Committee for a final decision as it is contrary to Local and National Planning Policy.

**Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:**

**Planning Application Case Officer: James Rogers**  
**Direct Line Telephone Number: 01992 564 371**

**or if no direct contact can be made please email:**  
**[contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)**