

## **Committee Report**

**Item No: 4**

**Reference: B/17/00023**  
**Case Officer: John Davies**

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**Description of Development:** Outline- Erection of detached two-storey dwelling with garage/carport and parking/turning area incorporating existing vehicular access from Raydon Road. As amplified by additional information comprising Agricultural Viability Statement, Land valuation, additional demolition quotation and plans 2489/01A and 02A received 25 April 2017.

**Location:** Ceylon House, Raydon Road, Hintlesham, IP8 3QH  
**Parish:** Hintlesham

**Ward:** Brook  
**Ward Member/s:** Cllr N Ridley and Cllr B Gasper

**Site Area:** 0.27  
**Conservation Area:** Not in Conservation Area  
**Listed Building:** Not Listed

**Received:** 05/01/2017  
**Expiry Date:** 31/03/2017

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**Application Type:** Outline Planning Permission  
**Development Type:** Minor Dwellings  
**Environmental Impact Assessment:** Environmental Assessment Not Required

**Applicant:** Mr and Mrs Murray  
**Agent:** Nick Peasland Architectural Services

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### **DOCUMENTS SUBMITTED FOR CONSIDERATION**

The application, plans and documents submitted by the Applicant can be viewed online.

Alternatively a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

### **SUMMARY**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The officers recommend approval of this application on the balance of the relevant issues. The proposed dwelling would represent unsustainable development within the countryside contrary to national and local policies. However, in this case the development would include the removal of large, redundant and unsightly glasshouses which is a material consideration and a potential exception to justify the proposed dwelling.

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reason/s:

- A Member of the Council has requested that the application is determined by the appropriate Committee and the request has been made in accordance with the Planning Charter or such other protocol / procedure adopted by the Council.

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## **PART TWO – APPLICATION BACKGROUND**

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1. This section details history, policies, advice provided, other legalisation and events that form the background in terms of both material considerations and procedural background.

### **History**

2. The planning history relevant to the application site and associated land is set out below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:
  3. The building (known as Ceylon House) has been at this site since at least 1926 as it can be seen on maps from that time. However it is likely to be much older than that dating back to the 18<sup>th</sup> Century. Records indicate that use of the site as nurseries goes back to at least 1949/50 when they were known as Ceylon Nurseries, which had become Chartwell Nurseries during the 1960s.
  4. Planning permission (W/9602/1) was granted for Chartwell House (on the other side of Raydon Road opposite Ceylon House) in 1972 and condition 2 of that permission required the dwelling to be occupied in conjunction with Chartwell Nurseries. Chartwell House was approved as a replacement dwelling and Ceylon House was required to be demolished as part of that permission. Ceylon House, however, was not demolished.
  5. In 1979 an application (B/79/00793) was made to remove condition 2 of the previous approval. The application was approved allowing Chartwell House to be occupied by persons who have no connection to Chartwell Nurseries. However the 1979 application was subject to a Section 52 agreement limiting the occupation of the old dwelling (Ceylon House) to those employed or last employed in the locality in agriculture or in forestry or a widow or widower of such a person.
  6. A householder application for planning permission (B/00/00632), for extensions to Ceylon House and the erection of a garage building with office over, was approved on 22<sup>nd</sup> June 2000. The building was subsequently extended to five bedrooms in size.
  7. An application (B/13/00707) under Section 106A of the TCPA 1990 for Removal of the agricultural occupancy tie at Ceylon House was refused on 9<sup>th</sup> August 2013. A further application (B/14/00102) seeking the same action was refused on the 9<sup>th</sup> September 2014.
  8. An application for a Certificate of Lawfulness of an Existing Use - Use of Ceylon House as 1 No. Dwelling House (Class C3) not subject to any occupancy restrictions was withdrawn in July 2014.
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### Details of Previous Committee / Resolutions

9. None

### Details of member site visit

10. None

### Details of any Pre Application Advice

11. Officer advice given on potential for redevelopment of glasshouses to a single dwelling.

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### Consultations

12. Below are details of consultation responses:

**Hintlesham Parish Council:** “Ceylon House has a very complicated planning history culminating in planning decision B/14/00102 in 2014 upholding its Agricultural Tie status. The Application Form (Point 14) states that the current use of the site is a former nursery but Certificate A declares that the site is not part of an agricultural holding. There is no mention anywhere in the application of a different current land use.

We feel that this unusual application on a site which has inexplicit planning classification should be considered at committee.

The Parish Council objects to the above proposal. The site is on the outskirts of Hintlesham in an area classified as countryside. Contrary to CS2, CS11 and CS 15 this development does not have a close functional relationship to the village. CS2 states that development will only be provided in exceptional circumstances subject to a proven justifiable 'need'. The 'circumstances' are unusual but do not meet any of the criteria outlined in CS2 or Paragraph 55 of the national Planning Policy Framework (NPPF). The evidence provided suggests the proposal is not sustainable. The application does not address Housing' need'.

#### Exceptional Circumstances

Commendably, the application seeks to clear an existing unruly site of disintegrated glasshouses. But this will only be achieved if the council reciprocates with planning permission for a dwelling to fund the project. We find the encouragement given to the applicant at Pre planning perplexing and likely to set a precedent. The environmental gain to the landscape is moderated by a proposed new dwelling in the countryside; its location means it is not sustainable. The residents of the proposed new house would be reliant upon a car which is contrary to Paragraph 17 of NPPF which supports a low carbon future and actively manages patterns of growth to make the fullest use of public transport, walking and cycling. Environment is only one of the three strands of sustainability: this application does not address the Economic or Social dimensions.

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## Need

Babergh Strategic Housing has identified a local need for 2 and 3 bedroomed properties where 3 bedroom units are limited to 120 square meters. The proposed 4 bedroomed property does not address this need.”

**Raydon Parish Council:** “The Applicant attended Raydon Parish Council's meeting on 21 February and was given the opportunity to speak before the application was considered. He stated that the property had been sold to him at a much-reduced price, which may have been in recognition of the glasshouses removal costs. Whilst Raydon Parish Council would encourage the removal of the derelict glasshouses, we do have major concerns regarding:

1. The planning classification of the glasshouses site (is it brownfield or agricultural?);
2. Past planning permission conditions have not been met;
3. General flouting of agricultural tie rules on Ceylon House which should only have been sold to someone in agriculture, hence the discounted sale price of the property.

Raydon Parish Council has read the letter from Hintlesham and Chattisham Parish Council and supports all their comments and concerns.”

**SCC Highways:** Recommend refusal on grounds of inadequate visibility splays and inability of applicant to improve them given adjacent third party land.

**Environmental Protection-Land Contamination-** Request full Phase 1 Survey Report including a site walkover.

## Representations

13. Four submissions of objection from residents in California Lane on the following grounds:

- increased traffic generated on dangerous sharp bends
- would set precedent for development of other land
- not a brownfield plot as was agricultural use
- likelihood of further development on rest of site
- site covered by agricultural tie
- cost of removing glasshouses should not be subsidised by housing development
- contrary to policies in Local Plan- CS2,CS11 and CS15
- not a sustainable location for development
- not meet housing need for 2/3 bed dwellings
- glasshouses currently screened by hedgerows and are not unsightly
- query benefits of ecological enhancements

14. Two submissions from a resident in California Lane and Property Chartwell in support citing benefits of removal of unsightly glasshouses, additional of another family home to the local community and negligible highway impact.

## The Site and Surroundings

15. The Application site comprises land laid out with a number of redundant glasshouses that were last used in 1998 and were known as Chartwell Nurseries. Since the nurseries were last used they have fallen into a severe state of disrepair and become overgrown by vegetation.

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16. There are three glasshouses on the site. The largest is towards the front of the site and measures 58 metres by 31 metres. Behind this are two smaller glasshouse structures, which combined have a similar area to the front glasshouse.
17. The glasshouses are interspersed by concrete access roads and hardstandings. These three structures are annotated for demolition on the submitted Existing Site Plan. The glasshouses are enclosed by a mature hedge on the road frontage which continues around the north-east and south-east boundaries.
18. The site is located adjacent to a dwelling known as Ceylon House, where the applicant resides. It is a large, two storey, five bedroom dwelling. There is a four bay garage sited to the northern side of the property. On the opposite side of the road is a dwelling known as Chartwell House. Further dwellings are located to the north-west along California Lane.
19. The site is located within the countryside in the parish of Hintlesham. The site is in the open countryside although there are dwellings nearby. The nearest designated settlement is Duke Street (Hintlesham) to the NE which is around 1km distance and the centre of the village itself where there is a school, church, public house, etc. is over 2kms away. The site is 3.5kms from Hadleigh to the west and a similar distance from Capel St Mary to the south.

### **The Proposal**

20. The application is in outline with only 'access' for determination at this stage with all other matters reserved and the proposals can be summarised as follows:
  - demolition and removal of all the glasshouses structures
  - erection of a single dwelling, cart lodge and garden curtilage
  - utilisation of an existing access serving the site
  - change of use and conversion of the rest of the glasshouses land to domestic garden curtilage for the benefit of Ceylon House.
21. An indicative (not definitive) Proposed Site Plan shows a rectangular plot for the proposed dwelling running adjacent the north-east boundary separated by a fence from a proposed extended garden curtilage to Ceylon House. The plan shows a two storey detached dwelling set back from the road behind a drive/turning area with a detached garage /car port in front of the house.
22. In April 2017 the applicant submitted a revised Site Location Plan and additional information comprising a viability report concerning the glasshouses by Acorus Ltd, a valuation of the land with planning permission for a dwelling and a further quotation for demolition works.

### **NATIONAL PLANNING POLICY FRAMEWORK**

23. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.
    - Core Planning principles- Para.17
    - Supporting a Prosperous Rural Economy- Para.28
    - Five Year Land Supply-Para.49
    - Dwellings in the Countryside-para.55
    - Requiring Good Design- paras 56-68
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## **CORE STRATEGY**

24. The Babergh Local Plan 2011-2031 Core Strategy and Policies document was adopted on the 25<sup>th</sup> February 2014 and is now fully operational (for the purposes of planning decisions among other purposes). The following policies are relevant to this particular planning application:

CS1- Presumption in Favour of Sustainable Development  
CS2- Settlement Pattern Policy  
CS3- Strategy for Growth and Development  
CS11- Core and Hinterland Villages  
CS15- Sustainable Development in Babergh  
CS17- Rural Economy

## **NEIGHBOURHOOD PLAN / SUPPLEMENTARY PLANNING DOCUMENTS /AREA ACTION PLAN**

25. Not relevant

## **SAVED POLICIES IN THE LOCAL PLAN**

26. The Development Plan comprises the saved policies in the Babergh Local Plan Alteration No. 2 (2006). The Plan should be regarded as a material consideration in planning decisions. The following saved policies are applicable to the proposal:

HS28- Infilling  
CN01- Design Standards  
TP15- Parking Standards

## **Main Considerations**

27. From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

## **The Principle of Development**

28. The National Planning Policy Framework (NPPF) requires Councils to identify and update, on an annual basis, a supply of specific deliverable sites sufficient to provide for five years worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.
29. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.
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30. The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However last month, the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e. it means policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF. In applying the 'tilted balance' required by this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.
31. In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-030-20140306) the starting point for calculating the 5 year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that '*...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light....Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...*'
32. The Council published the Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) in May 2017 which is significant new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. Therefore, the 5 year land supply has been calculated for both the adopted Core Strategy based figures and the new SHMA based figures. For determining relevant planning applications, it will be for the decision taker to consider appropriate weight to be given to these assessments and the relevant policies of the development plan.
33. A summary of the [BDC] Council's 5 year land supply position is:
- i. Core Strategy based supply for 2017 to 2022 = 4.1 years
  - ii. SHMA based supply for 2017 to 2022 = 3.0 years
34. The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:
- "an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure:*
- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
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*an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."*

35. In light of all of the above, this report will consider the proposal against the three strands of sustainable development, and also give due consideration to the provisions and weight of the policies within the development plan, in the context of the authority not being able to demonstrate a 5 year land supply.

### **Sustainability of the Proposal (including assessment against the development plan and the NPPF)**

36. National guidance in the NPPF restricts development in the countryside for reasons of sustainability and for protection of its intrinsic value. The NPPF advises that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 55 of the NPPF sets out criteria for assessing new dwellings in the countryside and states that LPAs 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; or
  - where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
  - where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
  - the exceptional quality or innovative nature of the design of the dwelling.
37. Paragraph 55 does not indicate that any new home in the countryside which is not isolated should necessarily be accepted. Nor does it define or limit the meaning of "isolated". It is the view of officers that this term does not merely relate to the existence or absence of nearby dwellings, but must be read in the context of the broad overall aim of paragraph 55, which is to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities and where it has good access to facilities and services.
38. Policy CS2 of the Core Strategy sets out the District's settlement policy and states that most new development will be directed sequentially to the towns/urban areas, Core and Hinterland villages. Para. 2.8.6 states (inter alia) that while small groups of dwellings and hamlets will fall within functional clusters, their remoteness and lack of services or facilities mean that such groups are classified as countryside.
39. Policy CS2 states that in the countryside, outside the towns / urban areas, Core and Hinterland Villages (as defined in the policy), development will only be permitted in exceptional circumstances subject to a proven justifiable need.
40. Policy CS15 of the Core Strategy sets out a range of criteria related to the elements of sustainable development and the principles of good design and which are to be applied to all developments, as appropriate, dependant on the scale and nature of the proposal. It requires that new development should ensure that an appropriate level of services, facilities and infrastructure are available to serve the proposed development (Part (v)) and that development should seek to minimise the need to travel by car (Part xviii).
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41. Whilst Hintlesham is defined as a hinterland village in policy CS2 the Core Strategy, the application site is remote from the built up area boundary being around 1km away and is therefore deemed to be within the countryside. The site is also remote from the services within the village as described earlier in the report. The site is also remote from the nearest bus stops serving nearby centres.
  42. Having regard to Paragraph 55 of the NPPF it is not considered that a dwelling in this location would be likely to enhance or maintain the vitality of rural communities namely Hintlesham owing to the separation of the site from the village's services. Having regard to the four listed special circumstances the only criterion that could possibly apply, albeit indirectly, is the third point insofar as development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. Clearly, the development would not re-use the glasshouses but their removal would have a beneficial impact on the landscape character of the area.
  43. Policy CS2 states that development in the countryside should be resisted unless there are exceptional circumstances. In this case the main issue is whether development of a single dwelling in an otherwise non sustainable location can be accepted based on a justification that the development would result in an environmental benefit, namely, the complete removal of the redundant and unsafe glasshouses.
  44. The Applicant has submitted a supporting statement seeking to justify the development based on the following points:-
    - the former nursery glasshouses are a visual blight on the surrounding area
    - submission of a quotation of £100,800 from Northeast Demolition UK to remove the structures together with an additional £20,000 to remove over-grown vegetation.
    - there would be environmental benefits arising from the proposal from the removal of the glasshouses
    - there would be ecological benefits from the proposal.
  45. These submissions were added to in April 2017 by the submission of a Viability Statement report on the glasshouses site which considers the condition and future agricultural potential of the glasshouses. Its main conclusions are as follows:-
    - The glasshouses are in a dangerous condition with risks of collapse and falling glass as a consequence of their disrepair with broken and buckled aluminium frames and missing/broken glass and damaged computer controlled ventilation systems and panels
    - The glasshouses are beyond economic repair and any re-use would require complete replacement
    - There are high costs involved in removing the structures either on a time consuming frames by frame dismantling or by a quicker bull dozing clearance which creates potential contamination impacts in the soil.
    - Given the small size of the plot there are very limited agricultural use alternatives. Use as an intensive livestock operation would work on a small site but would be inappropriate given the nearby residential uses and would be likely to be unviable given costs of clearance of the structures and clean-up of the soils. Use as a paddock is also considered to be costly due to the same constraints.
    - The report concludes that "The glasshouses on site are beyond repair. They are dangerous with a risk of falling glass and rapid deterioration due to wind damage. There is no economic alternative agricultural use which would justify removal of the glasshouses."
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46. The applicant has indicated that he has no alternative means of funding to pay for the clearance and restoration of the site. Consultee responses have stated that the costs of removing the glasshouses should have been reflected in the purchase price of Ceylon House. This is a valid point, however Officers have no information on the purchase price paid for the house so as to ascertain whether it was above or below market value. However, the owners indicated that it was their original intention when moving into the dwelling to run a hydroponics business from the site using the glasshouses. However, the poor condition of the glasshouses ruled this out.
47. In respect of the evidence that the applicant has submitted in the form of two quotations for the demolition of the glasshouses, which both indicate that the costs would be of the order of around £100,000, an estate agent's valuation of the plot (in which the site is valued at £250,000 assuming planning permission is granted for a dwelling of around 280 square metres (3,000 sqft) on a plot of around 2/3rds of an acre) demonstrates that the financial value generated by the development of one dwelling would be more than sufficient to fund the removal and cleaning up of the site including any necessary ground de-contamination. There would be no justification for any additional enabling development.
48. The proposal raises an important principle concerning the justification of otherwise unacceptable development in the countryside on the basis of an environmental enhancement, in this case, the removal of redundant glasshouses. The Government in the NPPF encourages the re-use of previously developed land, however, structures formerly used for agricultural purposes are defined as green field development and excluded from the definition of previously developed land. Notwithstanding this the glasshouses have a significant visual impact in the countryside and it is rather simplistic to treat them as greenfield development and not give weight to proposals securing their removal. The government's widening of permitted development rights for changes of use from redundant agricultural buildings in the countryside to residential use offer no solutions as the glasshouses are both impractical to convert and in such disrepair as to be unable to be converted. The Applicant's Viability Report also suggests there are no viable alternatives either for the re-use of the glasshouses or for the re-use of the land following their demolition.
49. Officers consider that the proposal represents a 'once and for all' solution to the removal of the glasshouses, which have been vacant for many years and their condition is judged to be dangerous, although given their isolated location there is no immediate public danger.
50. It is acknowledged that granting permission for the development could set a precedent for similar development of redundant agricultural structures elsewhere. However, it is an important tenet of planning law that each case must be determined on its individual merits and circumstances. In this case the large size of the glasshouse complex, the poor condition of the structures and the lack of alternative solutions are considered relevant. Members are asked to consider the proposition that a single dwelling can be justified as an exceptional circumstance, having regard to the terms of Policy CS2, which if approved would fund the clearance and clean up the site in exchange for one dwelling.

### **Site Access, Parking and Highway Safety Considerations**

51. The proposed development plot is sited at the eastern end of the glasshouses site adjoining farmland. The proposed development would be served by an existing vehicular access, which formerly served the plant nursery and could in theory be re-used by an alternative similar use.
  52. The Highway Authority has recommended refusal of the application on grounds that the access is sub-standard with respect to visibility. Whilst this is not disputed it is necessary to consider the proposal in the context of the established use. It is clear that use of the access by a single dwelling would be much less intensive than a nursery or similar use.
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## **Design and Layout**

53. The outline application seeks consent at this stage only for access with all other matters reserved for later determination. In effect the application seeks only to establish the principle of development.

## **Landscape Impact**

54. The glasshouses are enclosed to the front, sides and rear by established mature hedgerows and trees which provide significant screening particularly from Raydon Road. Although it should be noted that during the Winter months the structures would be far more visible in the landscape particularly along Raydon Road. The proposals would retain such screening, which would be enhanced by additional hard and soft landscape planting.

## **Environmental Impacts - Trees, Ecology and Land Contamination**

55. The site was formerly in use as a commercial plant nursery and the Environmental Protection-Land Contamination Officer is concerned about potential soil contamination from use of pesticides, herbicides, etc. If approved the ground would need to be properly surveyed and risk assessed and suitable mitigation measures identified and carried out. This would include clean-up of glass and other building materials arising from the current dilapidated state of the site.

## **Impact on Residential Amenity**

56. The application site is in a relatively isolated location with the nearest dwelling being Ceylon House, which is approximately 60 metres to the west. Accordingly it is not considered that any residential amenity issues are raised at this stage by the proposals.

## **Biodiversity and Protected Species**

57. The application is accompanied by an Extended Phase 1 Habitat Survey, which assesses the impact of the development on habitats and species including nesting birds, bats, reptiles and amphibians. The report confirms that subject to suitable precautionary measures and timing of works that there would not be a significant harm to habitats and species. Moreover there is potential for biodiversity gains through new native landscape planting, bird and bat boxes and hedgehog shelters. Mitigation measures and enhancements may be controlled by suitable conditions.

## **Ceylon House Agricultural Tie**

58. The agricultural occupation tie on Ceylon House has been raised as an issue by a number of consultees concerned that the loss of the glasshouses undermines the validity of the agricultural tie. The tie is not directly relevant to this case for the following reasons:
- the tie only relates to the dwelling , which is not part of the application site
  - the tie does not link occupation of the dwelling to the use of the glasshouses .i.e. occupation of the dwelling is not only for persons employed at the glasshouses
  - the glasshouses are in such disrepair and dereliction that they no longer offer horticultural floorspace fit for purpose nor is there a viable alternative agricultural use
  - the status of the tie is a separate planning issue.
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## **Details of Financial Benefits / Implications (S155 Housing and Planning Act 2016)**

59. The proposed development for a single dwelling is liable to make a financial contribution to the Council under CIL, the amount of which would be dependent on the final size of the dwelling. This would be exempted if the applicant claims a self-build exemption.

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## **PART FOUR – CONCLUSION**

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### **Planning Balance**

60. The glasshouses formed part of a nursery business on the site which is long gone and no alternative use has come forward to re-use them in nearly 20 years. They are now beyond repair, redundant and dangerously unsafe. They are also unsightly in the landscape. The proposal for their replacement with a dwelling and a garden extension is an opportunity to remove these structures and clean up the site. But, this is not a sustainable location for new housing development being in the countryside and remote from the nearest settlements and services. A refusal of the application could be justified on the grounds that the dwelling is in an unsustainable location, which is not justified by the removal of glasshouses. However, Officers consider on the balance of the issues, including the absence of a five year land supply, that planning permission should be granted on the exceptional basis that the proposal would constitute an enabling development leading to the total removal of the glasshouses and the enhancement of the area.

### **Statement Required By Article 35 of the Town and Country Planning (Development Management Procedure) Order 2015.**

61. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
62. In this case Officers have sought additional information and justification from the applicant with respect to alternative options for the future of the glasshouses other than the proposed single dwelling. The red lined application site has also been amended to include all the glasshouses so that, if approved, a condition requiring the demolition of all the glasshouses can be imposed in connection with the erection of one dwelling.

### **Identification of any Legal Implications**

63. The application has been considered in respect of the current development plan policies and relevant planning legalisation. Other legislation including the following have been considered in respect of the proposed development.
- Human Rights Act 1998
  - The Equalities Act 2012
  - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
  - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
  - The Conservation of Habitats and Species Regulations 2010
  - Localism Act
  - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.
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## **RECOMMENDATION**

That planning permission be granted subject to conditions including:-

- Standard outline consent time limit
  - External facing materials
  - Removal of all glasshouses prior to occupation of new dwelling
  - Contamination assessment
  - Ecological mitigation and enhancements
  - Hard and soft landscaping
  - Hedgerow protection
  - As required by the Highway Authority
-