

Agenda Item 27.

Application Number	Expiry Date	Parish	Ward
211085	2 June 2021	Wargrave	Remenham, Wargrave and Ruscombe

Applicant	Hare Hatch Sheeplands
Site Address	Hare Hatch Sheeplands, London Road, Twyford RG10 9RS
Proposal	Application to vary condition 1 of planning consent 192018 for the Full application for the Change of Use of three existing nursery glasshouses into events area relating to the existing nursery. Condition 1 refers to temporary permission and the variation is to extend temporary permission for two years
Type	Full
Officer	Simon Taylor
Reason for determination by committee	Assistant Director directive

FOR CONSIDERATION BY	Planning Committee on Wednesday 11 August 2021
REPORT PREPARED BY	Assistant Director – Place

SUMMARY
<p>Hare Hatch Sheeplands lies on a prominent corner location at the intersection of Bath and London Roads, Hare Hatch and is situated amongst several garden centres that have historically been known as the Floral Mile. It comprises a large collection of greenhouses and buildings that originally comprised a horticultural nursery but also now include a retail nursery (granted temporary permission on appeal), farm shop, café (granted permission on appeal) with outdoor seating, reptile display and temporary events space. A gravel car park and service yard dominate the centre of the site and a residential dwelling with an occupancy condition tied the horticultural use is located in the south western corner. The site is within the Green Belt and Countryside. There is no planning permission for a garden centre.</p> <p>The original application was granted conditional approval at Planning Committee on 11 March 2020. It allowed for 1,490m² of the existing greenhouses at the eastern end of the site for a limited number and type of events. The use is inappropriate because it represented an expansion of the retail use within an existing horticultural nursery. However, very special circumstances were found, including the community service provided and community support generated. It was conditional to a limit of 24 days per year and a temporary period to 14 March 2022 to coincide with the conclusion of the temporary period associated with the approved retail space. That three-year temporary permission was granted solely to allow for re-establishment of the Hare Hatch Sheeplands horticultural business.</p> <p>As part of this Section 73 variation application, a further two-year extension of the events use to 14 March 2024 is sought, with the primary justification being that the past 16 months of the pandemic and associated lockdowns has not enabled the events use to be operating at its full capacity.</p> <p>There were no objections raised by Wargrave Parish Council, the ward member, or internal consultees. As part of the neighbour notification, a total of 75 representations were received in support of the application.</p>

When weighing the planning balance and considering the very special circumstances that apply (Brexit and the pandemic), an extension of the temporary permission is reasonable for a further one year.

PLANNING STATUS

- Green Belt
- Green Route (Bath Road)
- Landfill gas consultation zone
- Potentially contaminated land consultation zone
- Radon affected area
- Groundwater zone 3
- Nitrate vulnerable zone (surface water)
- Bat consultation zone
- Non-classified road
- Heathrow Aerodrome consultation zone

RECOMMENDATION

That the committee authorise the GRANT OF PLANNING PERMISSION subject to the amendment of Conditions 1 and 3 and retention of Conditions 2 and 4 of 192018 as follows:

Conditions

1) Temporary permission

The events use hereby permitted shall be discontinued, all events associated with this permission shall cease and equipment associated with the events removed from the site on or before 14 March 2023.

Reason: In granting this permission, the local planning authority has had regard to the very special circumstances of the case, being its location within a horticultural nursery and within the Green Belt and in the interest of the amenity of the area.

Relevant policy: National Planning Policy Framework Section 13, Core Strategy policies CP1, CP3 and CP12 and Managing Development Delivery Local Plan Policy TB01.

2) Approved details

This permission is in respect of the site plan numbered SK-005, Rev A, dated 15 August 2019. The events use shall be carried out in accordance with the approved plans unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved.

3) Limitations of use

The events use, hereby approved, is limited by the following:

- a) A maximum of 24 (consecutive or non-consecutive) days in any 12-month period
- b) Events shall take place only between the hours of 8:30am and 5:30pm on any Monday to Saturday and between the hours of 10:30am and 4:30pm on Sundays
- c) Except where events are proposed over two or more consecutive days, preparation is not to commence earlier than 90 minutes before opening, and all items are to be removed no later than 90 minutes after closing
- d) It shall be carried out only in the red hatched area outlined in the approved site plan SK-005 Rev A
- e) No goods for sale shall be displayed and no retail sales shall take place anywhere on the site other than from within the approved retail areas (i.e. the farm shop and the retail nursery as specified in planning permissions F/2007/0225, F/2008/2295, 172161, 173316, 211086 with the types of goods restricted by respective conditions in those permissions
- f) The types of events are limited to the following:
 - i) Flower Shows including: Haworthias and Gasterias National Collection; Cacti Thames Valley Orchid Show; Ottershaw Cacti; Reading Fuchsia Society Show
 - ii) Children's Activities including: Supervised planting and gardening activities for children as part of National Children's Gardening Week; Welly Planting; Children's Entertainments (story telling etc), Wild animal visits
 - iii) Community Events including: RG10 Front Garden Competition event; Twyford in Bloom event; Twyford Treasure Trail; Twyford Fun Run event; Henley Arts Trail event and art installation; Pumpkin event; Community Tea Party; Food and Drink Fair/Tastings; other seasonal events
- g) The use is for events only and this permission does not permit the display or sales of goods within the events floor area shown on plan SK-005, Rev A, dated 15 August 2019

Reason: In granting this permission, the local planning authority has had regard to the very special circumstances of the case, being its location within a horticultural nursery and within the Green Belt and in the interest of the amenity of the area.

Relevant policy: National Planning Policy Framework Section 13, Core Strategy policies CP1, CP3 and CP12 and Managing Development Delivery Local Plan Policy TB01.

4) No change of use

The part of the building hereby permitted shall be used only for community events specified in Condition 3 and for no other purpose, including any other purpose in Classes A1 or D1 of the Schedule to the Town and Country Planning [Use Classes] Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order [with or without modification].

Reason: In granting this permission, the local planning authority has had regard to the very special circumstances of the case, being its location within a horticultural nursery and within the Green Belt and in the interest of the amenity of the area.

Relevant policy: National Planning Policy Framework Section 13, Core Strategy

Informatives

1) Advertisement consent

This permission does not convey or imply any approval or consent that may be required for the display of advertisements on the site for which a separate Advertisement Consent application may be required. You should be aware that the display of advertisements without the necessary consent is a criminal offence liable to criminal prosecution proceedings through the courts.

2) Discussion

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant in terms of reaching a mutually agreed outcome.

The decision to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the NPPF is considered to be a positive outcome of these discussions.

PLANNING HISTORY		
App No.	Description	Decision/Date
39618	Demolition of glasshouses and replacement with polytunnels and barn	Approved 2 September 1993
F/1995/63187	Erection of barn for horticultural use	Approved 27 September 1996
F/1997/66297	Erection of several greenhouses for horticultural use	Approved 3 November 1997
F/2001/5225	Erection of glasshouses and toilet block with office and staff room	Approved 9 January 2002
F/2002/7504	Erection of one detached dwelling	Approved 22 January 2003
F/2003/0195	Construction of basement below the detached dwelling	Refused 5 November 2003
A/04/1136843	Appeal against refusal of F/2003/0195	Upheld 23 July 2004
F/2003/8706	Erection of building for Class A1 use (retail) with a floor area of 195m ²	Refused 28 April 2003
F/2004/2238	Erection of building of 180m ² for retailing of pet foods and accessories	Refused 27 August 2004
F/2007/0225	Change of use of barn to farm shop (retail)	Approved 25 May 2007
A/07/2054755	Appeal against Condition 5 of F/2007/0225 (produce is to be within a 10-mile radius)	Upheld 23 April 2008
F/2007/0226	Change of use of display area to a restaurant (156m ²) with 80 covers	Approved 23 April 2007
F/2007/1428	Change of use of display area to café/coffee shop with dry goods storage.	Refused 27 July 2007
A/07/2054755	Appeal against refusal of F/2007/1428	Upheld 23 April 2008

PLANNING HISTORY		
App No.	Description	Decision/Date
A/2007/2038	Retrospective approval for four free standing advertisement signs	Part approved/ refused 17 October 2007
F/2008/0038	Change of use from 2200m ² floor area of the glasshouses to retail sales and display (A1)	Refused 20 March 2008
F/2008/2295	Extension to farm shop to provide butchery (part retail)	Approved 2 February 2009
A/2008/0444	Two freestanding sign boards (one double sided)	Approved 24 April 2008
F/2008/2766	Conversion of basement in bungalow to one unit of residential accommodation.	Refused 10 March 2009
A/09/2104930	Appeal against refusal of F/2008/2766	Dismissed 2 September 2009
F/2011/0648	Redevelopment of horticultural site including increase in retail space, replacement buildings, revised parking, and landscaping	Refused 19 December 2011
A/12/2171958	Appeal against refusal of F/2011/0648	Withdrawn 7 November 2012
F/2011/2117	Two display conservatories	Refused on 28 November 2011
CLE/2014/1462	Certificate of existing lawful development for sale of retail goods	Refused 31 March 2015
152747	Change of land and building to play area and recreational farm	Declined to determine
152748	Change of use of part of existing building to retail	Declined to determine
160677	Certificate of existing lawful development for sale of retail goods	Refused 13 May 2016
171478	Four non-illuminated free-standing boards	Approved 7 July 2017
173316	Temporary CoU of part glasshouse and outdoor area to retail sales	Declined to determine
W/18/3193969	Appeal against non-determination of 173316	Upheld 14 March 2019
172850	CoU of part glasshouse and outdoor area to retail sales	Declined to determine
172161	Variation of F/2008/2295 for use of farm shop as fishmonger as well as butchery	Approved 4 September 2017
191517	Canopy and support struts to farm shop	Refused 5 September 2019
191518	Expansion of café floor area	Refused 10 September 2019
191520	Extension of car park, use of service yard for all uses and mobile dinosaur	Approved 10 September 2019
191519	Use of a greenhouse as a residential timber store	Approved 17 September 2019
192841	Replacement advertising signage	Approved 21 November 2019
192912	Change of use of land for storage of cars	Withdrawn 15 January 2020
192018	CoU of three existing nursery glasshouses into events area relating to existing nursery	Approved 11 March 2020

PLANNING HISTORY		
App No.	Description	Decision/Date
192841	Two illuminated entrance boards and three illuminated boards	Approved 21 November 2019
201047	Temporary (3 years) change of use to house Quirks' Animal Roadshows Exotic Animals	Approved 23 June 2020
201693	Replacement greenhouse with café kitchen, butcher storage and public toilets	Approved 10 September 2020
201777	Two canopies and AC unit supports to the farm shop and a CoU of outdoor plant storage for use as an outdoor café seating area	Approved 16 September 2020
203533	Five non illuminated banner signs	Approved 9 February 2021
211084	CoU of greenhouse from horticulture to exhibition space for display of National Collection of Hawthornia and other plans	Pending
211086	Continued use of temporary sales area permitted in 173316 and CoU to include an additional sales area	Pending

SUMMARY INFORMATION	
Site Area	3.1 hectares (Hare Hatch Sheeplands site)
Existing land uses	Horticultural, with retail shop, farm shop, café, reptile display, events space and greenhouse plant growing
Proposed land uses	No change
Existing floorspace	Approximately 11,500m ² (estimated) of indoor greenhouse and building space including retail shop (499m ²), farm shop (413m ²), café (140m ²), reptile display (110m ²), events space (1490m ²) and greenhouse plant growing (approximately 4060m ²)
Proposed floorspace	No change
Number of jobs	No new jobs created
Existing parking spaces	201 spaces
Proposed parking spaces	201 spaces

CONSULTATION RESPONSES	
WBC Env. Health	No objection.

REPRESENTATIONS	
Wargrave Parish Council	No objection.
Ward Member	Whilst not ward member, Cllr David Hare noted that the events provided by Sheeplands are valued by the community in Wokingham and beyond. The use of greenhouses for events related to the nursery is vital to increase footfall and it is important to extend this permission while ensuring that these facilities are used effectively for displays and events.
Neighbours	The application was consulted to neighbours from 7-28 April 2021. Submissions were received from the following properties: 1) 1 Springfield Park, Twyford RG10 9JG

- 2) Magnolia, 9 Springfield Place, Twyford RG10 9JG
- 3) 12 Weir Pool Court, Silk Lane, Twyford RG10 9GY
- 4) 12 Hurst Park Road, Twyford RG10 0EY
- 5) 17 Yewhurst Close, Twyford RG10 9PW
- 6) 23 Hurst Park Road, Twyford RG10 0EZ
- 7) 3 Brook Street, Twyford RG10 9NX
- 8) 12 Woodpecker Close, Twyford RG10 0BB
- 9) Fairview, Longfield Road, Twyford RG10 9AT
- 10) Pax Cottage, Byron Road, Twyford RG10 0AE
- 11) 5 New Road, Twyford RG10 9PS
- 12) 47 Colleton Drive, Twyford RG10 0AU
- 13) 9 Paddock Heights, Twyford RG10 0AP
- 14) 2 Cheviot Drive, Twyford RG10 9QD
- 15) 19 Thornbers Way, Charvil, RG10 9DW
- 16) 27 Strathmore Drive, Charvil RG10 9QT
- 17) 62 The Hawthorns, Charvil RG10 9TS
- 18) 5 Thornbers Way, Charvil RG10 9DW
- 19) Flat 2 157 Butts Hill Road, Woodley RG5 4NX
- 20) 12 Corbett Gardens, Woodley RG5 4JY
- 21) 15 Brandon Avenue, Woodley RG5 4PU
- 22) 14 Manners Road, Woodley RG5 3EA
- 23) East Warren, Warren Road, Woodley RG5 3AR
- 24) 18 Butts Hill Road, Woodley RG5 4NH
- 25) 4 Corby Close, Woodley RG5 4TL
- 26) 152 Reading Road, Woodley RG5 3AA
- 27) 214 Kingfisher Drive, Woodley RG5 3LQ
- 28) 11 Farriers Close, Woodley RG5 3DD
- 29) 196 Kingfisher Drive, Woodley RG5 3LQ
- 30) 84 Loddon Bridge Road, Woodley RG5 4AN
- 31) The Russetts, 6 Autumn Walk, Maidenhead SL6 4ND (x2)
- 32) 77 Ross Road, Maidenhead SL6 2SR
- 33) 22 The Croft, Maidenhead SL6 4BA
- 34) 69 Farm Road, Maidenhead SL6 5JB
- 35) 35 Loosen Drive, Maidenhead SL6 3UT
- 36) Mount Farm, Choke Lane, Maidenhead SL6 6PL
- 37) 43 Ridgeway, Wargrave RG10 8AS
- 38) 20 Ridgeway, Wargrave RG10 8AS
- 39) 3 Strand Way, Earley RG6 4BU
- 40) 33 Ledran Close, Earley RG6 4JF
- 41) 1 Reeds Avenue, Earley RG6 5SP
- 42) 4 Adwell Drive, Lower Earley RG6 4JY
- 43) 38 The Drive, Earley RG6 1EG
- 44) 22 Meadow Road, Wokingham RG41 2TD
- 45) Southleigh, Longwater Lane, Wokingham RG40 4NX
- 46) 93 Hemdean Road, Caversham RG4 7SS
- 47) 17 Valentine Crescent, Caversham RG4 5JL
- 48) 11 Deans Farm, The Causeway, Caversham RG4 5JZ
- 49) 17 Boston Avenue, Reading RG1 6JU
- 50) 5 Chalcroft Close, Henley on Thames RG9 1QZ
- 51) 18 Nicholas Road, Henley on Thames RG9 1RB
- 52) 6 Ouzel Chase, Bracknell RG12 8DU
- 53) 35 Grange Road, Bracknell RG12 2HY

- 54) Houseshoe House, Castle End Road, Ruscombe RG10 9XG
- 55) 7 Walnut Tree Close, Ruscombe RG10 9PF (x3)
- 56) Lashbrook, Lashbrook Road, Lower Shiplake RG9 3NX
- 57) Yewgate Cottage, Remenham Hill RG9 3ES
- 58) 6 Gredier Close, Shinfield RG2 9EZ
- 59) 9 Birch Close, Sonning Common RG4 9LE
- 60) 25 Old Bath Road, Sonning RG4 6SY
- 61) Knowl Hill Lodge, Knowl Hill Common RG10 9YD
- 62) 19 Fern Drive, Taplow SL6 0JS
- 63) 92 Broomhill, Cookham Rise SL6 9LQ
- 64) 88 Woodward Close, Winnersh RG41 5UU
- 65) 28 Burnside Road, West Bridgford NG2 7HW
- 66) 42 Orchard Avenue, Addlestone KT15 3EA
- 67) 16 Sandhills Way, Calcott RG31 7PQ
- 68) The Rt Hon. Theresa May MP, House of Commons

The submissions were all in support of the proposal and noted the following:

- Should be extended because of the pandemic
- Has not been able to operate properly during 2020
- Events have been beneficial and educational
- Business has been supportive of charities
- Provides a feeling of community
- No other such facility in the area
- Would enhance the business
- Vital for continuation of the business
- Has been well supported
- Allows for local shopping
- Provides for employment
- Efficient use of space
- Site provides for good parking and amenities for event use
- They have demonstrated that they can operate without detriment to the Green Belt

Officer comment: These observations are all noted.

APPLICANTS POINTS

...Since planning permission was granted on 12 March 2020, Hare Hatch Sheeplands have been unable to run events under the permission due to the COVID-19 pandemic. In order to allow this rural business to grow and expand sustainably, it is necessary for Condition 1 – Temporary permission to be amended to extend the expiry date until 14 March 2024.

PLANNING POLICY

National Planning Policy Framework 2021	Section 6	Building a Strong, Competitive Economy
	Section 14	Protecting Green Belt Land
	Section 15	Conserving and Enhancing the Natural Environment
Core Strategy 2010	CP1	Sustainable Development
	CP2	Inclusive Communities
	CP3	General Principles for Development

	CP6	Managing Travel Demand
	CP9	Scale and Location of Development Proposals
	CP11	Proposals outside Development Limits
	CP12	Green Belt
Managing Development Delivery Local Plan 2014	CC01	Presumption in Favour of Sustainable Development
	CC02	Development Limits
	CC06	Noise
	CC07	Parking
	CC09	Development and Flood Risk
	TB01	Development within the Green Belt
	TB18	Garden Centres and Other Small Rural Units outside Development Limits
	TB20	Service Arrangements and Deliveries for Employment and Retail Use
Borough Design Guide SPD	Section 6	Parking
	Section 7	Non-Residential
	Section 8	Rural and Settlement Edge

PLANNING ISSUES

Description of Development

1. The approved application (192018) involves the use of three existing greenhouses with a total area of 1,490m² at the eastern end of the existing sites for community events including:
 - Flower Shows including: Haworthias and Gasterias; Cacti Thames Valley Orchid Show; Ottershaw Cacti; Reading Fuchsia Society Show
 - Children’s Activities including: Supervised planting and gardening activities for children as part of National Children’s Gardening Week; Welly Planting; Children’s Entertainments (story telling etc), Wild animal visits
 - Community Events including: RG10 Front Garden Competition event; Twyford in Bloom event; Twyford Treasure Trail; Twyford Fun Run event; Henley Arts Trail event and art installation; Pumpkin event; Community Tea Party; Food and Drink Fair/Tastings; other seasonal events

2. Approval was granted subject to the following restrictions:
 - 1) *Temporary permission*

The events use hereby permitted shall be discontinued, all events associated with this permission shall cease and equipment associated with the events removed from the site on or before 14 March 2022.

 - 3) *Limitations of use*

The events use, hereby approved, is limited by the following:

 - a) *A maximum of 24 (consecutive or non-consecutive) days in any 12-month period*

- b) *Events shall take place only between the hours of 8:30am and 5:30pm on any Monday to Saturday and between the hours of 10:30am and 4:30pm on Sundays and Bank Holidays*
- c) *Except where events are proposed over two or more consecutive days, preparation is not to commence earlier than 90 minutes before opening and all items are to be removed no later than 90 minutes after closing*
- d) *It shall be carried out only in the red hatched area outlined in the approved site plan SK-005 Rev A*
- e) *No retail nursery sales associated with the existing nursery use are permitted within the red hatched area in the approved site plan SK-005 Rev A*
- f) *The types of events are limited to the following unless otherwise agreed in writing after the date of this permission and before implementation with the Local Planning Authority:*
 - i) *Flower Shows including: Haworthias and Gasterias National Collection; Cacti Thames Valley Orchid Show; Ottershaw Cacti; Reading Fuchsia Society Show*
 - ii) *Children's Activities and Events including: Supervised planting and gardening activities for children as part of National Children's Gardening Week; Welly Planting; Children's Entertainments (story telling etc), Wild animal visits*
 - iii) *Community Events including: RG10 Front Garden Competition event; Twyford in Bloom event; Twyford Treasure Trail; Twyford Fun Run event; Henley Arts Trail event and art installation and seasonal produce events such as a Pumpkin event;*
 - iv) *Community Tea Party; Food and Drink Fair/Tastings; other seasonal events and charitable fundraisers.*

3. The subject application seeks to vary Condition 1 to allow an extension of the temporary timeframe for a further two years to 14 March 2024.

Site Description

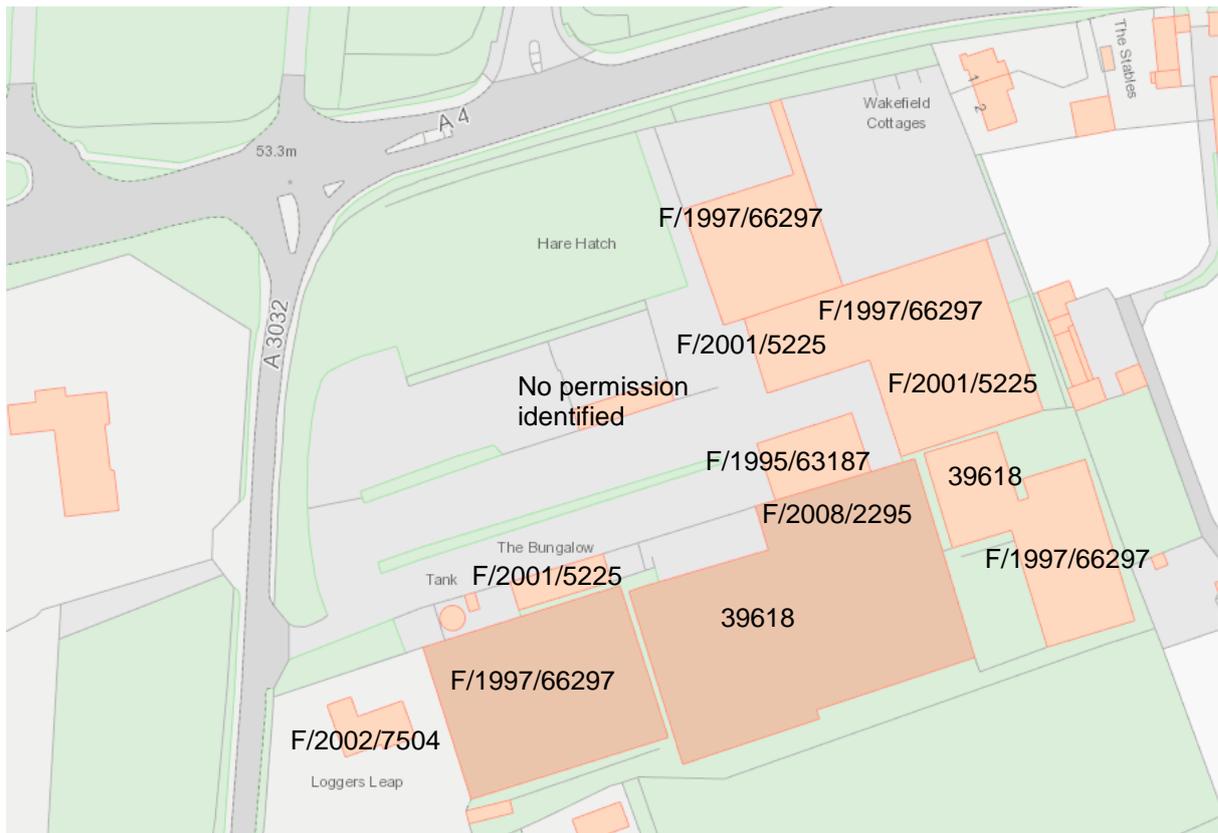
4. The wider site occupies a prominent corner location at the intersection of Bath and London Roads. It comprises a large collection of greenhouses and buildings that comprise a horticultural nursery, farm shop, café (with outdoor seating), retail floorspace, offices and a periodic event space but otherwise appears open and rural. There is also a residential dwelling in the south western corner which has an agricultural/horticultural occupancy condition, and a car park and service yard within the centre of the site. The surrounding area includes a collection of nurseries collectively known as the Floral Mile, with dwellings and commercial buildings interspersed throughout.

Principle of Development

5. The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. Policy CC01 of the MDD Local Plan states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay unless material considerations indicate otherwise. The NPPF and Development Plan seek to protect the Green Belt.

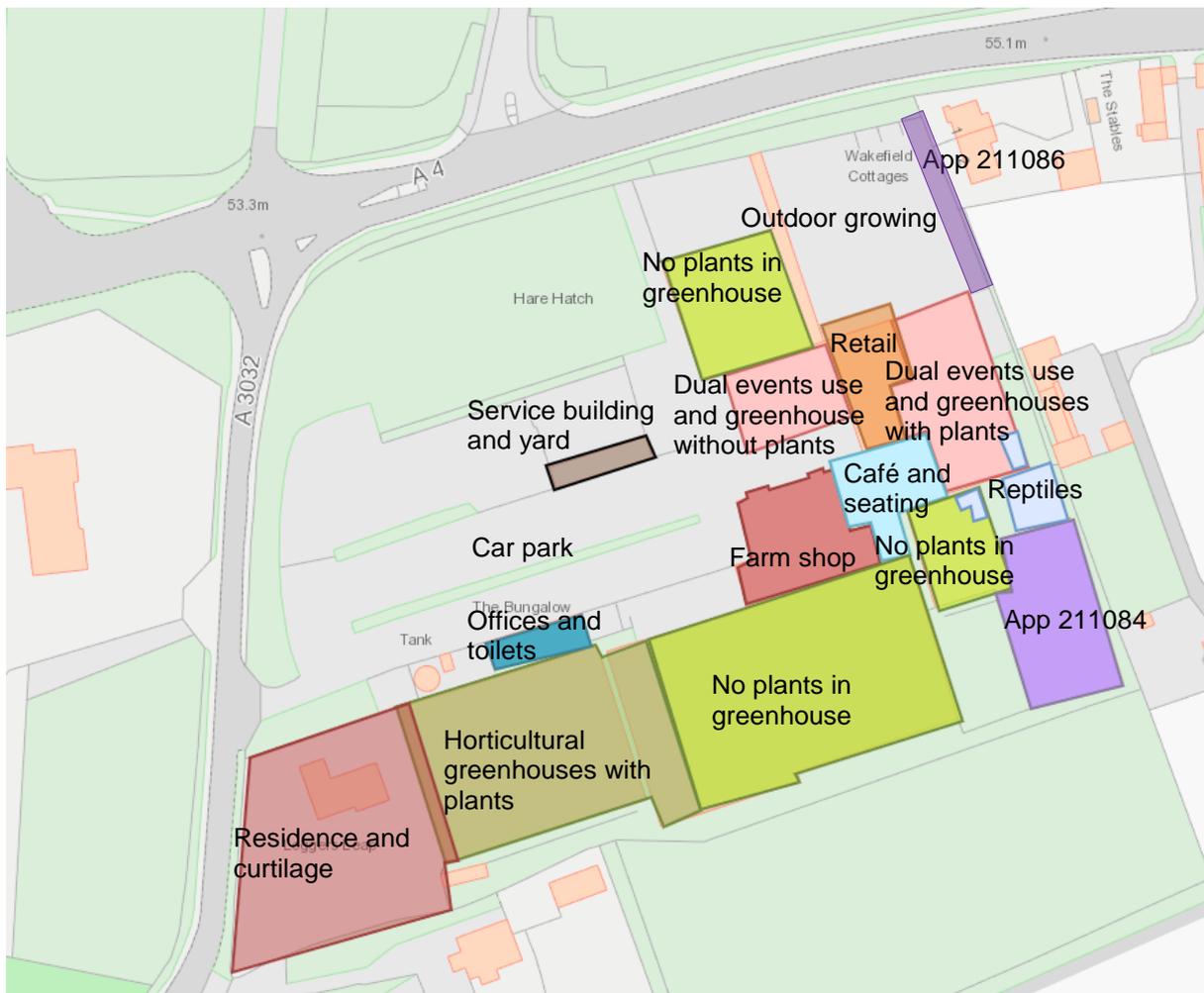
Site history and change of use

6. The site originally formed part of the Twyford Fruit Farms holding with glasshouses on the site for several decades. In 1989, a Section 64 Determination was issued for use of the site as a containerised tree nursery for sale by wholesale and retail. An earlier legal agreement relating to this site and land to the south and west restricted sales to natural produce picked from the land with sales from a mobile kiosk.
7. Various planning applications followed in order to replace existing structures and enlarge operations. The following approvals for building works are associated with the original horticultural use:



Approvals for horticultural buildings

- a) 39618. approved in 1993, which represented the recommencement of existing horticultural operations and granted approval for a barn for the storage of nursery materials along with replacement polytunnels, subject to there being no retail sales from the barn
 - b) F/1995/63187, approved in 1996, granting approval for a barn for horticultural use
 - c) F/1997/66297, approved in 1997, granting approval for eight greenhouses and covered walkways for horticultural use and measuring 5,128m², with a condition ensuring that the only trees and shrubs to be sold were those grown on site
 - d) F/2001/5225, approved in 2002, granting approval for two additional glasshouses and an office/toilet block. It included a condition limiting the use of the horticultural buildings to ancillary to horticultural/agricultural
1. Since 2002 there has been a gradual change from a wholesale tree nursery to a site that comprises a mixed use far removed from the original tree nursery:



Approved uses on site (not including potential breaches)

- e) F/2002/7504, approved in 2003, granting approval for a detached dwelling house with a horticultural tie to the business
- f) F/2007/0225, approved in 2007, granting a change of use of the barn approved in F/1995/63187, to a farm shop
- g) A/07/2054755, an appeal upheld in 2008, removing the restriction that the sale of produce in the farm shop was limited to that grown within a 10-mile radius
- h) A/07/2054755, the same appeal upheld in 2008, allowing the change of use of greenhouse display space to a café
- i) F/2008/2295, approved in 2009, granting an extension to the farm shop for a butchery
- j) 172161, approved in 2017, allowing the addition of a fishmonger in the farm shop
- k) W/18/3193969, an appeal against the refusal of 173316 upheld in 2019, granting approval for the temporary change of use of part of the greenhouses for retail nursery sales
- l) 191519, approved in 2019, allowing mixed use of part of the greenhouse for timber storage for residential use
- m) 191520, approved in 2019, allowing an enlargement of the car park, mobile dinosaur and use of the service yard for all mixed uses
- n) 192018, approved in 2020, allowing temporary use of the greenhouses as an events space for stallholders over 24 days per year
- o) 201047, approved in 2020, allowing a temporary change of use for the housing and public display of reptiles and exotic animals

- p) 201693, approved in 2020, granting approval for an enlarged café kitchen and butcher storage
- q) 201777, approved in 2020, granting approval for works to the farm shop, some outdoor retail space and outdoor café seating
- r) There has also been some non-enforcement relating to additional café seating to allow for social distancing during the pandemic
- s) 211085 to extend the temporary period in 192018 for the events use (decision pending)
- t) 211086 to extend the temporary three-year period in 173316 for the retail store for a further two years (decision pending)
- u) The subject application for the exhibition space

2. The influx of planning applications since 2019 followed the appeal for the temporary change of use of part of the greenhouses to 499m2 of indoor retail sales floorspace (appeal ref: APP\X0360/W/18/3193969). During the appeal, the appellant claimed that genuine efforts to re-establish the horticultural nursery were underway and 499m2 of retail floor space would generate enough income to keep the business going/enable investment to re-establish the nursery business. This is referenced by the Inspector in the appeal decision at paragraph 8. The following was also noted at paragraph 29:

“Customers visiting a nursery expect to be able to buy related products. Whilst the range of products proposed for sale goes beyond that which I have found to be ancillary, it would help the nursery compete with other nearby businesses that also sell plants. On the basis of the submitted financial information, it is apparent that a sales area selling these items would help safeguard the existence of the nursery and help the business grow by increasing turnover and profitability.”

- 3. Neither the events use (or any of the other non-horticultural applications) received since 2019 were mentioned to the inspector at the time of the appeal. 29 months after the appeal decision, 15 further applications had been submitted for various other uses, raising the question of whether there was genuinely an intention to re-establish a horticultural nursery use on the site.
- 4. The following table gives a clear indication of the limited extent of horticultural uses currently being undertaken on the site and the extent of mixed uses. NB: The figures are broad estimates based on an inspection of the site in May 2021. The figures vary significantly from those contained in officer reports for previous planning applications as those figures did not include potential breaches or current uses or that some buildings have been demolished over time. They also differ from other figures in this report as it includes all existing uses/potential breaches as opposed to lawful uses.

	Indoor	Outdoor	Total	%
Currently approved for and solely in horticultural use	2550m2	1120m2	3670m2	27.1%
In other non-horticultural uses, including temporary uses, potential breaches, and current applications (211084 and 211086) but excluding car park, service yard and grassed areas to the north and south	8850m2	1015m2	9965m2	72.9%
Total	11,400m2	2135m2	13,535m2	100%

5. It should also be noted that there are two other concurrent applications – 211084 for an extension of the temporary permission for events use and 211086 for an extension of the temporary permission for retail use.

Location within the Green Belt and countryside

6. The site is located outside settlement limits within the Green Belt and the Countryside. Development is ordinarily resisted or restricted by Paragraphs 147-150 of the NPPF, which states that new development in the Green Belt is inappropriate, unless it meets specific exceptions. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. Similarly, Policy CP12 of the Core Strategy and Policy TB01 of the MDD Local Plan state that planning permission will not be granted for inappropriate development and where it is not inappropriate, it must maintain the openness of and not conflict with or harm the purposes of the Green Belt. There is consistency in these policies with the NPPF (and the Inspector found so in the previous appeal decision) and so these policies have considerable weight.
8. Policy CP11 of the Core Strategy also does not permit development outside of development limits except if in the case of diverse and sustainable rural enterprises or in the case of other countryside based enterprises and activities, it contributes and/or promotes recreation in, and enjoyment of, the countryside and does not lead to excessive encroachment or expansion of development away from the original buildings; and is contained within suitably located buildings which are appropriate for conversion.
9. The original approval was deemed to be inappropriate development and posed harm to the openness of the Green Belt but approval was granted under very special circumstances. The approval was temporarily only to 14 March 2022 for approximately two years. The subject variation seeks to extend it for a further two years. There are no other changes and as such, the conclusions relating to inappropriate development and harm to the openness of the Green Belt remain unchanged, albeit continuing for a further two years.
10. The very special circumstances that were accepted at the time of the original decision were:
 - Provides floorspace for community events free of charge and the additional community floorspace allows for other businesses to expand and grow
 - Allows for longer term business expansion and increased awareness of horticultural and other similar events
 - Intends to utilise the existing greenhouses when not in use for horticulture, thereby establishing a dual use
 - There was public support for the application, including that it provides a community service and educational opportunities
 - The findings of the previous Inspector for the appeal for the retail use noted similar circumstances
 - Condition 3 limits the number of events to 24 days per year and operating hours

11. The approval continues dual use of the space and it provides for community and educational activities for patrons/customers and for stallholder businesses to grow and expand. Where 23 letters of support were received in relation to the original approval, 68 representations in support, have been received.
12. These were relevant at the time of the original assessment of the application and the granting of a temporary permission. The temporary permission was imposed in Condition 1 because it was felt that a permanent permission would not be acceptable when recognising the original horticultural use of the site and its location within the Green Belt. The specified date of 14 March 2022 was imposed to coincide with the end of the three-year temporary permission for the retail use allowed at appeal in 173316, granted 14 March 2019 and ending 14 March 2022.
13. There would need to be additional very special circumstances more than those noted above to justify any further extension to the temporary period. The planning statement accompanying the application refers to the following:

Given the fact that the first full year of just a two-year permission has not been able to be properly realised due to the pandemic, with quite a few months yet to go before things can get back to any sort of 'normal', it is necessary to amend the permission, to take account for these unexpected circumstances. The proposed application would be a variation to the condition, purely in relation to the temporary permission expiry date for the events.
14. Several representations received in support of the application have referenced the above circumstances and whilst the cover letter submitted with the application is short on detail about whether there has been a curtailing of any planned events, it is apparent that a craft fair and flea market has operated through 2020 and 2021. Monthly events through January to November are noted although it is unclear whether any of these planned events have been cancelled due to the early 2021 lockdown period. Although, just to reiterate, the appellant did not say to the inspector that an event use was needed to enable the horticultural business to re-establish.
15. Nonetheless, it is apparent that not all the 24 dates have been utilised. Further, it is highly likely that many of the businesses and other organisations may not have been able to attend the events as stallholders because of indirect factors arising from the unstable economic climate and limitations on movements during the lockdown period. Events in the future are also able to be held with fewer restrictions on social distancing.
16. It is therefore concluded that the pandemic and the associated implications is a very special circumstance. However, there is no justification for a two-year extension given that there has not been a 2-year lockdown. Further, it has come to the Council's attention that for the monthly craft fayre events that have been taking place, an entry fee of £1 has been applied and food and drinks have been made available for sale. This would appear to be contrary to the limitations of the use in Condition 3(f) of the original planning permission which limit events to flower shows, children's activities and community events. This is subject to an ongoing enforcement investigation. Condition 3(e) has also been reworded to remove a previous ambiguity surrounding events sales and retail sales.

17. The original approval allowed a three-year temporary consent for the events use on the basis of very special circumstances. The amendment to Condition 1 would therefore allow continuation of the events use to 14 March 2023.

Sustainability

18. The original approval was considered to be poorly located in terms of access to facilities and services but nonetheless sustainable on account of the garden centres in the area, the expectation that most garden centres are in rural areas, the mixed use of the site and the products sold that would largely prohibit transportation in anything other than private vehicle. There is nothing in this variation application that would alter this stance.

Rural Retail

19. The planning assessment of the original application concluded that the proposal, when conditioned, would not detrimentally alter the existing use. Moreover, given the limitations imposed and the community aspect, it was not envisaged that there would be unacceptable adverse economic harm to surrounding businesses. This stance is maintained.

Character of the Area

20. Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale, mass, layout, built form, height and character of the area and must be of high-quality design.
21. The proposed use is unchanged from that originally approved and as such, there is no materially additional adverse impact upon the character of the wider area. There is, however, the continuation of external side effects, including the potential for additional daily traffic movements as noted above in the assessment of the proposal against Green Belt policy.

Neighbouring Amenities

22. The original application was acceptable on amenity grounds because it was internal, centrally located and the house of use were controlled. There have not been any complaints on the basis of noise and disturbance to neighbours since the original approval. Even when accounting for the cumulative effects of other approvals since the original approval, there are no neighbour concerns.

Access and Movement

23. The original application was acceptable on parking and traffic grounds with adequate on-site car parking in accordance with the parking standards in the MDD Local Plan. The extension of the temporary permission would not alter this conclusion, even when accounting for approvals granted within the site in the meantime.
24. Planning application 211084 for exhibition space and application 211086 for additional retail space are being assessed concurrently. The officer reports for both applications have identified a cumulative numerical departure with the parking standards. However, when accounting for mixed uses and dual trips across the site

and the ample availability of parking that is currently evident with the existing car park, no objections were noted.

25. There remain no objections on traffic generation or access grounds.

The Public Sector Equality Duty (Equality Act 2010)

26. The Council is required to have regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no additional indication or evidence that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities and there would be no significant adverse impacts.

Community Infrastructure Levy

27. The application is not liable for CIL payments and the section 73 variation does not alter this stance.

CONCLUSION

28. The original approval was granted primarily on the grounds that it provided a positive community benefit. Due to the pandemic, not all events could take place. Continuation of the temporary permission for a further 12 months to 14 March 2023 (and not two years as proposed) would be viewed as a very special circumstance and would be commensurate with the difficulties and economic conditions that have been experienced but many businesses in the past 16 months as a result of the lockdown and global Covid-19 pandemic.

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