

## DELEGATED DECISION REPORT

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**SMD/2024/0093**  
**Valid 25/03/2024**

**JACKSONS NURSERIES UK**  
**LTD THORNYEDGE ROAD**  
**BAGNALL**

**OUTLINE APPROVAL IS**  
**SOUGHT FOR AN**  
**AGRICULTURAL WORKERS**  
**DWELLING (ALL MATTERS**  
**RESERVED)**

**(OUTLINE - MINOR APPS)**

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### MAIN ISSUES

Whether or not the proposal is inappropriate development in the Green Belt  
The principle of the development  
The impact on the character and appearance of the area  
Impact on residential amenity  
Impact on highway safety

### DESCRIPTION OF SITE

The site is located in the open countryside about 1km to the south-east of Bagnall village and is in the Green Belt. It comprises part of an open field belonging to Jackson's Nurseries, a horticultural business and retail garden centre which also has a tea room and farm shop and there is some agricultural uses. The property is on the east side of Thorney Edge Road. The site itself is about 80m to the south-east of the customer car park and about 50m east of the road close to the T-junction at the end of the road. Immediately to the north of the field are the plant growing areas and nursery buildings.

Immediately to the north of the nurseries site is "Little Lawn Farm" which is in completely separate ownership to the application site and not associated with it but appears was previously part of the same property. The dwelling to the north of this, marked as "Thorney Edge House" is according to Council records, the site of a current Agricultural Workers Dwelling associated with the nursery site. The property to the north of that is "Lawn Farm" once owned by former nursery owners (and relatives of the applicant) but now a completely separate residence to the nursery.

The application was submitted with a different site location, this being to the north of the nurseries site, to the other side of Lawn Farm and adjacent to Thorney Edge Road. The site location was then changed to the south of the nurseries site, immediately to the south of the current site location. The current amended location now put forward is shown on the amended Location Plan received on 31.10.24.

### PROPOSAL

This is an outline planning application for an Agricultural Workers Dwelling with all other matters reserved for a future Reserved Matters planning application in the event

of an outline planning permission being granted (those Reserved Matters being Access, Scale, Siting/Layout, Design/Appearance and Landscaping). The application originally proposed a different location, being 200m to the north of the nurseries and to the other side and adjacent to Thorney Edge House, an Agricultural Workers Dwelling and to the other side of the long driveway to Lawn Farm (which is to the north-east of Thorney Edge House) and also adjacent to Thorney Edge Road to the east.

The application is accompanied by a Design and Access Statement and an Agricultural Appraisal which was later supported by financial and accounts information in order to demonstrate the viability of the business. The application form submitted gives the background to the proposal:

*Outline approval is sought for an agricultural workers dwelling at Jackson's Nurseries, Thorney Edge Road, Bagnall where current owners, Roger & Ruth Jackson, seek to retire from management of the business.*

*The nursery grows stock on site with over 2,000 m<sup>2</sup> of covered growing area comprising heated and unheated polytunnels, another 2,000 m<sup>2</sup> of net tunnels producing >300,000 plants per year, ~3 acres of outdoor container beds and 10 acre open ground growing area.*

*The application is for Luke Jackson, son of the owners, to build a farm-workers dwelling, required due to the on-site demands of Luke's occupation as he takes a greater role in managing the nursery business. The dwelling will act as a family home for Luke and wife Priya Shah Jackson and their family (Priya is currently pregnant).*

*Living in close proximity is necessary for the effective management of the business for multiple reasons. Primarily, 24 hour on-site availability is required to effectively care for the plants on the nursery. During the colder months of the year, tender plants require frost protection when necessary. Whilst weather forecasts help, this cannot always be perfectly predicted, such that providing cover and/or fleece protection of plants is sometimes required late in the day when nursery staff have left the site. Large volumes of cold sensitive crops are grown which need to be heated and kept at a constant temperature. Regular temperature and performance checks are needed, even through the night.*

*By way of background, Peter Jackson (Roger's father), purchased Lawn Farm in 1967 and started growing plants in 1968, trading as Jacksons Nurseries. In 1985 Roger formed a partnership with Peter and continued to develop the business. In 1986, permission was granted to build an agricultural workers dwelling to enable the critical care and management of the business to pass from father to son as Peter stepped back to retirement.*

*Following Peter's death in 2015, Lawn Farm was inherited by his daughter Pippa, a teacher and her family. Jacksons Nurseries and the land were inherited by the Roger Jackson who remains in the agriculturally tied workers dwelling on the land. Lawn Farm is now a private residence with no interests in Jacksons Nurseries and under separate private ownership. The land previously associated with Lawn Farm remains as Jacksons Nurseries.*

*To enable Luke to have the opportunity to ensure the continued viability of the horticultural enterprise (now supporting 60 local employees), he too now needs to live on site as did his father and grandfather to ensure the surety of the propagation and growing process that underpins the business.*

*Precise size & layout of the proposed dwelling are kept as reserved matters, pending full planning application but would be functional, in keeping with surrounding properties, proportionate with the nursery operations of the Jackson's Nurseries business and sufficient to accommodate and meet the needs of a young family.*

## **RELEVANT LOCAL AND NATIONAL PLANNING POLICIES**

### **Staffordshire Moorlands Local Plan (Adopted Sept 2020)**

|      |                                  |
|------|----------------------------------|
| SS1  | Sustainable Development          |
| SS2  | Settlement Hierarchy             |
| SS10 | Other Rural Areas Strategy       |
| H1   | New Housing Development          |
| DC1  | Design Considerations            |
| DC3  | Landscape and Settlement Setting |

### **National Planning Policy Framework (Dec 2023)**

Section 5 (Housing), 6 (Economy) and 13 (Green Belts).

## **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

There are a number of previous applications relating to the nursery site but none relevant to the case. At the property marked Thorney Edge House, to the north of Jackson's Nurseries, there are approvals for an Agricultural Workers dwellings (which is present) under 86/00494 and 86/00032.

## **CONSULTATIONS**

### **Publicity**

Site Notice expiry date: 15.5.24  
Neighbour consultation period ends: 15.5.24  
Press Advert: N/A

### **Public Comments**

Six letters have been received supporting the application.

### **Town / Parish Comments**

None received.

### **Local Highways Authority**

In response to the original siting: No objection subject to standard conditions.

### **Environmental Health**

No objection subject to standard conditions normally applied to new-build dwellings in the countryside.

### **SMDC Waste Collection Service**

No issues regarding waste collections.

### **OFFICER COMMENTS**

The site is in the Green Belt and the strategy for the countryside, Policy SS10, requires strict control over inappropriate development in the Green Belt in order to protect its openness. Paras 154 and 155 of the NPPF list the exceptional forms of development which are deemed to not be inappropriate. However, buildings for agriculture and forestry are listed and as the definition of agriculture includes the growing of plants (i.e. horticulture), therefore an Agricultural Workers Dwelling would not be deemed to be inappropriate development in the Green Belt.

Policy SS10 also aims to resist new-build dwellings in the countryside in order to protect the character and appearance of the countryside and also because rural locations are generally unsustainable for new housing development. The policy also restricts new-build dwellings in the countryside to those which have an essential need to be located in the countryside in accordance with Policy H1, "New Housing Development". In this respect, Policy H1 does allow "A new dwelling that meets an essential local need, such as accommodation for an agricultural, forestry or other rural enterprise worker, where the need for such accommodation has been satisfactorily demonstrated and that need cannot be met elsewhere."

In order to demonstrate that a new dwelling is essentially needed on the application site in order to effectively operate the established nursery business, the applicant submitted an Agricultural Appraisal Report, the Summary of which is as follows:

*"The applicant seeks planning permission for an agricultural workers dwelling to enable the continuance of a land based horticultural business that has taken more than two generation to grow to where it is now and supports 60 local employees.*

*The nature of the core plant growing process requires on site care and the ability to identify problems on site 24 hours a day to ensure catastrophic crop loss that would seriously impact the viability of the business and security of its employees is prevented.*

*The current owner has spent his adult life nurturing the nursery and at 65 years old wishes to retain a role in the nursery but step back from being the person responsible for responding to every issue that arises to ensure the overall security and economic viability of the business.*

*The owners/applicants son who started helping in the nursery from 13 years old (now 35) is continuously increasing his support but as the current owner and applicant steps back, an agricultural workers dwelling is needed to enable the son to carry out the fathers role to protect and nurture the business 24 hours a day. Without this, the risk to the growing plant crop that supports the business would quickly ensure its loss of commercial viability at a time when investment in rural land based business is low.*

*The alternative to planning request is to consider the conversion of existing buildings on the site but the business fully utilizes its buildings and neighbouring properties continue to be invested in by their owners with no sign of thoughts of selling, hence the present application.*

*It is hoped that the nature of the outline planning permission, its careful consideration of the surrounding valued land and environment and appropriateness of functional requirement may be recognised and in turn allow the current owner/applicant to remain in his family home whilst his son, wife and future children continue the stewardship of this land and its traditional nursery as it enters the third generation of family ownership in Bagnall."*

Financial information relating to the business (accounts etc.) was also provided in order to demonstrate the long-term viability of the business.

The above report and information provided by the applicant were assessed by an independent Agricultural Consultant appointed by the Council. The Assessment makes the following key points:

*As highlighted in the supporting appraisal, the key functional test is related to animal welfare and the man hours required.*

*Although the proposal highlights an essential care at short notice for plants this does not equate to man hours, which would ideally equate to 2 full man hours for a second dwelling at this unit.*

*The key points within the application are the unpredictably of the weather and the conditions in which the plants are in, and the need to attend to the plants throughout the day.*

*The majority of the requirement is during working hours, which is highlighted within the report that there are approximately 60 members of staff employed by the nurseries.*

*The report mentions the unpredictability of weather, which I do not disagree with although the met office state that their 3-12 hourly forecast have been 92% accurate within the past 12 months.*

*In terms of security and protection of the plants, arguably security cameras or temperature monitoring can be in place to alert managers of the business should there be any issues out of working.*

*In this case it is not an animal welfare impact and insufficient agricultural need to warrant full time accommodation. Due to the location of the proposed dwelling it is not*

*within clear sight or sound of the horticultural buildings/areas which would require attention, being approx. 200m away.*

*Additional points within the application highlight the keeping of grazed red-deer unfortunately no accurate number of deer have been provided and no functional time allocated, as well as plans to introduce a herd of Belted Galloway, of which no specific numbers of cattle or stages of life have been indicated. Again without these indications there would be insufficient proof to warrant full time onsite accommodation.*

*The financial accounts provided are not the most recent, although accounts ending December 2021 and 2022 show that the business is financially viable and therefore Meets the test requirements. But it would be beneficial to assess the most recent accounts.*

*The applicant has not considered available property within the vicinity of the Nurseries. A simple Rightmove (12/06/2024) search highlights 7 available properties for sale within a mile of ST9 9LE. A search of properties for sale within ½ mile of the village of Bagnall highlights 13 properties. Properties in the search range from £275,000 - £875,000, properties of comparison to the proposed dwelling range from £380,000 - £625,000. Understandably the higher end of these properties available are not reasonably justified or may be out of the expected price range. But without taking this into account it cannot be discarded as an alternative option to the proposed dwelling.*

*The main conclusion to draw from the above points in determining the need for an Agricultural Workers Dwelling on this Green Belt site is that a dwelling is not essentially needed at, or close to the site, in order to effectively operate the horticultural business most of the requirements of the plant growing/cultivation are needed during the day and that there are currently 60 staff on hand to support this. Furthermore, any out of hours or overnight issues can be prevented or dealt with via the use of security cameras or temperature monitoring which can alert managers, alleviating the need for an on-site overnight presence.*

*Furthermore, an immediate response to any out of hours issues arising may not be possible if the dwelling is located 200m away from the plant growing areas or nursery buildings. Although the assessment was based on the dwelling being located on the original site to the north of the nursery, it is noted that the amended location to the south, whilst closer to the nursery boundary, is even further away from the nursery buildings and the main accesses than the original siting.*

On 3<sup>rd</sup> May 2024, further viability/finance information together with further supporting information contesting the points the Council's appointed agricultural consultant was received from the applicant and was forwarded to the consultant, who undertook a re-assessment. Further evidence of the health of the applicant's parents who formerly ran the nurseries and the current occupants of the existing farm workers dwelling, was also submitted in order to demonstrate that they are unable to carry on with the operation of the site and furthermore are close to retirement age (in their mid-60's). The main points of that re-assessment are as follows and I have underlined the crucial key sentences:

The further substantial and comprehensive information which has been provided by the applicant has left no question as the necessity for a (singular) rural workers dwelling on site.

*It is clear that throughout the year there are various emergent scenarios which can occur out of hours which have been demonstrated by a month-by-month schedule of events for the various different horticultural plants and crops which are grown by Jacksons Nurseries and have indicated that such emergencies can be handled by a singular rural worker. The applicant also highlighted that a scheduled check at 9:30 pm is undertaken by the current rural worker that resides on site, although handy, this is something that can be achieved by a rotary basis of workers or family member who does not reside on site.*

*The applicant has failed to demonstrate the need for two rural workers to be required in emergent unpredictable situations which can occur out of hours for a second workers dwelling OR the reason in which the current worker on site would be unable to carry out or why the succession is required for the need for a further worker dwelling.*

*The appraisal states that the current 24-hour management is undertaken by their father who currently resides on site in a rural worker dwelling (as highlighted granted in 1986). Should evidence be provided in regards to the requirement for succession, as there is insufficient evidence as to why the business requires a succession at this time. Should the applicant provide evidence that can demonstrate adequately that succession has or is imminent to take place then the application can be reconsidered.*

*Therefore, at the current time the essential need to have a second rural workers dwelling on the property has not yet been established.*

The most crucial point of the second assessment from the agricultural consultant was that there was a demonstrable need for an agricultural workers dwelling (AWD) on site in order for the nurseries and farming business to operate. It has just not been demonstrated that an additional one was needed given there is already one there currently, occupied by the former nursery operators, the parents of the applicant but that a new AWD could be considered if it was demonstrated that "succession" has occurred or is imminent.

The applicant then submitted details of case law which directs that retired farm/nursery working parents should not be expected to vacate an existing agricultural workers dwelling in order to make it available for an active agricultural worker and that two families should also not be expected to share an agricultural workers dwelling. These cases were Keen v. SSE & Aylesbury Vale DC and JR Cussons and Son v Secretary of State for Communities and Local Government.

In the Keen case, a new AWD was supported and found it unreasonable for the current retired farmers to vacate their farm dwelling to a required stock worker. The case supported that a current AWD had to be "available" and "suitable" for a new agricultural worker. The AWD in the Keen case was a short distance from the farm (about 350m) and was a significant family sized 4-bed dwelling but despite this it was felt unreasonable that the AWD could be shared between the current occupants the new farm worker or adapted or extended to provide another home for the new farm worker.

There is some significant comparisons that can be made with the applicant's situation and the Keen case. The current AWD at Jacksons Nurseries also appears to be a 4-bed or average family size dwelling. It is too small to be converted into two dwellings and Green Belt policy would resist its significant enlargement to provide a suitable dwelling for the applicant and his family. The plot in which the AWD sits is large but it is considered that a new dwelling in the garden would be at least as harmful to Green Belt openness as one within the actual nurseries site and arguably worse in landscape terms as it would not relate as well to the presence of the farm/nursery buildings.

It is also worth noting that the current occupancy restriction on the existing AWD does not require the farm working occupants to vacate when no longer working in agriculture and therefore the occupation of the existing AWD by the current occupants through retirement is not a breach of the conditions attached to the AWD planning permission. This strengthens the availability case of the applicant and the justification for a new AWD.

Ultimately, with regard to the principle of the development, due to the current AWD not being available or suitable for a new agricultural worker for the nurseries site and that the applicant will need to shortly succeed his parents, the current AWD occupants, to continue operating the nurseries site, it has been demonstrated that a further Agricultural Workers Dwellings is essentially needed for the operation of the plant nursery, in addition to the one occupied by the applicants father, a short distance to the north. The proposed new dwelling in the countryside and Green Belt is acceptable and not inappropriate development in the Green Belt and would comply with policies SS10 and H1 of the Local Plan.

Although this is an outline application with all matters reserved, such as the scale and design, consideration does need to be given at this stage of the general location of the AWD to ensure that the impact on the openness of the Green Belt and the rural landscape is minimised. The original siting was deemed far too detached from the nursery site and buildings in this respect. The first amended location, about 150m to the south-east of the customer car park was also deemed to be too remote from the nursery development. The applicant then submitted a plan showing the use of each parcel of land at the nurseries in order to demonstrate there was no space available adjacent to the nursery buildings, where landscape impact would be minimised, that would not interfere with long established planting areas, crucial to the operation of the business. This includes an area immediately to the east of the northernmost nursery buildings which was considered to be the optimum location in terms of impacts on Green Belt openness and the landscape.

The current new amended site which is 80m to the south-east of the car park was eventually agreed. This is closer to the existing development although still rather detached but the land immediately to the north is in current horticultural use. A site immediately to the south of the car park which is a deer grazing and not an intensive planting area would have had less encroachment into the open Green Belt and would have been better related to current buildings and developments. However, this area is also much more visually prominent from the road and public footpaths to the west. The agreed location, despite being more detached from development, is considered to have less landscape impact due to it being further from the road and benefitting

from significant boundary hedging and trees which screen this area from the public realm including roads and paths to the south and east. The small degree of harm to the openness of the Green Belt is considered to be outweighed by the lesser impacts on the rural character and appearance of the area in relation to the other possible or previous proposed sitings.

Although this is an outline application with details of scale, height and design to be reserved and not to be determined at this stage, the agreed new siting does have the potential to accommodate a new dwelling without significant harm to the character and appearance of the area.

Although the access is to be determined as part of a future Reserved Matters application, it is clear from the red line boundary that the access will be from the existing customer car park access and will lead to an access route of suitable width to the other side of it, leading to the building plot, which would also help to protect the rural character and appearance of the area which would otherwise be affected from the removal of trees and hedges to create a new access.

A new dwelling in this location would also not cause any harms to residential amenity given the considerable distance between it and the nearest dwellings.

There is no requirement for Biodiversity Net Gain due to the date the application was submitted.

## **CONCLUSION / PLANNING BALANCE**

The site is in the open countryside and the Green Belt where new-build dwellings are normally resisted. Agricultural Workers Dwellings can be allowed under Policy SS10 and H1 of the Local Plan and agricultural buildings are not inappropriate development in the Green Belt. Sufficient information has been submitted throughout the application process to demonstrate that a new Agricultural Workers Dwelling is essentially required to enable the effective operation of an adjacent horticultural plant nursery business and is therefore not inappropriate development in the Green Belt and therefore complies with the Local Plan and the NPPF. It is also considered the amended location of the site is acceptable in terms of the impact on the landscape and the amenities of the area. Overall, the amended application on the basis of additional and revised information in support of agricultural need, complies with the Council's Local Plan and the government planning guidance in the National Planning Policy Framework (NPPF) and therefore an outline approval is recommended to be granted.

**OFFICER RECOMMENDATION :    APPROVE**

**Case Officer: Chris Johnston**

**Recommendation Date: 04/11/2024**

X *B.S. Haywood*

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Signed by: Ben Haywood

**On behalf of Staffordshire Moorlands District Council**