

2.7 REFERENCE NO - 16/507788/FULL		
APPLICATION PROPOSAL		
Change of use of land for the creation of hardstanding and siting of 16 mobile homes for 52 weeks of the year for occupation by seasonal rural workers and associated engineering works		
ADDRESS Howt Green Sheppey Way Bobbing Kent ME9 8QP		
RECOMMENDATION That Members delegate to Approve the application subject to Southern Gas Networks removing its objection and any subsequent requirements it may have.		
SUMMARY OF REASONS FOR RECOMMENDATION		
The development would be acceptable in principle given the agricultural need and as this proposal is an alternative to the caravans allowed under appeal reference APP/V2255/W/15/3133538. Subject to appropriate landscaping and the provision of fences along the boundaries, the impact on visual and residential amenities would be limited. The impact on highway safety/amenity would be insignificant in my view.		
REASON FOR REFERRAL TO COMMITTEE		
Parish Council objection		
WARD Bobbing, Iwade And Lower Halstow	PARISH/TOWN COUNCIL Bobbing	APPLICANT AC Goatham And Son AGENT Bloomfields
DECISION DUE DATE 02/01/17	PUBLICITY EXPIRY DATE 9/1/17	OFFICER SITE VISIT DATE 9/12/16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
App No	Proposal	Decision
SW/03/0201 & SW/04/0579	Fruit box and machinery store and chill store extension to this building respectively.	Approved
SW/07/1388	Erection of a steel frame building to the rear of the site containing long-term storage for English Apples and Pears under.	Approved
SW/08/1321	Variation of condition to allow the storage of fruit grown in Swale, not just on A C Goatham's farms.	Refused
SW/09/0386	Variation of condition to allow the storage of fruit grown in Swale, not just on A C Goatham's farms.	Approved
SW/10/1570	Increase in hardstanding area, soil bund with additional landscaping and provision of 16 no. seasonal workers caravans including hardstanding and vehicular parking.	Approved
SW/11/0764	Erection of 65m in length close boarded fence 2-3 m height.	Approved
SW/13/0501	Controlled temperature fruit store with associated hardstanding and extension to general purpose building to provide office, WCs and laundry.	Approved
SW/13/0728	Temporary portacabin for laundry use.	Approved
14/505985/FULL	Proposed change of use of land for the creation of hardstanding to site 16 mobile homes for 52 weeks of the year for occupation by seasonal	Refused and allowed on appeal under reference APP/V2255/W/15/31335

	agricultural workers along with associated engineering works.	38
16/501913/PNQCL A	Prior notification for the change of use of a building and land within its curtilage from an agricultural use to a use falling within Class C3 (dwelling-houses) and building operations reasonably necessary to convert the building For it's prior approval to: - Transport and Highways impacts of the development. - Contamination risks on the site. - Flooding risks on the site. - Noise impacts of the development. - Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed. - Design and external appearance impacts on the building.	Prior approval granted.
16/507231/FULL	Retrospective application for extended period for temporary portable cabin for laundry use.	Approved.
16/507789/FULL	Provision of a cold store building, extension to an existing building to provide lean-to for agricultural storage purposes, irrigation lagoon and electricity substation.	Current.

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site lies within the countryside and within the Strategic Gap between Sittingbourne and the Medway Towns. There are no special landscape designations that cover the application site. It is to the northwest of Sittingbourne and to the south of Iwade. It lies opposite the entrance to a small cluster of industrial units. To the south west of the proposal is the site of a proposed cold store and to the north a lagoon and a lean-to extension to an existing cold store as proposed under current application 16/507789/FULL which is also on this agenda.
- 1.02 The site of the proposed caravans would be adjacent to Sheppey Way and within the eastern corner of a complex of buildings associated with the farming activities at Howt Green Farm (see planning history above).

2.0 PROPOSAL

- 2.01 This following proposal is an alternative to the caravans allowed under appeal reference APP/V2255/W/15/3133538. This application seeks planning permission for the change of use of land for the creation of hardstanding and siting of 16 mobile homes for 52 weeks of the year for occupation by seasonal rural workers and associated engineering works. The workers will undertake general horticultural operations on farms in the Swale area including; harvesting, packing, tree pruning and topping. Mowing, spraying, replanting and orchard maintenance. The total number of workers would not exceed 50 persons.

- 2.02 The proposed caravans were in place at the time of my site visit.
- 2.03 A typical mobile home on the site will measure 3.3m high and will have a length of approximately 10m and a width of 3.7m. The size of each unit will fall within the definition set out in the Caravan Act. Each unit will be at least 6m apart. The mobile homes will be painted dark green.
- 2.04 The location of the proposed mobile homes is approximately 15m to the north east of those approved under appeal APP/V2255/W/15/3133538. The proposal mobile homes have been positioned where they are directly away from the main working yard but close enough to group together with the built form of the site and still make them easily accessible and within easy reach of the surrounding orchards.
- 2.05 A 2m high timber fence will be built to the north east of the mobile homes with retained orchards beyond. A 3m high acoustic fence would be erected on the Sheppey Way frontage with proposed reinforcement planting. The collection and drop off point for staff will remain to the north west of the site by the mobile homes approved under application SW/10/1570. The position of the mobile homes will allow connection to mains power and mains sewer.

3.0 PLANNING CONSTRAINTS

- 3.01 The application site is approximately 11m from a High Pressure Gas Pipeline.

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) sets out at paragraph 14 that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- 4.2 Paragraph 18 states that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
- 4.3 Paragraph 22 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:
- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
 - promote the development and diversification of agricultural and other land-based rural businesses.
- 4.4 National Planning Practice Guidance (NPPG) – Natural Environment; Noise; Travel plans, transport assessments and statements in decision-making and; Use of planning conditions.

Swale Borough Local Plan Adopted 2008:

- 4.5 Policies E1 - general guidance regarding design and amenity, E6 – countryside, E7 – strategic gap, E9 – protection of landscape, E10 – trees and landscaping, E11 - biodiversity, E14 – development involving listed buildings, E19 – high quality design, B1 – supporting and retaining existing employment land and businesses, B2 –

providing new employment, RC1 – helping to revitalise the rural economy, RC5 – agricultural dwellings, T1 – vehicular access and T3 – vehicular parking.

- 4.6 Supplementary Planning Document – Swale Landscape and Biodiversity Appraisal (adopted 2011).

Emerging Local Plan Bearing Fruits 2031 Main Modifications version June 2016

- 4.7 ST1; CP1; CP7; DM3; DM7; DM12; DM14 & DM32.

5.0 LOCAL REPRESENTATIONS

- 5.01 Four letters of objection have been received which are summarised as follows;
- The caravans are already in place therefore permission should be refused.
 - The application form has not been completed accurately with regards to trees.
 - Concerns have been raised about the site access and evidence provided but the applicants business is politically powerful so harm to residential amenity and road safety is ignored.
 - Harm to highway safety.
 - Some workers have vehicles- complaints have been made to the Police and Council re anti social behaviour in vehicles being raced on the farm.
 - Contrary to Policy E9.
 - Harm to flora and fauna.
 - Harm to amenity and noise pollution.
 - The farm overwhelms the local population.
 - Local services cannot cope with additional population.
 - The workers overwhelm to local population fourfold and do they pay National Insurance/ Council Tax/ Business Rates?
 - Noise pollution from farm vehicles.
 - Crop spraying is a health hazard for all and is not eco-friendly.
 - No other industry would be allowed to ride roughshod over the well being of its neighbours and justify it on the grounds of its economic benefit.
 - The site stores fruit from farms other than those owned and managed by Gotham's therefore permission should be refused.
 - The applicants' vulnerability in the market place is not a material planning consideration. Other companies are in this situation and do not benefit from favourable decisions by the planning officers.
 - The scale of the wider site is too large compared to Howt Green and should lead to refusal.
 - The traffic predictions are misleading therefore permission should be refused.
 - The applicant has destroyed woodland recently.
 - Existing farm activities cause disturbance to locals.
 - Applicant convicted for occupation of caravans without gas safe certificate.
 - Comments relating to other current application provided including store and lagoon.
 - Ribbon development should be refused.
 - Officers should not make their recommendation known. Councillors should vote, then officers defend that decision. Officers decision to not defend an overturned recommendation is a cop out and evidence of corruption within the planning office.
 - There is a large water bowser on site that may need permission.
 - Councillors should not be intimidated by planning officers or the application. They will be supported by the public provided they do what is right, as under the last

application despite being allowed by the Inspector which was down to lack of support from officers.

6.0 CONSULTATIONS

6.01 Bobbing Parish Council objects to the application “on the grounds of further loss of agricultural land. This is a retrospective application as the caravans are already in situ.”

6.02 The Council’s Environmental Health Manager comments;

“the proposal has the potential for behavioural noise to affect the amenity of neighbouring residential properties, especially considering the location of the caravans close to the front boundary of the site. The increase in the number of seasonal workers has the potential to increase noise levels. Further consideration should be given to the management of the site and the workers and the continuation of the 3m high acoustic fence along the boundary of the site including the new hardstanding proposed for the seasonal workers. It may also be beneficial to move the area designated for staff collection and drop off to a point further away from residents to protect them from early morning disturbances. In addition they recommend a condition to control the hours of construction. They have confirmed that there have been no complaints from local residents to their department in respect of noise from the existing seasonal workers caravan at this site.”

6.03 Hours of construction and noise mitigation conditions are recommended.

6.04 The Council’s Agricultural Adviser confirms his advice in his letter dated 9/1/15 under the previous application applies to this proposal as follows;

“As previously explained regarding SW/10/1570, the applicants rely heavily on a large workforce of Eastern European temporary student labour, and it is common for larger, intensive fruit farms to have organised “camps” for such seasonal harvest workers. The permitted camps are a convenient way for UK growers and packers to temporarily accommodate necessarily large numbers of short-term workers from abroad.

The context is that agricultural workers may occupy caravans on farms as “permitted” development during a particular season (e.g. for fruit picking), but planning consent is required for any out-of-season storage of vacant caravans (as opposed to moving them off site), or for any longer periods of occupation that would be regarded as work “out-of-season”.

As indicated in the submissions, the need for A.C. Goatham & Son to have additional seasonal workers’ accommodation, based at Howt Green Farm, appears to genuinely arise from its increasing labour requirement as referred to above. It is understood that the applicants would accept equivalent conditions regarding the nature and periods of occupancy, to those applied to SW/10/1570.”

6.05 KCC Ecology advises a contribution towards mitigation of the impact on the Swale SPA, SSSI and Ramsar Site is required (The site is located 1.8km away). It confirms no further information is required prior to determination of the application. Advice relating to breeding birds, lighting and enhancements is provided.

6.06 KCC Highways and Transportation note the similarities with the allowed appeal. Given the lack of change regarding highway matters no objection is raised subject to the appeal decision conditions being imposed.

- 6.07 The Health and Safety Executive does not advise against the grant of planning permission on safety grounds.
- 6.08 The Environment Agency makes no comment.
- 6.09 Southern Water requires an informative regarding a formal application for connection to the public foul sewer system and a condition regarding the means of foul and surface water drainage.
- 6.10 Southern Gas Networks formally objects to the application until such time as its local engineer has commented on the application.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 The application includes;
- Planning, Design and Access Statement.
 - Preliminary Ecological Appraisal.
 - Biodiversity Enhancement Strategy.
 - Landscape and Visual Appraisal.
 - Flood Risk Assessment and Surface Water Design.
 - Environmental Noise Measurement Report.
 - Traffic Statement

8.0 APPRAISAL

Principle of Development

- 8.01 Allowed appeal APP/V2255/W/15/3133538 is a very significant material consideration in the determination of this application. Whilst the Inspector did not discuss the principle of development in detail, the fact that the appeal was allowed demonstrates that he considered the principle of development innately acceptable otherwise the appeal would not have been allowed. This proposal is an alternative to that allowed on appeal. In my view, there is a clear need for this additional season workers accommodation given the increase in the area farmed by this enterprise and the subsequent increase in labour demands as follows. AC Goatham & Sons farm 1925 acres of top fruit in Kent with an additional 1850 acres worth of top fruit from 20 partner farms. At the time the proposed caravans were first proposed under application 14/505985/FULL, as refused and allowed at appeal, the business comprised 1750 acres of top fruit in Kent together with its partner farms. At the time of the appeal the applicant and its partner farms produced 75000 bins of top fruit and it was forecast that by 2019 this will have increased to just short of 120000 bins. Adopted Local Plan Policy E6 permits agricultural development within the countryside and the NPPF seeks to secure a prosperous rural economy in order to create jobs and prosperity via growth and expansion of business and enterprise. The NPPF requires local plans to promote development of agricultural businesses. For these reasons the principle of development is acceptable.

Character and Appearance

- 8.02 The Inspector's decision focusses primarily on the effect of the proposal on the character and appearance of the area. I will follow suit whilst taking into account the repositioning of the proposal slightly further to the north east.

- 8.03 The application site is located adjacent to Sheppey Way and the caravans are in place. There are a number of larger warehouse type buildings on the site which are used to store agricultural produce and equipment from the enterprise. The area surrounding the buildings is used for the storage of produce in wooden crates and for the turning and storage of tractors and other vehicles with areas of hardstanding. To the rear of the site there are 16 existing mobile homes, with associated parking area. Public vantage points are provided from Sheppey Way and the restricted Byway ZU48A, from which, it is clear that the site is used for agricultural purposes.
- 8.04 The proposed location of the mobile homes would be in the south-eastern corner of the site. This is partially screened by an established hedge along the road. Indeed, as the mobile homes are already in place and painted dark green it is possible to assess the actual visual impact from Sheppey Way. The officer site visit was conducted in December when very few leaves were left on the trees and bushes along the road frontage. Despite this, the presence of the mobile homes is not immediately apparent from roadside vantage points to the south west such as the Dancing Dog Public House and north east such as the FloPlast Depot. The caravans are visible through the gaps in the existing vegetation when one is stood at a perpendicular angle to the site. The reinforced soft landscaping and 3m high acoustic fence proposed along this frontage would certainly mitigate the visual impact from the road, help to reduce noise pollution and disturbance issues and is necessary in my opinion. The 2m high fence that would run perpendicular to the road would also be beneficial to visually contain the site. I consider that a planning condition could reasonably be used in order to ensure that the current landscaping is reinforced, which would lessen the visual impact from the road and byway.
- 8.05 The visibility of the proposal also needs to take account of the backdrop of the larger agricultural buildings to their rear; which would also lessen their prominence within the street scene. Both of these factors would help to reduce the visual impact, and would mean that the proposed development would not appear as an incongruent feature at odds with the agricultural and rural landscape adjacent to the Sheppey Way .
- 8.06 In my opinion, the provision of 16 mobile homes for seasonal agricultural workers and associated engineering works would not result in material harm to the character and appearance of the area. Accordingly the proposed development would accord with Policies E1, E9 and E19 of the Swale Borough Local Plan 2008, which, amongst other aims, seek to ensure that developments are well sited and of a scale, design and appearance that is appropriate to the location with a high standard of landscaping. It would also accord with the aims of the National Planning Policy Framework, which seeks to ensure that planning policies support economic growth in rural areas in order to create jobs and prosperity.

Residential Amenity

- 8.07 The proposal is located on the opposite side of Sheppey Way from the nearest residential dwellings, St Anton and Layfield Cottages, a distance of approximately 40m, and following the completion of the proposed landscaping scheme there would be an intervening 3m high acoustic fence with additional soft landscaping to the road frontage. Howt Green Cottages are approximately 60m to the north east and there would be an intervening 2m high fence and orchards. The drop off and collection point would remain to the north-west near the first group of workers caravans. As per the appeal, a condition requiring this to be the sole pick up and drop off point would be reasonable in order to protect nearby residential amenity. The impact on residential amenity would be acceptable in my opinion.

Highways

- 8.08 KCC Highways and Transportation raises no objection to the proposal subject to the imposition of the conditions attached to the appeal decision. Given the scale of development is the same as that allowed at appeal, I repeat the Inspectors findings that *“the local highways authority is satisfied that the proposal would have more than an insignificant impact on the highway, and I see no reason not to concur given the scale of the development proposed.”* The impact on highway safety and convenience acceptable in my opinion.

Other Matters

- 8.09 The preliminary ecological appraisal recommends no further species specific surveys. The submitted Biodiversity Enhancement Strategy details appropriate enhancement measures. These assessments are acceptable to KCC Ecology. I note the Inspector allowed the previous appeal subject to lighting and enhancement conditions which are adapted below. The Inspector did not mention a need for a SAMM contribution, and as this development is not a major development I do not consider it necessary in this instance. I consider ecological matters acceptable.
- 8.10 Foul water would be connected to mains sewers and surface water would simply drain to the surrounding ground. Both measures are acceptable in my opinion. I do not consider the foul and surface water condition Southern Water recommends necessary given that a foul connection has previously been agreed by Southern Water and that surface water would drain to the surrounding ground. I do attach the recommended informative.
- 8.11 The Health and Safety Executive raises no objection to the proximity and number of mobile homes in relation to the high pressure gas pipeline to the north east. The risk to human life is acceptable in my opinion. Southern Gas Networks objects until its local engineer has been able to consider the proposal, which is in the process of happening. I seek delegation to approve the application subject to SGN removing its objection and any subsequent requirements it may have.
- 8.12 I do not consider the proposal to result in a significant loss of best and most versatile agricultural land. The proposal would enable the efficient farming of the wider agricultural unit therefore the small loss of BMV is entirely justified in my opinion. The nature of the development does not sterilize the land beneath, as in bricks and mortar development, and could return to agricultural use in the future.
- 8.13 The Council’s Environmental Health Manager raises no objection on noise grounds. He has considered the submitted noise assessment and recommends the mitigation condition below.

9.0 CONCLUSION

- 9.01 The development would be acceptable in principle given the agricultural need and as this proposal is an alternative to the caravans allowed under appeal reference APP/V2255/W/15/3133538. Subject to appropriate landscaping and the provision of fences along the boundaries, the impact on visual and residential amenities would be limited. The impact on highway safety/amenity would be insignificant in my view.

- 10.0 RECOMMENDATION** – That Members delegate to approve the application subject to Southern Gas Networks removing its objection and any subsequent requirements it may have and the following conditions;

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 07, 10, 12 and 06 J7/01043.

Reason: For the sake of clarity and in the interests of proper planning.

- 2) The 2m high timber fence to the north east of the mobile homes and the 3m high acoustic fence, soft landscaping reinforcements, log pile and owl box to the south east of the mobile homes as shown on drawing numbers 3830/DR 001 "Plan showing ecological enhancements" and 3830_DR_002, and as described in the submitted Biodiversity Enhancement Strategy shall be constructed, installed and planted within 3 months of the date of this decision, and shall thereafter be retained. Any trees, shrubs or other plants that die, is removed or becomes seriously diseased within 10 years of planting shall be replaced with one of an original similar size and type.

Reason: To ensure appropriate ecological enhancements and landscaping measures are implemented.

- 3) No construction work, including demolition or engineering operations, shall take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays, nor at any time on Sundays or Bank or Public Holidays.

Reason: In the interests of residential amenity.

- 4) The mobile homes hereby permitted shall be used for the purpose of seasonal workers accommodation in association with agriculture as defined by Section 336(i) of the Town and Country Planning Act 1990, as amended (or any definition which replaces it) and for no other purpose including Class C3 (residential) of the Use Classes Order 1987, as amended. The total number of seasonal agricultural workers accommodated within the mobile homes hereby permitted shall not exceed 50 persons (including immediate family members). Such accommodated seasonal workers should undertake work for AC Goatham & Son only (or any successor in title).

Reason: To reflect the terms of the application and prevent the unfettered use of the development hereby permitted.

- 5) Prior to occupation of the mobile homes hereby permitted, details of the dates of occupation of the mobile homes shall be submitted to the local planning authority. Such details shall include a period of five months in any year during the apple and pear harvest between 1 July and 30 November where all 16 mobile homes may be occupied. It shall also contain details of which of the four of the mobile homes shall be used for human habitation until 31 December of that same year. Thereafter, none of the mobile homes should be used for human habitation until the start of the next harvest season, unless stated otherwise in the submitted details. The submitted details should also include details of how occupancy would be monitored so as to ensure that the condition is reasonably complied with, such as a log book of occupation dates and this shall be made available for inspection by the local planning authority.

Reason: To reflect the terms of the application and prevent the unfettered use of the development hereby permitted.

- 6) Should any of the mobile homes become redundant or unused for two consecutive years for the purposes set out in Condition 4, they shall be removed from the site and the land restored to its original conditions; that is the hardstanding removed and the land restored to its natural state as farmed land.

Reason: To secure the removal of unnecessary development.

- 7) At no time shall there be more than 16 mobile homes stationed or stored within the application site.

Reason: To reflect the terms of the application and prevent the unfettered use of the development hereby permitted.

- 8) The mobile homes shall be coloured dark green in colour as set out in the Landscape and visual impact assessment and thereafter retained in such colour.

Reason: To minimise the impact on visual amenity and landscape character.

- 9) No floodlighting, security lighting or other external lighting shall be installed or operated at the site, other than in accordance with details submitted and agreed in writing by the local planning authority. Such details shall include a statement as to the need for the lighting, the hours and frequency of operation, the areas of illumination and beam angles, and the number and location of any lighting. Thereafter any lighting details shall be installed as agreed and retained in that condition.

Reason: In the interests of amenity and bat protection.

- 10) The development allowed under appeal reference APP/V2255/W/15/3133538 shall not be implemented.

Reason: The development hereby permitted is an alternative to that allowed on appeal therefore only one of these planning permissions should be implemented.

Informatives

The applicant should contact Southern Water on 0330 303 0119 to discuss services for this development.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was acceptable as submitted and no further assistance was required.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.