

2.4 REFERENCE NO - 19/500768/FULL			
APPLICATION PROPOSAL Winter storage of seasonal workers caravans and welfare unit.			
ADDRESS Owens Court Farm Owens Court Road Selling Faversham Kent ME13 9QN			
RECOMMENDATION - Approve			
REASON FOR REFERRAL TO COMMITTEE Parish Council objection; local objections			
WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Selling	APPLICANT F W Mansfield & Son AGENT Hobbs Parker Property Consultants	
DECISION DUE DATE 18/04/19	PUBLICITY EXPIRY DATE 08/04/19		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
16/504494/FULL	Planning permission for erection of cold store	Refused, but allowed at appeal 29/03/2017	21/09/2016
15/506585/FULL	Planning permission for erection of cold store	Withdrawn	08/12/2015
15/505166/AGRREQ	Prior approval for erection of cold store	Planning permission required	27/07/2015
15/503788/AGRIC	Prior notification for erection of cold store	Prior approval required	27/05/2015
SW/13/0381	Change of use of Unit 2 for the servicing, repair and sale of farm equipment	Approved	15/052013

1.0 DESCRIPTION OF SITE

- 1.01 The site is an established fruit farm of 26.5 ha, situated in a rural area some distance outside any built-up area boundaries and adjacent to but not within the Kent Downs Area of Outstanding Natural Beauty (AONB). The site is reached by a fairly narrow lane (with passing places). There is a line of semi-mature poplar trees to the front and the side of the proposal site, and a pair of privately occupied cottages fronting the lane.
- 1.02 The farm at present consists of a number of agricultural buildings of varying ages ad styles. One such building is no longer used in conjunction with the farm and was approved as an agricultural machinery repairs business, sales and servicing business under planning reference SW/13/0381.

- 1.03 Of some relevance is that a full planning application for a fairly small new cold store building on the site was refused by the Planning Committee, contrary to Officer recommendation, and a refusal notice issued on 21st September 2016. At the subsequent appeal planning permission was granted and costs were awarded against the Council. The conditions applied by the Inspector have been complied with, but the building is yet to be constructed.

2.0 PROPOSAL

- 2.01 The original description of the current proposal given was that of 'Provision of seasonal workers caravans, welfare unit and winter storage', and this is what local consultations were based on. However, it should be noted that the stationing of the caravans and welfare unit for use by seasonal workers engaged on the farm during the agricultural season would constitute permitted development. As such, the proposal for Members to decide upon refers solely to storing these caravans in situ over winter, rather than taking them off site and storing them elsewhere. Accordingly, the description has now been amended to 'Winter storage of seasonal workers caravans and welfare unit'. The welfare unit is essentially another caravan.
- 2.02 The proposed layout shows fifteen caravans, situated approximately fifty metres from the boundary with the four properties forming Owens Court Cottages and seventy five metres from Owens Court Road.
- 2.03 The caravans would be placed in five rows of three, going from northeast to southwest. The welfare unit would be placed behind this block, furthest away from the road.
- 2.04 The southern two rows of caravans would be obscured from the road by the cold store noted above when built. It is proposed to plant a screen hedge between the caravans and Owens Court Cottages, to mitigate any further visual impact.
- 2.05 A Planning Statement is submitted with the application, which includes the following information:

'The farm needs to accommodate 40 seasonal cherry workers to work in the cherry production and harvest at this site. Due to controls governing accommodation for seasonal workers, the farm must provide suitable accommodation and is restricted on the number of workers per caravan. This therefore results in requirement for the provision of 15 caravans, which the farm intend to provide as three rows of 5 caravans to group them in the best arrangement. The farm currently buses in workers, on a daily basis, during the cherry season from other locations. This results in a financial cost to the business from the provision of transport and a cost to the environment, from a large number of daily trips to and from the farm to a variety of off-site accommodations. With the seasonal workers accommodated on site, a high level of traffic movements to and from the site can be removed, reducing traffic movements within the area. Accommodation on site also has the additional benefit of ensuring staff are available on site to address any issues that may arise with the crop. The communal building is to be located close to the proposed caravans, for use as a communal area to serve the seasonal workers. Whilst there is excellent local screening to the road network, the site is currently visible from the rear of properties at Owen's Court Cottages. In view of this, it is proposed to plant a screen hedge between the caravans and Owens Court Cottages, to mitigate any visual impact.'

3.0 PLANNING CONSTRAINTS

3.01 Outside established built up area boundaries

3.02 Adjacent to (but not within) AONB

4.0 POLICY AND OTHER CONSIDERATIONS

4.01 Bearing Fruits 2031: The Swale Borough Local Plan 2017: Policies CP1 (Strong competitive economy), DM3 (Rural economy), DM6 (Transport), DM7 (Vehicle parking), DM12 (Dwellings for rural workers), DM14 (General development criteria), DM19 (Sustainable design), DM24 (Landscape), ST3 (Swale settlement strategy)

5.0 LOCAL REPRESENTATIONS

5.01 Fourteen emails and letters of objection have been received from local residents. The comments contained therein may be summarised as follows:

- *‘Storage of caravans is in itself not agricultural and therefore shouldn't be allowed. This is the countryside and storage is only related to farming and agriculture when seasonal agricultural workers are being housed on the land. When the workers go home at the end of the season it then becomes storage of caravans in the countryside and this is unacceptable.’*
- Many workers will have their own cars, so traffic will increase
- No parking facilities
- Poor/non-existent public transport links
- No proven agricultural need
- Noise and pollution during occupation
- Harm to visual amenity and the AONB
- Owens Court farm is a small farm consisting of only 65 acres of cherries and 15 caravans to house farm workers on this site seems excessive
- Existing deciduous hedging would not screen the site during the winter months
- *‘Mr Mansfield has a reputation of providing substandard accommodation for workers on his farms, and for subletting caravans to other farms to supplement income.’*
- Vehicular access will directly effect us
- *‘Why is the site to be operational from March to September when the picking season only extends from June through July? It is my understanding that poly-tunnel erection and maintenance work, pruning etc. on Owens Court Farm undertaken by a number of UK based companies and is not performed by the European workforce described Section 6.3 in the application. Why do the caravans need to be permanent if only 6 week occupancy is required?’*
- This area of the site is prone to flooding
- No mention of the type of hardstanding for the site is given
- Owens Court Road is very narrow
- There are other sites better suited to serving the workers
- Employees can be shipped in as last year which worked quite well
- *‘Arranging the caravans in 5 rows of 3 instead of 3 rows of 5 would reduce the lateral spread of the site when viewed from Owens Court Road and the neighbouring houses, and help reduce its visual impact, and increase the number of caravans shielded from those views once the cold store approved is built.’*
- No details of sewage disposal

- *‘The application as currently presented conflates and muddles the separate planning considerations by suggesting a permanent change of use for stationing/storage of caravans can be granted on the back of Permitted Development Rights and that the two can somehow operate simultaneously. This cannot be correct as land can normally only have one approved planning use at any time.’*
- Approval will result in a loss of privacy and visual appearance. There would also be excess of noise, smells and disturbance from this site

6.0 CONSULTATIONS

- 6.01 No response has been received from Selling Parish Council.
- 6.02 No response has been received from Kent Highways and Transportation.
- 6.03 No response has been received from the Council’s Environmental Health Manager.
- 6.04 The Council’s Rural Planning Consultant has raised no objection to the proposal. His comments are as follows:

‘As you are aware F W Mansfield & Son are long-established fruit growers and who now farm about 1200 ha of orchards and soft fruit in the county, their main operational base being Nickle Farm, Chartham, where centralised fruit storage and packing takes place. Owens Court is a 26.5 ha fruit holding comprised of relatively newly planted cherry orchards, in respect of which planning consent has previously being granted for protective frameworks for seasonal covering with polytunnels. The farm also obtained consent on appeal under planning reference 16/504494 for the erection of a cherry store. As you are aware, temporary workers’ caravan accommodation can be utilised as “permitted” development on a seasonal basis in any event, but planning consent is required if the units concerned are left on site throughout the year, and thus effectively stored there out of season when vacant, or if the accommodation is sought for a worker year-round. It is common now for fruit and vegetable farms in Kent, who rely heavily upon casual workers (usually from abroad) to seek, and obtain, consent to leave “seasonal” caravans for workers on site all year round, subject to suitable conditions including agreed periods of occupancy/vacancy in any one year, without continuous year-to-year occupation. This avoids the costs and upheaval (and traffic impact) of having to move such units back and forth off the site. In this case the proposal appears to be designed to secure a sufficient number of caravans of a suitable standard to attract, and properly accommodate, the required workforce (40 in this case), recognising that following the Brexit vote it has become more difficult to engage such staff. Notwithstanding the agricultural merits of the proposal, the detailed siting of seasonal workers’ mobiles needs to be weighed against the suitability of the particular location in each case, having regard to other Planning considerations; the overall Planning balance in this regard is a matter for the Borough Council to judge, but please let me know if you require any further advice.’

8.0 APPRAISAL

- 8.01 When assessing this proposal, it is important to remember that the stationing of the caravans over the winter period is the only factor to consider in this case. Agricultural permitted development rights already allow for the provision of caravans for worker accommodation over the farming season, and all that this entails.

- 8.02 As such, it is perhaps a pity that the vast majority of comments received from local residents refer to amenity issues arising from the occupation of the caravans within the season, rather than the stationing of unoccupied caravans outside of the season. Consequently, issues such as parking and travel details, sustainability issues, noise and disturbance during occupation, length of harvesting season, etc., cannot be material to consideration of this proposal. The only issues which can be judged are those referring to the winter storage of these caravans, which would consist of potential harm to visual amenity and the effect on the nearby AONB.
- 8.03 With regard to this issue, I note that the site for the proposed caravans is approximately one hundred metres outside the AONB, which begins on the opposite side of Owens Court Road. As such, it could be argued that any effect upon the AONB itself is fairly limited, as the site is situated outside and not immediately adjacent to the AONB.
- 8.04 With reference to visual amenity, I have suggested to the Agent that some of the caravans could be moved further behind the proposed cold store site, so that fewer caravans could be seen. However, due to non-planning regulations which regulate the distances necessary between workers' caravans, this does not appear to be an option, which is unfortunate. However, I do note that there is a tall, albeit deciduous hedge adjacent to Owens Court Road; and that the proposed drawings show the planting of a new hedge between the caravans and Owens Court Cottages, and that the number of proposed caravans is relatively small. As such, and on balance, I consider that the proposal would not have a significantly detrimental effect on visual amenity.
- 8.05 Although the Council is only in a position to control the stationing of the caravans on site out of season, the situation may be, to some extent, controlled by condition to alleviate some of the concerns raised by local residents, with whom I have some sympathy. As such, I recommend the inclusion to ensure that if a caravan is not used as worker accommodation during the preceding season, it must be removed from site during the winter; that the caravans remain unoccupied over the winter; that the site should be laid out precisely as shown on the submitted drawing, and that the new hedge should be planted.

9.0 CONCLUSION

- 9.01 On balance, I therefore recommend that the proposal be approved, subject to strict conformity with the condition included below.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) No static caravan shall be stored on the site at any time unless it has been occupied by agricultural worker(s) working at Owens Court Farm in the preceding agricultural season.

Reason: In the interests of the amenities of the area and to ensure that the storage use hereby approved shall cease as soon as it is no longer contributing to the productivity of Owens Court Farm.

- (3) No static caravans being stored on the site shall be used for human habitation.

Reason: As the site lies outside any area in which permanent residential use of the caravans would be permitted.

- (4) A new hedge using native hedging species shall be planted in the position and to the full extent of the green line shown on drawing no. 2259/56/200219v2 prior to the first winter storage of any caravan. This hedge shall be maintained for the entire duration of all winter storage and no caravan may be stored on the site unless this hedge is in place.

Reason: In the interests of the visual amenities of the area.

- (5) The caravans shall only be stored in the positions shown on drawing no. 2259/56/200219v2, and shall remain in those positions thereafter.

Reason: In the interests of the visual amenities of the area.

Council's approach to the application

The Council recognises the advice in paragraphs 186 and 187 of the National Planning Policy Framework (NPPF) and seeks to work with applicants in a positive and proactive manner by offering a pre-application advice service; and seeking to find solutions to any obstacles to approval of applications having due regard to the responses to consultation, where it can reasonably be expected that amendments to an application will result in an approval without resulting in a significant change to the nature of the application and the application can then be amended and determined in accordance with statutory timescales.

In this case, 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.

