

APPENDIX A

2.4 REFERENCE NO - 19/500768/FULL			
APPLICATION PROPOSAL During the winter months, the stationing, unoccupied, of 1 welfare unit and 15 mobile homes used residentially in the preceding agricultural season to accommodate seasonal workers at Owens Court Farm, as shown on drawing 22259/56/200219V2 (Revised)			
ADDRESS Owens Court Farm Owens Court Road Selling Faversham Kent ME13 9QN			
RECOMMENDATION - Grant			
REASON FOR REFERRAL TO COMMITTEE Called in by Ward Councillor Tim Valentine			
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, Appeal allowed	21/09/2016 29/03/2017
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

1.0 DESCRIPTION OF SITE

- 1.01 The site is on 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 narrow rural 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 contains a number of agricultural buildings of varying ages and 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.

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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, and the building is now nearing completion. The position of the current application site is immediately adjacent to this new building and the building would partially screen the site from the road, limiting its visual impact as, from other directions, the site is surrounded by orchards.

2.0 PROPOSAL

- 2.01 The original description of the current application was ***‘Provision of seasonal workers caravans, welfare unit and winter storage’***, and it was this description that the first round of local consultations was based on. However, the stationing of the caravans and welfare unit on agricultural land for use by seasonal workers engaged on the farm during the agricultural season would constitute permitted development. The welfare unit is essentially another caravan. As such, the application was actually seeking planning permission for use of the land to store these caravans in situ over winter, to save the applicant having to take all the caravans off site and storing them elsewhere. Accordingly, the description was then amended to ***‘Winter storage of seasonal workers caravans and welfare unit’***. However, concern was raised locally with regard to this description, and the description was again amended to the latest final version which reads as follows: ***‘During the winter months, the stationing, unoccupied, of 1 welfare unit and 15 mobile homes used residentially in the preceding agricultural season to accommodate seasonal workers at Owens Court Farm, as shown on drawing 22259/56/200219V2 (Revised)’***.
- 2.02 There has also been a change to the proposed layout of the caravans. The original proposed layout showed fifteen caravans situated approximately fifty metres from the boundary with Owens Court Cottages and seventy five metres from Owens Court Road. The caravans were to be placed parallel to the road in five rows of three, and the welfare unit would have been placed behind the caravans, furthest away from the road. The southern two rows of caravans would have been obscured from the road by the new cold store, and it was proposed to plant a screen hedge between the caravans and Owens Court Cottages, to mitigate any further visual impact.
- 2.03 The layout has since been changed (December 2019) in accordance with a preferred layout suggested by a number of local residents. This more compact amended layout turns the caravans end on to the road meaning that they are less prominent and that three rows of caravans are now set behind the new building, which reduces the degree to which the overall group of caravans is visible. Additional screen hedging is also included in the amended layout, and this new layout has been the subject of local re-consultations.

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2.04 A Planning Statement was submitted with the application, and despite the amendments to the site layout this statement remains unchanged. It includes the following description of the development:

'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)

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5.0 LOCAL REPRESENTATIONS

5.01 Twenty-three emails and letters of objection were received from local residents prior to the amended site layout being received. 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*

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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
- This is agricultural land, not a caravan site
- If approved, this will produce a commercial caravan site

5.02 Since publication of the amended site layout, three separate objections (one sent both by a letter and by email) have been received. These raise objections covered by those noted above, but request certain conditions if the Council is minded to approve the application. These conditions include:

- Site layout should including screening hedging and fencing.
- Restrictions to storage period e.g. 1st September to 31st March each year.
- Parking restrictions e.g. no vehicles to be parked on the site during the storage period.
- Sewage and waste disposal methods to be adopted need further investigation.
- Other Damage limitation to an AONB:
- Units to be painted camouflage colour/dark green.
- No external lighting in storage period.
- No lighting poles/wires visible from Owens Court Road,
- No noisy activities after 10pm and before 8am.

5.03 Councillor Valentine asked for the application to be called into committee stating: "I would like to call in the planning application for caravans to be sited at Owens Court to be considered at planning committee".

6.0 CONSULTATIONS

6.01 Selling Parish Council did not originally comment on the application, but since submission of the amended site layout they say that:

'The application was discussed at length and the agreed outcome is that the Parish Council, with great reluctance, will not object to the application but to mitigate the negative impact of this application on the area, request that the following enforceable conditions are met:

- *The 15 caravans are restricted to the designated area and that this area remains classified as agricultural land.*
- *The use of the 15 caravans is restricted to the 4 – 6 weeks of the cherry-picking season and are not to be used for the remainder of the year.*
- *There should be no artificial overhead lighting, only safety low level lighting.*
- *The colour of the caravans should be an agricultural colour.*
- *Car parking is kept to the west of the site with enforceable restrictions that no*

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parking is allowed on the hard-standing at the Cold Store where the water tank is.

- *The area that is used for the parking of vehicles at the front should not be used as being ancillary to the caravan site.*
- *If it is possible to change the entrance from the North-West as shown on the plan, without the need to go back out to consultation, then a move of entrance to the South-East would be preferred.*
- *There should be no disturbance of the Bat Feeding Station at the barn*
- *There should be substantial and effective evergreen screening hedges at height of 2 metres minimum, in front of the caravans.*
- *A fence, at a height of a minimum of 2 metres should be erected to screen the caravans whilst the natural screening grows, taking care not to damage or inhibit the growth of the natural screening*
- *A member of the Parish Council would like to speak at the planning meeting when this application is discussed and decided. I would appreciate it if you could let me know the date of the meeting at your earliest convenience please.'*

6.02 Kent Highways and Transportation advises that the proposal does not meet their criteria for a response.

6.03 No response has been received from the Council's Environmental Health Manager.

6.04 The Council's Rural Planning Consultant raised no objection to the application as originally submitted. His comments were 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

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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.'

He has confirmed that the amended layout does not alter his assessment of the application.

7.0 APPRAISAL

- 7.01 When assessing this proposal, it is important to remember that it is the impact of stationing of unoccupied caravans over the winter period which is the main factor to consider in this case. Importantly, the land could still be used for the purposes of agriculture during the farming season as this does not constitute development, and permitted development rights already allow for the provision of caravans for seasonal workers' accommodation over the farming season.
- 7.02 It should be noted that the amended site layout now being considered was suggested by local residents in an effort to reduce the visual impact of the proposal on the general character and appearance of the area, and that the applicant has accepted this suggested layout plan. With regard to this issue, I note that the site for the proposed caravans is approximately one hundred metres outside the Kent Downs AONB, which begins on the opposite side of Owens Court Road, and the caravans would be beyond the new cold store. As such, I believe that any effect upon the AONB itself is fairly limited.
- 7.03 The economics of modern fruit farming dictate that use of caravans to house seasonal workers is now widespread within the Borough and indeed in agricultural areas throughout the country. The applicant has made a sound case for the need to house agricultural workers on the site, and the small number of caravans proposed is commensurate with the scale of this particular farm. In such a situation my view is that it is up to the applicant where they place caravans during the farming season, but that if the applicant also wishes to keep these caravans in the same location over the winter, they should choose a suitable location that the Council considers appropriate. In this case I see no objection to the proposed location for winter storage of caravans as it

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partially screened by the new building, which itself sits beside a substantial group of buildings. It is not isolated or particularly prominent location, and it has existing road access.

7.04 I also note that there is a tall, albeit deciduous hedge adjacent to Owens Court Road; and that the proposed drawings show the planting of new hedges between the caravans and Owens Court Cottages. As such, and on balance, I consider that the proposal would not have a significantly detrimental effect on visual amenity.

7.05 Although the Council is only in a position to control the storage of caravans on the site out of the farming season, the situation may be, to some extent, controlled by conditions to alleviate some of the concerns raised by local residents, with whom I have some sympathy. I acknowledge the list of suggested conditions from Selling Parish Council and, whilst I have been able to include some below, some of the suggested conditions cannot be said to be either reasonable, necessary or enforceable and I have not been able to recommend them. However, I have recommended conditions below which will ensure that the effect of the proposal on residential and visual amenity would be kept to a minimum. These conditions ensure that caravans can only be stored if the land has been used for agriculture including seasonal workers' accommodation during the preceding season (to prevent the use continuing if the practice of seasonal workers use of the caravans ceases); that the caravans must be 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.

8.0 CONCLUSION

8.01 On balance, I therefore recommend that the proposal be approved, subject to the conditions set out below.

9.0 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 caravan shall be stored on the site at any time unless the site has been used for the purposes of agriculture including the stationing of caravans occupied by seasonal 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.

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- (3) No caravan 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 semi mature and mature 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) Not more than 15 caravans and one welfare unit shall be stored on the site and these shall only be stored in the positions shown on drawing no. 2259/56/200219V2 (Revised).

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

- (6) No floodlighting, security lighting or other external lighting shall be operated at the site during winter storage of caravans, other than in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority. These details shall include:

- A statement of why lighting is required, the proposed frequency of the use and the hours of illumination.
- A site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features.
- Details of the number, location and height of the lighting columns or other fixtures.
- The type, number, mounting height and alignment of the luminaries.
- The beam angles and upwards waste light ratio for each light.
- An isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties.

Reason: In the interests of visual amenity and the residential amenities of occupiers of nearby dwellings.

Council's approach to the application

The Council recognises the advice in paragraph 38 of the National Planning Policy Framework (NPPF) February 2019 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

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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.

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