

MC/14/1418

Date Received: 22 May, 2014

Location: Flanders Farm, Ratcliffe Highway, St Mary Hoo, Rochester, ME3 8QD

Proposal: Change of use of land and creation of a area of hardstanding to provide for the stationing and storage of 6 caravans for agricultural workers

Applicant: AC Goatham and Son

Agent: Mr Ogden Bloomfields 77 Commercial Road Paddock Wood
Tonbridge Kent TN12 6DS

Ward Peninsula

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 10 September, 2014.

Recommendation - Refusal

- 1 The proposal would result in the stationing of six mobile home dwellings in an unsustainable location in the countryside contrary to policies BNE25 and BNE49 of the Medway Local Plan 2003 and the National Planning Policy Framework.
- 2 The elevated hardstanding and stationing of the caravans is detrimental to the character and appearance of the area which is designated as an Area of Local Landscape Importance contrary to policies BNE1, BNE25 and BNE34 of the Medway Local Plan 2003.

Proposals

This application seeks the change of use of land and the creation of an area of hardstanding to provide for the stationing and storage of 6 caravans for agricultural workers.

The hardstanding has been laid and the caravans stationed and connected; they have been occupied. The hardstanding is to the north of the packhouse complex and measures approximately 80m x 30m. The six caravans are static single mobile homes currently stationed at right angles to the packhouse store.

The application documents indicate that the caravans are occupied by "seasonal agricultural workers" who will be working on the orchards at Flanders Farm and an adjacent 50 acres of top fruit. The workers form part of the wider workforce

employed by A C Goatham and Son, which totals in the region of 320 workers in 2014. It is said that the workers are required for most of the time throughout the year including harvesting, tree pruning, mowing, spraying, replanting and orchard maintenance. The applicant acknowledges that permanent accommodation is not required for the full 12 months; the caravans are vacant for one month per year. The workers may assist in supporting the loading of late deliveries and dispatch orders or the packhouse.

The applicant states that to accommodate the workers in a nearby settlement would put them at a disadvantage compared to other farms. The staff would not be on site for early morning or evening working; the company would have to pay more and the workers would not wish to commit to annual accommodation or have the additional cost of travel etc.

Site Area

Site Area: 0.230 ha (0568 Acres) (as stated on the submitted application form)

Relevant Planning History

- | | |
|------------|---|
| MC/14/1812 | EIA Screening opinion in relation to the proposed construction of a new packhouse and store.
Decision: not EIA Development
Decided 16 July 2014 |
| MC/14/1737 | Change of use of land and creation of an access, provision of a hardstanding and noise attenuation barrier and the stationing of diesel fuel storage tanks and delivery point
Decision - Still Current |
| MC/14/1429 | Variation of condition 14 on planning permission MC/08/1121 to allow changes to the hours of operation
Decision - Still Current |
| MC/14/1415 | Retention of diesel fuel storage tanks and delivery point
Decision - Still Current |
| MC/14/1414 | Retention of a hardstanding for the storage of agricultural fruit bins
Decision - Still Current |
| MC/14/1407 | Retention of two smoking shelters
Decision – Approved
Decided – 14 August 2014 |
| MC/14/0936 | Details pursuant to condition 10 of planning permission MC/08/1121
- Outline application for construction of a fruit processing and storage facility with associated parking
Decision - Still Current |

- MC/14/0778 Erection of a noise attenuation barrier
Decision – Approved
Decided
- MC/13/2742 Application to remove condition 14 (hours of operation) of planning permission MC/08/1121
Decision Withdrawn by Applicant
Decided 8 May, 2014
- MC/13/2741 Variation of condition 1 to allow for a minor material amendment to planning permission MC/11/2579 to alter the elevations of the buildings with the insertion of additional openings and the extension of the hardstanding area to the southwestern end of the buildings
Decision Approval with Conditions
Decided 13 March, 2014
- MC/13/2740 The change of use and creation of an area of hardstanding to provide for the stationing and storage of 6 caravans for agricultural workers, the change of use and the creation of an area of hardstanding for storage of apple bins and the parking of vehicles including HGVs and the erection of two smoking shelters
Decision Withdrawn by Applicant
Decided 8 May, 2014
- MC/12/1542 Application for Prior Notification under Part 6 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) for the construction of a reservoir
Decision No Application Required
Decided 25/07/2012
- MC/12/1537 Details pursuant to condition 19 of planning permission MC/08/1121 - Outline application for construction of a fruit processing and storage facility with associated parking
Decision Discharge of Conditions
Decided 25/07/2012
- MC/12/1432 Details pursuant to condition 3 of MC/11/2579 for application for approval of reserved matters (layout, scale, appearance, access & landscaping) pursuant to outline permission MC/08/1121 for construction of a fruit processing & storage facility with associated access
Decision Discharge of Conditions
Decided 29/08/2012
- MC/11/2579 Application for approval of reserved matters (layout, scale, appearance, access & landscaping) pursuant to outline permission MC/08/1121 for construction of a fruit processing & storage facility with associated access
Decision Approval With Conditions

Decided 25/04/2012

MC/08/1121 Outline application for construction of a fruit processing and storage facility with associated parking
Decision Approval with Conditions
Decided 19/01/2011

MC/07/0200 Outline application for construction of a fruit processing and storage facility with associated parking
Decision Refusal
Decided 24/07/2007
Appeal Withdrawn

Representations

The application has been advertised on site and by individual neighbour notifications to the owners and occupiers of properties in the vicinity.

Objectors

Due to the number of current applications (see history section above), some representations have been made on a combined basis with some referring generally to the operations of the packhouse complex. Nine letters / e-mails of objection, from different addresses, have been received. The representations refer to the fact that developments have taken place without permission or in a different form to that permitted and allege breach of the conditions on the permission, including hours of use. Additionally the objections of a general nature, which are summarised below, point out:

- that this is a rural location and the complex has been constructed on agricultural land 'that should not be used for industrial premises';
- There is concern that produce is not local and may be foreign;
- It is suggested that the jobs are not for local people;
- The whole operation is unsightly;
- Late night usage with lights, traffic movements with beepers causes disturbance to residents and adverse impact to wildlife; and
- Obstructions to public rights of way and adverse impact on health and safety are alleged.

In relation to this specific application the submitted representations, which are summarised below, refer to:

- The site is supposed to be for storage and packing not a camping site for workers
- Living units were refused previously (previous statements referred to bussing workers)
- Flanders Farm is quite small agriculturally since the destruction of 6 acres of orchards with more proposed
- Temporary caravans are normally limited to June to October
- The caravans are occupied out of picking season and pruners come by car

- It is alleged that the caravans are occupied by packhouse workers
- Precedent for residential use
- Noise and light pollution, and litter
- Cars parked in association with the caravans are an eyesore
- No reason to allow people to live on the farmland
- Impact on Area of Local Landscape Importance
- Contrary to Local Plan policies

The **applicant's** submitted statement with the submission that makes general points related to the benefits of the business locally. It state that:

- 1 in 6 of home grown apples sold in Britain are grown and supplied by this company;
- The company has awards for fruit growing and is involved in research in top fruit;
- The facility was built in 2013 with DEFRA grant funding;
- The company has invested some £10m on this site alone, which has removed 11000 road miles from operations and saved carbon;
- The company contributes an estimated £100m to the Kent economy in the last 7 years. It employs 230 full time equivalent staff, 300+ seasonal staff and 'influences' some 1200 jobs in Kent.

The Dickens Country Protection Society raise concerns that unauthorised activity seems to be taking place on the site.

High Halstow Parish Council has no objection.

Hoo St Werbergh Parish Council refer to Local Plan policies BNE25 and BNE49. The PC considers that there needs to be exceptional justification which does not exist. There is a site for workers in Hoo. The PC also refers to the probability of future requests for additional caravans if this is allowed.

Development Plan

The Development Plan for the area comprises the adopted Medway Local Plan 2003 (Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform.

Planning Appraisal

Background

Flanders Farm is a packhouse and store complex situated on the north side of the Ratcliffe Highway between Hoo and High Halstow. It has been constructed following an outline planning permission (MC/08/1121) granted in January 2011. There are two main buildings with access off the old section of Ratcliffe Highway and hardstanding at either end, car parking to the south and a detention reservoir to the north east. Additional developments have been undertaken including the

construction of a hardstanding for storage of fruit bins and a diesel tank with pumps on the eastern side and a hardstanding for the stationing of caravans on the north side. The complex is used for storing, sorting and packing top fruit (apples) and serves some 34 farms.

Since its completion in 2013 the development has been the subject of a number of complaints from people in the area alleging failure to comply with various conditions as well as adverse impact on amenities from noise and lights. This application related to one of those areas of complaint and seek retrospective planning permission for the change of use of land and creation of a area of hardstanding to provide for the stationing and storage of 6 caravans for agricultural workers.

The complex is in the open countryside with orchards to the north, south and west. Some of the orchards were cleared to make way for the complex. There is a public footpath running east west along the site boundary to the north east of the complex. The site is within the Area of Local Landscape Importance (ALLI) identified in the Local Plan and the Hoo Peninsula Farmland in the Medway Landscape Character Assessment.

There are residential properties to the west and south on the old Ratcliffe Highway.

Main Issues

The main issues in the determination of these applications are whether there is justification for new works in the countryside and the impact on the character, amenities and appearance of the countryside and local residents having regard to the policies of the development plan and the NPPF.

Assessment

It will be seen from the history that planning permission was granted for the packhouse and store complex which serves a number of fruit farms. It is recognised that this is a business that is integrally linked with local fruit production and contributes to the economy as well as being part of the chain involved in bringing agricultural produce to consumers.

At the same time it is located in the open countryside, with residential properties nearby. It is within an Area of Local Landscape Importance and is visible from an adjacent footpath as well as roads in the vicinity and parts of High Halstow. A number of conditions were imposed on the outline permission to seek to regulate and control the development and safeguard the amenities of the area.

It is not unusual for fruit farms to provide accommodation for seasonal workers. However, the "season" is generally limited in length and the busiest period is usually when the fruit is picked. In this instance the applicant is seeking to retain the caravan accommodation on the site permanently; although it is said that they will only be occupied for 11 months.

The applicant has referred to a "fall back" position of permitted rights relating to caravans for seasonal workers. The legislation refers to use as a caravan site during

a particular season whereas, in this instance, the caravans are being stationed for all four seasons and on a raised hardstanding with connections for utilities. It is not convinced that removal of the caravans for one month would comply with the limitations of the exemption and the overall development here falls outside permitted development limits.

Members will be aware of general countryside protection policies that restrict development in the countryside (Policy BNE25 of the adopted Local Plan). Members will also be aware of the exceptions within that policy and the criteria in Policy BNE49 of the Local Plan related to agricultural workers, where there is an essential need for a rural worker to live permanently at or near their place of work.

Whilst this is not an application for permanent dwellings the effect of what is being sought is the same. The applicant wishes to station six mobile home dwellings permanently on the site.

The details submitted with the applications state that the workers that occupy these six caravans are part of a larger workforce, numbering in the excess of 300. However, the submission documentation does not give adequate justification as to why these six caravans need to be stationed at this location, which is located in the countryside and an area defined as Area of Local Landscape Importance (ALLI). It is considered that the site of the caravans is in an unsustainable location away from normal infrastructure that would be provided in a settlement.

The applicant refers to the costs of providing accommodation elsewhere and putting the business at a disadvantage. However, in assessing this claim it is not considered that this is a convincing argument for three reasons as detailed below:

- First, this is for just six caravans which could only accommodate a small portion of the total workforce.
- Secondly, the claim does not demonstrate a need for the accommodation in this location, just in a place where costs are not so great; and .
- Thirdly, whilst financial considerations can be material matters it is clear that the farms have been managing without these caravans in the past. In this location there is actually less orchard than there used to be because of the losses to the construction of the packhouse.

The comment that these workers could usefully be employed at the packhouse only suggests that there is less of an agricultural need.

In addition to the above, there is a further area of concern in that the hardstanding on which the caravans have been stationed is level with the base of the packhouse store but in excess of 1m above the adjacent orchard. The caravans have been painted green to match the store building but nevertheless the elevated position makes them more prominent in views from the north, especially in the twilight and night when lights are on. It is considered that there is harm to the character of the surrounding countryside & the ALLI and that there are not sufficient economic or social benefits that outweigh the harm cause by the development.

This being the case, this retrospective application for the change of use of land and

creation of a area of hardstanding to provide for the stationing and storage of 6 caravans for agricultural workers is not considered to be acceptable or justified when assessed against Local Plan policies BNE1, BNE25, BNE34 and BNE49

Conclusion and Reasons for Recommendation

There appears to be no strong agricultural functional need for these workers to live on the site and as such it is not considered that there is justification for the permanent stationing of six mobile homes in this prominent countryside location countryside. Bearing all of the above in mind, the development is considered to be unacceptable when assessed against Policies BNE1, BNE25, BNE34 and BNE49 of the adopted Local Plan.

This application would normally fall to be considered under officers' delegated powers but has been reported to Planning Committee for determination due to the number of representations received which express a view contrary to the recommendation.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://planning.medway.gov.uk/donline/AcolNetCGI.gov>