

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 4 March 2015.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be carried out in accordance with the approved drawing number 917/8/02 received on 22 May 2014.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 The occupation of the caravans hereby permitted shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990.

Reason: To reflect the special occupational need for the permitted development and its situation in an area where residential development would not normally be permitted in accordance with Policy BNE25 of the Medway Local Plan 2003.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

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 work has already been undertaken and the application is retrospective.

The hardstanding has been laid and the caravans stationed and connected; they

have been occupied. The hardstanding is to the northwest 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 would 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 notification letters to the owners and occupiers of properties within the vicinity.

High Halstow Parish Council and Hoo St Werburgh Parish Council have also been consulted.

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. Where there may be some conflict, this is addressed in the appraisal section of the report.

The Medway Landscape Character Assessment, 2011

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 west 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 seeks 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.

Principles of Development

The application site is located outside of the confines of any urban or village boundary and therefore Policy BNE25 of the Medway Local Plan 2003 applies. This policy relates to development in the countryside and sets out criteria when it is considered that development is appropriate. In considering this application the two criteria most relevant are (i) and (iii). Criteria (i) states that development will only be permitted if it maintains, and wherever possible enhances, the character, amenity and functioning of the countryside, including the river environment of the Medway and Thames, it offer a realistic chance of access by a range of transport modes; and is (iii) development essentially demanding a countryside location (such as agriculture, forestry, outdoor or informal recreation).

The restrictive wording of Policy BNE25 of the Medway Local Plan 2003 needs to be considered against the provisions of the more recent NPPF to ascertain its degree of compliance and therefore whether Policy BNE25 should be applied in its strictest form.

The NPPF does not reapply the policy context of 'protecting the countryside for its

own sake' and has a presumption on favour of sustainable development. However, also relevant is the provision within Paragraph 17 of the NPPF of recognising the intrinsic character and beauty of the countryside as a core planning principle and the conservation and enhancement of the natural environment. This relates to the impact of the development in terms of its appearance within the countryside. The visual impact will be considered in the 'street scene and design' section below.

The permanent stationing and the storage of the caravans on the site with the potential for all year round occupation constitutes a proposal for agricultural dwellings. As such, criteria (iii) of Policy BNE25 of the Medway Local Plan 2003, which relates to it being essential that the development is located within a rural location needs to be considered alongside Policy BNE49 of the Medway Local Plan 2003. Policy BNE49 sets out criteria for when agricultural workers dwellings will be permitted. In summary, the three criteria require that there is a genuine need, the development is of appropriate scale and located on or adjacent to the holding it is to serve and that there are no other buildings available for or capable of conversion to residential use. This policy is considered compliant with Paragraph 55 of the NPPF which relates to sustainable development within rural areas and gives the example of there being an essential need for a rural worker to live permanently at or near their place of work in the countryside.

In considering Paragraph 55 of the NPPF and Policies BNE25 (iii) and BNE49 of the Medway Local Plan 2003, the Council's agricultural consultant advises that the retention of six caravans at Flanders Farm (the application site) to serve the needs immediately arising, appears generally appropriate to the size and nature of this established and expanding farming enterprise and its seasonal labour requirements. This advice is provided in the knowledge of the applicants existing agricultural worker accommodation in the form of caravans located at the nearby Street Farm site.

Taking the above into account, it is considered that subject to consideration of the appearance of the proposal within the countryside, the principle of the development is considered acceptable and in accordance with Paragraph 55 of the NPPF and Policies BNE25 and BNE49 of the Medway Local Plan 2003.

Street Scene and Design

The visual impact of the development needs to be considered in the Policy context of Paragraph 58 of the NPPF and Policies BNE25 (i) and BNE1 of the Medway Local Plan 2003. However, given the rural location of the application site, an integral part of considering the visual impact of the proposal is the identification of the specific characteristics of the area.

Relevant parts of Paragraph 58 of the NPPF say that decisions should aim to ensure that developments respond to local character and reflect the identity of the local surroundings and that they will function well and add to the overall quality for the area over the lifetime of the development. The application site is located within the Hoo Peninsula Farmland character area as defined by the Medway Landscape Character Assessment 2011. The landscape type within this area is of flat or undulating open farmland. The characteristics of the Hoo Peninsula Farmland are of

large open fields with little sense of enclosure and extensive views from higher ground towards the estuary. The orchard (including the areas that have since been removed to make way for the development) within the application site is specifically identified (along with a second large orchard) within the character assessment as being part of the character of the area. The loss of the orchards to development or conversion to arable farmland is one of the issues facing the area. Guidelines for meeting the proposed actions of 'restore and create' within the character assessment document which are relevant to this application is to seek to identify and recognise strategic viewpoints that offer high quality views across farmland towards the estuary and to protect existing orchards by resisting their loss.

It could be argued that by granting planning permission and allowing the construction of the facility in the first place, there has already been an impact on the special character of the area as a result of this. In considering this argument, it is agreed that there has been an impact on the landscape character of the area as a result of the construction of the facility as it introduced a somewhat more industrial appearing development into the open rural landscape. However, the use of the facility relates to the agricultural operations of one of the local farmers and it was considered at the time of determining the original application that the economic benefits outweighed the visual harm to the area. However, the outline planning permission and the subsequent reserved matters permission sought to ensure that the construction and operation of the facility had as minimal impact as it possibly could particularly in terms of its visual impact and on residential amenity. Measures such as painting the buildings green, controlling the hours of operation and the removal of permitted development rights to locate caravans within the site were all elements that were secured as part of the original planning permission.

In constructing the facility and as time has passed, there are a number of elements that have been introduced in and around the facility without the benefit of planning permission. One of those elements is the hardstanding area to provide for the stationing and storage of 6 caravans which is being considered as part of this planning application.

The hardstanding area is located to the northwest of the buildings and is being used for the stationing and storage of caravans to provide accommodation for agricultural workers. The hardstanding area on which the caravans are located requires planning permission in its own right and since the caravans are connected to mains services and the intention is for them to remain permanently within the site, they also require planning permission in their own right. When initially located on the hardstanding and viewed from Christmas Lane, the white colour of the caravans, located in a uniform manner (in a line) behind the buildings appeared as a stark and alien feature within the open countryside landscape. However, they have since been painted green and this has facilitated the camouflaging of the caravans into the landscape. Taking this into account and that the painted caravans occupy only a small area to the rear of the fruit processing and storage buildings, they blend more successfully into the countryside and no longer appear as a stark and alien feature within the long views across the intervening, undulating farmland to the site from Christmas Lane.

In relation to the hardstanding itself on which the caravans are located, it is a

relatively small area and the surrounding orchards and shelterbelts means that it is not visible within the long views. Taking this into account and that the use of the hardstanding for the stationing of the 6 caravans is not considered detrimental to the appearance and character of the area, no objection is raised to this element of the application.

Amenity Considerations

Due to the location and siting of the hardstanding and caravans to the northwest part of the site, behind the larger storage and packing buildings and away from existing residential properties, it is considered that there is no detrimental impact on the amenities of neighbours in terms of noise and disturbance, loss of outlook, daylight, sunlight and privacy. As such, the proposal is considered to be in accordance with Policy BNE2 of the Medway Local Plan 2003.

Highways

The application site is accessed from the main dual carriageway of the Ratcliffe Highway via a shared access with Homeleigh Nursery. The access to the application is secure with the use of an electronic gate. The hardstanding and the stationing and storage of the 6 caravans does not result in any detrimental impact on the highway in terms of highway safety issues and it does not result in any objection with regard to parking issues. As such, the proposal is considered to be in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

Local Finance Considerations

There are none relevant to this application.

Conclusions and Reasons for Recommendation

The application is considered acceptable in principle and with regard to the impact on the highway, visual and residential amenity in terms of the creation of the hardstanding area to the northwest part of the wider site and its use for the stationing, storage of 6 caravans and their occupation by agricultural workers related to the processing and packing facility. The application is considered to be in accordance with Paragraphs 17, 55 and 58 of the NPPF and Policies BNE1, BNE2, BNE25 (i) and (iii), BNE49, T1 and T13 of the Medway Local Plan 2003 and is accordingly recommended for approval..

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://publicaccess.medway.gov.uk/online-applications/>