

MC/17/3760

Date Received: 1 November, 2017

Location: Mockbeggar Farm, Town Road, Cliffe Woods, Rochester, ME3 8EU

Proposal: Retrospective application for a change of use to provide for the stationing and storage of 63 caravans for agricultural workers

Applicant: Mockbeggar Property

Agent: Miss D Ingleston DHA Planning Eclipse House Eclipse Park Sittingbourne Road Maidstone ME14 3EN

Ward Strood Rural

Case Officer Mary Smith

Contact Number 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 17 January 2018.

Recommendation - Approval subject to:

A) The applicant entering into a legal agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to secure:

i) A contribution towards bird disturbance mitigation of £1,117.90

B) And the following conditions:-

- 1 The use hereby permitted (including the associated stores and sheds) shall be discontinued/removed from the site and the land restored to its former condition on or before 31 December 2022 in accordance with a scheme of work which has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To take into account the special circumstances of the application for development in this rural area, to allow the agricultural need to be reviewed and in accordance with Policy BNE25 of the Medway Local Plan 2003.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing number DHA/12564/02 received 21 November 2017.

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

- 3 The caravans stored on site shall only be occupied by persons solely or mainly employed at Mockbeggar Farm for the purposes of agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990 (as amended).

Reason: To reflect the special occupational need for the permitted use and its situation in a location where residential development would not ordinarily be permitted, in accordance with Policy BNE25 of the Medway Local Plan 2003.

- 4 The caravans to be stored on site shall only be occupied for the months set out below and not at any other time:

- Caravans 1-5 between January and October
- Caravans 6-10 between May and February
- Caravans 11-14 between April and December
- Caravans 15-25 between February and November
- Caravans 26-35 between March and January
- Caravans 36-50 between January and October
- Caravans 51- 63 between May and January

For the purposes of this condition the numbering of caravans is as shown on approved drawing number DHA/12564/02 received on 21 November 2017.

A written record shall be kept of the dates of occupation of all caravans on site and shall include the names of people in occupation of each caravan and the duration of their occupation. The written record shall be made available for inspection by the Local Planning Authority within 48 hours of a written request.

Reason: To reflect the special occupational need for the permitted use and its situation in a location where residential development would not ordinarily be permitted, in accordance with Policy BNE25 of the Medway Local Plan 2003.

- 5 No more than 63 caravans shall be stored on the site at any one time.

Reason: To reflect the special occupational need for the permitted use and its situation in a location where residential development would not ordinarily be permitted, in accordance with Policy BNE25 of the Medway Local Plan 2003.

- 6 If any of the caravans stored on site remain unoccupied for a continuous period of twelve months it shall be removed from the site and the wider holding of Mockbeggar Farm within one month of the twelve month unoccupation period.

Reason: To reflect the special occupational need for the permitted use and its situation in a location where residential development would not ordinarily be permitted, in accordance with Policy BNE25 of the Medway Local Plan 2003.

- 7 The external surfaces of all caravans stored on site shall be finished in colour BS10C31.

Reason: To ensure that the appearance of the development is without prejudice to conditions of visual amenity in the locality, and taking into account the sensitivity of the landscape in this location, in accordance with Policies BNE1 and BNE34 of the Medway Local Plan 2003.

- 8 The additional planting shall be carried out in accordance with details and timescale given on approved drawing number DHA/12564/02 received on 21 November 2017. The existing hedges and screening planting around and between the campsites shall be retained in their current location and at no less than 3m in height. Any tree or hedgerow plants that die or are removed, destroyed or damaged shall be replaced by a tree or plant of similar height, size and species and at the same location.

Reason: To ensure that the appearance of the development is without prejudice to conditions of visual amenity in the locality, and taking into account the sensitivity of the landscape in this location, in accordance with Policies BNE25 and BNE34 of the Medway Local Plan 2003.

- 9 No materials, plant or other equipment of any description related to the storage of caravans on this site shall be stored in the open other than in areas and to such heights as have first been approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is without prejudice to conditions of visual amenity in the locality and taking into account the sensitivity of the landscape in this area, in accordance with Policies BNE25 and BNE34 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 is a retrospective application for a change of use to provide for the stationing and storage of 63 caravans and associated development for agricultural workers, each caravan accommodating up to 6 people. The site contains three adjoining 'campsites' which are located to the southeast of the main farm building complex. Each area is defined by existing hedgerows, with 14 caravans in campsite 1, 21 in campsite 2 and 28 in campsite 3. Whilst the provision of seasonal workers caravans is usually permitted development (not requiring a planning application), permission is required in this case as the caravans are kept on site all year round, rather than moved away during periods of non-occupation.

Relevant Planning History

MC/10/4615	Details pursuant to conditions 08 on planning permission MC/10/1648 for Change of use to provide for the stationing and storage of caravans for agricultural workers Decision Discharge of Conditions
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Decided 18 May 2011

MC/10/1648	Change of use to provide for the stationing and storage of caravans for agricultural workers Decision Approval With Conditions Decided 6 August 2010
MC2002/1795	Retrospective application for temporary use of land for the storage of 32 caravans for seasonal farm workers for 5 years Decision Approval With Conditions Decided 24 December 2002
99/0133/MR	Use of land for the storage of 55 fruit pickers residential caravans outside the picking season Decision Approval With Conditions Decided 9 June 1999
98/PNOT/0001	Siting of 4 portacabins to provide facilities for seasonal workers & installation of septic tank Approved with conditions (date unknown)
98/0171/MR	Siting of 4 portable buildings to provide two amenities blocks, office and TV/rest room Approved with conditions Decided 8 December 1998

Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. Dickens' County Protection Society, Frindsbury Extra Parish Council, Gravesham Borough Council and Rural Planning Limited have also been consulted.

Frindsbury Extra Parish Council object on the grounds that too many caravans are proposed, apparently occupied by more than one worker. There would be pressure on the infrastructure, including water, sewerage, rubbish collection, medical facilities and traffic movements. If the local planning authority is minded to grant approval the Parish Council asks that a condition be imposed whereby the caravans are occupied for no more than 10 months of the year to prevent them from becoming permanent living accommodation.

Dickens County Protection Society ask that any consent be time limited to enable the need to be kept under review, and tied to agricultural occupation.

Rural Planning Limited (the Councils specialist agricultural advisor) confirms that this application follows the granting of temporary consent for 58 such caravans at this site, with up to 6 occupants per van, under MC/10/1648, this consent (which expired 05 August 2017) in turn following earlier consents (ME/99/0133 and MC/2002/1975) which provided for the stationing of a total of 87 vans, based on 4 berths a van. Thus

these three previous consents permitted a maximum of 348 worker places. Temporary workers' caravan accommodation can be utilised as "permitted" development on a seasonal basis in any event, but planning permission is required if the unit concerned is 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, permission to leave "seasonal" caravans for workers on site all year round, subject to 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. Mockbeggar Farm currently includes some 400 acres of soft fruit production, the growing and packing of which (as indicated in the submitted Statement, Table 4) involves from 53 to 324 workers according to the time of year. Table 6 in the Statement shows the proposed occupancy month by month in each of seven different groups of caravans, with vacancy/ maintenance periods staggered in order to avoid any one caravan having year-round occupancy. The increase to 63 vans allows a degree of flexibility in terms of the numbers of occupants per caravan, and male/female division. Subject to the re-imposition of suitable conditions, it is considered there is a clear need for the renewal (and the limited expansion) of this workers' accommodation facility at Mockbeggar Farm.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the 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 (the NPPF) and are considered to conform.

Planning Appraisal

Background

The last planning permission for agricultural workers caravans on this site, MC/10/1648, gave temporary permission for a maximum of 58 caravans (6 berths each giving a maximum total occupancy of 348) until 5 August 2017, the reason for this being to take into account the special circumstances of the application and allow the need for the use to be reviewed in accordance with Policy BNE25 of the Medway Local Plan 2003. Prior to this previous temporary permissions ME/99/0133 and MC2002/1795 granted permission for a total of 87 caravans to be stationed on the site. These were smaller than the current caravans (4 berths each) but gave the same maximum total occupancy (348) as the 2010 permission.

Principle

The site is located within a rural area and an Area of Local Landscape Importance (ALLI) as defined by the Local Plan. Policy BNE25 of the Local Plan says that development in the countryside will only be permitted in certain given circumstances including 'development essentially demanding a countryside location (such as agriculture'. The agricultural workers caravans are considered to fall within this

category, however the proposals need to be examined to see if the number of caravans is justified and also to examine the impact of their retention on site all year round. In making this assessment regard also needs to be paid to the fact that the caravans would be permitted development if they were removed from site outside of the established agricultural season. In addition it is recognised that the subsequent NPPF does not include the protection of the countryside for its own sake, although paragraph 17 recognises the intrinsic character and beauty of the countryside, paragraph 28 of the NPPF refers to the need to support a prosperous rural economy and paragraph 55 of the NPPF refers to sustainable development in rural area.

Mockbeggar Farm operates a cropping regime based mainly on soft fruit production and is reliant on the picking and packing of these crops for the supermarket trade. The farm is in the region of 400 acres and includes strawberries, plums, raspberries, blackberries, rhubarb and cherries. There is also a packhouse which is used continuously for the packing of fruit and other products, and details of year round activities in connection with the fruit production have been provided (for example pruning and general farm maintenance takes place during the winter period).

It is now common for fruit and vegetable farms in Kent, who rely heavily upon casual workers (usually from abroad) to seek, and obtain, permission to leave 'seasonal' caravans for workers on site all year round subject to agreed periods of occupancy/vacancy in any one year, without continuous year-to-year occupation. The submitted information shows the workforce requirements for each month over the last year – these range from 324 (an average occupancy per caravan of 5.1) workers in July and August to 55 in January and December. Although the bulk of the workforce is required between May and October there are also significant requirements outside of this time. Details of the number of caravans required in each month are given – all 63 would be occupied in June to September, falling to 13 in December and 12 in January. However each group of caravans would have a period of non-occupation in the months with lesser demand, such that none would be occupied year round (this also allows for maintenance). It is also stated that whilst each caravan can accommodate a maximum of 6 people, the preferred occupancy rate is around only 4 people so as to reduce overcrowding and achieve flexibility such as for male/female workers.

In the given circumstances there is a clear need for the renewal and limited expansion of this workers accommodation facility at Mockbeggar Farm, such that the number of caravans on site has been adequately justified. With regard to their retention during non-occupation, whilst this is not specifically necessary in terms of the agricultural use of the holding, as noted above it is fairly common practice. Such retention/storage on site avoids potentially significant costs, upheaval, disturbance to workers in the remaining caravans and residents of nearby dwellings, heavy vehicle movements, and the need to find alternative storage which would potentially have impacts of its own. Given the staggered occupancy requirements the upheaval and vehicle movements would also need to occur on several occasions during a year. In these circumstances it is considered that there would be limited benefit from requiring the caravans to be removed from the site each year and no objection in principle is raised to their retention on site.

The above conclusions have been reached on the basis of agricultural need and seasonal occupation. A temporary permission with additional conditions to restrict the nature of the use accordingly is therefore recommended, such that the situation can be reviewed in due course. It is noted that there has been a continuous need for seasonal workers accommodation at Mockbeggar Farm for many years, therefore a 5 year temporary permission is recommended (a separate condition would require the removal of any caravan which remained unoccupied for a continuous period of twelve months, such that under-use would also be covered separately).

Visual impact and landscape character

The site is located within Dillywood Lane ALLI which is described in the preamble to Policy BNE34 of the Local Plan as 'a gently undulating visually diverse area of orchards and mixed farmland'. In addition it is within character area 13, Cliffe Woods Farmland of the Medway Landscape Character Assessment 2011, an area of flat or undulating mixed farmland which is described to be in moderate condition and of moderate sensitivity. Paragraphs 17 and 113 of the NPPF respectively recognise the intrinsic character and beauty of the countryside and refer to the need to ensure that protection is commensurate with the importance of sites in the international context.

In the current case this well-established caravan site is virtually surrounded by lines of trees, divided into the three caravan site areas by further trees, such that it has a very limited visual impact within its surroundings. Minor gapping up in the small breaks in the existing trees has been included on the proposed plans. Subject to a condition to require this planting and the retention of the trees on site it is not considered that the caravans are harmful to the overall character and appearance of the ALLI or wider rural landscape, including with regard to Policies BNE25 and BNE34 of the Local Plan and paragraphs 17 and 113 of the NPPF. It is not considered that the increase from 58 to 63 caravans has made any significant difference.

Amenity

The location of the site is such that there are few residential properties in the vicinity that could be affected by the development. Dairy Cottages and Storrside are in the ownership of the farm holding and the only other immediately neighbouring property is Blue House Cottage on the opposite side of Bunters Hill Road close to the site access point, other local residents being significantly further away.

The main potential for the proposed caravans to impact on the amenities of neighbouring properties is through noise and disturbance resulting from the concentration of a large number of people in the area. However there have been caravans on the site for many years, the permission in 2010 being for 58 caravans, with 63 now on site and subject of the current application. No planning enforcement complaints have been received during this time and neighbours have not raised concern regarding the current application. It is also noted that the wider farm use also includes comings and goings, the use of heavy machinery and traffic movements. In these circumstances the amenity impact of the caravans is considered acceptable including with regard to Policy BNE2 of the Local Plan and point 4 of paragraph 17 of the NPPF.

Highways

Uses of this nature tend to be low traffic generators as few of the agricultural workers have individual vehicles. Historically this has been the case on this site. In these circumstances whilst the layout does incorporate sufficient room to park cars amongst the caravans if necessary it is not considered to be a significant concern. Likewise it is not considered that the use gives rise to levels of traffic that have any significant harmful impact on the surrounding network. This is particularly the case as the workers accommodated on site would otherwise have to travel to and from the site every day; the proposal therefore has benefits in reducing the need to travel. It is also noted that the on-site storage of caravans when not in use removes a significant number of large vehicle movements from the road network (ie the transportation of the caravans to and from the site). There is a bus stop in Town Road near the farm entrance and cycle storage facilities are provided on site.

In summary there are no parking or highway concerns raised by the development including with regard to Policies T1 and T13 of the Local Plan.

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development which includes residential accommodation is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £223.58 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed, but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities;
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach;
- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The current application relates to an additional five caravans above the number that has been on site since before this tariff requirement was introduced. Although the caravans are not permanently occupied, their (partial) occupation does have the potential to result in additional recreational disturbance to the protected areas. In these circumstances a tariff for 5 units has been requested. The applicants have agreed to pay this tariff and are in the process of submitting a unilateral undertaking to this effect. No objection is therefore raised under Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Other Matters

Frindsbury Extra Parish Council have objected to the application on the basis that the caravans would create pressure on the infrastructure, including water, sewerage, rubbish collection, medical facilities and traffic movements. As stated above there have been agricultural workers caravans on this site for many years and whilst this application includes a *retrospective* minor increase (from 58 to 63 caravans), no specific issues in these respects have been raised previously as a result of these caravans having already having been in place. In these circumstances it is not considered that refusal on this basis could be substantiated.

Local Finance Considerations

There are no relevant local finance considerations.

Conclusions and Reasons for Approval

While the proposal is in a countryside location it is considered that the need for the accommodation of workers for the agricultural holding is sufficient to justify the provision and retention of caravans subject to suitable control by conditions and that the storage of the caravans on site when unoccupied does not result in any significant harm in this location. The screen planting to the edges of the site and neighbouring roads minimises the visual impact and there are no significant amenity or highway concerns. A contribution towards bird disturbance mitigation has been secured in view of the increase in caravans on the site. Temporary approval is therefore recommended with regard to the advice in Policies S6, BNE1, BNE25, BNE34, BNE35, T1 and T13 of the Local Plan and paragraphs 17, 28, 55, 109, 113 and 118 of the NPPF.

The application would normally fall to be determined under delegated powers but has been referred to Committee due to the representation received from Cliffe and Cliffe Woods Parish Council contrary to officers' 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/>