

MC/17/0351

Date Received: 27 January 2017
Location: Tudor Farm (Part of Court Lodge Farm) Stoke Road
Stoke Rochester
Proposal: Change of use of agricultural land for the storage of caravans for seasonal workers from the end of the season until the beginning of the next season, provision of a porta cabin to provide a recreational facility for seasonal workers, a porta cabin for an office, a portable laundry unit, parking and turning space, a new farm road, a drainage connection to the main sewer and landscaping
Applicant The Lettuce Company Ltd
Mr Gagg
Agent Graham Simpkin Planning
Mr Simpkin
2 The Parade
Ash Road
Hartley
Longfield
DA3 8BG
Ward: Peninsula Ward
Case Officer: Doug Coleman
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 16th November 2022.

Recommendation - Approval with Conditions

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

Received 30 January 2017:

08 Rev A Social Room Plan and Elevation
09 Rev A Laundry Room
10 Bin Store
12 Office Plan and Elevation

Received 26 May 2017:

01 Rev A Site Plan

Received 7 March 2018:

05 Rev E Proposed Facilities Plan

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

- 2 The occupation of the caravans (for seasonal workers) 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 (as amended), or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.

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.

- 3 In the event that the site is not used for the accommodation of temporary agricultural workers for two consecutive calendar years, or if it is no longer required for the accommodation of temporary agricultural workers, the caravans and associated structures shall be removed from the site and the use of the site as a caravan site shall cease.

Reason: To reflect the special occupational need for the permitted development and in accordance with Policy BNE25 of the Medway Local Plan 2003.

- 4 Within one month of the date of this permission, full details of landscape works and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, within the first planting season following approval. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 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

The application site occupies an area of 1.2 hectares and forms part of a larger holding of 259 hectares known as Court Lodge Farm. The main crop is salad onions which are farmed in rotation with other arable crops (wheat, barley and peas), and are harvested between March and November. The application site is occupied by 26 caravans, which have been placed on the land, in accordance with the Lawful Development Certificate approved on 24 January 2017. The caravans are occupied to accommodate seasonal workers for a temporary period during the harvesting season (March to November).

The application seeks permission to retain the caravans on site outside the season, although they would not be occupied. The application also seeks permission to provide a portacabin on site as a recreational facility for the seasonal workers, an office, a portable

laundry unit, parking and turning area, a new access road, connection to the main sewer and landscaping. These are in situ and in this respect the application is retrospective.

The application is accompanied by a Design, Access and Planning Statement, Gas Supply Agreement, Sewage Pump Specifications, and Underground Water Tank details.

Relevant Planning History

Tudor Farm (Part of Court Lodge Farm)

MC/16/4834 Application for a Lawful Development Certificate (proposed) for siting of 26 caravans to accommodate seasonal workers for a temporary period
Approved 24 January 2017

New Barn Farm (Part of Court Lodge Farm)

MC/16/3257 Change of use of land to the siting of 26 caravans for occupation by seasonal workers and the storage of caravans from the end of one season to the beginning of the next season.
Withdrawn 17 October 2016

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

Four letters of objection have been received raising the following points:

- The caravans are intrusive.
- Increase in population of village.
- Inadequate screening and landscaping.
- Noise and disturbance and light pollution.
- Caravans are stationed in open countryside and on high grade agricultural land.
- There are trees on the site.
- The site is adjacent to a watercourse, and this could result in pollution.
- Stoke pumping station cannot handle additional sewage.
- No need for agricultural workers accommodation in this location.
- The site is accessed via an unmade track which joins a narrow rural road on a bend and the use is a traffic hazard.
- The applicant has not consulted local residents.
- Concern at number of workers accommodated on site and that these may be employed at other farms.
- There are alternative sites that would be suitable.
- There is already a caravan site less than two miles from the site used by agricultural workers.

Five letters have been received making the following points in **support** of the application:

- The caravans have been positioned so that they are not obtrusive and are virtually invisible from Stoke Road.

- Removal of the caravans each season would cause more disturbance and inconvenience.
- The occupiers of the mobile homes have not caused any inconvenience.

Stoke Parish Council have written raising **no objection** but request that out of season the units are not used and are locked.

The **Dickens' Country Protection Society** has written raising the following **objections**:

- This is a large development on Grade 1 agricultural land.
- The proposed development would have an impact on the landscape.
- Possibility of changing need.

Rural Planning Limited has written giving advice on the planning issues that need to be considered and balanced in determining the application. The key points identified are:

- This application follows a similar application by the same applicant at nearby New Barn Farm (off A228) (MC/16/3527) which was withdrawn.
- It is common for fruit and vegetable farms in Kent who rely on casual workers to seek and obtain consent to leave 'seasonal' caravans for workers on site all the year round with agreed periods of vacant occupation. This avoids the costs, upheaval and traffic impact of moving such units back and forth.
- Conditions are suggested.

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 2021 and are considered to conform.

Planning Appraisal

Background

A Lawful Development Certificate for the siting of 26 caravans for seasonal workers, was issued on 24 January 2017, having regard to Schedule 2, Part 5 (Class A) of the Town and Country Planning (General Permitted Development) (England) Order 2015, which states that *the use of land, other than a building, as a caravan site is permitted development, in the circumstances referred to in paragraph A2.*

Paragraph A2 states that *the circumstances mentioned in Class A are those specified in paragraphs 2-10 of Schedule 1 to the Caravan Sites and Control of Development Act, 1960 (cases where a caravan site licence is not required).*

Paragraphs 7 & 8 of Schedule 1 of the Caravan Sites and Control of Development Act 1960 refer to agricultural and forestry workers and state that *subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for use as a caravan site on agricultural land for the accommodation during a particular season of a person or persons employed in farming operations on land in the same occupation.*

To comply with the requirements of Part 5 (Class A), the applicant would need to remove all the caravans at the end of the season and bring them back at the beginning of the following season. The applicant would also have to find somewhere else to store them outside the season. The duration of the season is not specified in the legislation, but according to the applicant would be from March to November.

This application seeks permission to retain the caravans on the land outside the season when they are not occupied.

Principle

No new matters of principle are raised by this application.

Design and appearance

No new matters are raised in terms of design and appearance by this application as the caravans are already lawfully on site in accordance with the Lawful Development Certificate during the season, when workers are at the site. They are visible when viewed from the top of the hill but being sited in a valley are not unduly prominent. The only change as a result of this application is that they will be there permanently throughout the year rather than only during the season.

No objection is therefore, raised in terms of design and appearance, and the effect on the character of the area under Policies BNE1 and BNE25 of the Local Plan and paragraphs 126 and 130 of the NPPF

Landscaping

Indicative planting is shown on the submitted drawing. Some planting has taken place and whilst this has become established and is growing it does not, as yet screen the caravans from the access track. There is scope for further planting and a condition is recommended in this regard. Subject to this condition, no objection is raised under Policy BNE6 of the Local Plan and paragraph 131 of the NPPF.

Amenity

There are no other properties in the immediate vicinity, and the stationing of the caravans raises no issues in terms of light, privacy or outlook. No objection is therefore raised in terms of neighbour amenity under Policy BNE2 of the Local Plan and paragraph 130f of the NPPF.

Highways

No highway issues are raised by the application. It should however be noted that the removal of the caravans at the end of the season and their return at the beginning of the following season each year would necessitate several additional heavy goods vehicle movements along Stoke Road, which is a narrow country lane. Furthermore, the unoccupied caravans would need to be stored, either somewhere else on the farm or further away necessitating additional traffic movements which would not be beneficial in highway terms and would result in more pollution. In view of the fact that the proposal

would reduce the number of potential traffic movements, the retention of the caravans on site throughout the year would accord with Policy T1 of the Local Plan and paragraphs 110 and 111 of the NPPF.

Flood Risk

As the caravans were installed under permitted development rights, and this was confirmed by the granting of a Lawful Development Certificate, the Local Planning Authority were not in a position to ask for a Flood Risk Assessment at the time. However, the submission of a planning application raised question relating to flooding risk on the site, particularly with regard to the proximity of the site to a watercourse. Despite correspondence between the applicant and the Local Authority these issues remained unresolved.

In order to move matters forward, the application has been re-assessed and the applicant recently met with the Lead Local Flood Officer and the Planning Officer on site. Following the site meeting, the applicant has confirmed that foul drainage is collected in a septic tank that is regularly emptied and that the watercourse alongside the northern boundary of the site is clear and that there have been no issues with regard to flooding.

On this basis, the Lead Local Flood Officer considers that there is no longer a requirement for a Flood Risk Assessment. No objection is therefore raised in terms of flood risk under paragraphs 159, 162 and 167 of the NPPF.

Climate change and ecology

The application raises no new issues in respect of climate change in so far as the land is already used as a caravan site to accommodate seasonal workers at the farm. The only issue in terms of climate change is that under the terms of the LDC, the applicant is required to remove the caravans at the end of each season and return them at the beginning of the following season. This has implications in terms of noise and disturbance, traffic generation and CO2 emissions. Allowing the caravans to remain on site throughout the year would have a positive benefit in terms of climate change and would accord with paragraphs 152, 157 and 158 of the NPPF.

Other matters

Several points have been made objecting to the application. However, most of these points relate to the stationing of the caravans on the site, which is not a matter for consideration under this application.

Conclusions and Reasons for Approval

The application raises no issues of principle, design and appearance and amenity and therefore would accord with Policies BNE1, BNE2 and BNE25 of the Medway Local Plan 2003 and paragraphs 126, 130 and 130f of the NPPF. Flood risk issues have been addressed and therefore no objection is raised under paragraphs 159, 162 and 167 of the NPPF. The application would yield positive benefits in terms of traffic generation and climate change and in this regard would comply with Policy T1 of the Medway Local Plan 2003 and paragraphs 110, 111, 152, 157 and 158 of the NPPF. The application is, therefore recommended for approval.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation for approval.

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://publicaccess1.medway.gov.uk/online-applications/>