

## REPORT SUMMARY

<b>REFERENCE NO - 15/503647/FULL</b>		
<b>APPLICATION PROPOSAL</b> Part retrospective application for the over-winter storage of an additional 76 no. seasonal agricultural and general workers caravans with limited occupation over the winter period and formation of a new access to New Road to serve the caravan site.		
<b>ADDRESS</b> Rumwood Green Farm Sutton Road Langley Kent ME17 3ND		
<b>RECOMMENDATION</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>		
<ul style="list-style-type: none"> <li>- Stationing and occupation of the caravans for agricultural workers accommodation does not require planning permission. Only their winter storage when not in use requires consent.</li> <li>- No objection is identified to the principle of development given the support of the Rural Advisor, advice contained in NPPF relating to economic growth in rural areas and that local plan remains the same as when similar developments were approved for this site back in 2008 and 2013.</li> <li>- Notwithstanding the acknowledged visual harm caused by caravans given their siting in an enclosed location and additional landscaping no material harm is identified to the rural character and setting of the area. The impact of the proposed access onto New Road is also considered acceptable.</li> <li>- No objection is identified on highway or parking grounds to storage of the caravans when unoccupied or use of the proposed access onto New Road when occupied.</li> <li>- The additional hedgerow and tree planting will bring a net increase in wildlife habitat.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE</b>		
<ul style="list-style-type: none"> <li>• Langley and Otham Parish Council's object to the proposal</li> </ul>		
<b>WARD</b> Sutton Valence And Langley Ward	<b>PARISH/TOWN COUNCIL</b> Langley	<b>APPLICANT</b> G Charlton And Sons <b>AGENT</b> DHA Planning
<b>DECISION DUE DATE</b> 31/07/15	<b>PUBLICITY EXPIRY DATE</b> 31/07/15	<b>OFFICER SITE VISIT DATE</b> 2 <sup>nd</sup> June 2015

### 1.0 Site Description

- 1.01 The main application site area lies to the north east of the existing farm complex and is roughly square in shape having an area of 1.71 ha. Forming part of the application site is the line of a proposed new track running west around the northern edge of an existing area of workers caravans before going north and east and exiting through an existing hedgerow onto New Road to the east.
- 1.02 In a wider context the site lies over 900 metres to the east of the built up area of Maidstone in open countryside that is not subject to any specific landscape designation.

## **2.0 PROPOSAL**

- 2.01 Part retrospective planning permission is sought for the winter storage of an additional 76 no: seasonal and general agricultural workers caravans along with limited occupation over the winter period and formation of a new track and access onto New Road to the east of the site. The access will be sited approximately 350 metres from back from the junction of New Road with the A274 Sutton Road.
- 2.02 Each caravan will have dimensions of 9x2.5 metres, with a 6 metre wide green margin between each row of caravans. Surface water disposal will be directly onto the green margins. Foul drainage will be provided by an existing below ground treatment plant installed in 2014 and sited at the northern end of the caravan site. This treatment plant has the capacity to serve 400/500 persons.
- 2.03 Occupation of the caravans will be as follows:
- Group A 1-24 (inc) – Occupation December to February
  - Group B 25-48 (inc) – Occupation January to October
  - Group C 48-74 (inc) – Occupation May to February
- 2.04 Additional landscaping in the form additional tree planting to the existing Alder wind break to the east of the proposed caravans along with reinforcement of the hedgerow on the northern boundary of the farm is proposed.
- 2.05 The following has been submitted in support of the application:
- Site already employs large numbers of seasonal workers employed from the 1<sup>st</sup> April to December each year though with a number of workers retained throughout the year for general farm maintenance purposes.
  - Planning permission has already granted for 59 caravans which are occupied on the same basis as that currently being sought.
  - 500 workers currently living on site which will increase to 800 by June and to between 900/1000 by August/September.
  - To avoid the significant logistical issues raised by storing caravans off site when not in use justifies the need for them to be retained on site throughout the year.
  - New access required in order to avoid conflict with farm and worker based traffic movements.

### **3.0 POLICY AND OTHER CONSIDERATIONS:**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan: ENV28, T13

### **4.0 RELEVANT HISTORY:**

- 4.01 15/501103: Erection of controlled atmosphere storage building, chiller dispatch and loading building, general purpose agricultural storage buildings, hard surface yard and above ground water storage tanks –A- 18<sup>th</sup> May 2015
- 4.02 13/054: Retrospective application for the retention of polytunnels and a proposed change of use of land for the storage of 17 additional seasonal and general workers caravans with limited occupation during winter period – A- 31<sup>st</sup> May 2013
- 4.03 08/2312: Erection of cold store building and below ground surface water storage tank and change of use of land for the storage of seasonal and general agricultural workers caravans (42 in total) and limited occupation during winter period –A- 3<sup>rd</sup> March 2009

### **5.0 LOCAL REPRESENTATIONS**

- 5.01 **Langley Parish Council:** Object on the grounds that proposal (a) represents an over development of the site in open countryside (b) use of the site for residential occupation would lead to an unsustainable form of development as there are limited facilities within Langley Village and (c) the number of caravans and people on site will result in an excessive amount of traffic on New Road which is a single lane road, poorly lit and has no pavement. The proposal will therefore harm the free flow of traffic and bring about deterioration in highway safety.
- 5.02 **Otham Parish Council:** Objection on the grounds of (a) harm to highway safety and the free flow of traffic. Consider New Road the junction with Honey Lane and Avery Lane is particularly susceptible to near misses with an almost blind bend while the road is regularly used by farming vehicles . The council would appreciate feedback whether a traffic survey has, or will be, undertaken by KCC on speed and traffic volumes and (b) the caravans represent excessive development of an open rural site.
- 5.03 17 properties notified of the proposal – No representations received

### **6.0 CONSULTATIONS**

- 6.01 **Rural Advisor:** Response summarised below:

The applicants operate a large and expanding top fruit and soft fruit farming enterprise, which has been enlarged in recent years by the purchase and long-term leasing of additional land. Rumwood Green Farm is the main centre for storing and packing the fruit.

The overall farmed acreage now totals some 339 ha with some 121 ha of apples and pears, 12 ha cherries, 12 ha raspberries, and 71 ha strawberries (table top under tunnels). There is 60 ha arable or fallow land that is awaiting new orchard planting. The remaining areas comprise uncultivated field margins/hedges, roads, reservoirs, buildings, yards etc.

The orchards currently produce about 3800 tonnes (some 11500 bins) of fruit and as a result of new plantings this total is expected to increase to about 4290 tonnes this year, 4950 tonnes next year, 5610 tonnes in 2017, 6600 tonnes in 2018, and 8250 tonnes in 2019. About 2300 tonnes of strawberries are currently produced and again production is due to increase significantly, with some 3100 tonnes expected this year, plus about 210 tonnes raspberries, and 100 tonnes of cherries.

The packing facilities operate all year round mainly for the Charltons fruit but also serve several other local growers, which has been the case for over 30 years.

Under 15/501103/FULL development has been approved for further storage and packing facilities including a new controlled atmosphere top fruit storage building, 78m x 30m, 7.9m to eaves, with potential capacity for some 5800 loaded bins.

It is common practice for fruit farms in Kent and elsewhere to rely upon foreign casual workers requiring accommodation to approved standards. Though the proposal is large in scale, given the nature of operations carried out at Rumwood Green Farm, being an established, and expanding, farm enterprise and its harvesting/packing labour requirements, it is considered that the additional accommodation is justified in agricultural terms.

**5.03 Kent Highways:** No objection subject to a condition to secure sight lines as shown.

**5.04 MBC Landscaping:** Whilst there are potential impacts on the shelterbelt trees to the north of the access due to an increase in traffic along the existing farm track causing compaction, it is not reasonable to insist on any special surfacing measures due to the track's current use by heavy vehicles. The proposed transplantation of the existing hedgerow to facilitate the new access arrangement, as detailed in the applicant's design and access statement, also appears feasible.

Landscape condition is required to secure hedgerow replanting and replacement.

5.04 **Environment Agency** : Though site lies within flood zone 1 is assessed as having a low environmental risk and as such raise **NO OBJECTION**

5.04 **UK Power Networks**: No objection

5.04 **KCC Flood Risk and Natural Environment** – No objection on surface water disposal grounds

## **6.0 APPRAISAL:**

6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

6.02 Notwithstanding the above, under the provisions of Schedule 2, Part 5, Class B of the General Permitted Development Order 2015, , stationing of a caravan on agricultural land for purposes incidental to the agricultural use of the land, (which includes the seasonal use of agricultural land as a caravan site for agricultural workers) can be undertaken as ‘permitted development’ i.e. without the need to obtain planning permission from the Council.

6.03 No limit is specified on the number of caravans that can be stationed for this purpose. However in order to avoid potential abuse it must first be demonstrated that the number of caravans are proportionate to the scale of agricultural operations being carried out. The Rural Advisor is satisfied that given the scale of this large and expanding agricultural enterprise and notwithstanding the existing number of seasonal workers caravans already on site, the additional caravans are justified and proportionate to the needs of the enterprise.

6.04 It is therefore considered that the proposed number of caravans is justified in agricultural terms and as such can be sited when occupied without requiring planning permission from the Council.

6.05 Matters requiring planning permission and therefore the retention and storage of caravans when unoccupied and the provision of the access onto New Road.

6.06 The key issues in relation to this application are therefore one of (a) principle (b) impact on the rural character and setting of the locality (c) impact on the outlook and amenity of local residents (d) highway and parking considerations and (e) wildlife and habitat concerns.

### **6.07 Principle**

6.08 Given ‘permitted development’ entitlements enabling the stationing and occupation of the caravans for agricultural purposes, consideration of the application is restricted to the retention of the caravans on site when not in use and being stored and the impact of the proposed access on New Road.

6.09 Policy ENV28 of the adopted local plan advises that in rural areas, amongst other things, development will be restricted to that reasonably necessary for the purposes of agriculture and forestry.

6.10 This policy also needs to be considered against the guidelines set out in the NPPF. One of the 12 core planning principles set out in paragraph 17 of the NPPF states that Local Planning Authorities should:

take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;

6.11 In addition the NPPF also seeks to promote a prosperous rural economy and at paragraph 28, amongst other things, states that:

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development by:

- supporting sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings and;

- promote the development and diversification of agricultural and other land-based rural businesses.

6.12 There is also the need to acknowledge the planning history of the site. Under planning permission ref: 13/054 planning permission was granted for, amongst other things, the storage of 17 additional seasonal and general workers caravans with limited occupation during winter. Under ref: 08/2312: planning permission was also granted for the change of use of land for the storage of 42 seasonal and general agricultural workers caravans and their limited occupation during winter. These caravans are stationed on site and abut the western boundary of the application site. It is considered these approvals represent a significant material consideration in the determination of this application, particularly given that the local plan at the time of their determination remains the same.

6.13 In the circumstances, given:

- support for the proposal by the Rural Advisor;
- support of the NPPF for such development;
- the local plan in force remains the same as when previous proposals for similar developments approved in 2008 and 2013

it is considered there is no objection to the proposal in principle and matters turn on detailed considerations.

**6.14 Impact on the rural character of the area:**

- 6.15 This falls into two categories being the visual impact of the caravans when being stored and visual impact of the proposed access onto New Road.
- 6.16 Dealing first with the caravans, acknowledging that for much of the year the caravans can be stationed without requiring planning permission, it remains to be assessed whether storing them in the same location when not being used represents the optimum solution in minimising their visual impact on the rural character of the area.
- 6.17 It is acknowledged that caravans are generally viewed as causing harm to the visual amenity of rural areas leading to the view that they should be removed when no longer required. In this case removal of the caravans to another site when not in use for a short period would represent a significant cost to the business. This could only be justified if their retention would cause a demonstrable increase in visual harm compared to their stationing and occupation for much of the year and which could not be resolved by landscape mitigation measures.
- 6.18 In the context of the immediate area the site is already well enclosed by existing mature hedgerows and tree shelter belts. These existing features ensure that the impact of the caravans when being stored will be contained within the site and have little impact on the rural character of the wider rural area. The additional planting proposed to thicken these up will act to further diminish the visual impact of the caravans when being stored.
- 6.19 There are two public footpaths close to the application site. One to the east (KH362) runs along and behind the line of existing hedgerows and tree belt and apart from glimpse views when crossing a track the impact of proposal on views from this footpath will be limited. There is also a crossing footpath further to the south (KH249). However given the scale of existing development approved under ref: 15/501103, being the controlled atmosphere storage building, chiller dispatch and loading building and general purpose agricultural storage buildings, which will largely occupy the space between the footpath and proposed caravans, no additional harm will occur to the outlook from this footpath.
- 6.20 As such subject to the additional planting, given the lack of views of the site from public vantage points, it is considered that the visual impact of the caravans on the wider landscape when being stored overwinter is acceptable. However to protect the nighttime rural environment from excessive or poorly directed lighting, a condition should be imposed to ensure that this cannot be installed without first submitting details for consideration by the Council.
- 6.21 Turning to the impact of the proposed access onto New Road, this will require breach of an existing hedgerow and its cutting back to ensure that adequate sight lines are available. The width of the access will be 5.5 metres which is considered to represent a minor breach of the hedge. Subject to a condition

requiring planting of native species hedgerow being the proposed vision splays, it is considered that the visual impact of the proposed access on the New Road street scene will be acceptable.

- 6.22 It is therefore considered that the proposals are acceptable in their impact on the rural character of the area and accords with the provisions of policy ENV28 of the adopted local plan.

**6.23 Impact on the outlook and amenity of local residents**

- 6.24 As the farm site is wholly enclosed and there are no houses fronting New Road which will have sight of the new access, it is not considered that the proposal will result in any material harm to any houses.

**6.25 Highway and parking considerations:**

- 6.26 One of the main objections to this development is its impact on the local road network when the caravans are occupied. It should be noted as occupation can be undertaken as 'permitted development' there is no requirement for any highway or parking provision. Nevertheless to secure separation between farm and residential traffic an access is proposed onto New Road. The applicants advise that to inform the sight lines required for the access a survey was undertaken in agreement with KCC. This identified an average speed northbound of 39mph and 42mph southbound and the proposed sight lines reflect these speeds.

- 6.27 When the caravans are being stored overwinter i.e. when planning permission is required, the amount of traffic generated will be minimal and likely to be no more than that required for general maintenance operations carried out by the farm.

- 6.28 As such in the absence of objection from Kent Highways it is considered that the proposal is acceptable in its highway impacts.

**6.29 Wildlife and habitat concerns:**

- 6.30 As the caravans can be stationed and occupied without planning permission it is not considered their storage on site when unoccupied raises any additional wildlife habitat issues. However the additional planting to be carried out for screening purposes does increase the habitat and wildlife potential of the site in accordance with the provisions of the NPPF.

- 6.31 The proposed access onto New Road does affect some 80 metres of existing hedgerow. However subject to this being replaced with a new native species hedgerow to the rear of proposed sight lines it is not considered that the proposal will result in any material change to wildlife and habitat interests within the area.

**7.0 CONCLUSIONS**



7.01 These are considered to be as follows:

- Stationing and occupation of the caravans for agricultural workers accommodation does not require planning permission. Only their winter storage when not in use requires consent.
- No objection is identified to the principle of development given the support of the Rural Advisor, advice contained in NPPF relating economic growth in rural areas and that local plan remains the same as when similar developments were approved for this site back in 2008 and 2013.
- Notwithstanding the acknowledged visual harm caused by caravans, given their siting in an enclosed location and additional landscaping, no material harm is identified to the rural character and setting of the area. The impact of the proposed access onto New Road is also considered acceptable.
- No objection is identified on highway or parking grounds to storage of the caravans when unoccupied or use of the proposed access onto New Road when occupied.
- The additional hedgerows and tree planting will bring a net increase in wildlife habitat.

7.02 In the circumstances it is considered that for the reasons set out above the storage of the caravans when unoccupied and provision of the access onto New Road is acceptable in their impacts and planning permission should be granted accordingly.

## **8.0 RECOMMENDATION**

### **GRANT PLANNING PERMISSION**

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) No more than 76 caravans shall be on the site at any one time. Occupation of the caravans by seasonal workers as shown on drawing no: DHA/10683/04 shall take place as follows:

- Group A 1-24 (inc) -1st December to end of February.
- Group B 25-48 (inc) -1st January to 31st October
- Group C 48-74 (inc) -31st May to end of February

For the remaining period the site shall only be used for the storage of seasonal workers caravans and for no other purpose whatsoever.

Reason: To maintain control over the use on the interests of amenity.

## Planning Committee Report

(3) Prior to commencement of the development hereby approved details of (a) the additional tree planting to the existing Alder wind break to the east of the proposed caravans and gapping up of the hedgerow on the northern boundary of the farm and (b) details of a native species hedgerow to replace that lost to provide the access and sight lines onto New Road shall be provided for approval in writing by the Local Planning Authority. The planting shall be carried out in the first available planting season following approval. Any trees/shrubs becoming dead dying or diseased within 5 years of planting shall be replaced with one of the same size and species and retained in accordance with the terms of this condition.

Reason: In the interests of visual amenity.

(4) No external lighting shall be installed on the site without first obtaining the prior approval in writing of the Local Planning Authority. Lighting shall only be installed in accordance with the approved details.

Reason: To protect the night-time rural environment in the interests of visual amenity.

(5) If the caravans are not used for accommodating seasonal or general agricultural workers for more than two seasons in a row they shall be removed from the site by the subsequent 1st of April and the land on which they are sited shall be restored within 3 months to its previous condition unless otherwise agreed in writing by the Local Planning Authority;

Reason: In the interests of visual amenity.

(6) The caravans shall only be occupied by persons working in the locality in agriculture (as defined in Section 336(1) of the Town and Country Planning Act 1990);

Reason: To reflect the special circumstances of the application.

(7) The access hereby approved shall not be used until the sight lines and access details shown on drawing nos: 10683-T-01 rev P2 and 02 rev P1 have first been provided. They shall retained at all times thereafter with no impediment with their intended use.

Reason: In the interests of the free flow of traffic and highway safety.

(8) The access gates shown on drawing nos: 10683-T-01 rev P2 and 02 rev P1 shall not be installed until details of their size, design and siting and that of their supporting piers have been submitted for prior approval in writing by the Local Planning Authority. The gates and supporting piers shall only be installed in accordance with the approved details.

Reason: To safeguard the rural character of the area.

(9) The development hereby approved shall only be carried out in accordance with the following approved plans: DHA/10683/01, 02, 03, 04 and 10683-T-01 rev P2 and 02 rev P1.

Reason: In the interests of amenity.

## INFORMATIVES

(1)

1. You are advised that the applicant may be required to apply for consents from the Environment Agency. The term 'consent' covers consents, permissions or licenses for different activities (such as water abstraction or discharging to a stream). The applicant should contact 03708 506 506 or consult our website to establish whether a consent will be required. <https://www.gov.uk/environmental-permit-check-if-you-need-one>

2. The applicant should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack to commence liaison with this authority.

3. The Environment Agency should be consulted directly regarding the use of a private 1. wastewater treatment works or septic tank drainage which disposes of effluent to sub-soil irrigation. The owner of the premises will need to empty and maintain the works or septic tank to ensure its long term effectiveness.

4. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

5. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

### Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

Following clarification of the submitted details the application was acceptable

Case Officer: Graham Parkinson

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

## Planning Committee Report

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.