

APPLICATION: MA/09/2024 Date: 3 November 2009 Received: 22 April 2010

APPLICANT: G CHARLTON & SONS

LOCATION: PARKWOOD FARM, BRISHING LANE, BOUGHTON MONCHELSEA, KENT

PARISH: Boughton Monchelsea

PROPOSAL: Part retrospective planning permission for the erection of polytunnels, minor land levelling works and change of use of land for the stationing of seasonal and general agricultural worker caravans with limited occupation during winter months

AGENDA DATE: 13th January 2011

CASE OFFICER: Amanda Marks

The recommendation for this application is being reported to Committee for decision because:

- Councillor Field has requested it be reported for the reason set out in the report

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV43, ENV51
The South East Plan 2009: CC1, CC6, C4
Government Policy: PPS1, PPS7, PPS25

2. HISTORY

MA/03/2186 - Part retrospective application for laying of hardsurface to create car park and creation of access - APP 12/3/2004

MA/98/1427 - Monchelsea Farm, change of use of agricultural land to storage yard for existing framework business on adjoining site - REF 8/10/1998

MA/96/0199 - Variation of condition - REF 17/5/96

MA/94/1127 Land opposite Brishing Court, retrospective application for the change of use of land from agriculture to mixed use - APP 4/11/1994

3. CONSULTATIONS

- 3.1 **BOUGHTON MONCHELSEA PARISH COUNCIL** raises no objections subject to the Environment Agency being consulted on storm run-off and sewage facilities for caravans.

A synopsis of their proposed application has also been included together with information regarding the shaw stream.

- 3.2 **KENT HIGHWAYS:** "The established access arrangements provide adequate visibility and with this in mind, I have no objections to the proposal in respect of highway matters."
- 3.3 **KCC ENVIRONMENT AND WASTE:** "The application site lies within an Area of Archaeological Potential associated with the Iron Age oppidum at Boughton Monchelsea and is adjacent to the site of a Roman bath house. The projected course of a Roman road also crosses the site and Roman burials and artefacts have been found across the site.
The area is extremely archaeologically sensitive and any archaeological that remains on the site should be preserved *in situ*. I would recommend no polytunnels are placed in the vicinity of the Roman building at the northern extent of the site and the proposed levelling works should not proceed if they could potentially affect Roman remains.
The setting of the site is also of concern and Boughton Monchelsea park is situated nearby. Further consideration needs to be given to the placement of the polytunnels and caravans in relation to the affect that they will have on views from the historic park and other nearby properties. The proposed tree planting also cuts across the grain of the land and any new trees should follow the course of the existing hedgerows.

Groundworks associated with the application may reveal archaeological remains and I would recommend that provision is made in any planning consent for a programme of archaeological works. Recommend condition."
- 3.4 **WEST KENT PUBLIC RIGHTS OF WAY OFFICER:** "As long as the PRoW is unaffected then no objection. It must not be diverted or blocked whilst development takes place."
- 3.5 **SOUTHERN WATER:** no objection. The EA should be consulted.
- 3.6 **AGRICULTURAL ADVISOR (RURAL PLANNING LIMITED):** "I refer to your letter of 18 November 2009 requesting agricultural advice on the partly retrospective planning application submitted on behalf of G. Charlton and Sons for:

- The retention of 5.66 ha of polytunnels and the erection of a further 21.5 ha of polytunnels over the next 3 years;
- The change of use of land for the stationing of seasonal and general agricultural worker's caravans (currently 17, up to 40 proposed).

As you may be aware, G. Charlton and Sons operate a well-established, relatively large and developing local top fruit and soft fruit farming enterprise, which has been expanded over the last 2 years by the purchase and long-term leasing of additional land. In addition to the Parkwood Farm fruit area referred to above (rented land) the farmed acreage now includes:

Owned:

Rumwood Green Farm 42 acres (17 ha)

Arnold Farm Leeds 85 acres (34 ha)

Ivy House Farm Liverton 60 acres (24 ha)

Rented on 18 year lease:

Rockwell Farm East Farleigh 29 acres (12 ha)

Ladds Court Farm Chart Sutton 140 acres (57 ha)

Church Farm Ulcombe 22 acres (9 ha)

Rumwood Green Farm, which has benefited in recent years from the provision of a new road access off the A274, is the centre for storage of the top fruit and for packing all the fruit. It also includes an approved seasonal worker's caravan camp (42 vans).

Arnold Farm is understood to include some 8 ha (20 acres) of strawberries grown on raised stands in peat bags under polytunnels and Ladds Court Farm is understood to include some 10.9 ha (27 acres) of strawberry cropping under polytunnels. Arnold Farm also includes an approved student "camp" site next to the buildings with 20 residential caravans accommodating 60-plus seasonal harvest workers.

As well as the above examples, the use of polytunnels is now a common feature of soft fruit production elsewhere locally and wider in Kent: the tunnels comprise units of production in themselves, and in effect are inherently required and appropriate for the purpose of modern UK strawberry and cane fruit production.

The system has a number of advantages over conventional unprotected growing including the ability to protect the crop from the wind and rain, reduce pesticide/ fungicide use, extend the growing season, provide better yields and continuity of supply, and greater ease of managing the plants and picking the fruits. The use of tunnels assists UK growers to meet customer demand as opposed to what might be regarded as the less sustainable alternative of foreign imports.

I confirm, therefore, that the existing and proposed polytunnels appear necessary to developing agricultural production on this holding.

With regard to the seasonal workers' caravans, as you will be aware temporary fruit workers' accommodation can be utilised as "permitted" development on a seasonal basis, but planning consent is required if the units concerned are left on site throughout the year, and thus effectively stored there out of season when vacant.

It is common now for fruit farms in Kent and elsewhere to rely upon foreign student casual workers who require accommodation to approved standards, and as well as the above-mentioned camps already operated by Messrs Charlton, there are various other examples of farmers in the Borough seeking, and obtaining, consent to leave "seasonal" caravan camps for such workers on site all year round, subject to agreed periods of occupancy/ vacancy in any one year (applied, in some cases, by way of different blocks of caravans having different occupancy periods, as proposed in this case) without continuous year-to-year occupation. This avoids the costs and upheaval of having to move such units back and forth off the site when empty. In this case the scale of the proposed Parkwood camp expansion appears generally appropriate to the size and nature of this developing farm enterprise, and its harvesting/packing labour requirements, and broadly comparable to the sort of provision on other similar holdings."

- 3.7 **THE ENVIRONMENTAL HEALTH OFFICER:** "The site is just over 300m from a historic land fill site but this is unlikely to affect the matters at this site. There are no other Environmental Health considerations."
- 3.8 **MBC Caravan Licensing Manager:** "If this is to be a permanent site that operates throughout the year then it will need to be licensed. There is an exemption for agricultural workers but this only relates to temporary provision. If the site is left vacant for a period of time then the exemption may apply. One concern I have noted is that the site is at the end of what appears to be a very long narrow access road and I feel the views of the Kent Fire and Rescue might be important. I am not sure if this type of Commercial Operation would fall into The Regulatory Reform (Fire Safety) Order 2005 but if it does a fire risk assessment may indicate access problems for the fire authority."
- 3.9 **MBC Landscape:** "No objection subject to submission of a landscaping scheme. In order to reduce the impact the polytunnels may have on the surrounding landscape it is proposed to plant trees/hedge along the southern boundary. Within the supporting document, section 4.11, states that native species such as Ash, Beech, Hornbeam and Field Maple are to be used, however no additional information has been provided. It is important to note

that any additional planting should be similar to that of the existing landscape and take into account recommendations made within the Councils adopted Landscape Character Assessment and Landscape Guidelines document for the Boughton Monchelsea area."

No objection to submitted landscape scheme

- 3.10 **MBC HERITAGE:** The polytunnels are/will be sufficiently far away from the listed buildings and the Cock Street Conservation Area to have no significant impact on their settings.

- 3.11 **KENT WILDLIFE TRUST:**

Were not formally consulted but relayed in a telephone conversation they did not wish to make representations on the application.

- 3.12 **THE ENVIRONMENT AGENCY:**

Initial comments: "In the absence of a Flood Risk Assessment we object to this application and recommend refusal".

Interim comments: "The polytunnels at this site will increase the rate of runoff to the Shaw Stream (and resulting flows) because the rainfall will be concentrated into small drainage channels between the polytunnels there will be a reduction in the area which the rain could infiltrate in to. This increase is likely to be considerable given the extent of land covered."

The EA comments continue with regard to recommendations on polytunnel positions being perpendicular to the slope and concludes with a recommendation that a scheme for the disposal of surface water should be submitted by condition for the approval of the LPA.

Final comments (received 13/9/10) "As stated previously, are satisfied the proposal does provide sufficient volume of storage on site and so is unlikely to result in increased flood risk elsewhere.

However, we have previously suggested that it needs to be demonstrated how runoff from each polytunnel will be conveyed to the respective storage area. From the information in Figure B2 of the FRA, it is unclear how runoff from areas 8 and 9 will be combined with that from area 11, to be collected from the same storage area. This does not seem to be logical or feasible, given that area 10 is situated between these two areas and is to be drained to a different storage area completely. Consequently, there is a risk that runoff from specific areas of polytunnel will exceed the available storage within the corresponding storage area.

It should therefore be demonstrated the bund represented on DWG 11286/01B between sections DD and HH, will be of sufficient size to accommodate runoff from areas 3,4,8,9 and 10. Likewise, the bund sections JJ and LL should be of sufficient size to accommodate runoff from areas 5,6 and 11.

We have no objection in principle to the above information being provided as part of a condition of planning."

4. REPRESENTATIONS

- 4.1 **Cllr Fitzgerald:** "This is a very large number of polytunnels occupying a huge acreage and such a large scale development should be determined by committee. The number of caravans is high and there are labour force considerations. The issue of communal facilities which would be in the open countryside. Brishing Lane is at breaking point now and dangerous and traffic issues are not addressed. There is a lack of information on a number of important issues."

Cllr Fitzgerald after re-consultation (on 2/9/10):

"I am now happy to support this application having been given additional/complete information and read the relevant papers and attachments and made site visits to support my decision.

1. Will this application be determined by officers or are there any other concerns raised by members that would need addressing first?
2. I would appreciate an update on the current position and the likely timescale for a decision following the closing of the end of the current opportunity to comment that ends on 9 September."

- 4.2 **Cllr Moriarty:** "Polytunnels are a contentious issue therefore the planning committee should be given the opportunity to determine this application against social, environmental and economic objectives which accord with the objectives of sustainable development."

NB Cllr Moriarty is no longer a serving Ward Cllr and in place is Cllr Burton. Cllr Burton has been briefed on the application and confirms that he does not wish to call the application in.

- 4.3 **Cllr Field:** Wishes the application to be considered at planning committee due its large scale and potential visual impact.
- 4.4 **Four neighbour** letters have been received in support of the application; one of these is subject to screening and minimum distance to residential boundaries being maintained.

Two letters of objection one on the grounds of workers being unsafe walking on Brishing Lane; the other is not specific it makes reference to the caravans.

There is a great deal of correspondence between one further objector and his agent, and the Council, the objections raised include some photographic evidence and are summarised as best below:

- Excessive and inappropriate location, lack of consideration to residential properties;
- Construction of development;
- An unproven need for agriculture;
- Contrary to National Union of Farmers guidelines (6mths uncovered period recommended)
- Visually dominant; covering virtually whole of land
- Table top production more visually intrusive and results in loss of good quality agricultural land
- Inadequate landscape details
- No recognition of PRow impact
- Further visual analysis needed
- Greater business case needed
- Minimum distance of 30m to residential boundary not adhered to (as per NFU guidance)
- Harmful to residential amenity
- Glare from tunnels/noise from radio's, lighting etc
- Surface water management; considerable run-off
- FRA needed
- Management of plastic waste
- Not accept the case for caravan storage
- In effect a permanent caravan site
- Inadequate transport/traffic details
- No landscaping to screen from PRow
- Dispute chosen location of tunnels
- Dispute landscape analysis

- 4.5 **CPRE:** Provide detailed comments raising concerns over the impact on the open countryside; drainage capacity; traffic and carbon footprint; the labour force and caravans; biodiversity; residents amenity. They conclude that insufficient information about the likely environmental effects of the proposal.

5. CONSIDERATIONS

5.1 Background

This application has been the subject of two screening opinions in terms of whether the proposed development should be the subject of an Environmental Impact Assessment (EIA). One undertaken by the Council, the other by GOSE. The Council considered that the development was not schedule 2 development and therefore fell outside the scope of consideration for an EIA to be undertaken. GOSE, who were contacted by a third party, considered that the development was schedule 2 as they considered the land to be uncultivated, however they too determined that this development did not require an EIA on the basis that it was not sensitive development.

- 5.2 The application was also initially called in by two local ward members. However, one of these is no longer an elected member; the other has now withdrawn the call-in due to being satisfied with the outcome of extensive liaison with the Environment Agency. However, whilst the replacement Member does not wish the application to be called in, the remaining ward Member wishes to uphold the call in made in the first instance and therefore the application is reported to Members.

5.3 Site Description

- 5.3.1 The application site is located to the east of Maidstone urban area, to the south of the Park Wood Estate, on the eastern side of Brishing Lane, and on the north facing dip slope of the Greensand Ridge. The site falls within the open countryside and is identified as part of the Southern Anti-Coalescence Belt in the development plan.
- 5.3.2 Parkwood Farm comprises in the region of 40.5 ha (100 acres) of arable land and has been producing soft fruit (strawberries) in excess of 30 years. The applicant acquired a lease in 2009 allowing him to use 70 acres of the land for his production of soft fruit and proposed to do so with the use of polytunnels enabling table top production.
- 5.3.3 The site is rectangular in shape, with the north east corner outside of the red line area being the site of a former Roman Building. There is a small water reservoir (approx 60m x 40m) along the central part of the northern boundary, north of the workers caravans. There is a stream which runs along the northern boundary outside the application site. A public footpath (KM115) runs through the site from Cock Street heading in a straight line north until it leaves the application site boundary and can be followed turning west along the stream edge. There are a cluster of residential properties forming Brishing Court on the opposite side of the road to the main site entrance off Brishing Lane. There are also residential properties which adjoin the southern boundary of the site,

these properties are largely accessed off Cock Street (B2163), with some taking access from Brishing Lane.

- 5.3.4 The site is well contained in terms of views into the farmland due to existing screening. Within the site there are two substantial Christmas tree plantations, one of which part abuts the western boundary, the other is further in the site to the east. There is a mixed native hedgerow of approximately 4m high on the western site boundary with Brishing Lane; there is a mature native tree belt on the northern boundary and individual groups of mature trees around the reservoir. The southern boundary, has in part a 4m high hedgerow to be retained and I note residents have undertaken their own planting in places at the rear of their gardens. Poplar windbreaks can also be seen throughout the site at 10m high – these are all to be retained.
- 5.3.5 There is a main central access track into the site which after approximately 240m enters a break through hedgerow which runs north to south. Beyond this on the northern side – tucked behind the hedgerow is the occupied area of the site which contains the caravans, washroom & cooking units, store/office, 3 storage containers and a water tank. Permission is sought for existing and proposed stationing of caravans.

The full impact on the landscape and screening will be examined later in this report.

5.4 The Proposal

- 5.4.1 This is a part retrospective application which came about after an enforcement investigation. Planning permission is sought to retain an existing 41 polytunnels which cover 14 acres and have been on site since April 2009. Permission is also sought to cover a further 53 acres of the site with polytunnels; allow the over winter storage of seasonal and agricultural workers caravans and undertake some minor engineering works.
- 5.4.2 The polytunnels will consist of steel tubing and plastic sheeting. Each tunnel would be 7.8m wide, 3.75m high and with varying lengths depending on the particular parcel of land they are situated on. There are two different types of tunnel proposed – ‘Spanish’ and ‘cosy’ tunnels. From a visual/planning aspect they are essentially the same. The majority of the tunnels are ‘cosy’ and will be uncovered from November to January each year; the remaining ‘spanish’ tunnels will be uncovered from November to February (drawing no. 7329/08 identifies the type of tunnel). The plans identify the tunnels into 3 areas – two of which are shown to be already insitu. However, from a recent site inspection there are in fact 5 of the areas covered. This is because the phasing plan was submitted in November 2009 stating that 3 areas were to be covered in December 2009. The remaining four areas to be developed over the coming

winter period. The polytunnels are/to be orientated north south as this maximises the best natural light and assists with the ripening of the fruit.

- 5.4.3 Turning to the caravans, the application states that 12 of the existing caravans have been on site since 1996 and benefit from being immune from enforcement action. It is proposed to have 40 caravans on site in total. It is stated that the agricultural season is 1 April through to December and that a number of workers are retained in the winter months for general farm maintenance, tree cutting/pruning and tree planting. The area for the stationing of the caravans is in the north central part of the site, south of the pond located on the northern boundary of the application site.

5.5 Principle of the Development

- 5.5.1 Development in the countryside is restricted by the terms of the development plan and central government guidance. One of the exceptions to this restraint, is when development is necessary for the purposes of agriculture, this is in recognition that farming is important to the economic and environmental well-being of the countryside.
- 5.5.2 PPS7 and policy ENV28 of the MBWLP allow for development necessary for the purposes of agriculture subject to an acceptable impact. More specific guidance on farm structures is provided by Local Plan Policy ENV43 which covers polytunnels as well as more traditional forms of agricultural building. That policy sets out criteria against which this application needs to be considered. I enclose a copy of that policy as an Appendix hereto.

5.6 Need

- 5.6.1 The first criterion of ENV43 deals with need. The views of Rural Planning Ltd have been sought to provide a detailed analysis of the need and justification of this development; both with regard to the polytunnels and the agricultural workers caravans. One objector has commented that insufficient evidence has been submitted with regard to the agricultural need to provide polytunnels. The Council has consulted Rural Planning Ltd who are experienced in these matters and familiar with the general locality having provided advice to the Council for a number of years.
- 5.6.2 The stationing of agricultural workers caravans are permitted development under the GPDO. In this instance, the application states that 12 of the existing caravans have been on site since 1996 and benefit from being immune from enforcement action. It is proposed to have a total of 40 caravans on site. It is stated that the agricultural season is 1 April through to December and that a number of workers are retained in the winter months for general farm maintenance, tree cutting/pruning and tree planting. The Council's advisor is

satisfied that there is a need for these workers and their accommodation and therefore I consider that for the limited period of time (4 months) that the caravans would need to be removed from site to comply with the GPDO, that this would cause disruption.

- 5.6.3 With regard to the need for the polytunnels an analysis has been undertaken by RPL, details of yield are provided. I accept the views of RPL that sufficient evidence has been forwarded in support of the application on agricultural need.

5.7 **Visual Impact**

- 5.7.1 An initial landscape plan was submitted which shows the intention to undertake additional planting in two sections on the southern boundaries. Further information was sought by the case officer to include not just details of this planting but also a visual analysis of the development. As a result drawing number 7329/09 and /10 were submitted identifying existing landscaping to be retained, proposed new planting and an analysis of the visual impact of the development.
- 5.7.2 A Landscape Impact Assessment has been submitted which analyses both the visual effects and landscape effects of the proposal. From the outside the site is well screened from the site boundaries by existing trees. Glimpses can be seen from Brishing Lane and the open land at Furfield Quarry new residential development. The main views of the site are from within, from the PRoW. Distant views are from Marlpit Heath Road and Back Lane.
- 5.7.3 In all, I am satisfied that the visual impact, as ameliorated by the landscaping proposals, would be sufficiently reduced as to comply with the provisions of ENV43.

5.8 **Flooding**

- 5.8.1 Concern has been raised that the polytunnels would give rise to flooding. The site is not identified by the Environment Agency as falling within an area at risk of flooding. As mentioned, the site lies on the dip slope of the greensand ridge. The land varies in height from 104 AOD at the southern boundary to 74 AOD at the northern boundary. It is immediately beyond the northern boundary where the Loose Stream lies and where perhaps there could be potential for flooding. However, this stream is located in a steep side valley at a drop of 3 to 4m below the adjoining farmland. Should flooding of the stream it occur it is therefore unlikely to affect anymore than the immediate valley.
- 5.8.2 The aforementioned reservoir also has the ability to act as a flood storage area. It is on land lower lying than the rest of the site and has the benefit of the bund

to the west. Any excess rain water which is not absorbed into the ground will travel north and can be collected at this point.

- 5.8.3 This being said, the Environment Agency have been a primary consultee throughout this application and early on did request a FRA be submitted. The EA have raised queries directly with the planning agent regarding the detail of the FRA and as a result the most up-to-date version of the FRA is that date stamped 24 August 2010. I do not consider it necessary to provide a detailed comment on the FRA, suffice to say that the application has been scrutinised in detail by the EA and any concerns addressed throughout by updates to the FRA.
- 5.8.4 The main change to the FRA is the proposal to construct earthbunds adjacent to the polytunnels to collect and store excess water if required. The water will then be able to be discharged at an appropriate rate to reach the Shaw Stream.
- 5.8.5 The most recent communication from the EA is letter dated 13 September 2010 which states 'we are satisfied the proposal does provide sufficient volume of storage on site and so is unlikely to result in increased flood risk elsewhere'. The EA does have some final minor queries with regard to the channelling of run-off into respective storage areas, however they state this can be dealt with by way of condition.

5.9 Residential Amenity

- 5.9.1 The polytunnels are situated to the rear of a number of dwellings which front Heath Road. Comments received relate to glare of the tunnels, their visual intrusion to the amenity enjoyed by these properties; and the inadequate separation distance between the polytunnels and the rear curtilages. The polytunnels are approximately 20m – 90m from the rear residential curtilages of the nearest dwellings on Cock Street. I understand that some of the land previously owned by the farmer has been sold off to the residents and they have taken it upon themselves to undertake their own planting. The application proposes a landscape buffer of a native hedgerow adjoining the southern boundary. The 'cosy' tunnels in the south-west corner can be seen from the properties Rivendale and Shibblers – although their rear gardens are on the Cock Street /Brishing Lane side.
- 5.9.2 Guidance referred to in an objectors comments, is just that, guidance. The 30m distance is not mandatory. From my observations on more than one site visit to both within the site and from rear garden boundaries, that the issue of glare is partially perceived and any such effect is more than adequate distance from the dwellings not to be an overriding problem.

5.10 **Archaeology**

5.10.1 As mentioned there is a site of a Roman Burial ground adjoining the north west corner of the site. In light of this KCC have requested that a condition be imposed to ensure that there is no disturbance to possible earthworks/finds in the vicinity. The polytunnel stakes are inserted no more than .5m into the ground and as such most unlikely to conflict with any ancient burials. However, as a precautionary approach I have added a condition to my recommendation as requested.

5.11 **Highways**

The main access to the site is off Brishing Lane. Access can also be gained from Heath Road and I understand that the farmer has recently been utilising this access. Whilst only the one access is referred to in the application, this is an existing farm with existing soft fruit production and existing accesses into the site. The use of an existing access does not require planning permission and does not affect the considerations of this development. The application is not for a change of use of the land, it is primarily for the additional development required to support a change in working practice. Kent Highways have raised no objections to the application and do not consider the change in farming methods warrant any upgrade to the existing access arrangements.

5.12 **Ecology**

No change of use is proposed, it is a change of production methods. It is not considered appropriate to request an ecological survey for this development, the development is not permanent nor does it restrict permeation through the site. Covered strawberries will be protected from birdlife predators. Kent Wildlife Trust do not need wish to comment on the application.

5.13 **Other issues/Non material considerations**

- 5.13.1 One objector has asserted that an investigation (possibly by the police) should be undertaken into where the funds have come from regarding an adjoining proposal by the Parish Council. The PC has submitted a planning application on the northern side of the application site for flood mitigation works; they have commissioned a FRA to be undertaken. The works, if approved, are allegedly to be funded by a Government Department and the assertion is that the works are being paid for indirectly by tax payers for a problem that the farmer should be funding. The reality is that the application is to rebuild an existing uncontrollable weir which currently performs poorly. The need for the works has not arisen because of the polytunnel development. The connection between the two applications is that some of the land needed to provide the new weir is on land within the current application site.
- 5.13.2 From the outset a key objector has been requesting that the Council serve a stop notice on the farmer. It has been explained on a number of occasions that

it would not be expedient to do so in the circumstances of the case. Polytunnels by their nature are a relatively low impact development which can easily be removed without harm to the landscape. The use of the site for soft fruit production has not changed – there would be insufficient grounds to enforce when a planning application is under consideration.

- 5.13.3 I consider that the benefits to productive agriculture outweigh the visual harm and therefore recommend permission be granted.

6. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

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

Reason: In the interests of the environment and to prevent harm to the residential amenity of neighbouring occupiers in accordance with policy ENV28 of the Maidstone Borough Wide Local Plan 2000.

2. The polytunnels hereby approved shall be completely removed from the land within 2 months of the permanent cessation of the use of the land for fruit production;

Reason: In the interests of visual amenity and in accordance with Policies ENV28 and ENV43 of the Maidstone Borough-Wide Local Plan 2000.

3. Unless otherwise agreed in writing with the Local Planning Authority the land shall be managed (in terms of uncovering sheeting) in accordance with the phasing details submitted with the application.

Reason: In the interests of visual amenity and in accordance with Policies ENV28 and ENV34 of the Maidstone Borough Wide Local Plan.

4. Within 3 months of the date of this decision, the applicant shall submit a field margins plan. No pesticides or herbicides shall be used on the field margins outside the polytunnels as shown on the submitted plan.

Reason: In the interests of ecology and in accordance with policy NRM5 of the South East Plan 2009.

5. Within 3 months of the date of this decision, the applicant, or their agents or successors in title, shall submit a programme of archaeological work in accordance with a written specification and timetable to be submitted and approved by the local planning authority.

Reason: In the interests of archaeology and PPS5 and policy BE6 of the South East Plan 2006.

6. Within 3 months of the date of this decision, the applicant shall submit a scheme demonstrating that the bund shown on drawing DWG 11286/01B between (a) sections DD and HH, will be of sufficient size to accommodate run-off from areas 3,4,8,9 and 10; (b) between sections JJ and LL to accommodate run off from areas 5,6 and 11. The approved scheme shall be fully implemented in accordance with the approved details.

Reason: In the interests of surface water management and in accordance with Policy ENV51 of the Maidstone Borough-Wide Local Plan 2000 and Policy NRM4 of the South East Plan 2009.

7. Within 3 months of the date of this decision, the landscaping scheme hereby approved shall be fully implemented in accordance with the details and specification set out on drawing number DHA/7329/09. Any trees or plants which within a period of five years from the completion of development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000 and PPS1.

8. 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 order to protect the character and appearance of the countryside, in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.

9. 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: Planning permission has been granted only to meet the needs of agriculture in the locality. This is in accordance with Policy ENV28 of the Maidstone Borough Wide Local Plan 2000.

10. No more than 40 caravans shall be sited on the application site at any one time;

Reason: In the interests of visual amenity and to accord with the statements made

that 40 caravans are the amount needed on site at any one time. This is in accordance with Local Plan Policy ENV28.

11. The caravans shall be positioned as shown on approved drawing no. DHA/7329/04 received on 6 November 2009.

Caravans marked on that drawing as 'Group A' and numbered 1-25 shall not be occupied during the months of March and April; caravans marked on that drawing as 'Group B' and numbered 26 -33 shall not be occupied during the months of November and December; and caravans marked on that drawing as 'Group 'C' and numbered 34-40 shall not be occupied during the months March and April.

Reason: To accord with the statements made as to the needs of the business; and to allow for proper planning control to ensure that temporary accommodation exists rather than permanent residential units. This in accordance with Local Plan Policy ENV28.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.