

APPLICATION: MA/13/1055 Date: 12 June 2013 Received: 12 June 2013

APPLICANT: FW Mansfield & Son

LOCATION: LAND AT SWANTON FARM, BICKNOR ROAD, BICKNOR, KENT

PARISH: Bicknor

PROPOSAL: Siting and over winter storage of seasonal workers caravans, erection of building for communal facilities along with associated fencing works as shown on drawing nos: 13/280 rev 01, 02, 03, 04, appendix 3 showing schematic block plan, site and planting plan 6.6.13v1 and site location plan scale 1:10000.

AGENDA DATE: 19th September 2013

CASE OFFICER: Graham Parkinson

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

- It is contrary to views expressed by the Parish Meeting

1. **POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV28, ENV33, ENV34, ENV43
- Government Policy: National Planning Policy Framework 2012

2. **HISTORY**

- 2.1 MA/04/1131: Change of use of land for storage of seasonal workers caravans during the winter months: APPROVED 10-Aug-2004
- 2.2 MA/ 04/1159/: Erection of toilet/shower/kitchen building for use by agricultural workers – APPROVED-01-Dec-2004

3. **CONSULTATIONS**

- 3.1 **Bicknor Parish Meeting:** Objects to proposal and its comments are summarised as follows:

- Siting of twenty large, 4 berth caravans behind fence will not be attractive and even with hedge planting will still be visible in winter when fields are bare.

- Will be a substantial increase in traffic arising from the fourfold production increase planned.
- Local roads are all single track already incapable of coping with existing use by HGV's. Additional traffic arising from the proposal will further strain local road capacity which lacks passing places and footpaths harming the free flow of traffic and harming highway safety.
- Additional traffic for Swanton Farm must be directed away from South Green Lane which cannot cope with existing traffic.
- An additional 80 workers will double the population of the site resulting in increased noise and disturbance.
- If accommodation is for pickers why is occupation from March to November which is outside the season and will disrupt local rural life.
- There is an existing planning permission ref: MA/ 04/1159 for the erection of a toilet/shower/kitchen building for use by agricultural workers – would wish to see this maintained and building used by seasonal workers employed at Swanton Farm only.
- Do not wish to see complex used as a base for workers employed at other farms.

3.2 In addition the Parish Meetings comments above were accompanied by the notes of a meeting held on the 10th July 2013 with the applicants present and the key points are summarised below:

3.3 The key points made by the applicants are summarised as follows:

- Workers will live on site but work elsewhere.
- Workers will not be allowed cars on site but will be bussed on weekly shopping trips. Workers may have cars which they will have to park elsewhere.
- Will be a shop on site selling produce.
- Communal facilities building will act as a clubhouse with facilities to ensure workers are entertained when not working on zero hours contract. Will also be an open space at far end of compound for recreational use.
- Will consider a 2200 hrs site shutdown with details of enforcement and after hours lighting to be considered.
- A welfare officer/site manager will be always be on hand.
- On site sewage unit meets EA requirements which will be emptied at regular 3 monthly intervals.
- Hedges to be planted in autumn.

3.4 Views expressed by local residents at the meeting are summarised as follows:

- Concerned at state of existing roads, speeding and use by large vehicles.
- Applicants started work in advance of planning permission including installation of sewage treatment plan.

- Seek restrictions on start times and coordination of traffic with no entry via South Green.
- Process for logging and resolution of concerns needs to be addressed.
- Impact on hamlet due to population increase.
- March-November occupation too long.
- Have not complied with outstanding conditions appended to SW/11/0001.
- Wish applicants and Maidstone BC to consider measures to address siting of mirrors at nearby junctions, road and speed signage, regular road sweeping and hedge trimming, workers code of conduct and local traffic management measures.
- Proposed mitigation measures proposed do not satisfy requirement to conserve and enhance AONB.
- Would request that KCC consider restricting HGV movements beyond Mansefield's site to and from South Green.
- Applicant advises that additional on site accommodation will reduce traffic movements while seeking to remove condition appended to MA/04/1159 that accommodation only be used by employees of Swanton Farm.
- No details of supplied of replacement planting to offset trees already removed.
- Would ask that consideration be given to use of a S106 legal agreement to improve condition of local roads, additional signage, better junction layouts along with provision of local village services or related to St James Church.

3.5 **Rural Planning:** Comments summarised as follows:

- Long established fruit growers which has expanded significantly through purchase of other farms in Kent.
- Believed to be largest orchard enterprise in country with production spread across 17 holdings totalling some 1300ha of which at least 1100 ha in fruit production with substantial recent new planting .
- Swanton Farm is one of the satellite farms comprising a combined parcel of 151 ha of orchards.
- Now common for fruit farms in Kent to rely upon foreign students as casual workers who require accommodation to an approved standard.
- Examples of farmers in the Borough and elsewhere obtaining consent to leave agricultural workers caravans on site throughout the year thereby avoiding costs and upheavals incurred in moving caravans off site into storage elsewhere.
- The scale of the proposal including the communal recreational facility therefore appears appropriate to the needs of this established and expanding farm enterprise.

3.6 **Kent Highways:** No objection

3.7 **MBC Heritage Landscape and Design:** No objection subject to imposition of condition requiring native species planting around the site perimeter along with details of its long term management.

4. **REPRESENTATIONS**

4.1 24 properties consulted. Two objections received which are summarised as follows:

- Site cleared, caravans installed and sewage treatment plant in place before application was submitted.
- Concerns regarding the amount of sewage generated.
- Applicants have not proactively engaged with local residents. There have been significant changes to the area since the 2004 application such that use of the single track roads and water run off along these is much worse.
- This proposal will serve a significantly greater number of people than the 2004 application and making conditions significantly worse.
- Number of workers not justified by the size of the farm.
- Though the applicants state that the additional accommodation is required to meet labour demands at Swanton Farm, it also houses workers from other farms.
- If required only for Swanton Farm workers are permanent stationing of the caravans be necessary.
- Does not accept that levels of traffic will fall as a consequence of additional accommodation at the site. While there will be additional traffic due to bussing of workers of site in connection with weekly shopping expeditions.
- The site is approached by narrow tracks from all directions which are wholly unsuitable for more large vehicles.

4.2 One objection refers to the comments raised by local residents at the public meeting already summarised above but raises the following additional points:

- Question need for such a large development.
- Welcome regeneration and investment in the area but consider that a permanent caravan site will blight the area which forms part of an AONB.
- Have already witnessed large amounts of household refuse left in bags in the open. This is harmful to amenity and will attract vermin and it should be taken into account that the site is only partly operational.
- When fully operational the adverse impact on the amenity of the area will be considerable.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The area proposed for the caravan site use is rectangular in shape having an area of 0.5125 ha. The site is largely level and is surrounded by steel spile fencing just over two metres in height with the caravans now in place.
- 5.1.2 The site is surrounded on its eastern, southern and western sides by orchards and wind breaks and by existing farm buildings to the north east just set back from the road . The site is located in open countryside falling within the North Downs Area of Outstanding Natural Beauty (AONB) and comprising part of a Special Landscape Area (SLA).
- 5.1.3 Located approximately 180 metres to the north west of the site is the settlement of Bicknor.

5.2 Proposal

- 5.2.1 The applicants advise that they own about 1300 ha of soft and top fruit across Kent. Swanton Farm extends to about 145 ha and employs over 300 full time staff which increases by 800 casual staff to a total of 1100 at picking times.
- 5.2.2 The main packing operations are at Nickle Farm, Chartham, near Canterbury where over £10 million has been invested in new packing and storage facilities.
- 5.2.3 The proposed caravan site will be occupied by 20 caravans, to be painted green and each providing accommodation for 4 pickers (total 80). There will be a 6 metre gap between units.
- 5.2.4 Drainage from each caravan runs to a treatment plant comprising a below ground septic tank system sited abutting the north side of the proposed recreation block
- 5.2.5 The proposed recreation block is sited just over 10 metres from the rear of the building fronting Swanton Street at this point. The recreation block will have a footprint 20x10 metres, an eaves height of just under 3 metres above which will be a hipped roof. The ridge height of the building will be 6.7 metres. The building will be clad in timber boarding with a tiled roof. The majority of the interior of the building will be left open for recreational use with two small areas set aside for laundry and storage purposes.

- 5.2.6 The site is enclosed by a 2.1 metre high steel spile security fence intended to provide security for workers possessions on a day to day basis and to secure the site when the caravans are unoccupied in the winter.
- 5.2.7 It is also intended to provide a native species planting screen running along the whole length of the north and south west site perimeters.
- 5.2.8 Finally the applicants advise that planning permission has already been granted for winter storage of seasonal works caravans, in the same area though on a much smaller site under ref: MA/04/113. This consent expired on the 10th August 2009, They would be happy to see similar conditions imposed on any consent that may be granted subject to condition 3 being altered to allow occupation of caravans from 1st March to 31st October (condition 3 only allowed occupation between 1st June and 31st October in any one year)

6.2 Discussion:

- 6.2.1 Under the provisions of Schedule 2, Part 5, Class B of the General Permitted Development Order 1995, 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.
- 6.2.2 No limit is specified on the number of caravans that can be stationed for this purpose. However in order to avoid potential abuse of such a provision it must first be demonstrated that the number of caravans are proportionate to the scale agricultural operations being carried out. The Councils Rural Advisor has been consulted and is satisfied that the scale of the proposal, including the communal recreational building, appears appropriate to the needs of this established and expanding farm enterprise.
- 6.2.3 Accepting this advice, it is considered that the caravans proposed are justified in agricultural terms and can therefore be sited and occupied from the 1st March to the 31st October in each calendar year without requiring planning permission from the Council.
- 6.2.4 Matters requiring planning permission and therefore determination by the Council are (a) retention and storage of caravans **when unoccupied**, (b) the recreation block and (c) retention of the 2.1 metre high steel spile fence that has been erected to enclose the site.

6.2.5 The key issues in relation to this application are therefore the principle of development, impact of the above on the character and setting of the North Downs Area of Outstanding Natural Beauty (AONB) and Special Landscape Area (SLA), impact on the outlook and amenity of local residents, highway and parking considerations and wildlife and habitat concerns.

6.3 Principle

6.3.1 Given 'permitted development' entitlements enabling the stationing and occupation of the caravans for agricultural purposes, the impacts of the development that can be considered as part of this planning application are restricted to the retention of the caravans on site when not in use and being stored, impact of the recreation block and retention of the spile fencing.

6.3.2 Policies EN33 and ENV34 of the adopted local plan seek to resist development in AONB's and SLA's where landscape protection and conservation will be given priority over other planning considerations. Policy ENV43 states that agricultural buildings will, amongst other things, be permitted subject to it first being demonstrated that they are reasonably necessary for the purposes of agriculture and are otherwise acceptable in design and siting terms.

6.3.3 These policies also need 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;

6.3.4 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.

- 6.3.5 The site falls within an AONB and SLA, and the NPPF makes clear at paragraph 115, that great weight should be given to conserving landscape and scenic beauty in, amongst other things, AONB's. No specific countryside protection is afforded to areas outside AONB's on landscape quality grounds apart from recognition of the intrinsic character and beauty of the countryside.
- 6.3.6 There is also the need to acknowledge the planning history of the site with planning permission being granted in August 2004 under ref: MA/04/1131 for change of use of land for storage of seasonal workers caravans during the winter months. Though the area affected looks to be approximately a third of the size of the area currently proposed, this application represents a significant material consideration in the determination of this application, particularly given that the local plan in force at the time remains the same.
- 6.3.7 Regarding provision of the recreation block, again the erection of the toilet/shower/kitchen building for use by agricultural workers approved in December 2004 under ref: MA/ 04/1159 though smaller than the building currently being proposed, also remains a material planning consideration for the same reasons set out in connection with application ref: MA/04/1131 above.
- 6.3.8 In the circumstances, given:
- the support for the proposal by the Rural Advisor;
 - the support of the NPPF for such development;
 - the local plan in force remains the same as when previous proposals for similar developments were approved back in 2004,

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

6.4 Impact on AONB and SLA:

- 6.4.1 Dealing first with the impact of the caravans, acknowledging that for much of the year they can be stationed without requiring the consent of the Council, it remains to be determined whether storing them in the same location represents an optimum position in minimising their visual impact on the AONB and the SLA.
- 6.4.2 It is acknowledged that caravan sites 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 yearly removal of the caravans to another site for a few months would represent a significant on cost to the business. It is considered it would be unreasonable to place such a cost on the business unless there is a clear cut case of demonstrable harm to the AONB and SLA that could not be resolved by landscape mitigation measures.

- 6.4.3 The site area extends to just over 0.5ha in area which is considerably larger than the area approved for such purposes in 2004. Nevertheless in the context of the wide open landscape in which the site is located surrounded by existing orchards, that it is set at a lower level than surrounding land, will be enclosed on its north and south west sides by a native species hedge that can be required to be maintained by condition in perpetuity and lack of views of the site from public vantage points, it is considered that the visual impact of the unoccupied caravans on the wider landscape when being stored overwinter is acceptable.
- 6.4.4 Turning to the visual impact of the recreation block, it will be hidden from view from the road being sited behind an existing agricultural building while from other directions it will be screened by existing orchards and proposed screening on the site perimeters. Irrespective of this, its design and use of materials with timber weatherboarding and use of plain tiles means that it will appear appropriately rural in character and as such, will not appear out of character in this location. In the circumstances no objection is identified to the recreation block in size, design or siting terms.
- 6.4.5 Regarding the 2.1 metre high steel spile security fence that has been erected, means of enclosure not exceeding two metres high can be erected as 'permitted development'. It is considered that erection of a steel fence 100mm (4ins) in excess of permitted entitlement having a minimalist/utilitarian appearance relatively well hidden behind orchards and proposed landscaping means that its visual impact is acceptable and no material harm to the wider landscape is identified as a consequence.
- 6.4.6 In order 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.

6.4 Impact on the outlook and amenity of local residents

- 6.5.1 Given that the settlement of Bicknor is located approximately 180 metres to the north west of the site with hedgerows, planting and buildings intervening, it is not considered that there will be a direct line of sight to the caravans. As such the visual amenity of local residents will not be affected.

6.5.2 Concerns relating to potential for noise and disturbance when the caravans are being used are also noted. However as their occupation is not subject to planning control this is not a material planning consideration that can be taken into account . Nevertheless given the wide separation distance, it is considered that occupation of the caravans will be unlikely to harm the aural amenity of local residents.

6.5 Highway and parking considerations:

6.5.1 One of the main objections to this development is its impact on the local road network when the caravans are being occupied. However it is precisely when the caravans are being occupied that they represent 'permitted development' and as such do not fall within the scope of planning control. Consequently concerns raised regarding the traffic impacts of the use while the caravans are being occupied by seasonal workers are not material planning considerations that can be taken into account in determination of the application.

6.5.2 When the caravans are being stored overwinter and when planning permission is required, the amount of traffic generated is likely will be minimal and fall within the category of general maintenance required to be carried out by the farm for all its uses and operations in any event.

6.5.3 In the circumstances Kent Highway Services have raised no highway or parking objections to the proposal and this view is accepted.

6.6 Wildlife and habitat concerns:

6.6.1 Work in connection with this application, being the removal of an area of orchard, stationing of the caravans and erection of the steel spile fencing had already been substantially carried out when the application was submitted. Apart from erection of the steel spile fencing none of these works required the consent of the Council. In the circumstances any impacts on local wildlife had already been felt and consideration turns on whether what is proposed in mitigation can be seen to compensate for any wildlife losses that may have occurred.

6.6.2 The applicants advise that about 0.25 ha of orchard trees were removed to enable the work to proceed but advise that these have already been replanted elsewhere on the farm though no details of siting of the trees have been provided. This has been raised an objection to the development. It should be stated however that the applicants are under no obligation to replace the orchard trees lost which has been offered up by them but cannot be required by the Council.

6.6.3 In addition, to help screen the development it is intended to provide just under 190 metres in length of new planting in a double staggered row comprising a native species mix.

6.6.4 In the circumstances, given the orchard replanting that has taken place along with the proposed hedgerow, over time there will be a net increase in wildlife habitat and as such no objection is raised to the development on these grounds.

6.8 Other matters:

6.8.1 The majority of the objections raised to the development have already been addressed above. However the following responds to outstanding concerns that have been raised:

6.8.2 Both the Parish Meeting and local residents wish a number of improvements to be carried out the local highway network along with traffic management measures, setting up of a complaints procedure along with improvements to local village services or St James Church. It is suggested that these can be secured by a S106 legal agreement.

6.8.3 However such measures can only be required by legal agreement if they are proportionate in scale and kind in resolving the impacts specifically caused by the development for which planning permission is sought.

6.8.4 As has already been advised, use of the caravans as pickers accommodation does not require planning permission. As such it is not possible to control what are perceived as the adverse impacts of the caravans use by a S106 legal agreement. However when being stored the concerns raised above would not come into effect.

6.8.5 Consequently while the Council is sympathetic to the concerns raised by the Parish Meeting and local residents regarding the impacts of the caravans when in use, these are not matters which can be addressed by legal agreement. It is noted however that the applicants have offered up a number of measures which they consider will mitigate harm on the local community and both the Parish Meeting and Local residents are advised to pursue these further with the applicants.

6.8.6 Concerns have been raised that the period of occupation sought from March to November in each year is excessive and that accommodation will be provided for workers not employed at Swanton Farm. Dealing first with the period of occupation, this is an operational decision by the applicants and given the support for the proposal by the Rural Advisor, it is considered that it would be difficult to raise a meaningful challenge to this length of occupation.

- 6.8.7 Regarding accommodation for workers not employed at Swanton Farm given that the only the requirement for occupation under 'permitted development' rights is that they shall be used for agricultural workers accommodation it is not possible to control this aspect.
- 6.8.8 Reference has been made to non compliance with conditions appended to application ref: SW/11/000. However given that this is a Swale BC reference, this is not a matter which can be pursued by the Council and the residents' concerns will be referred to Swale for action.

6.9 CONCLUSIONS

6.9.1 These are considered to be as follows:

- Stationing and occupation of the caravans as agricultural workers accommodation does not require planning permission from the Council. Only the winter storage of the caravans when not being used, the recreation building and retention of the steel spile fencing fall to be determined as part of this application;
- No objection is identified to the principle of development given the support of the Rural Advisor, advice contained in NPPF relating economic growth and new buildings in rural areas and that local plan remains the same as when similar developments were approved back in 2004;
- Notwithstanding the visual harm caused by caravans given their low level siting and additional landscaping no material harm is identified to the character and setting of the AONB and SLA.
- Given the size, design and siting of the recreation room and steel spile security fencing enclosing the site and additional landscaping no material harm is identified to these elements on the character and setting of the AONB and SLA.
- No objection is identified on highway or parking grounds to storage of the caravans when empty and;
- The additional hedgerow and replacement orchard planting will bring a net increase in wildlife habitat.

6.9.2 In the circumstances it is considered that notwithstanding the concerns raised regarding occupation of the caravans by seasonal workers, that for the reasons set out above the storage of the caravans is considered acceptable in its impacts and planning permission should be granted as a consequence.

7. **RECOMMENDATION**

GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS:

1. The use of the site for the storage of seasonal worker caravans and the erection of a building for communal use 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. External materials for the communal facilities building hereby approved shall be submitted for prior approval in writing by the Local Planning Authority before work commences and the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

3. When not being used as accommodation for seasonal agricultural workers the site shall only be used for the storage of 20 seasonal agricultural workers caravans and for no other purpose whatsoever.

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

4. The native species hedgerow to the site perimeter shown on planting plan no: 6.6.13v1 attached to the design and access statement, shall be provided within first available planting season and be allowed to grow up to a height of no less than 3 metres. It shall thereafter to be retained at all times thereafter at no less than 3 metres in height. Any part of the hedgerow that becomes dead, dying or diseased shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority and shall be retained at all times in accordance with the terms of this condition.

Reason: In the interests of visual amenity.

5. No lighting required in connection with (a) the storage of seasonal agriculture workers caravans and (b) the communal facilities building shall be installed until details have first been submitted and approved in writing by the Local Planning Authority. Details shall include the design, siting and output of any luminaires and details of the height, design and siting of any supporting columns or fixings. 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.

6. The development hereby permitted shall be carried out in accordance with the following approved plans: drawing nos: 13/280 rev 01, 02, 03, 04, appendix 3 showing schematic block plan, site and planting plan 6.6.13v1 and site location plan scale 1:10000.

Reason: In the interests of visual amenity.

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:

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.