



## Report of the Chief Planning Officer

### PLANS PANEL NORTH AND EAST

Date: 4<sup>th</sup> August 2016

**Subject: APPLICATION 16/03394/FU Retention of 84 caravans in connection with an existing soft fruit farm at Sturton Grange Farm, Ridge Road, Micklefield**

#### APPLICANT

Makins

#### DATE VALID

31<sup>st</sup> May 2016

#### TARGET DATE

30<sup>th</sup> August 2016

#### Electoral Wards Affected:

Garforth & Swillington

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

**DEFER AND DELEGATE approval to the Chief Planning Officer subject to referral of the application to the Secretary of State as a Departure from the Statutory Development Plan and should the Secretary of State decide not to call in the application for determination.**

1. Temporary 3 year permission for caravans including site restoration following expiry
2. Approval in accordance with plans
3. Removal of Agricultural Permitted Development rights (to restrict further seasonal workers caravans being provided within the holding)
4. Caravans only to be occupied by seasonal workers employed on the applicant's holding
5. Landscape scheme to be retained in accordance with previously agreed details
6. Biodiversity management plan retained in accordance with previously agreed details
7. Minibus service for seasonal workers to be provided by the applicant for essential needs
8. Surface water run-off and foul drainage from the caravans and the caravan site to be retained in accordance with previously agreed details (multiple conditions)
9. Number of caravans on the site to be restricted to 84 as shown on the approved layout plan

10. The maximum occupancy of all the caravans shall not exceed the maximum number of seasonal workers specified in the schedule of seasonal worker requirements submitted by the applicant
11. Colour(s) of the caravans to be stationed on the site to remain as originally manufactured
12. Measures to manage and supervise seasonal workers to remain in accordance with previously agreed details.

## **1.0 INTRODUCTION:**

- 1.1 This planning application is brought to Plans Panel (North and East) given the planning history at the site and that Panel Members have previously determined other similar planning applications at Sturton Grange Farm.
- 1.2 A temporary planning permission was most recently granted in 2012 for the retention of these seasonal worker caravans. This application seeks to retain the caravans for a further 3 years. The site is within the Green Belt and there has been no significant change in relevant planning policy since the time of the previous approval. Nevertheless the proposal constitutes a significant departure from the statutory development plan meaning this application must be considered by Plans Panel. Should the Panel support the Officer recommendation to approve the application in principle, it is then necessary to refer it to the Department of Communities and Local Government for final consideration.

## **2.0 PROPOSAL:**

- 2.1 The application seeks to retain 84 caravans for occupation by seasonal workers employed on the existing soft fruit farm. Makins grow strawberries and blackberries using hydroponic and table top production techniques which involve crops being grown in narrow troughs raised on metal legs covered by Spanish style polytunnels. The circumstances surrounding the need for the workforce accommodation on the site are no different to those in previous applications of 2009 and 2011.
- 2.2 The caravan accommodation previously granted permission is restricted to house up to 350 workers although the applicant advises that the labour requirements for this year will peak at 325 (in June). It is during the summer months where the labour requirements rise, with workers involved in the picking, management and planting of the fruit crop. There is a significant drop off in workforce numbers between the months of October to April where the workforce is involved in the construction, dismantling and covering/ uncovering of the polytunnels and maintenance of the equipment associated with the hydroponics and table-top production.
- 2.3 The seasonal workers caravans are centrally located within the farm holding positioned adjacent to existing agricultural buildings and remote from nearby residential properties. The caravans are three bedroom units measuring 9.5m by 3.7m with each caravan having its own lounge, kitchen and bathroom and are 6m apart and arranged in lines so services and access routes (via a grasscrete type surface) are minimised. An underground septic tank is used for foul drainage discharges, taking advantage of a natural dip in the topography. Extensive planting has already been provided around the boundaries of the caravan compound.
- 2.4 Since the grant of permission in 2012, the Seasonal Workers Scheme (SAWS) has been abolished by the government and there is no successor scheme but demand for workers to service the soft fruit industry continues.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 This application relates to land forming part of the Makins farm holding which is situated just beyond the eastern edge of the built-up area of Garforth. The main holding extends from the northern side of the Leeds to York railway line towards Ridge Road (A656) to the east and then to Aberford Road (A624) to the northwest. Part of the holding is also located on the northern side of Ridge Road (extending towards the motorway) but is unaffected by this application. A number of public rights of way cross the farm holding including to the south of field 3 and a recently diverted route to the eastern side of the existing caravan compound.
- 3.2 The application site boundary includes gently sloping land which was grassland in appearance before the caravans were installed. The caravan compound is positioned within a natural depression in the land with the land level rising gently beyond its southern end. The land to the north also rises gently to the north, with the field beyond (field 4) gently dropping down towards the A656 that runs to the north. To the east of the caravan compound is a grassed runway (running north to south) that exists for the private use of the applicant. To the north and east of the caravan compound are fields containing polytunnels.
- 3.3 The wider farm holding has had substantial planting carried out over several years at the roadside boundaries and between fields to provide screening for the wider site. The holding also includes a number of substantial agricultural buildings that are clustered to the centre of the farm holding.
- 3.3 The surrounding area is generally rural in character with the exception of the residential area of Garforth to the west. A football ground (occupied by Garforth Football Club) is also located between the residential area and the holding and includes a substantial spectator stand. The M1 motorway is located to the north, beyond the holding.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 The site has a long planning history and the following applications are relevant:

11/5424/FU Variation of conditions 1, 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 19 of previous approval 08/00988/FU to permit the retention of agricultural workers caravans and polytunnels- Approved (23/07/12)

11/05410/FU 20.02ha of additional polytunnels- Approved (14/06/12)

11/04836/FU Retrospective application for change of use of part agricultural building to form storage and distribution (B8 use)- Approved (13/02/12)

10/05258/FU Retrospective application for detached pump house, detached water treatment shed and irrigation tank- Approved (12/01/11)

10/01960/DAG Determination for enlargement of existing irrigation reservoir- Approved (08/06/10).

10/05258/FU Retention of water pump & treatment sheds- Approved (21/01/11)

09/04902/FU Retention of 1 detached training/welfare building for seasonal agricultural workers and 1 detached borehole shed to farm – Approved (06/01/10)

08/00988/FU Use of land for siting of seasonal workers caravans and an additional 24 ha of polytunnels to farm- Approved (18/03/09)

06/03097/FU Change of use of agricultural land for siting of 60 caravans for seasonal agricultural workers- Refused (07/08/06) (1. Inappropriate development in the Green Belt, 2. Access concerns, 3. Visually unacceptable, 4. Could adversely affect archaeological remains, 5. Public footpath would be adversely affected)

33/1/05/FU Laying out of services and detached electricity sub-station to seasonal workers caravan park (18 caravans) – Refused 11/04/06 – Appeal allowed 18/10/06

33/174/04/FU Use of part agricultural land as light aircraft take off/landing strip (north/south) – Granted 04/11/08

## **5.0 HISTORY OF NEGOTIATIONS:**

5.1 There have been no negotiations on this current application.

## **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 The application was advertised through 6 site notice displays as a major development which is a departure and affects a right of way dated 24<sup>th</sup> June 2016. The application was also advertised in the Yorkshire Evening Post on 1<sup>st</sup> July 2016.

6.2 1 letter of representation received commenting that the caravans should not be sited on the public right of way.

## **7.0 CONSULTATION RESPONSES:**

7.1 Group Surveyor (Agriculture): In view of the previous polytunnel consents and the evident success of the existing enterprise no further agricultural observations to make.

7.2 Highways: No objection.

7.3 Architectural (Police) Liaison Officer: No comments received.

7.4 Flood Risk Management: Details of foul/surface water drainage.

7.5 Public Rights of Way; No objection.

## **8.0 PLANNING POLICIES:**

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

### Local Planning Policy

8.2 The following Core Strategy policies are considered to be relevant:

<u>SP1:</u>	Location of development.
<u>SP10:</u>	Green Belt.
<u>P10:</u>	Seeks to ensure that new development is well designed and respect its context.
<u>EN5:</u>	Seeks to manage and mitigate flood risk.
<u>T2:</u>	Seeks to ensure that new development does not harm highway safety.

8.3 The application site is located within the Green Belt as shown on the Adopted Unitary Development Plan (Review 2006) proposals map and identified by Policy N32. Other UDP policies of relevance are as follows:

Policy GP5: Seeks to resolve detailed planning considerations including design, access and amenity.

Policy N10: Developments which adversely affect public rights of way will not be supported unless suitable alternatives are provided.

Policy N25: Site boundaries should be designed in a positive manner.

Policy N33: Controls development within the Green Belt

Policy N35: Proposals which seriously conflict with protecting the best agricultural land will no be permitted.

Policy GB21: New static caravan sites (for residential or holiday use) will not normally be permitted within the Green Belt.

Policy GB22: Minor ancillary development to achieve compliance with caravan licenses will not be permitted unless it does not cause visual intrusion, lead to the permanent loss of the best agricultural land, detailed highway, planning and environmental health issues are resolved and additional expense do not fall on public utilities or services.

Policy LD1: Requires developments to be adequately landscaped.

8.4 The following Natural Resources and Waste DPD policies are also considered to be relevant:

WATER 7 : All developments are required to ensure no increase in the rate of surface water run-off to the existing formal drainage system and development expected to incorporate sustainable drainage techniques.

#### National Planning Policy

8.5 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

8.6 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.

## 9.0 MAIN ISSUES

1. Retention of the seasonal worker caravans in the Green Belt
2. Impact on visual amenity
3. Impact on residential amenity
4. Other matters

## 10.0 APPRAISAL

### Retention of the seasonal worker caravans in the Green Belt

- 10.1 Planning permission was granted in 2009 to site seasonal workers caravans associated with soft fruit production at Sturton Grange Farm for a three year temporary period. These workers caravans were retained under a subsequent permission in 2012 for a further three years. The circumstances surrounding the need for the accommodation on the site are no different to those in 2009 and 2012 and there remains an essential need for the accommodation of seasonal agricultural workers on site in association with duties on the farm.
- 10.2 The siting of the caravans, is, by definition, inappropriate development in the Green Belt. Accordingly, very special circumstances must be demonstrated which outweigh the harm caused by allowing inappropriate development within the Green Belt if they are to be supported. This requirement still applies even though the caravans are only proposed to be occupied by seasonal agricultural workers.
- 10.3 The very special circumstances advanced by the applicant are as before in that the caravans and accommodated workforce are essential to the success of the soft fruit enterprise. This horticulture enterprise remains a very labour intensive process and there are benefits of managing a transient workforce at their place of work, being reliable and on hand at all times affording greater control/ management by having everyone in one, central location. The workers living within the holding is considered a sustainable option as there is no requirement to travel to work. Moreover, the site contains an amenity building which provides for day-to-day needs and facilities for the workforce, thereby reducing their need to walk off-site.
- 10.4 Since the grant of permission in 2012, the Seasonal Workers Scheme (SAWS) has been abolished by the government and there is no successor scheme but demand for workers to service the soft fruit industry continues and the applicant manages the employment of predominantly European workers who generally stay around six months. It remains the case that as persons work for around 6 months in what are relatively low paid jobs, it is not generally possible for them to find readily available, affordable accommodation on a short term basis, near to their place of work. Therefore, it remains necessary for the farmer to provide the accommodation in order to attract the required workers in the first place and in turn to meet the labour demands of his soft fruit enterprise.
- 10.5 The strength of the very special circumstances advanced by the applicant were accepted back in 2009 and 2012 and it remains the case that soft fruit production at the holding has proved to be successful and is also recognised as being very labour intensive. Based on an earlier business plan the need for up to 350 workers during the peak period (between June and October) was considered to be reasonable and conditions restricting the number of caravans to be stationed on the site (84) and to limit the maximum number of workers allowed to be employed were imposed. These restrictive conditions remain necessary and such controls are recommended to be repeated.

- 10.6 In terms of the requirements for the caravans themselves, clearly the origins of the workers is a major determining factor as if a local labour force could be found then the caravans would not be necessary. Unfortunately, a combination of the seasonal aspect of the work, its unskilled nature, its low pay and poor image is such that the provision of on-site accommodation is one of the few ways farmers have been able to secure reliable workers in recent years. Accordingly, the continued need for workers accommodation is accepted by Officers.
- 10.7 It is to be noted that the permitted development rights which allow temporary seasonal workers accommodation to be provided on the holding without planning permission were removed under the previous permissions and this application does not seek to alter this. Accordingly, the Local Planning Authority would have full control over the details of any additional accommodation should it be required.
- 10.8 The all year round occupation of the caravans (albeit at significantly lower levels during winter months) and the continued renewal of permission for the caravans could in future be viewed as having a degree of permanence. It is, however, to be noted that the caravans are very much temporary in nature and are to be occupied by workers who are staying in the country for up to six months. Accordingly, the extended occupation of the caravans is not considered to imply some degree of permanent residential occupation accrued over time.
- 10.9 Notwithstanding the above, because the caravans still represent inappropriate development within the Green Belt which is by definition harmful, it is only considered appropriate to recommend a further temporary 3 year permission. The fast changing nature of the farming industry is such that it is not clear if the accommodation will still be required in the longer term. As was the case for the planning permissions, the application will need to be referred to the Secretary of State as a departure from the Development Plan.
- 10.10 In view of the above and the government's commitment to support and promote economic growth in agriculture through taking a positive approach to sustainable new development it is considered that the retention of the workers caravans to support the production of soft fruit at this site will help to reduce food miles and seek to become less reliant on foreign food imports.

#### Impact on visual amenity

- 10.11 The visual impact of the proposed seasonal workers caravans were considered acceptable through the grant of the previous permissions which were subject to the provision of screen planting in order to help reduce the visual impact of the proposals which has been undertaken at the holding.
- 10.12 In recognition that the permanent siting of the caravans within the Green Belt constitutes inappropriate development, the applicant carefully chose the accepted location for the caravans back in 2009. In particular, the caravan compound consolidates development within the holding into a central location and the caravans are sited within a natural depression in the landscape making it less visually intrusive within the landscape. The screening offered by the existing large scale agricultural buildings is also noted, particularly when viewed from Garforth to the west. New planting as agreed through landscaping related planning conditions has been undertaken around the perimeter of the caravan site to compliment that which already exists and it is considered that this effectively acts to mitigate the overall visual impact

of the caravans. As with above, this situation will only improve over time as it matures and becomes more effective.

#### Impact on residential amenity

- 10.13 The proposed retained seasonal workers caravans structures are positioned centrally within the farm-holding (approximately 240-400m away from the nearest dwellings in East Garforth). Given the presence of polytunnels within the intervening fields, the presence of the existing agricultural buildings and established screen planting and planting clusters coupled with the large separation distance the proposed retained caravans are not considered to have a direct amenity impact on those Garforth residents abutting the farm-holding boundary.
- 10.14 Back in 2009, the original temporary planning permission for these 84 seasonal workers caravans was granted at Sturton Grange Farm to help alleviate some of the problems residents were experiencing due to the close proximity of the workers caravans to their houses. The caravans were previously being provided under agricultural permitted development rights and the Council had no control over the use or siting of caravans used for seasonal agricultural workers. The application sought to address the issues as best it could at the time and resulted in the caravans being moved to a part of the holding where they would not cause problems.
- 10.15 In light of previous concerns raised about noise and disturbance a general management and complaints reporting condition was attached to the previous permission which allowed the Council to take up any residents complaints anonymously direct with the applicant. Since the granted of temporary permission in 2012 no further complaints from nearby residents have been reported. The lack of complaints received under the management and reporting condition and the fact no formal objection letters have been received from residents is considered significant and it is not considered reasonable to resist this application on amenity grounds. It should also be noted permitted development rights for agricultural workers accommodation is to be removed by condition so a separate application would be required in the event more caravans were required in the future.

#### Other matters

- 10.16 The diversion of the public right of way that ran diagonally through the caravan compound was accepted by the Planning Inspectorate since the last permission and accordingly the Council's Public Rights of Way Officer raises no objection to this application to retain the caravans.
- 10.17 The specific details of surface water and foul water drainage have previously been agreed and those arrangements are to be maintained through the imposition of a planning condition.
- 10.18 This application seeks to retain the seasonal workers caravans granted approval in 2009 and 2012 and as the proposal will not significantly alter the existing farming practices currently employed at the site and that the farm will operate within existing limits the proposal is not considered to have any further highways implications.
- 10.19 The 2012 planning permission imposed a number of planning conditions requiring the applicant to maintain previously agreed details and these are to be repeated under this application.



## **11.0 CONCLUSION**

- 11.1 The proposed development seeks to retain the seasonal workers caravans granted temporary permission in 2009 and 2012. The very special circumstances advanced remain, as accepted previously, that there is a continued essential need for foreign seasonal workers on the farm-holding to undertake duties associated with the soft fruit enterprise. The proposed retained caravans lie centrally within the holding adjacent to existing agricultural buildings, polytunnel structures and within a hollow which will continue to mitigate the overall visual impact of the development. Furthermore, due to the presence of extensive screen planting to the perimeter of the holding as well as to individual fields will continue to mitigate their visual impact.
- 11.2 Overall, it is considered that the proposed retention of up to 84 caravans, for a further period of three years, for occupation by seasonal agricultural workers is, on balance, considered to represent an acceptable departure from the adopted Unitary Development Plan (Review 2006), subject to the retention of conditions specified within the report. As was the case for the previous planning permissions, this application also needs to be referred to the Secretary of State as a departure from the Development Plan before it can formally issued.

### **Background Papers:**

Application and history files.

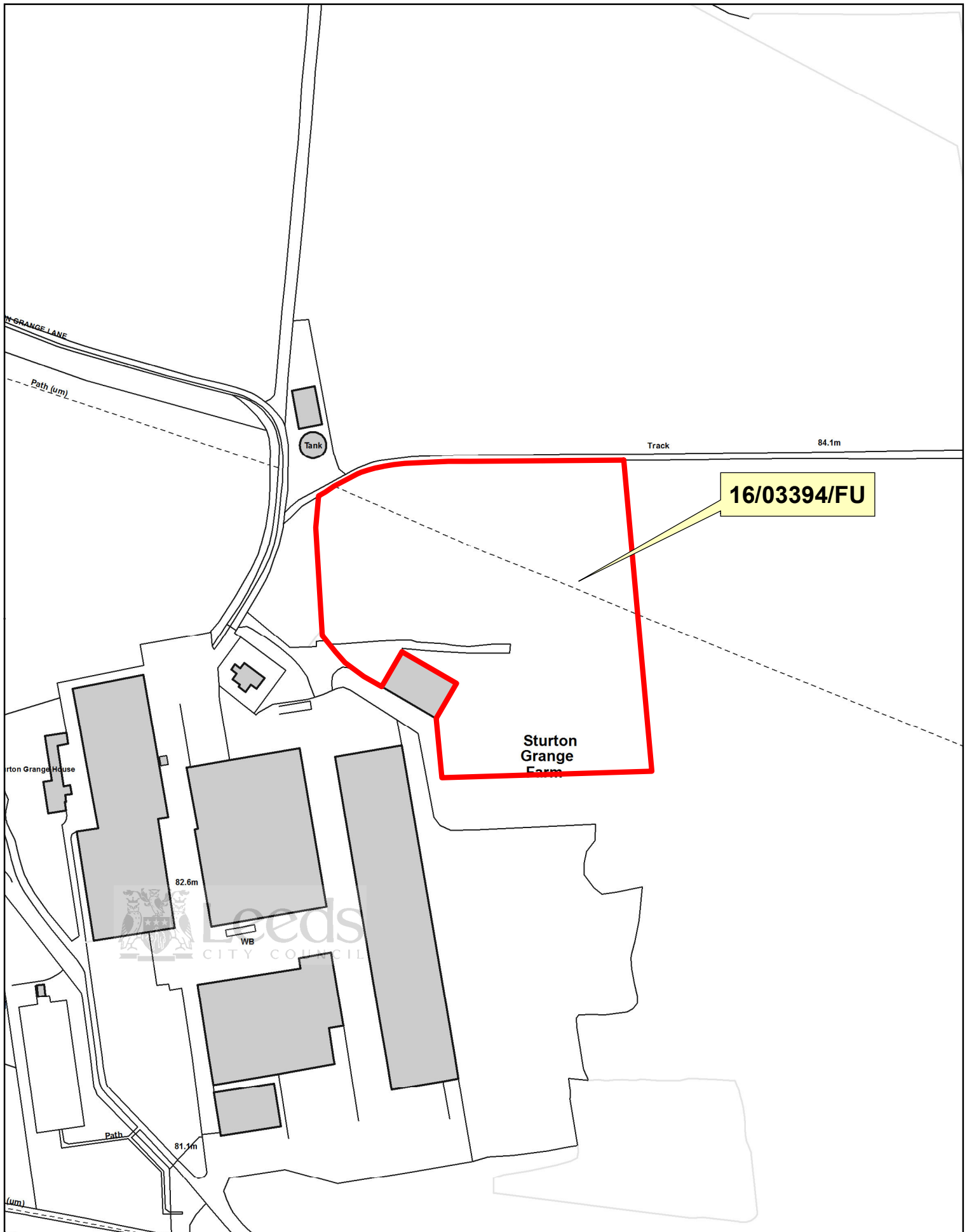
Certificate of ownership: Signed on behalf of the applicant.



Rev	By	Date	Notes
A	WV	23/07/10	50% caravans indicated

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Client: <b>Maitino</b>			
Project: <b>Retention of caravans</b>			
Drawing No: <b>Site Layout</b>			
Drawing No: <b>608-13-CSL 01</b>	Scale: <b>A</b>	Drawn: <b>KG</b>	Checked: <b>KG</b>
Date: <b>1:3008A1</b>	Date: <b>06/03/12</b>	Checked: <b>KG</b>	Date: <b>06/03/12</b>



# NORTH AND EAST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/2500

