
Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 7th June 2012

Subject: APPLICATION 11/05424/FU Variation of conditions 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 19 of previous approval 08/00988/FU to permit retention of agricultural workers caravans and polytunnels at Sturton Grange Farm, Ridge Road, Micklefield

APPLICANT

Makins

DATE VALID

28th December 2011

TARGET DATE

28th March 2012

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. Full permission for the polytunnels
3. Approval in accordance with plans
4. Removal of Agricultural Permitted Development rights (to restrict further seasonal workers caravans being provided within the holding)
5. Caravans only to be occupied by seasonal workers employed on the applicant's holding
6. Landscape scheme to be retained in accordance with previously agreed details
7. Biodiversity management plan retained in accordance with previously agreed details
8. Minibus service for seasonal workers to be provided by the applicant for essential needs
9. 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)
10. Means of dealing with surface water drainage from the polytunnels to be retained in accordance with previously agreed details

11. Number of caravans on the site to be restricted to 84 as shown on the approved layout plan
12. 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
13. Colour(s) of the caravans to be stationed on the site to remain as originally manufactured
14. Measures to manage and supervise seasonal workers to remain in accordance with previously agreed details.

Full details for conditions to be delegated to Chief Planning Officer, including any amendments as considered necessary.

Reason for approval: The application is considered to comply with policies GP5, N10, N25, N26, N32, N33, N35, N37A, N38B, N39A, N49, N51, LD1, and T2 of the UDP Review, as well as guidance contained within NPPF and having regard to all other material considerations the City Council considers there are very special circumstances to justify this development in the Green Belt. These matters are discussed in detail within paras. 10.4-10.15 of this report.

INTRODUCTION:

- 1.1 This planning application is brought to Plans Panel (East) given the planning history at the site and that Panel Members have previously determined other similar planning applications at Sturton Grange Farm. The application is presented alongside another current planning application for additional polytunnels.
- 1.2 This application is brought to Plans Panel as it proposes to retain seasonal worker caravan development in the Green Belt which represents a 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 This single application proposes to retain 24 hectares of existing agricultural fields with polytunnels to grow soft fruit. In addition, 84 permanent caravans are also proposed to be retained which will continue to be occupied by seasonal workers employed on the farm holding.
- 2.2 The polytunnels have a similar appearance to those already situated within the farm holding and comprise of a simple metal framework with plastic sheeting stretched over. The polytunnels are required to protect the soft fruit crop from rain in the growing/picking season. Each tunnel would be approximately 3.2m high and 8m wide at ground level. The length of the polytunnels varies according to the size and shape of the field and the plastic covering is removed during the winter months when the soft fruit production ceases.
- 2.3 The polytunnels have been positioned in two fields (fields 3 and 4) and stand centrally within the farm holding adjacent to the main internal access to the farm complex for the subsequent distribution off-site. It is to be noted that the polytunnels do not extend the growing season but rather protect crops and extend the period of soft fruit production through the use of different varieties. Furthermore, the applicant has invested significantly in the use of a hydroponic system which contains the crop within raised beds. This table top production utilizes the existing on-site irrigation

reservoir on site which is topped up from collected surface water run-off from across the site.

- 2.4 This application also seeks to retain the existing seasonal workers caravans which were relocated from other locations within the holding under a previous planning permission. The caravans which already exist within the holding do not require the benefit of planning permission as they accommodate seasonal workers, which is permitted development. However, the services (e.g. electricity, drainage and water) which are supplied to these caravans do require the benefit of planning permission.
- 2.5 The seasonal workers caravans are centrally located within the farm holding positioned adjacent to existing agricultural buildings and remote from nearby residential properties. The caravan accommodation previously granted permission is restricted to house up to 350 workers (during the peak picking period which is between June and November) and comprises three bedroom units measuring 9.5m by 3.7m. Each caravan has its own lounge, kitchen and bathroom and is 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 western and northern boundaries of the caravan compound with further landscaping works to be undertaken to the eastern and southern boundaries.
- 2.6 The number of seasonal agricultural workers employed on the holding for the previous 3 years is shown in the table below. The labour is provided through the Seasonal Workers Scheme (SAWS) which are housed in caravans in the middle of the farm holding. A projection for 2012 is also provided.

	2009	2010	2011	2012
Jan	0	0	0	50
Feb	0	0	0	50
Mar	8	24	30	35
April	8	47	50	60
May	151	100	100	100
Jun	207	292	200	200
July	182	323	200	200
Aug	160	258	300	320
Sept	144	205	300	320
Oct	72	176	250	180
Nov	27	12	50	60
Dec	0	0	0	50

- 2.7 The investment in the production of soft fruit infrastructure has increased from £1.01m in 2009, £1.13m in 2010, £1.4m in 2011 and is anticipated to be £2m in 2012. This increased expenditure reflects the investment in the use of hydroponic and table top production techniques which involve crops grown in narrow troughs raised on metal legs covered by polytunnel. This change in technique has altered farming practices. As the hydroponic technique means the crop is elevated above the ground it makes the crop more susceptible to the cold and this can lead to crop failure. Therefore, in order to protect the crop the applicant intends to make use of horticultural fleece to cover the plants when temperatures drop. It takes approximately 50 workers to apply and then remove the fleece from over the plants.

Furthermore, the use of hydroponics and table-top production has lead to the introduction of more equipment that requires greater levels of maintenance throughout the year. Accordingly, the applicant states that December, January and February are no longer dormant periods in the horticultural season and therefore is seeking to vary condition 4 of the previous permission to allow up to 50 workers to occupy the caravans during the winter months.

- 2.8 The applicant is presently pursuing the diversion of definitive footpath No.3 (and to link up with footpath No.2 to the north) rather than keeping it running through the compound as originally proposed. This amendment is being considered by the Planning Inspectorate owing to objections received about a proposed diversion to a footpath located to the western part of the holding (off Sturton Grange Lane). Public Rights of Way Officers are preparing written representations for 25th July 2012.

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 site including to the south of field 3 and through the existing caravan compound.
- 3.2 The application site boundary includes gently sloping land which is already in agricultural use or is just grassland. Field 3 rises gently to the north, with field 4 gently dropping down towards the A656 that runs to the north. The caravan compound is positioned within a natural depression in the land with the land level rising gently beyond its southern end. 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 west of the application site are fields already containing polytunnels which cover a total of 24.8 hectares of land. Two of these adjacent fields (field 1 and 2) contained polytunnels for a number of years and are now exempt from enforcement action with the other field (field 6) obtaining planning permission for polytunnels in 2010.
- 3.3 Overall, the farm holding already has a total of 48.5 hectares of polytunnels and permission for up to 84 caravans for use by seasonal agricultural workers (at the time of site visit 76 caravans were in situ). The caravans and 24 hectares of polytunnels were granted permission in March 2009 on a three year temporary basis (expires 18th March 2012) because the permanent siting of caravans within the Green Belt represents inappropriate development. The remaining 24.8 hectares of polytunnels are not time restricted. The number of seasonal agricultural workers caravans already allowed by the previous permission when combined with accommodation already available within the main farmhouse buildings can cater for up to a maximum of 350 workers.
- 3.4 A number of plantations are located within the larger holding and substantial planting has been undertaken 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 farm holding.
- 3.5 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 11/05410/FU 20.02ha of additional polytunnels- Decision pending
- 11/04836/FU Retrospective application for change of use of part agricultural building to form storage and distribution (B8 use)- Granted 13/02/12
- 10/05258/FU Retrospective application for detached pump house, detached water treatment shed and irrigation tank- Granted 12/01/11
- 10/01960/DAG Determination for enlargement of existing irrigation reservoir- Granted 08/06/10.
- 10/05258/FU- Retention of water pump & treatment sheds – Granted 21/01/11
- 09/04902/FU- Retention of 1 detached training/welfare building for seasonal agricultural workers and 1 detached borehole shed to farm – Granted 06/01/10
- 08/00988/FU– Use of land for siting of seasonal workers caravans and an additional 24 ha of polytunnels to farm – Granted 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
- 33/376/01/FU – Laying out of access road, car parking and associated landscaping to potato manufacturing facility – Refused 19/02/02 – Appeal allowed 28/10/02
- 33/375/01/FU – Change of use of agricultural building to potato product manufacturing facility with parking and landscaping – Refused 19/02/02 – Appeal allowed 28/10/02
- 33/374/01/MIN – Effluent treatment plant to potato product manufacturing facility – Refused 19/02/02 – Appeal allowed 28/10/02
- 33/53/97/FU – Use of part of agricultural land to light aircraft take off/landing strip – Granted 01/02/02

- 4.2 Enforcement notice ref: Laying out of services, comprising the provision of a foul drainage system, water supply and electricity supply, the installation of septic tanks and outfalls, the installation of above ground fresh water storage tanks and the construction of a detached electricity sub-station, all to serve a caravan site used to house seasonal agricultural workers - Appeal dismissed, notice upheld (19/03/08)

5.0 HISTORY OF NEGOTIATIONS:

None.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised through 18 site notice displays as a major development which is a departure and affects a right of way dated 13th January 2012. The application was also advertised in the Leeds Weekly News on 26th January 2012.

- 6.2 7 letters of representation received objecting on the following summarised grounds:

- Caravans are an eyesore, spoiling the view and look like a traveler camp and causing noise to neighbourhood.
- Polytunnels are unsightly and spoil view.
- Existing polytunnels prevent rainwater draining into soil and have caused floods.
- Workers seen abandoning Tesco trollies in New Sturton Lane (impact on environment).
- More polytunnels will lead to more caravans, more workers and therefore more noise and disruption to residents.
- Experienced problems of sewerage associated with temporary caravan site.
- Why caravans sited all year for only seasonal work- will they not be upgraded to permanent dwellings?
- Inappropriate use of green belt- impact on openness and appearance.
- Over 300 workers passing driveway (along Sturton Grange Lane) is intimidating.
- Object to permanent siting of caravans- permission only given on 12mth basis to allow situation to be monitored.
- Existing permissions in place (e.g. increased polytunnels) have not been in use for a season as yet and so not allowed residents to record any detrimental behaviour/ loss of amenity resulting from passing migrant workers. Request decision delayed to allow residents to record/log any incident during this coming season.

6.3 Aberford Parish Council comments dated 22nd February 2012. No objection to permitting the retention of agricultural workers caravans and polytunnels as per this application.

6.4 Officers have also met with Councillor Mark Dobson regarding this application and is fully aware of all the issues concerning this application.

7.0 CONSULTATIONS RESPONSES:

Statutory:

7.1 None.

Non-statutory:

7.2 Group Surveyor (Agriculture) comments dated 3rd May 2012. In view of the previous polytunnel consents and the evident success of the existing enterprise no further agricultural observations to make. To be noted that the exceptional circumstances (for caravans) relate to the nature of the workforce (i.e. foreign workers- SAWS initiative). Consider tying workforce to SAWS; any permission to be granted on temporary basis although concern about numbers required during winter months and future claim to justify permanent accommodation.

7.3 Architectural (Police) Liaison Officer comments received dated 2nd May 2012. Reported six incidents of damage and one breach of peace (along Braemar Drive/Sturton Grange Lane) since April 2009 although none attributable to farm workers.

7.4 Public Rights of Way comments dated 5th January 2012. Public footpath No. 2 crosses the site and is subject to a diversion order which is to be determined by the Planning Inspectorate. Until a decision has been made, the definitive line of the footpath should be open and available for use at all times.

8.0 PLANNING POLICIES:

- 8.1 The Development Plan for the area consists of the Regional Spatial Strategy and the adopted Unitary Development Plan Review (UDPR), along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDPR but at the moment this is undergoing production with the Core Strategy still being at the draft stage.
- 8.2 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 with the consultation period closing on 12th April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy set sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.
- 8.3 RSS policy E7: 'Rural economy' which seeks promote the diversification and strengthen rural economies by facilitating development of rural industries, businesses and enterprises.
- 8.4 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 N26: Full applications should indicate how they would be landscaped.

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 N37A: All new development within the countryside should have regard to the existing character and where appropriate, contribute positively to restoration or enhancement objectives.

Policy N38B: Relevant planning applications must be accompanied by Flood Risk Assessments.

Policy N39A: Development which will significantly increase surface water run-off should make provision for adequate drainage.

Policy N49: Seeks to ensure nature conservation issues are addressed.

Policy N51: New development should wherever possible enhance existing wildlife habitats and provide new opportunities.

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.

Policy T2: Considers issues of highway Safety

Supplementary Guidance No.25 –Greening the built edge

8.5 National Planning Policy Framework (NPPF, 2012)

9.0 MAIN ISSUES

1. Background
2. Retention of the seasonal worker caravans and polytunnels in the Green Belt
3. Impact on visual amenity
4. Impact on residential amenity
5. Public rights of way and footpath diversion
6. Other matters

10.0 APPRAISAL

Background:

- 10.1 Planning permission was granted in 2009 to site seasonal workers caravans and additional polytunnels associated with soft fruit production at Sturton Grange Farm for a three year temporary period. Under that permission planning conditions were imposed which the applicant is requesting to be varied or removed where already complied with.
- 10.2 Since the grant of planning permission the farm has continued to invest in infrastructure to support the production of soft fruit at the site and through established use or permanent planning permission 24.8 hectares of polytunnels exist on site, with an additional 24 hectares sought to be retained through this application and a further 20.02 hectares proposed to the eastern side of the farm holding (subject to a separate planning application). The applicant states that there remains an essential need for the accommodation of seasonal agricultural workers on site in association with duties on the farm.
- 10.3 This planning application contains two separate components, namely the caravans and polytunnels and these raise a number of different policy considerations even though one is very much dependant on the other. These considerations were assessed through the grant of the previous planning permission (08/00988/FU) where factors such as the impact on the green belt, visual amenity, residential amenity, highways and public footpaths, drainage, nature conservation and archaeology were assessed. Where appropriate, mitigation measures were secured through the imposition of planning conditions.

Principle of retaining the seasonal workers caravans and polytunnels in the Green Belt:

- 10.4 The applicant seeks to retain the caravans for as long as there is a requirement for them in association with soft fruit production on the farm. As was the case under the previous planning application and having regard to the recently issued NPPF, the use of land for the siting of caravans, is, by definition, considered to be inappropriate development within 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.
- 10.5 For information, it is possible to occupy caravans within the Green Belt under Permitted Development rights associated with the Town and Country Planning (General Permitted Development) Order 1995 providing they are only used on a

temporary basis and occupied by agricultural workers. The key issue is that they need to be removed once they are no longer needed. Prior to the 2009 permission, the applicant utilised agricultural permitted development rights by providing temporary accommodation within caravans for the seasonal workers. These caravans were sited throughout the holding, but the main concentration was in the field immediately adjacent to houses fronting The Chase which resulted in numerous complaints. The 2009 permission was a way to resolve this matter by affecting the relocation of the offending caravans away from any residential properties.

- 10.6 The very special circumstances advanced by the applicant in seeking to justify the caravans remain as before in that they are essential to the success of the soft fruit enterprise as it is a very labour intensive process and they are required to accommodate the workers. Having the workers living within the holding is also cited as being very sustainable in its own right since there is no requirement to travel to work. Again, the applicant points to the 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 site now contains an amenity building which provides for day-to-day needs and facilities for the workforce, thereby reducing their need to walk off-site.
- 10.7 As was the case in 2009, labour is provided through the government led initiative Seasonal Agricultural Workers Scheme (SAWS) which guarantees good, reliable labour from Eastern Europe, most of which are students. As the SAWS program only allows persons to work for a maximum of 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. The applicant also continues to cite a general shortage of accommodation as being a particular problem. So it proved necessary for the farmer himself 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.
- 10.8 The strength of the very special circumstances advanced by the applicant were accepted back in 2009 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 November) 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 could be repeated.
- 10.9 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 SAWS initiative 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.
- 10.10 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 2009 permission 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.

- 10.11 In view of the changes to the methods of soft fruit production the applicant is seeking permission to allow up to 50 workers during the winter months to assist with the application and removal of horticultural fleeces to protect the crops in the event that temperatures drop, as experienced in 2011. Crops grown through the table-top production method are sensitive to the cold and without protecting the crop this could lead to crop failure. Given the introduction of more equipment to support the soft fruit production at this holding and in view of the scale and the increasing all year round nature of the enterprise it is considered reasonable to vary the current restrictions and allow a reduced workforce presence at the holding (50), occupying the seasonal workers caravans during the winter months. Concern has been expressed about the all year round occupation of the caravans and that 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 limited to stay 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.
- 10.12 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 planning permission 08/00988/FU, the application will need to be referred to the Secretary of State as a departure from the Development Plan.
- 10.13 Fruit growing falls within the definition of agriculture and accordingly the use of polytunnels to assist with this activity represents appropriate development within the Green Belt. The recently issued NPPF outlines the purpose for designating land as Green Belt but it mostly focuses on seeking to resist inappropriate development and does not mention polytunnels specifically. It does, however, identify that the construction of new buildings for purposes of agriculture be regarded as an exception to the general presumption against allowing new buildings in Green Belt.
- 10.14 The NPPF does support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development, including promoting the development and diversification of agricultural and other land-based rural businesses. The proposed additional polytunnels will enable an expansion of the horticultural activity at the holding to meet the domestic demand for soft fruit thereby reducing the unsustainable practice of importing produce from foreign countries.
- 10.15 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 production of soft fruit at this site will help to reduce food miles and seek to become less reliant on foreign food imports, it is considered current planning policy is weighted in favour of the farmer. For this reason, it is considered that providing the visual impact of any proposal for appropriate development within the Green Belt is not seriously detrimental, the scheme merits support. In this regard, the NPPF does support the beneficial use of the green belt to amongst other things, retain and enhance landscapes, visual amenity and biodiversity. In view of this, the construction of polytunnels is considered to be acceptable in principle although it is still necessary to consider their continued visual impact.

Impact on visual amenity:

- 10.16 The visual impact of the proposed seasonal workers caravans and polytunnels were considered acceptable through the grant of the previous permission which was also 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.
- 10.17 The use of polytunnels are becoming more commonplace as farming practices constantly adapt to keep pace with ever changing consumer demands and market forces and this has been evident at this farm holding. However, the justification of continuing to allow polytunnels within the site is considered to be strong and having already been established by the grant of the previous polytunnel applications on this site and elsewhere within the farm-holding.
- 10.18 Notwithstanding the above, the retention of these polytunnels at the scale proposed will clearly continue to have some visual impact. Given the position of the fields within the farm-holding the polytunnels will be most visually apparent to those drivers passing along the A656 to the north, from distant views from the residences to the west and from within the holding itself due to the presence of public footpaths that cross the site. However, the existence of elements of thick planting on the boundaries to the fields containing the polytunnels helps to ameliorate the overall visual impact of the polytunnels. The new planting agreed through the previous permission has been undertaken and will in time mature to form effective screens although it is acknowledged that there will always be some element of the polytunnels visible to public areas.
- 10.19 In recognition that the permanent siting of the caravans with 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:

- 10.20 The proposed retained seasonal workers caravans and polytunnel 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 and polytunnel structures are not considered to have a direct amenity impact on those Garforth residents abutting the farm-holding boundary.
- 10.21 However, objections have been received from some residents relating to concerns about the continued use of polytunnels and seasonal workers caravans at the farm-holding which would lead to a further increase in foreign seasonal workers in the area resulting in more noise and disruption to local residents. Some of the problems reported by some residents in their letters of objection relate to the agricultural workers themselves. In particular, issues such as noise, disturbance and litter are mentioned and are mostly focused on the use of Sturton Grange Lane (where it joins

with the residential estate to the west). This route appears to be the shortest and most convenient route for workers to travel to and from Garforth town centre and it is known that issues concerning taxi drop-offs and the intimidatory nature of groups of workers walking along the lane are of concern to nearby residents. Some residents also cite the increase in the number of foreign seasonal workers into the area (and subsequent need for more caravans at the farm-holding) as being problematic as tensions between them and local residents are reported.

- 10.22 Back in 2009, the original 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. Nevertheless, it was still accepted the workers would remain and ultimately it was not for the planning system to determine where these workers came from.
- 10.23 Notwithstanding the above and in an attempt to exercise an element of control over the workers, a general management and complaints reporting condition was attached to the previous permission which allows the Council to take up any residents complaints anonymously direct with the applicant. To date, five complaints were reported between 7th July and 10th August 2009 with two further complaints registered in September and December 2011. These complaints were received from the same household. The complaints received in 2009 and in September 2011 focused on incidents of noise and disturbance by workers when entering and leaving the holding via Sturton Grange Lane. The complaint resulted in the applicant having to remind all workers of the need to respect neighbouring residents living conditions. The complaint received in December 2011 related to a planning enforcement matter concerning the use of one of the agricultural buildings on site. No further formal complaints have been reported to the Council although it is understood that the applicant has been approached direct raising concerns on a number of occasions.
- 10.24 Nevertheless, of the seven letters of objection received against this proposal, three refer to the noise and disruption from workers with one other resident commenting on the increasing presence of foreign nationals in the area. The lack of complaints received under the management and reporting condition and the fact only two formal objection letters have been received from residents who abut Sturton Grange Lane (out of the 11 who do) is considered significant and for this reason it is not considered reasonable to resist this application on amenity grounds. Two objectors have requested that the planning decision for the retention of the seasonal workers caravans is delayed until the end of the season where residents can properly record incidents and consider any impact from the additional polytunnels laid out under the 2010 polytunnel permission. It is however necessary for the applicant to submit this application at this time as their previous temporary permission for the seasonal workers caravans has lapsed. The local crime reduction team have been contacted about whether there have been any reported incidents along Braemar Drive and Sturton Grange Lane. According to their records, since 2009 they have received six damage reports and one breach of the peace but none of these incidents can be attributed to the workers at the farm site.
- 10.25 In the light of the above, and the applicant's confirmation that there would not be an increase the labour requirements of the holding above the 320 worker mark (which is 30 lower than originally anticipated in the 2008 application and which can be readily

housed within authorised on-site accommodation), it is not considered reasonable to resist the current application on the grounds it adversely impacts on residents living conditions. It should also be noted permitted development rights for agricultural workers accommodation has already been removed under the 2008 application so a separate application would be required in the event more caravans were required in the future.

Public rights of way and footpath diversion

- 10.26 The proposed polytunnels are to be sited over existing agricultural fields and will not encroach on the public rights of way that exist across the site. The applicant is proposing to divert the existing footpath that runs diagonally through the caravan compound. The alternative arrangements are currently subject to consideration by the Planning Inspectorate. The Council's Public Rights of Way Officer does not object to the proposal although the footpath should remain open and available for use until such a decision is reached. It is considered that the existing footpath in question is more of a long distance route situated within the countryside rather than a strategic or historic walk, the proposed diversion can be supported.

Drainage issues

- 10.27 The specific details of surface water and foul water drainage were secured through the imposition of planning conditions on the earlier permission. These details were agreed and the works undertaken at the site. However, two separate reported complaints have been lodged with the Environment Agency concerning discharges from the farm site in the past year. Beyond the south-western boundary of the farmholding, and in the vicinity of the dwellings along Ludlow Avenue, are surface water sewers. The applicant advises that in the summer of 2011 the installed drainage system did not perform as anticipated. The system temporarily pumped to what was thought to be a combined sewer but this was later found to be a surface water sewer only. The pumping was stopped and a re-design of the system was carried out and overseen by the Environment Agency (EA) and LCC Building Control. In March this year a further resident complaint was received by the EA (via Cllr Mark Dobson), again referring to the surface water sewers that run near to the dwellings on Ludlow Avenue concerning increased water flows within the sewer. An EA officer visited the site and confirmed that there did appear to be a significant flow into the sewer but that there was no smell of sewage or detergent which would be expected if any foul water was discharged into the system. Yorkshire Water have confirmed that the illegal connection into the surface water sewer has been removed and re-routed into the existing water treatment facility on site. Yorkshire Water have inspected the site and confirm that they intend to take no further action in respect of this matter. The reported increase in water flows within the sewer have been investigated by the applicant who advises that when the nearby irrigation reservoir was extended, the close proximity of two field drains went unnoticed and meant that the reservoir was losing water to the field drain system and then into the surface water sewer. The applicant has advised that steps are being taken to seal the leak from the reservoir which will in turn reduce the level in the surface water sewer.
- 10.28 In addition to the above reported complaints, it is understood that the EA have recently been corresponding with the applicant in regards to obtaining an environmental permit to discharge foul water drainage to groundwater (via the installed septic tank and infiltration system). An application was submitted but was withdrawn by the applicant in March due to the absence of a groundwater risk assessment which was requested by the EA. No further correspondence has been received to date.

Other matters:

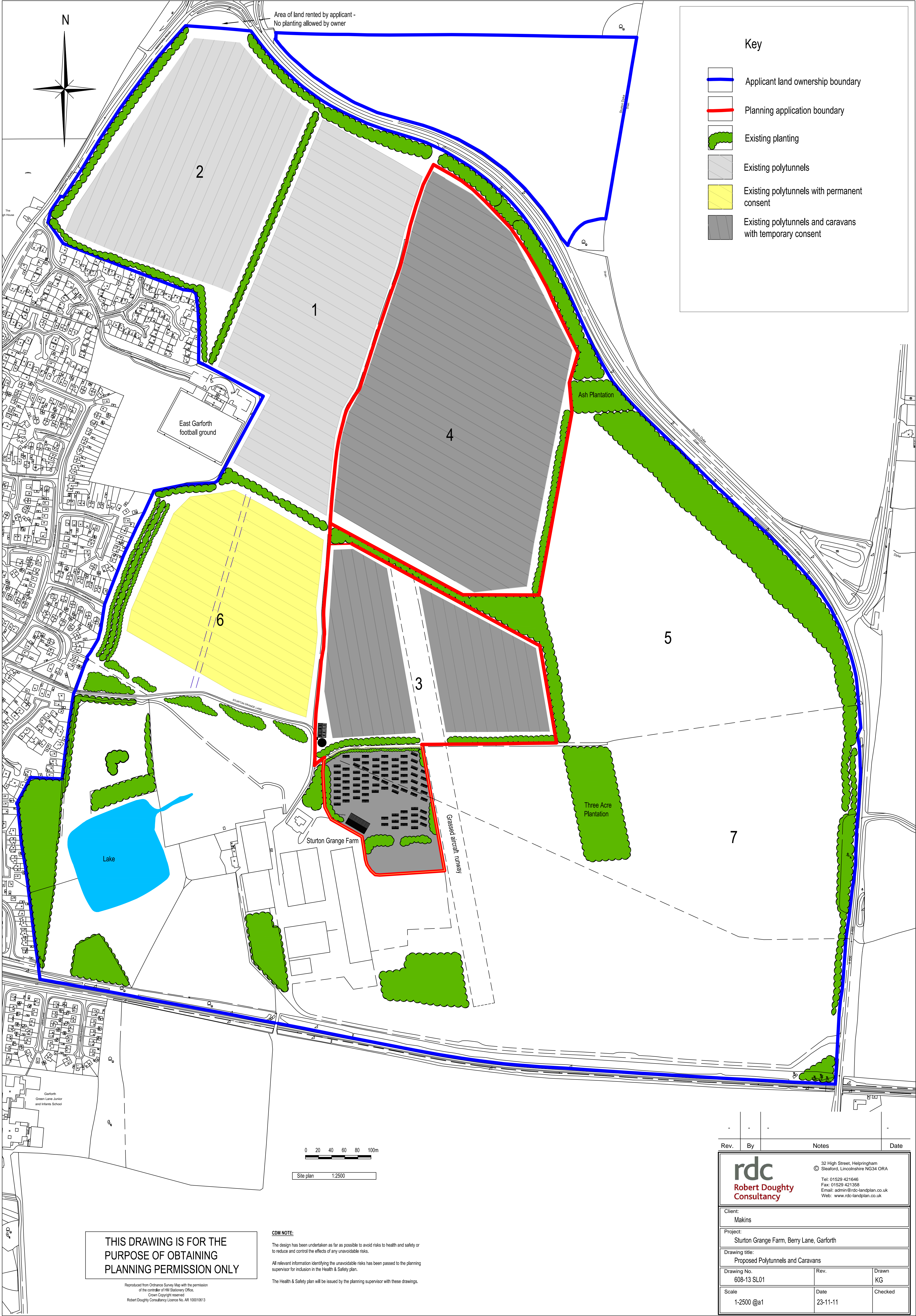
- 10.29 This application seeks to retain the seasonal workers caravans and polytunnels granted approval in 2009 and as the proposal will not significantly alter the existing farming practices currently employed at the site and that the farm will operate within existing limits the proposal is not considered to have any further highways implications.
- 10.30 The 2009 planning permission imposed a number of planning conditions requiring the applicant to submit further details for the agreement of the local planning authority prior to the commencement of the development. A number of these planning conditions have been subsequently discharged with works undertaken at the site prior to the original siting of the caravans and polytunnels. For instance, details relating to a great crested newt survey and archaeological watching brief have already been submitted and discharged and therefore any repetition of such conditions would serve no purpose. For this reason, a number of the conditions imposed under the 2009 permission are no longer considered to be necessary and could be removed.
- 11.0 CONCLUSION**
- 11.1 The proposed development seeks to retain the seasonal workers caravans and polytunnels granted temporary permission in 2009. The very special circumstances advanced remain, as accepted in 2009, 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 polytunnels are considered appropriate development for the purpose of applying Green Belt policies and can be supported providing their visual impact is adequately mitigated.
- 11.2 The proposed retained caravans lie centrally within the holding adjacent to existing agricultural buildings and within a hollow which will continue to mitigate the overall visual impact of the development. Furthermore, neither the caravans or polytunnels would not be sited within a Special Landscape Area and 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. In addition, the presence of polytunnels to adjacent agricultural fields is such that it is considered appropriate to support this proposal in visual impact terms.
- 11.3 Overall, it is considered that the proposed retention of 24ha of polytunnels on the farm-holding and the continued provision of up to 84 caravans, for a further period of three years, for occupation by foreign 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 planning permission Ref:08/00988/FU, this application will need to be referred to the Secretary of State as a departure from the Development Plan.

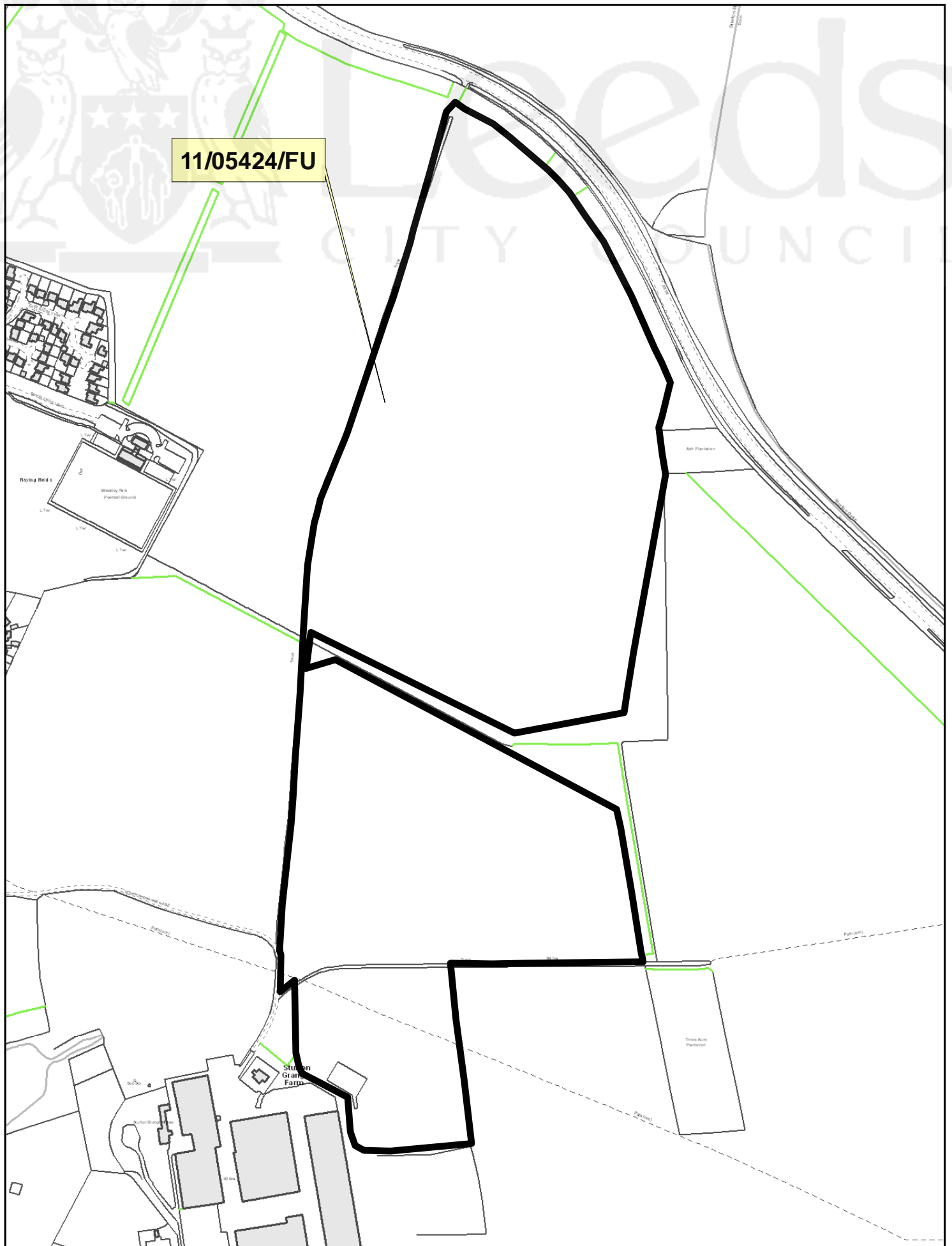
Background Papers:

Application and history files.

Certificate of ownership: Signed on behalf of the applicant.

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EAST PLANS PANEL