



Report of the Chief Planning Officer

PLANS PANEL NORTH AND EAST

Date: 24th October 2019

Subject: APPLICATION 19/05155/FU Variation of condition 1 (temporary time limit) of planning permission 16/03394/FU for the retention of 84 caravans in connection with an existing soft fruit farm at Sturton Grange Farm, Ridge Road, Micklefield

APPLICANT

Makins

DATE VALID

19th August 2019

TARGET DATE

18th November 2019

Electoral Wards Affected:

Garforth & Swillington

Yes

Ward Members consulted

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 drainage from the caravans and the caravan site to be retained in accordance with previously agreed details

9. Foul water drainage from the caravans to be retained in accordance with previously agreed details
10. Number of caravans on the site to be restricted to 84 as shown on the approved layout plan
11. 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
12. Colour(s) of the caravans to be stationed on the site to remain as originally manufactured
13. 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 2016 for the retention of these seasonal worker caravans. This application seeks to vary condition 1 of permission Ref: 16/03394/FU to retain the caravans on site. 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 and in accordance with the scheme of delegation requires that this application must be considered by Plans Panel. Should Plans Panel support the Officer recommendation to approve the application in principle, it is then necessary to refer it the application 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, 2011 and 2016.
- 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 peaked at 325 (in June), the same as the last three years. 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 In 2019, the government introduced the Seasonal Workers Programme, a pilot scheme run by the Home Office whereby for 2019 and 2020, 2,500 non-EU workers will be allowed to work in horticultural and fruit industry in the UK to essentially top-up the seasonal labour requirements.

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 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.
- 3.4 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 application site has an extensive long planning history and the following applications are considered to be of relevance:

16/03394/FU Retention of 84 caravans in connection with an existing soft fruit farm- Approved (25/08/16).

11/05424/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) (On grounds of inappropriate development in the Green Belt; access concerns; visually unacceptable; could adversely affect archaeological remains; adversely affect public footpath).

33/1/05/FU Laying out of services and detached electricity sub-station to seasonal workers caravan park (18 caravans) - Refused 11/04/06 (On grounds of noise and disturbance from comings and goings; in appropriate development in Green Belt resulting in harm to openness and character). Appeal allowed (18/10/06).

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

5.0 HISTORY OF NEGOTIATIONS:

5.1 There have been no negotiations on this current application due to the nature of the application.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was advertised through 7 site notice displays as a major development which is a departure and affects a right of way dated 4th September 2019. The application was also advertised in the Yorkshire Evening Post on 30th August 2019.

6.2 No letters of representation have been received.

7.0 CONSULTATION RESPONSES:

7.1 Highways: No objection, subject to previous conditions being carried forward.

7.2 Architectural (Police) Liaison Officer: No comments to make.

7.3 Flood Risk Management: No objection.

- 7.4 Public Rights of Way: No objection.
- 7.5 Transport Policy (Environmental Studies): No objection.
- 7.6 Neighbourhoods and Housing: No noise related/ anti-social behavior complaints in respect of the seasonal worker caravans.

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 (2014 and its Selective Review 2019), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013), the Aire Valley Leeds Area Action Plan (2017) (AVLAAP), the Site Allocations Plan (July 2019) (SAP) and any made Neighbourhood Plan(s) (NP). The site does not fall within the AVLAAP boundary and the SAP does not contain policies that are relevant to this particular development. In addition there is no made NP for this area.

Local Planning Policy

Unitary Development Plan (UDP) adopted in 2006

- 8.2 The UDP sets the spatial strategy for the Leeds Metropolitan district and allocates sites within the area for specific uses. Many of the UDP policies have been superseded by the Core Strategy, Natural Resources and Waste Local Plan, The Aire Valley Leeds Area Action Plan and Site Allocations Plan. However there are 'Saved Policies' which remain relevant for Development Management purposes. The application site is located within Green Belt. The following saved policies are considered to be of relevance:

- GP5: Seeks to resolve detailed planning considerations incl. design, access and amenity.
- N25: Site boundaries should be designed in a positive manner.
- N32: Green Belt and the proposals map.
- N33: Controls development within the Green Belt.
- N35: Proposals which seriously conflict with protecting the best agricultural land will not be permitted.
- LD1: Seeks for landscape schemes to complement and where possible enhance the quality of the existing environment.
- BD5: Requires new buildings to give consideration to both their amenity and that of their surroundings.

Natural Resources and Waste Local Plan (NRWLP) adopted in 2013

- 8.3 The NRWLP comprises of policies and allocations relating to climate change, air quality, flood risk, minerals and waste. The following policies are considered to be relevant:

- AIR1: Major developments required to incorporate low emission measures to mitigate impacts on air quality.
- 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.

LAND1: Supports principle of development on previously developed land and requires submission of information regarding the status of the site in term of contamination.

LAND2: Development should conserve trees and introduce new tree planting.

Core Strategy (CS) (as amended by the Core Strategy Selective Review, 2019)

- 8.4 This comprises of policies which set the strategic vision, spatial strategy and quantities of development and strategic policies for land and development within the Leeds Metropolitan District until 2028. The following core strategy policies are considered to be relevant:

SP1: Delivery of spatial development strategy.

SP10: Green Belt.

P10: New development for buildings and spaces, and alterations to existing, should ... provide good design that is appropriate to its location, scale and function;

T2: New development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility.

EN1: Carbon Dioxide reductions for major developments

EN2: Sustainable design and construction

EN5: Seeks to manage and mitigate flood risk.

Supplementary Planning Documents (SPDs)

- 8.9 SPDs and supplementary guidance provide additional planning guidance to policies in the adopted Local Plan. SPDs and supplementary guidance considered of relevance: SPG22 Sustainable Urban Drainage (2004)

National Planning Policy

The National Planning Policy Framework (NPPF, 2019)

- 8.10 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. 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.
- 8.11 The NPPF gives a presumption in favour of sustainable development (para. 11).

- 8.12 Chapter 6 is entitled “Building a strong, competitive economy”. It sets out that “...decisions should help create the conditions in which business can invest, expand and adapt” (para. 80). The NPPF progresses to state that decisions enable the sustainable growth of all types of businesses in rural areas and the development and diversification of agricultural businesses (para. 83).
- 8.13 Chapter 9 covers the promotion of sustainable transport modes and achieving safe and suitable access to sites for all users (para.108) and to refuse developments on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe (para.109).
- 8.14 Chapter 12 identifies that good design is a key aspect of sustainable development creation of high quality buildings and places is fundamental to sustainable development (para.124).
- 8.15 Chapter 13 covers protecting Green Belt land and the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open (para.133). Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para.143). A local planning authority should regard the construction of new buildings as inappropriate, unless exceptions apply (para.145).
- 8.16 Chapter 14 requires account be given to flood risk and that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere (para.163).
- 8.17 Chapter 15 states that planning policies and decisions should contribute to and enhance the natural and local environment (para.170) and ensuring that a site is suitable for its proposed use taking account of ground condition and any risk arising from land instability and contamination (para.178).

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

1. 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 subsequent permissions in 2012 and 2016 for further three year periods. The circumstances surrounding the need for the accommodation on the site are no different to those advanced in 2009, 2012 and 2016 and there continues to be an essential need for the accommodation of seasonal agricultural workers on site in association with duties on Makins 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 are needed to accommodate the workforce who 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 In 2019 the Government introduced the Seasonal Workers Programme, a pilot scheme allowing 2,500 non-EU workers to work in UK horticultural and fruit industries to essentially top-up the seasonal labour requirements. Demand for such workers continues and the applicant manages the employment of predominantly European workers who generally stay around six months. It remains the case that the worker are employed for around 6 months in what are relatively low paid jobs, it is not generally possible for them to find readily available and 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, 2012 and 2016 and it remains the case that soft fruit production at the holding has proved to be successful. Based on an earlier business plan it is identified that there is a need for between 250 to 325 workers during peak periods (between June and August) and taking account of the scale and nature of the soft fruit enterprise this was considered to be reasonable. Planning 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 on earlier permissions. 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. 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- up to 50 between November and April) 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 generally staying in the country for circa 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 earlier planning permissions, the application proposals represents a departure from the Development Plan and it will therefore be necessary to refer this application to the Secretary of State.
- 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 become less reliant on foreign food imports.

2. 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, having established and matured, and it is considered that this effectively acts to mitigate the overall visual impact of the caravans within the surrounding landscape. As with above, this situation will only improve over time as it matures and becomes more effective.

3. 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 with the applicant directly. Since the 2016 temporary permission was granted the Council have received one complaint relating to the farm's workforce and this concerned noise from pickers out in the field at 4am (August 2018). This matter was referred to Makins who advised that they had spoken to their staff about noise and altered their on-site practices to start fruit picking from the middle of the field. A contributory factor to the early starts was the warm weather conditions although it is to be noted that as an established farm holding there are no planning related time restrictions for when workers undertake their duties on site. No further complaints from nearby residents have been reported and the Council's antisocial behaviour team have not received any complaints about the Makin farm's employees during this time. 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. 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.

4. Other matters

- 10.16 The diverted public right of way that (Sturton Grange Public Footpath No.2) runs along to track abutting the northern boundary of the caravan compound and is not affected. The Public Rights of Way Officer is not aware of any complaints about the public footpath and raise no objection.
- 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, 2012 and 2016. 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. The Council's Highways officer raises no objection.
- 10.19 Previous planning permissions relating to this site imposed a number of planning conditions requiring on-going compliance from the applicant and it is necessary for these 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, 2012 and 2016. 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 depression in the land which will continue to mitigate the overall visual impact of the

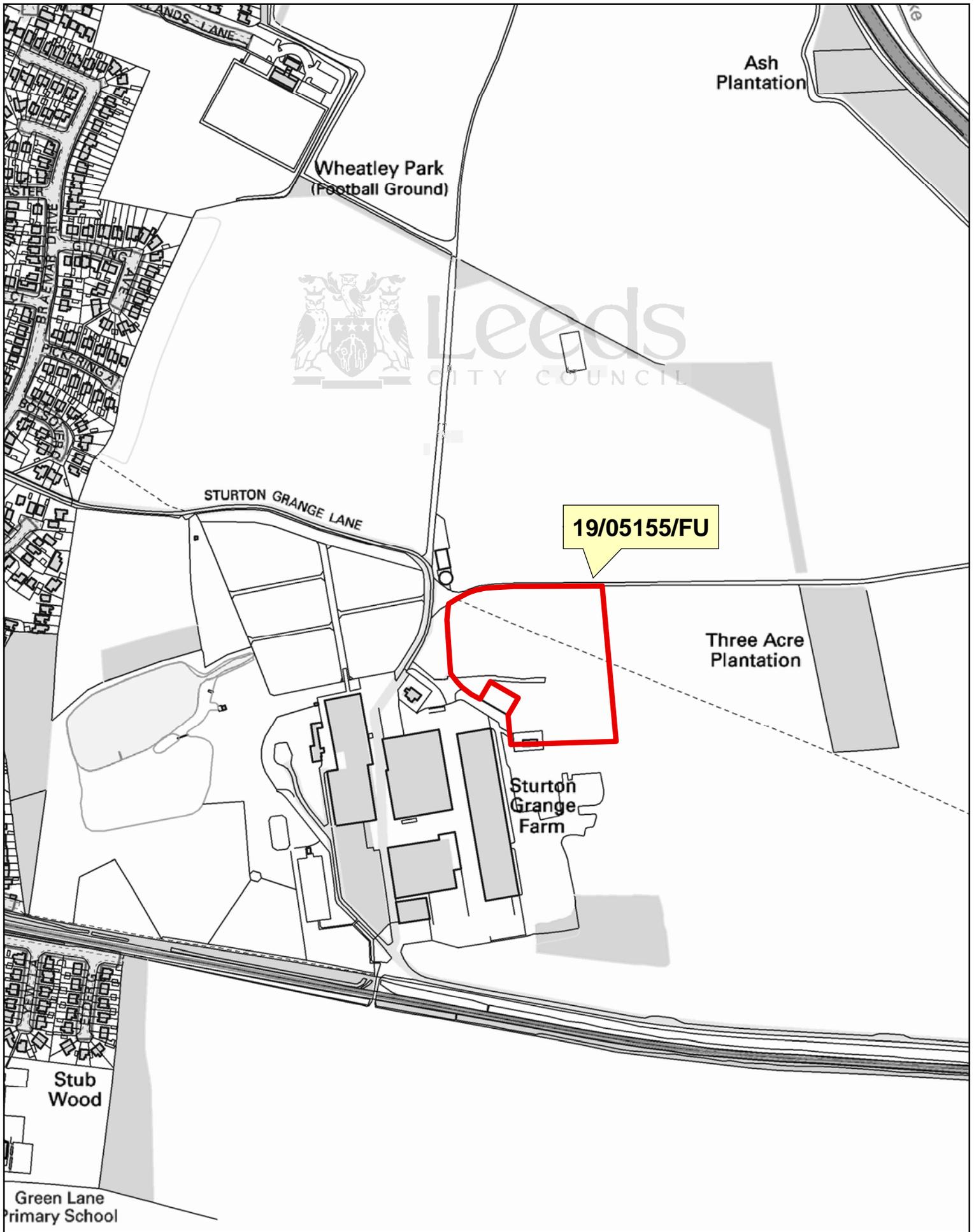
development. Furthermore, due to the presence of extensive and continuously maturing screen planting to the perimeter of the holding as well as to individual fields will continue to mitigate the visual impact of the seasonal workers' caravans.

- 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 development plan, subject to the retention of conditions specified within this report. As was the case for the previous planning permissions, it will be necessary for this application to be referred to the Secretary of State as a departure from the Development Plan before permission can formally issued.

Background Papers:

Application and history files.

Certificate of ownership: Signed on behalf of the applicant.



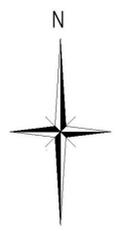
NORTH AND EAST PLANS PANEL

© Crown copyright and database rights 2019 Ordnance Survey 100019567

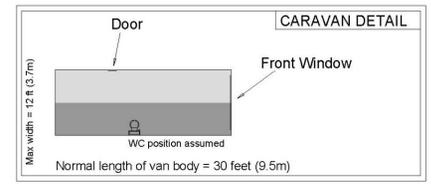
PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/5000





- Key**
- Existing Trees
 - Existing Grass Areas
 - Runway
 - Existing Caravans
 - Existing Tree Planting
 - Existing Shrub Planting
 - Existing Tree Mix



A	WW	84 caravans indicated	21/7/16
Rev.	By	Notes	Date
Client: Makins			
Project: Retention of caravans			
Drawing title: Site Layout			
Drawing No. 608 - 13 - CSL 01	Rev. A	Drawn KG	
Scale 1:500@A1	Date 06/03/12	Checked	

Ordnance Survey Crown Copyright 2008. All rights reserved. Licence number 100020449

DO NOT SCALE from this drawing. All measurements should be checked against on site conditions and any discrepancies should be brought to the attention of the Robert Doughty Consultancy.