

Hadlow (Hadlow)/East Peckham **564740 149480** **07.03.2006** **TM/06/00781/FL**
Hadlow, Mereworth And
West Peckham/East
Peckham And Golden
Green

Proposal: Storage of caravans otherwise used for seasonal occupation
by agricultural workers
Location: Boormans Farm Court Lane Hadlow Tonbridge Kent
Applicant: Mr Peter Kedge

1. Description:

- 1.1 Planning permission is being sought for the storage of a number of caravans otherwise used for the accommodation of agricultural seasonal workers. The caravans are already on two separate sites. The seasonal occupation of the existing caravans is permitted development under Part 5 of Schedule 2 of the General Permitted Development Order 1995. The application is for the storage of the caravans whilst not in occupation. Submission of this application follows an enforcement investigation and it does appear that caravans have been retained on site at times when they have not been occupied by seasonal workers.
- 1.2 The applicant owns land at Boormans Farm and Victoria Farm and rents additional land at Goblands Farm and Dux Farm. The farming enterprise primarily produces top fruit and the accommodation is required to house agricultural workers primarily during the peak picking season although it is also occupied by seasonal staff engaged in pruning, thinning and packing.
- 1.3 Members will note that an Agricultural Prior Notification has been received for the erection of a new agricultural building under reference TM/06/01115/AGPN and this is awaiting determination.

2. The Site:

- 2.1 A group of caravans exists to the east of Boormans Farm comprising 2 touring caravans and 3 mobile homes, which, at the time of a recent site inspection appeared to be occupied. The caravans are some distance from the road and screened by an existing stand of mature trees. Similarly an existing agricultural building provides some screening from the adjacent dwellings at Boormans Farm. An additional agricultural building is proposed (TM/06/01115/AGPN) which would provide further screening. This site lies within Hadlow Parish.
- 2.2 A second group of caravans exists further to the east adjacent to the reservoir. This comprises 3 mobile homes and is set some considerable distance from the road. The site is screened by existing trees to the north and east. This site lies within East Peckham Parish.

2.3 Because the application straddles the Parish and Ward boundaries, it is being reported to both the Area 1 and Area 2 Planning Committees. At their meeting on 4 May, Members of the Area 1 Committee resolved to grant planning permission, subject to the conditions in the recommendation at the end of this report, and subject to Members of this Committee also resolving to approve the application (along with any further conditions that this Committee feels may be justified). Should the Area 2 Committee reach a different conclusion, the application will need to be referred to Council for determination.

3. Planning History:

- 3.1 TM/06/01115/AGPN Awaiting determination
Prior Agricultural Notification: Cold store/agricultural machinery building.
- 3.2 TM/06/00779/AGPN Planning Permission Required 31.03.2006
Prior Agricultural Notification: Access drive, cold store/agricultural machinery building and hard standing.
- 3.3 TM/99/00294/AGPN Prior Approval Notification Not Required 17.03.1999
Prior Agricultural Notification: Re-siting of existing farm building and construction of access track.
- 3.4 TM/90/0678 No Objection 26.07.1990
Application Under Reg 4: Change of use of first floor of oast building to provide Hostel Accommodation and provide shower facilities within existing toilet/washroom area at ground floor.
- 3.5 SW/6/72/56 No Objection 02.05.1972
Machinery store.

4. Consultees:

- 4.1 East Peckham PC: Information noted.
- 4.2 Hadlow PC: Object - the information attached to the application indicates use of the caravans from August to May i.e. 10 months of the year. If the applicant wishes to pursue an application for a permanent site for agricultural accommodation then a full application should be made: including an indication of how washing and sanitation facilities are to be provided for the intended number of occupants.
- 4.3 KCC (Highways): No objections.
- 4.4 DHH: Under Part III of the Environment Protection Act it is a statutory nuisance if (a) any caravan is in such a state or so overcrowded as to be prejudicial to the health of the occupants or (b) any caravan the use of which, because of a lack of the proper sanitary accommodation, or for any other reason, causes conditions prejudicial to health.

4.5 Private Reps: 5/0X/3R/0S + Site Notice. Three letters of objection have been received.

- It is alleged that the caravans are permanently occupied by those who work on the farm and work elsewhere.
- Occupants have caused nuisance to adjacent dwellings including noise and light pollution and anti social behaviour.
- Hazardous increase in traffic movements at shared access.
- A threat to the safety of those accessing the site on foot.
- The numbers will increase intensifying the use.
- The positioning of the caravans is too close to adjacent dwellings.

5. Determining Issues:

5.1 The siting and seasonal occupation of the existing caravans and mobile homes are permitted development under Part 5 of Schedule 2 of the General Permitted Development Order 1995. More specifically, this authorizes the "use as a caravan site of agricultural land for the accommodation during a particular season of a person or persons employed in farming operations on land in the same occupation." The current application is for the storage of these caravans when they are not occupied by seasonal agricultural workers.

5.2 The application seeks to store the existing caravans where they are currently sited. This would avoid the need to move the caravans to a separate storage location at those times of year when they are not occupied by seasonal workers. The retention of the caravans in their current location however gives the opportunity to require provision for additional landscape screening (which cannot be required simply on the basis of the exercising of permitted development rights for seasonal occupation).

5.3 The group of caravans sited to the east of Boormans Farm, referred to in the application as Group A, may benefit from additional screening which could be provided by appropriate landscaping. The group of caravans adjacent to the reservoir, referred to in the application as Group B, already has mature screening although may also benefit from additional landscaping. It is appropriate therefore to impose a condition requiring the submission of a landscaping scheme.

5.4 Representations have been received from adjacent neighbours alleging that the occupation of the caravans takes place all year round. I have no evidence either to confirm or contradict this. However, it does appear that some of the caravans have been legitimately occupied for a substantial proportion of the year, based on there being used during different agricultural "seasons". It seems appropriate to

remind the applicant that the occupation of the caravans is only “permitted development” if they are being used for seasonal workers employed on the agricultural holding. This application is for the storage of caravans and a condition can be imposed to ensure that this storage is limited to caravans otherwise used by agricultural workers.

- 5.5 Representations have also been received making reference to the alleged nuisance generated by the siting and occupation of the caravans. Whilst this is to be regretted the issue is beyond the scope of this application.
- 5.6 Members may be aware that, when this application was considered at the Area 1 Planning Committee, some concern was expressed as to the adequacy of sanitary and other arrangements for the occupiers of the caravans. Whilst this is not a material consideration for their planning applications, DHH has undertaken to investigate these issues.
- 5.7 Similarly reference has been made to increased traffic movements and highway safety. It must be noted that the application is for the storage of the existing caravans only and KCC Highways has raised no objection to the application. If anything, approval of this application will reduce the need for vehicular movements on and off the site.
- 5.8 To conclude, the application refers to the storage of the existing caravans. The caravans will be unoccupied during the storage period and therefore will not generate any additional adverse impact upon the countryside, adjacent residential amenity or highway safety. The application also provides an opportunity for additional landscaping to provide further screening. The application is therefore acceptable and a recommendation to grant planning permission is made.
- 5.9 Area 1 Planning Committee accepted the recommendation to approve the application with conditions on 4 May 2006.

6. Recommendation:

6.1 Grant Planning Permission subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 The storage of caravans hereby permitted shall only be for the storage of those caravans otherwise occupied by seasonal agricultural workers employed on the same or adjacent farmland and not for caravans used for any other purpose.

Reason: The storage of caravans on an unrestricted basis would not be appropriate in this rural, Green Belt location.

- 3 The caravans, the storage of which is hereby permitted, shall be stored in an unoccupied state when not required for the seasonal occupation by agricultural workers.

Reason: To reflect the terms of the application and to prevent inappropriate residential occupation in this rural, Green Belt location.

- 4 The storage hereby permitted shall not take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following the date when occupied storage of the caravans first takes place. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 5 The storage hereby permitted shall be limited to a maximum of five caravans in the area marked "Group A" on the approved plan, and three caravans in the area marked "Group B" on the approved plan.

Reason: In the interests of visual amenity.

Informative:

- 1 The applicant is reminded that, under the terms of Class B of Part 5 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, residential occupation of caravans on agricultural land is limited to use during a particular season by a person or persons employed in farming operations on land in the same occupation. Occupation of the caravans by any other persons, or by agricultural workers when not employed as such for a particular season, is likely to require a further planning permission.

- 6.2 Should Members not agree the recommendation to grant planning permission, this application **be referred to Council** for determination.

Contact: Maria Brown