DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-1269-18**	**Applicant:**	**K Martin & Son Ltd**
Proposal:	Use of site to house 6 static caravans for temporary living accommodation for seasonal agricultural workers - retrospective		
Location:	Old Brickyard Farm Peartree House Road Penny Hill		
Terminal Date:	13th May 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
30	Pollution
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 8, 12 and 14

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Planning permission is required for the siting of 6 static caravans for living accommodation for up to 12 agricultural workers for a temporary period of approximately 6 months of the year. The caravans are already in situ.

Site Description

The static caravans are sited at the rear of an existing farm yard on the north-western side of Pear Tree House Road. Old Brick Yard Farmhouse and Osborne House are located to the south.

Consultation Responses

LCC Highways/SUDs - Request improvements to the access.

Environmental Protection - No objection.

Public - No representations received.

Applicant - The normal period of occupation would be from May until October, although the actual start and finish times may vary from year to year due to seasonal variations.

K Martin and Son Ltd. farms 1500 acres. The workers would be employed by K Martin and Son Ltd. on a full time basis, therefore not working elsewhere during their time here.

We need workers on site to cope with fluctuations in orders that need to be dealt with promptly. The work involves harvesting cut flowers and horticultural produce (all perishable products), pack house work, and some machinery operation. Workers actually prefer to live on site if possible, some have no form of transport, and they like the sense of community created by all living close to one another. We do also have some workers who have accommodation in Holbeach.

Policies/Constraints

The site is outside a settlement limit as defined in the South East Lincolnshire Local Plan, 2019.

Material Considerations

The main issues in this case are:

- Policy/principle;
- The likely effect upon the character of the area and amenity of nearby residents;
- Highway issues;
- Other material considerations such as flood risk and drainage.

Policy/Principle

As indicated in paragraph 47 of the National Planning Policy Framework, 2019, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The proposed development is outside a defined settlement limit within the South East Lincolnshire Local Plan, 2019. It is therefore within an area regarded as countryside. Policy 1 of the South East Lincolnshire Local Plan is therefore applicable. It states that development will be permitted in the countryside that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

Paragraph 83 of the National Planning Policy Framework, 2019 stresses that planning policies and decisions should enable the sustainable growth and expansion of all types of businesses in rural areas. It should be recognised that sites to meet local business needs may have to be found adjacent or beyond existing settlements. This is especially considered to be the case in conjunction with agriculture.

Criteria that are commonly used to assess whether an application for transient agricultural workers

accommodation is required include the following:

Essential and proven need - The applicant has provided information satisfactorily demonstrating that temporary accommodation is required on site to meet the needs of the business;
Commensurate with the needs of the holding - The accommodation proposed is considered commensurate to an agricultural holding of this nature;
Temporary accommodation - The accommodation proposed is for seasonal workers and is not permanent;
Character of the area - The statics are located at the rear of the farmyard and are partially screened from public view by existing buildings/hedgerows, etc. They would not materially harm the character of the countryside;
Satisfactory standard of accommodation - The standard of accommodation and facilities associated with it are considered sufficient to cater for the scale of the development proposed;
Existing dwellings - There is no other accommodation upon the holding to accommodate seasonal workers.

Amenity

The nearest residential properties are Old Brick Yard Farmhouse and Osborne House located to the south. However, they are separated from the static caravans by existing agricultural buildings. No objections have been received. It is considered that the amenity of nearby residents would not be materially harmed in terms of noise, disturbance, lack of privacy, etc.

Highway Issues

LCC Highways has indicated that due to the increase in vehicle parking and proposed hardcore relating to the whole site the vehicular access from the carriageway should be improved and must also have a one metre buffer of bound material inside the private curtilage to prevent overspill onto the public highway. It is considered that this matter can be addressed by means of a condition.

Flood Risk

The site lies within Flood Zone 3 defined by the Environment Agency Flood Map. The latter have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The statics are only required for a short period of 3 years. The hazard mapping (present day) within the SFRA shows the site to be unaffected if a breach of the flood defences were to occur. The proposal therefore satisfies the sequential test. Concerning the exceptions test, it is recommended that finished floor levels be set no lower than 500mm above ground level and the static caravans be securely fastened to the ground. In accordance with Environment Agency advice relating to another similar site there should be no occupancy of the static caravans between November and March.

Drainage

Foul sewage would be disposed of to a septic tank and surface water to an existing watercourse. This matter can be addressed by means of a condition.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the

special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights.

The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Recommendation

A temporary permission of 5 years is considered appropriate in this particular case.