DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H12-0265-19**	**Applicant:**	**R G Barwell & Sons Ltd**
Proposal:	Siting of 2 static caravans to house up to 4 seasonal workers		
Location:	R G Barwell & Sons Ltd Bank House Dear Love Gate		
Terminal Date:	3rd 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

National Guidance

National Planning Policy Framework 2019

2, 4, 5, 8, 12, 14

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Temporary planning permission is required for the siting of 2 static caravans to house up to a total of 4 seasonal workers. The period of occupancy would be between 15th March and 7th November in any one year.

It should be noted that temporary planning permission was granted for a 3 year period in November 2015 for the siting of 2 static caravans for use as seasonal workers accommodation (ref. H12-0928-15). Relevant conditions are outlined below:

Condition 3 - The static caravans shall only be occupied by seasonal workers employed in agricultural/horticultural operations on land within the control of the applicant. The applicant shall maintain occupancy records of the static caravans, which shall be made available for inspection by the Local Planning Authority at any time.
Reason: To prevent the static caravans being used as permanent unrestricted residential accommodation.

Condition 4 - The occupancy period of the static caravans hereby permitted shall be restricted to between the 15th March and the 7th November in any one year.
Reason: To define the terms of the permission and also to reduce the risk of loss of life during a possible flood event.

Site Description

The static caravans would be sited on a horticultural holding and associated dwelling of some 2 hectares located on the junction of Lutton Bank and Dear Love Gate. A vacant grade II listed building (Barwells Cottage) is located on the corner and is understood to be outside the ownership of the applicant (R G Barwell & Sons).

Representations

LCC Highways/SUDs - Does not wish to restrict the grant of permission.

Environment Agency - Request occupancy to be restricted to between 15 March and 7 November in any one year to reduce the impact of flooding.

Public - Resident objection received (summarised):
2 additional static caravans will cause noise/disturbance at night and at weekends. Have previously experienced anti-social behaviour.

Applicant - The size of the horticultural holding is just under 2 hectares. The permanent employees are 2 people. If this planning permission is approved the temporary (seasonal) employees will be increased to 3 to 4 people.

Having accommodation on site allows a certain flexibility of employment depending on work flow at any given time such is the nature of horticultural business. This means once employed, accommodation is already taken care of meaning that there is a smoother transition from being employed to starting work on site. If local accommodation needed to be sorted every time it would prove a logistical nightmare due to finding the correct rented accommodation each time. Again due to the nature of the business and unsociable working hours at times there is a great flexibility of work that arrives by having the temporary workforce on site. These units would be part of a package of employment the employer offers the temporary workforce.

A car will be provided by the employer that is insured and taxed by the employer that can be used by any employee on a social basis if they have the correct driving credentials. This facility will be shared equally between the employees. Other forms of transport are available as well such as push bikes that the employer has on site and public local transport.

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 both previously and in conjunction with this application;
Commensurate with the needs of the holding - 2 statics are considered commensurate to an intensive horticultural holding such as this;
Temporary accommodation - The accommodation proposed is for seasonal workers and is not permanent;
Character of area - The statics would be situated within the holding and would be partially screened by existing buildings, boundary planting, 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;
Regular transport - The applicant has indicated that transportation facilities would be provided;
Existing dwellings - There is presently no existing accommodation upon the holding to accommodate seasonal workers. Barwells Cottage (grade II listed) is not owned by the business.

Amenity

The southernmost static is within the main yard area. The northernmost would be situated at the rear of properties fronting Roman Bank. However, they are separated by a garden area and the eastern boundary is de-lineated by planting. It is considered that the amenity of nearby residents would not be materially harmed in terms of noise, disturbance, lack of privacy, etc.

Concerns have been raised on grounds of previous anti-social behaviour, including the shooting of birds within the trees. However, this appears to have been an isolated instance and does not outweigh other factors in favour of the proposal, including the promotion of economic growth. If similar events were to re-occur they could be dealt with under separate legislation.

Highway Issues

The County Highways Authority has raised no objections on highway safety grounds.

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.

Drainage

Foul sewage would be disposed of to a package treatment plant. Ground conditions are considered suitable for such an arrangement within this part of the district.

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). I

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 3 years is considered appropriate.