DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H14-0110-20**	**Applicant:**	**E M Cole Farms Ltd**
Proposal:	Siting of temporary caravans (retrospective)		
Location:	E M Cole Farms Ltd Small Drove Lane Pinchbeck		
Terminal Date:	7th April 2020		

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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
19	Rural Exception Sites

National Guidance

National Planning Policy Framework 2019

NPPF 2019

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	1	0
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Siting of temporary caravans (retrospective) for use by seasonal workers.

Site Description

The wider site is an established horticultural concern, consisting of various buildings and glasshouses.

The caravans the subject of this application are located within the complex of structures and are not viewed from the wider countryside. These caravans have been in situ for a number of years and have been consistently used for seasonal workers.

Relevant History

H14-0029-19. Use of land to site 4 static caravans for seasonal workers. Approved. 20-01-20.

H14-0291-10 - Full planning application - Siting of two mobile homes for use of approximately 6 months of each year to accommodate seasonal workers - Approved July 2010.

H14-0292-10. S191 LAWFUL USE CERT. Use of two caravans for accommodating seasonal workers for approximately six months of each year. Approved. 16-12-11

Consultation Responses

Pinchbeck Parish Council

No response received.

LCC Highways & SUDS Support

Does not wish to restrict the grant of permission. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed
development is acceptable and accordingly, does not wish to object to this planning application.

Environment Agency

No objection subject to a condition.

SHDC Environmental Protection

No comments to make in respect of this application.

SHDC Licensing Officer

Third parties

Planning Considerations

Principle of Use

The principle of the siting and use of these caravans has been accepted by the grant of consents listed above. The permission has previously been granted (under application reference H14-0291-10) for the siting of two of the caravans for seasonal workers on another part of the E M Coles site off Small Drove Lane. This permission was granted on a temporary basis (3 years). That particular permission lapsed in July 2013, however it demonstrates that the siting of caravans in this location

has previously been deemed acceptable The two other caravans for seasonal workers on the premises which have the benefit of a Certificate of Lawful Use (approved in December 2011 under ref. H14-0292-10).

The site is not located within any settlement boundary as set out in the South East Lincolnshire Local Plan (2019) (SELLP) and is, therefore, classed as being in the countryside in planning policy terms. Policy 1 of the Local Plan states that development in the countryside will only be permitted 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. The proposal is intended to meet the needs of the farm business which it would be immediately adjacent to.

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 transient agricultural workers accommodation is required include the following:

1) 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 going forwards;

2) Commensurate with the needs of the holding - these 4 static caravans, together with the 4 static caravans approved by ref H14-0029-19, bringing the accommodation on site to a total of 8, to accommodate workers are considered commensurate to the needs of the business given the number of agency workers that can be employed at peak times;

3) Temporary accommodation - The accommodation proposed is for seasonal workers and is not permanent;

4) Character of area - The static caravans sit within the complex of buildings and glass houses and are not viewed from external public points;

5) Satisfactory standard of accommodation and regular transport - The following facilities are provided by the applicants for the migrant workers: laundry facilities; bicycles; and weekly transport to shops or leisure activities. The site is currently hardstanding however and the area around the caravans will remain for use by occupants. Picnic tables are provided adjacent to the caravans for the occupants.The standard of accommodation and facilities associated with it are considered sufficient to cater for the scale of the development proposed;

6) Existing dwellings - There are presently no buildings on or adjoining the site that are available for use or suitable for conversion to residential use.

Given the above, the proposed development is considered, on balance, to comply with the provisions of the Local Plan.

Highway Safety

The Highways Authority have not objected to the proposal and, consequently, there is not considered to be a justifiable reason for refusal on highways grounds.

Flood Risk

The site in question is located within Environment Agency Flood Zone 3 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) identifies that the site would be exposed to flood depths of up to 1m in depth with hazard classified as 'danger for most'. In a fluvial scenario such as this, and where any caravans are proposed to be located in Flood Zone 3, the Environment Agency object in principle.

However, in this instance, the Environment Agency have raised no objection, subject to a condition, which is set out in the draft decision notice. The EA would like the consent to be revisited after 3

years, however the history of the permissions on this site would preclude the imposition of a 3 year consent.

Impact on adjoining uses

The caravans are located within the site and do not impact on the amenities of any nearby residents or uses.

Conclusion

Given the matters set out above it is considered that an approbal of planning permission is acceptable.

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 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 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 is considered to be a proportionate response to the submitted application based on the considerations set out in this report.