DECISION DELEGATED TO DEVELOPMENT MANAGER

CHAIRMAN'S PANEL — Held On: 22 June 2018

Application No:	**H18-0224-18**	**Applicant:**	**Hargreaves Plants Ltd**
Proposal:	Use of site as site for caravans for seasonal workers and its retention out of season for storage of caravans H18/1219/98 Appeal Decision: APP/A2525/ A/04/1142470 Conditions 1 - Modification of Condition 1 of H18-0691-03 (allowed on appeal) to allow amendments to wording		
Location:	Fields Farm Sutton Bridge Spalding		
Terminal Date:	3rd July 2018		

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

National Guidance

National Planning Policy Framework 2019

Sections 12 & 14 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	0	1
RESIDENTS	2	0	0	0

Route for determination of application	**Delegated**	X	**Committee**	

CASE OFFICER ASSESSMENT

Proposal

This Section 73A Continuation application at Fields Farm, Sutton Bridge, is for the use of the site for caravans for seasonal workers and its retention out of season for storage of caravans - approved under appeal decision H18-0691-03. The application seeks to amend the wording of Condition 1. Following discussions with the agent, the wording the condition to be varied would read "The caravans shall only be used for accommodation for agricultural and / or horticultural workers employed in farming by Hargreaves Plants, and such persons shall only work on land in the same ownership or occupation."

Site Description

The proposal is located outside of defined settlement limits and is therefore considered to be located in the open countryside. The surrounding area is predominately rural and is characterised by dwellings of varying ages and design. The caravans are sited within Flood Zone 3.

History

H18-0302-98

Retention of caravans on site for out of season storage (November to May annually) - Refused - 18 June 1998 - Appeal withdrawn.

H18-1219-98

Use of site as site for caravans for seasonal workers and its retention out of season for storage of caravans - Approved - 02 March 1999.

H18-0691-03

Continuation of permission without complying with Conditions 1 & 2 of H18/1219/98 to allow occupation by seasonal agricultural workers all year round - Refused 23 December 2003 - Appeal allowed - 18 October 2004. - Refused - 02 August 2016.

H18-0580-16

Use of site for caravans for seasonal workers and its retention out of season for storage of caravans - approved under appeal decision H18-0691-03. Amend Condition 1 and remove Condition 2.

Consultation Responses

Environment Agency

"We did not recommend condition 1 of planning application H18-0691-03 and therefore we have no comments to make on application H18-0224-18. So no objection."

Sutton Bridge Parish Council

Support

Member of public comments

Condition of highway serving caravanned area.
Level of vehicular traffic.
Behaviour of occupants (Carries minimal planning weight unless evidence provided).
Occupation of site all year round.
Occupants using adjacent addresses for correspondence purposes (Carries minimal planning weight)

With regard to seasonal workers using neighbouring addresses for deliveries and registration for DVLA and other matters concerning police and bailiffs, this is not a matter of significant planning weight. Matters pertaining to noise should be taken up with the Environmental Health team. The

condition of a private road serving the site is beyond the remit of the County Highways & SUDS Officer and threr

With regard to the principle of the use of the site, this has been established by the appeal decision related to H18-0691-03. The occupation of the site all year around was also established by this appeal decision. As the national Seasonal Agricultural Workers scheme has now been withdrawn, an amendment to the wording of the condition is required to ensure that Hargreaves Plants workers continue to be the only people who occupy the caravans on site.

Conclusion

The occupation of the solely on a year round basis is considered acceptable on this site, provided it is for Hargreaves Plants workers only. The decision notice will be conditioned as such. This is to prevent the site from effectively constituting a permanent residential use in an unsustainable location. The proposed amendment to the wording of Condition 1 of H18-0691-03 is therefore considered acceptable in this location and in accordance with Policies 1, 2, 3 and 4 of the South East Lincolnshire Local Plan (2019), as well as Sections 12 and 14 of the National Planning Policy Framework (2019).

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.