
Appeal Decision

Hearing and site visit held on 28 September 2004

by Michael Aldous BA (Hons), DipMgt, MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date **18 OCT 2004**

Appeal Ref: APP/A2525/A/04/1142470

Fields Farm, Sutton Bridge, Spalding, Lincs PE12 9SN.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Rupert Hargreaves against the decision of South Holland District Council.
- The application (Ref H18/0691/03), dated 29 May 2003, was refused by the Council by notice dated 23 December 2003.
- The application sought the variation of conditions attached to a planning permission (Ref. H18/1219/98), dated 2 March 1999, for the use of the site as a site for caravans for seasonal workers and its retention out of season for the storage of caravans.
- The conditions in dispute are Nos 1 and 2 which state that: 1. The caravans shall only be used for accommodation outside the period 1st December to 5th April in the following year and that accommodation shall only be for seasonal workers employed in farming operations on land in the same occupation. 2. Between the minimum period of 1st December each year until the 5th April the following year, the caravans shall only be stood on the land in an unoccupied state.
- The reasons given for the conditions were: 1. In the interests of amenity and highway safety, and to prevent the site being used for permanent residence contrary to planning policy. 2. To define the terms of the permission and in the interests of amenity and highway safety.

Summary of Decision: The appeal is allowed and planning permission is granted subject to conditions in the terms set out in the Formal Decision below.

Main Issues

1. I consider the main issues in this case to be:
 - i) Whether the proposal complies with national and local planning policy guidance concerning the provision of housing associated with agricultural enterprises;
 - ii) Whether the site is appropriate for residential occupation given its location within the open countryside, and the need to ensure that development is sustainable; and
 - iii) The effect of the proposal on the living conditions of the occupiers of nearby dwellings, with particular regard to noise and general disturbance.

Planning Policy

2. The development plan includes the South Holland District Local Plan, which was adopted in 1998. Policy H3 indicates that new dwellings in the countryside will be permitted where they are considered to be reasonably necessary for the proper functioning of the relevant agricultural enterprise. Policy E1 sets out a range of general environmental criteria that
-

development proposals must satisfy. These include satisfaction in relation to the impact on the character of the area in which development is proposed, maintaining local residential amenity and the effect on traffic generation and highway safety, among other matters. Policy E12 seeks to restrict development in the countryside to that which is necessary and appropriate to the location. This might include development associated with agricultural activities, providing there is no undue harm to rural character or other interests of acknowledged importance.

3. The local plan is being reviewed, but the process appears to be at a relatively early stage. Policies H4 and NE6 from that document have been cited by the Council. As these emerging policies have considerable similarity to adopted policies H3 and E12, I am able to attach substantial weight to their content.
4. The Council also referred to policies from the emerging Lincolnshire Structure Plan in its decision notice. Policy 13 indicates that new residential development in the countryside will normally only be permitted where essential to house agricultural or forestry workers close to their place of work. Policy 47 is very similar to local plan policy E12. Although I acknowledge the position with regard to the structure plan review, I consider the policies quoted to broadly accord with the adopted local plan and national planning advice. As such I can attach substantial weight to them.

Reasons

Whether the proposal complies with national and local planning policy guidance concerning the provision of housing associated with agricultural enterprises.

5. National and local planning policy allows in principle for the provision of accommodation in the countryside for workers engaged in agricultural activity. In this case, from the information available to me, I consider there to be no doubt that the proposal is related to a well defined agricultural activity.
6. I was informed that the horticultural business of the Appellant has flourished in recent times, and has become specialised in the production of strawberry and raspberry plants. It has prospered to the extent that the need for substantial labour, which is currently and successfully provided under the governments Seasonal Agricultural Workers Scheme (SAWS) has grown, and is now a year round requirement. Indeed the winter period is now just as, if not more important, than the summer period given the growing and harvesting cycle of these plants.
7. I also heard that the labour requirements generated by the business can not be satisfied from within the local workforce. The Council did not contradict this assertion.
8. The Council has previously recognised the needs of the business, and has accepted the principle of accommodating the SAWS workers on a purpose built caravan site. This currently allows for workers to be housed at this location between April and the end of November. The question is therefore whether the relaxation sought by the proposal would undermine national and local planning policy guidance regarding the provision of accommodation within the open countryside.
9. In my judgement it would not. Controls exist and could remain in force which would tie the occupation of the caravans to temporary workers engaged only in agricultural activity related to the same land ownership or occupation, and who would not be present for more

- than six months in any year. In addition, I am satisfied that a functional need now exists for such personnel to be housed throughout the year if the business is to continue to prosper.
10. Such controls would ensure that permanent residential occupation was not a feature of the site, and would ensure that the appropriate agricultural linkage is confirmed and continued.
 11. I am also satisfied that it would be wholly inefficient, less sustainable and economically unrealistic to entertain the notion that the workers could be placed within permanent dwellings dotted around the area, should such premises be available.
 12. The relaxation sought would have no implications in terms of impact upon the landscape or the character and appearance of the area. The compound is discreetly positioned, and because of this and the perimeter screening and bunding which has taken place, it is not readily visible from public areas. Indeed the caravans remain on site during the winter months, when they are, under current arrangements, not occupied.
 13. Taking all these findings into account, I have identified no contradiction of the development plan on this issue, and I therefore consider the proposal to be in accordance with policies H3 and E12 of the local plan, emerging replacement policies H4 and E12 and emerging policies 13 and 47 of the structure plan review process.

Whether the site is appropriate for residential occupation given its location within the open countryside and the need to ensure that development is sustainable.

14. As indicated above, the site is already capable of being occupied between April and the end of November. It appears to me that it functions largely as a self contained community with a high degree of social cohesion given the management of the operation and the fact that most, if not all workers, are young people from eastern European countries.
15. I was informed that company transport was used for taking the workers to and from work each day, and that the same vehicles were used for purchasing goods and provisions and in helping to satisfy the off-site recreational and other needs of the workers. The ownership of cars by workers is not permitted by the company. Some on site recreational provision is provided by a games room, and occupancy of the individual caravans is deliberately limited in order to provide relatively spacious, comfortable and commodious accommodation for the occupants. As such I have formed the view that the site functions in a fairly sustainable manner
16. It is clear that workers do sometimes walk into Sutton Bridge about a mile away in order to take advantage of the facilities available there. That is understandable and is in itself sustainable, and I noted that apart from the need for caution in crossing the busy but straight A17 road, a convenient and safe route exists for this to be done.
17. The relaxation sought would extend site occupation into the winter months, but I do not anticipate that this would have adverse sustainability implications. Indeed, given the propensity for inclement weather at this time of the year, I consider it probable that workers would be likely to be even more site based than during the summer and autumn months. In addition, the communal arrangements relating to transport, shopping and recreation would continue, and in fact become even more significant.

18. Accordingly, I do not consider that the proposal would make the site any less sustainable than is currently the case under the approved arrangements, and have therefore concluded that resistance to the proposal in these terms cannot be sustained.

The effect of the proposal on the living conditions of the occupants of nearby dwellings, with particular regard to noise and general disturbance.

19. The appeal site has a small number of residential properties close by, but none directly adjoin the site. In addition, the site is bunded and screened to the north and east so that a good level of physical, visual and noise separation exists. Caravans are orientated away from permanent dwellings. Workers are only on the site in the early morning and evening and night-time periods. During the working day the site is likely to be unoccupied. Given the number of persons occupying the caravans traffic movement to and from the site is low, and I do not consider that the proposal has adverse implications in terms of significantly increased vehicular movement or highway safety.
20. It is clear that activity at the site has generated some complaints from residents, but these appear to me to be mostly some time in the past and to largely relate to relatively minor matters. The police were consulted on the current proposal but had no reason to seek to oppose it.
21. In addition, it is clear to me from material submitted, as discussed at the hearing and from my site visit, that the site is orderly and well managed. I was shown the rules and regulations established by the company, with which workers were required to adhere. These seem to me to offer a good base for effective site control, and I was also informed that local residents have been supplied with telephone contacts at the company should any antisocial problems arise. It might be helpful if the management plan for the site had the benefit of the Council's input, given its involvement and experience in environmental health issues including noise related issues.
22. During the winter months it is improbable that much activity outside of the caravans would take place given the increased likelihood of poor weather at that time of the year. A more probable scenario, particularly for workers engaged in outdoor labour, is that a much higher proportion of the non-working day would be spent inside the caravans.
23. In conclusion, given the nature of the compound and the physical relationship between the site and nearby properties, I consider it unlikely that the proposal would generate harm to the amenities of local residents. Indeed, the good and to my mind improving management regime, makes it improbable that sustained harm to the living conditions of the occupiers of nearby dwellings by reason of noise or general disturbance would occur. On this basis I consider the proposal to accord with the requirements of local plan policy E1.

Conditions

24. I have given consideration to whether new conditions need to be applied on the basis that the appeal is successful. In this regard I am mindful of the advice set out in Circular 11/95 and the discussions on this theme that took place at the hearing.
25. If existing conditions 1 and 2 are to go, it remains important in my view, to ensure that the caravans are only occupied by workers involved in agricultural activity related to the site, and that such workers do not occupy the caravans for more than six months in any period of one year. Such controls are necessary to avoid occupation by persons who might not have

the necessary agricultural linkage, and to ensure that the caravans are permanently available for a turnover of approved personnel who satisfy the requirements of the national Seasonal Agricultural Workers scheme, or any successor to that programme.

26. In order to ensure high standards of site management, particularly in relation to controlling its impact on nearby residents, a further condition will be applied requiring the submission to, and agreement by the Council, of a management scheme. Thereafter the site will be required to be managed in compliance with the agreed details.

Conclusions

27. I have given careful consideration to the unusually localised issues raised by this case. I have concluded that with appropriate control the occupation of the caravans throughout the year would not contradict or offend any policy or other matters of acknowledged importance, and would not be prejudicial to the living conditions of nearby residents. The proposal would not establish permanent occupation rights, but would assist in the efficient and economic running of a well established local business, which because of its success and market specialism now has a need for workers at all times of the year. I am content that this need cannot be satisfied from within the local workforce.
28. Overall I have concluded that the proposal is in accordance with the development plan and that there are no material considerations of substance to override my conclusion that the appeal should therefore succeed.

Formal Decision

29. I allow the appeal and grant planning permission for the variation of conditions 1 and 2 of planning permission H18/1219/98 at Fields Farm, Sutton Bridge, Spalding, Lincs PP12 9SN in accordance with the application (ref: H18/0691/03) dated 29 May 2003, without compliance with condition numbers 1 and 2 previously imposed on planning permission (Ref. H18/1219/98) dated 2 March 1999 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following new conditions:
1. The caravans shall only be used for accommodation for seasonal workers employed in farming under the Seasonal Agricultural Worker Scheme (SAWS), or any successor scheme, and such persons shall only work on land in the same ownership or occupation.
 2. No person shall occupy any of the caravans for more than six months in any period of one year.
 3. Within one month of the date of this permission, the Appellant shall submit a full site management plan to the local planning authority for its consideration and input. Thereafter the site shall be managed in compliance with the agreed details of the management plan to be confirmed in writing by the local planning authority.

Michael Adams.

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Mr L Smith	The Robert Doughty Consultancy Ltd, 32 High Street, Helpringham, Sleaford, Lincolnshire NG34 0RA.
Mr R Hargreaves	Appellant.
Mr G Baxter	Hargreaves Plants Ltd, Cowpers Gate, Long Sutton, Spalding, Lincs.

FOR THE COUNCIL

Mr S Coult	Browne Jacobsen, 44 Castle Gate, Nottingham NG1 7BJ.
------------	--

DOCUMENTS

Document 1	List of persons attending the hearing.
Document 2	Council letter giving notification of hearing arrangements.
Document 3	Bundle of representations submitted in response to the appeal.
Document 4	Appendices to Mr Smith's statement.
Document 5	Appendices to Mr Coult's statement.

PLANS

Plan 1	Application plan.
--------	-------------------



2003-2004
Supporting the Rural Economy



Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

tel: 01775 761161
fax: 01775 710772
web: www.sholland.gov.uk

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H18/0691/03

Received: 02-JUN-03

Type: S73A CONTINUATION

Name: Rupert Hargreaves
Hargreaves Plants
Cowpers Gate
Long Sutton
Spalding, Lincs. PE12 9BS

Agent: Robert Doughty Consultancy
32 High Street
Helpringham
Sleaford
Lincs NG34 0RA

Description: Continuation of permission without complying with Conditions 1 & 2 of H18/1219/98 to allow occupation by seasonal agricultural workers all year round

Location : Fields Farm Sutton Bridge

South Holland District Council hereby give notice that PERMISSION HAS BEEN REFUSED for the retention of buildings/continuation of use of land for the reason(s) set out below:

- 1 This site, in an isolated position in the countryside, is considered an inappropriate and unsustainable location for a permanent caravan site occupied all the year round. As such, the proposal would be contrary to Policy 47 of the emerging Lincolnshire Structure Plan, Policy E12 of the adopted South Holland District Local Plan and Policy NE6 of the South Holland District Local Plan First Deposit Draft.
- 2 The use of the land as a year round caravan site is considered to be an unacceptable intensification of a use intended to accommodate workers required to meet specific, seasonal needs of the agricultural holding at that time. The living conditions for those occupying nearby dwellings, in separate ownership to the farm holding, would be adversely affected by reason of additional noise and disturbance occurring from the coming and going of agricultural workers at various times of the day and night and general activity on the site. For these reasons the proposal would be contrary to Policy E1 of the adopted South Holland District Local Plan which seeks to safeguard the amenity of adjacent residents.
- 3 Occupation of the caravans all year round, would be tantamount to new dwellings in the open countryside and would therefore conflict with Policy 13 of the emerging Lincolnshire Structure Plan, Policy H3 of the adopted South Holland District Local Plan and Policy H4 of the South Holland District Local Plan First Deposit Draft. Insufficient evidence has been provided to establish whether these workers, who will occupy the caravans over the winter period, are essential for the proper functioning of the agricultural enterprise.



2003-2004
Supporting the Rural Economy



Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

tel: 01775 761161
fax: 01775 710772
web: www.sholland.gov.uk

Note(s):

The determined plans are:

1:2500 Site location plan (ref. dwg. no. 593/LOC) received 3 July 2003.

Head of Planning & Development

23 DEC 2003

H18/0691/03

This decision refers only to that required for the purposes of the Town and Country Planning Acts and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.

Town and Country Planning Act etc

DRAFT REFUSAL

Reference H18/0691/03

Received: 02-JUN-03 Type: S73A CONTINUATION

Name: Rupert Hargreaves
Hargreaves Plants
Cowpers Gate
Long Sutton
Spalding, Lincs. PE12 9BS

Agent: Robert Doughty Consultancy
32 High Street
Helpringham
Sleaford
Lincs NG34 0RA

Description: Continuation of permission without complying with Conditions 1 & 2 of
H18/1219/98 to allow occupation by seasonal agricultural workers all year round

Location : Fields Farm Sutton Bridge

South Holland District Council hereby give notice that permission has been refused etc for the following reasons:

- 1 This site, in an isolated position in the countryside, is considered an inappropriate and unsustainable location for a permanent caravan site occupied all the year round. As such, the proposal would be contrary to Policy 47 of the emerging Lincolnshire Structure Plan, Policy E12 of the adopted South Holland District Local Plan and Policy NE6 of the South Holland District Local Plan First Deposit Draft.
- 2 The use of the land as a year round caravan site is considered to be an unacceptable intensification of a use intended to accommodate workers required to meet specific, seasonal needs of the agricultural holding at that time. The living conditions for those occupying nearby dwellings, in separate ownership to the farm holding, would be adversely affected by reason of additional noise and disturbance occurring from the coming and going of agricultural workers at various times of the day and night and general activity on the site. For these reasons the proposal would be contrary to Policy E1 of the adopted South Holland District Local Plan which seeks to safeguard the amenity of adjacent residents.
- 3 Occupation of the caravans all year round, would be tantamount to new dwellings in the open countryside and would therefore conflict with Policy 13 of the emerging Lincolnshire Structure Plan, Policy H3 of the adopted South Holland District Local Plan and Policy H4 of the South Holland District Local Plan First Deposit Draft. Insufficient evidence has been provided to establish whether these workers, who will occupy the caravans over the winter period, are essential for the proper functioning of the agricultural enterprise.

Note(s):

The determined plans are: *1. To provide a comprehensive review of the current state of the company's financial performance and to identify areas for improvement.*
2. To develop a strategic plan for the future, taking into account the company's strengths, weaknesses, opportunities, and threats.
3. To implement the strategic plan and to monitor progress on a regular basis.

Director of Customer Services
16 DEC 2003

H18/0691/03



2003-2004
Supporting the Rural Economy



Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

tel: 01775 761161
fax: 01775 710772
web: www.sholland.gov.uk

Town and Country Planning Act 1990

Approval required by Condition of Permission

COPY *Earlier App*

Reference: H18/1446/04

Received: 27-OCT-04 Type: CONDITION COMPLIANCE

Name: Rupert Hargreaves
Hargreaves Plants
Cowpers Gate
Long Sutton
Spalding Lincs

Agent: Rupert Hargreaves
Hargreaves Plants
Cowpers Gate
Long Sutton
Spalding Lincs

Description: Details of site management plan (Condition 3 of H18/0691/03 - allowed on appeal)

Location : Fields Farm Sutton Bridge

South Holland District Council hereby give notice that CONSENT HAS BEEN GRANTED for the details submitted for the purpose of conditions attached to the planning permission, subject to any conditions below:

Note(s):

The determined details are:

Applicant's etter (reference : RH/mf543, dated 26 October 2004) and Accompanying Appendix, received 27 October 2004.

Head of Planning & Development

01-MAR-05

H18/1446/04

This decision refers only to that required for the purposes of the Town and Country Planning Acts and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.