

8 DCCW2009/0160/F - CHANGE OF USE OF LAND FROM AGRICULTURE TO A SITE FOR THE ACCOMMODATION OF SEASONAL AGRICULTURAL WORKERS IN MOBILE HOMES AND DEMOUNTABLE PORTABLE BUILDINGS STATIONED CONTINUOUSLY ON THE SITE AND NOT REMOVED AT THE END OF THE AGRICULTURAL SEASON (RETROSPECTIVE) AT LAND AT BROOK FARM, MARDEN, HEREFORDSHIRE HR1 3ET

For: S & A Produce (UK) Limited per Antony Aspbury Associates, 20 Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW

Date Received: 28 January 2009 Ward: Sutton Walls Grid Ref: 52164, 47999

Expiry Date: 29 April 2009

Local Member: Councillor KS Guthrie

1. Site Description and Proposal

- 1.1 Brook Farm is located on the east side of the C1120 road some 200 metres to the north of the village of Marden.
- 1.2 The proposal is for the change the use of land to a site for the accommodation of seasonal agricultural workers in 164 mobile homes and 48 demountable portable buildings (pods).
- 1.3 The planning application seeks permanent planning permission. The site area equates to approximately 3 hectares and excludes the staff operations centre and 'H' block accommodation which will be subject of future planning applications. Variations to the current unauthorised layout are proposed which includes removing the bund on the roadside boundary and moving the recreation pitch more central. The number of mobile homes increases from 150 to 164 but with a reduced occupancy (4 per unit) and the number of pods reduced from 100 to 48. A three year time period for the re-organisation of the site to the accommodation levels proposed is also requested.

2. Policies

2.1 National:

PPG11	-	Regional Planning
PPS1	-	Delivering Sustainable Development
PPG4	-	Industrial and Commercial Development and Small Firms
PPS7	-	Sustainable Development in Rural Areas
PPG13	-	Transport

2.2 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S4	-	Employment
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR13	-	Noise
Policy DR7	-	Flood Risk
Policy H7	-	Housing in the Countryside Outside Settlements
Policy H8	-	Agriculture and Forestry Dwellings and Dwellings Associated with Rural Businesses
Policy E10	-	Employment Proposals Within or Adjacent to Main Villages
Policy E13	-	Agricultural and Forestry Development
Policy HBA4	-	Setting of Listed Buildings
Policy CF2	-	Foul Drainage
Policy LA3	-	Setting of Settlements

3. Planning History

- 3.1 CW1999/2613/F Use of land for siting of caravans. Refused 21 June 2000.
- 3.2 CW2000/2826/F Use of land for siting of caravans. Approved 17 October 2002.
- 3.3 CW2003/0130/F Extension to caravan site. Approved 16 April 2003.
- 3.4 CW2003/0290/F Accommodation block. Approved 16 April 2003.
- 3.5 DCCW2003/3749/F Permanent toilet facilities to replace existing portacabins. Approved 30 January 2004.
- 3.6 DCCW2007/2806/F Continued use of land as a caravan site and retention of accommodation block for seasonal agricultural workers. Refused 21 November 2007. Appeal withdrawn.

4. Consultation SummaryStatutory Consultations

- 4.1 Dwr Cymru Welsh Water: Raise no objection subject to conditions to ensure separate discharge of surface water and foul water in a regulated manner.
- 4.2 Environment Agency: The Agency have removed their objection following submission of the Flood Risk Assessment but recommend consultation with the Council's Land Drainage Engineer.
- 4.3 River Lugg Internal Drainage Board: The Board has no objection in principle to this proposal, but as it is unclear whether surface runoff will be attenuated before discharge into the Board's Drainage District and watercourses under its operational control, the Board advises that, should the application be considered for approval, conditions are recommended.

Internal Council Advice

- 4.4 Traffic Manager: As the traffic generated in respect of the proposals is less than the current situation, no objections are raised subject to the imposition of a Travel Plan condition.
- 4.5 Conservation Manager (Landscape): As the subject of the application has been previously considered and tested, the issues related to landscape and visual impact have already been, to some extent exercised. In brief, the following points arise:

The applications are accompanied by Landscape and Visual Impact Assessments (LVIA) carried out in accordance with adopted guidelines. The studies recognise national and local landscape character assessments, and also include specific baseline assessments of the site and surroundings. The degree of impact of both proposed developments on both the character of the landscape and the identified visual envelope is reasonably and fairly assessed. The studies go on to propose suitable measures, including new planting and management of existing vegetation that will mitigate the identified negative impacts.

I am satisfied that the assessments have been carried out in a manner that properly recognises the visual impact of the proposed development, but fails to acknowledge that the development will bring about a 'permanent' change in the pattern and use of the land under consideration.

I am satisfied that the proposed landscape mitigation measures represent the minimum necessary to negate the impact of the development. I would suggest that a strongly worded condition is attached to any permission given, requiring all landscape measures proposed to be implemented before 1st April 2010, and for the provisions included in the proposed landscape and ecological management plan to be extended to a minimum of ten years (currently five years).

I suggest it would be appropriate to attach a condition to any permission given, particularly in relation to the seasonal workers' accommodation, requiring a detailed landscaping scheme to be prepared, submitted and approved for ground within the setting of the listed buildings on and adjacent to the site.

- 4.6 Conservation Manager (Historic Buildings): I am concerned by the assertion contained in paragraph 8.28 of the Landscape and Visual Appraisal that 'The development will not affect the setting of Brook Farmhouse and Ivy Cottage, as they are located in the centre of an existing cluster of buildings and hence screened from the application site'. This is a fundamental misunderstanding of the potential significance of the setting of a listed building. The setting does not merely comprise the area immediately visible from the building or those areas affording views of the building. As stated in paragraph 2.16 of PPG15 "The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function. Also the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest, and of the contribution they make to the townscape or countryside, if they become isolated from their surroundings."

Furthermore Policy HBA4 of the Herefordshire Unitary Development Plan states that 'development proposals which would adversely affect the setting of a listed building will not be permitted. The impact of the proposal will be judged in terms of scale, massing, location, detailed design and the effects of its uses and operations'. The setting of Brook Farmhouse is being damaged by the preponderance of utilitarian temporary and permanent structures and the hard landscaping associated with them. A comparison

between the first edition OS map and the present site layout illustrates the extent to which these buildings have encroached on what was originally a farmhouse with two modest ranges of buildings to the west and north and a further outbuilding further to the north east.

On my previous visit to the site Brook Farmhouse was being used as a recreation and laundry facility connected with the accommodation. I would seek clarification as to whether this is to continue as these uses are potentially damaging to the building, particularly the use as a laundry. The house is in need of repairs to the timber frame, infill panels and chimney stacks and unauthorised alterations appear to have been carried out.

Whilst I accept that changing agricultural practices dictate that landscape will change over time in this case it seems that no regard is being paid to the statutory requirement to preserve both the listed building and its setting. It should be possible to mitigate against the effects of the proposed changes on the listed building and its setting through a sensitive landscaping scheme and schedule of repairs however this scheme makes no effort to address these issues and therefore I am unable to support it.

- 4.7 Environmental Health Manager: I have examined the above planning application and have no objections to the proposed development.

However, I recommend the following conditions to protect the amenity of the local and/or residents.

1. Details of any external lighting proposed to illuminate the development, including security and car park lighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences.
2. The standby generator should only be operated in areas within the site boundary, as agreed with the local planning authority.

I have consulted with the Licensing Section of this Department, who suggest that should permission be granted a subsequent application is made for a caravan site licence as provided for by the Caravan Sites and Control of Development Act 1960, site licence conditions will have to be complied with; further, Hereford and Worcester Fire and Rescue Authority should also be consulted in respect of the Regulatory Reform (Fire Safety) Order 2005.

- 4.8 Public Rights of Way Manager: The proposed change of use of land from agriculture to a site for the accommodation of seasonal workers would not appear to significantly affect the use and enjoyment of public footpath MR22A, which passes along the outside of the south boundary of the application site.

The proposed 'hedge planting' shown on the Landscape Proposals plan and the location of most of the accommodation away from the path will mitigate some of the visual impact on the use and enjoyment of the footpath. However, the PROW Manager does have some reservations about the 3 accommodation units located immediately adjacent to the footpath in terms of privacy for residents, and a potential deterrent impact on users of the footpath, who may feel such close proximity impinges on their enjoyment of walking the path.

This reservation is based on experience with PROWs passing very close to existing residential accommodation at many other locations in the county. Both residents and path users have submitted comments to the PROW service in the past expressing concern about such close proximity.

The PROW Manager provides these comments to help the planning authority determine how this relatively minor detail in the application should be judged against the requirements of UDP Policy T6.

4.9 Land Drainage Engineer: Advice not available.

5. Representations

5.1 Marden Parish Council: Marden Parish Council notes that planning permission for retention of an accommodation block and for the change of use of the land to a caravan site was refused planning permission on 21 November 2007 (Ref: DCCW2007/2806/F). The key question must be how the current proposal differs from the refused scheme.

It is noted that the same planning statement has been submitted with both the planning applications for the accommodation and for the polytunnels. This is also true of the other supporting economic appraisal, environmental and landscape assessments.

Although the economic appraisal presented with the application demonstrates that the business appears to be established on a sound financial basis, there needs to be a demonstration that the functional needs of the enterprise are such that the scale of accommodation proposed is justified. The proposal must be tested against the stringent tests set out in Annex A of PPS7.

It is not apparent in the supporting information submitted with the application that there is a substantial functional need for residential development in designated countryside.

According to Paragraph 10 of PPS7 housing development (including single dwellings) in the countryside will require special justification for planning permission to be granted. Where the special justification for an isolated new house relates to the essential need for a worker to live permanently at or near their place of work in the countryside, planning authorities should follow the advice in Annex A.

It is considered that the above scheme fails to meet the functional needs test of PPS7 as it has not been demonstrated how many workers (if any) are needed to live on the site to protect the fruit etc. It is appreciated that the enterprise is different from conventional agricultural holdings where essential staff may be needed at short notice for reasons of animal welfare. It is inconceivable that all of the workers are required to be located in an unserviced rural location to meet the security needs of the operation. The applicant has failed to consider alternative housing arrangements for the staff and the level of provision proposed (on a permanent basis) are more akin to the creation of a new urban enclave in a rural area. It is not evident that the economic needs of the operation are so overwhelming so as to justify a departure from fundamental policies of rural restraint.

The Parish Council does however understand the practicalities of trying to find appropriate alternative accommodation and the importance of appropriate accommodation for workers at the enterprise. The Parish Council is sympathetic to the

company's desire to improve the quality of accommodation. However, this cannot displace fundamental planning principles.

Further, the Parish Council cannot see why the proposed accommodation provides accommodation for 872 workers when the supporting documentation suggests a requirement for 687 workers.

The Parish Council is opposed to any permission being permanent, and asks that the planning authority imposes a time limit on any permission by way of a Section 106 agreement, with a maximum of 5 years duration.

The Parish Council is opposed to the replacement of the existing car park by caravans as it will bring the caravans too close to the road, and nearby houses.

Any permission for change of use from agriculture to caravans should not allow the land to be used for any other purpose, and any future proposal for change of use should be subject to a new planning application.

The scale of the operation at Brook Farm is such that it could be regarded as a food processing operation as opposed to conventional agriculture and this cannot be used to justify new agricultural dwellings.

It is considered that the proposal is contrary to policies H7 and H8 of the Herefordshire Unitary Development Plan and the applicant has failed to consider reasonable alternatives which do not conflict with the policies of the development plan. In this respect, the proposal is not sufficiently different in planning terms from the refused scheme (DCCW2007/2806/F).

It is respectively requested that the points raised above are duly considered before the application is determined.

5.2 40 letters of objection have been received, the main points raised are-

1. The development goes against the long term interests of Herefordshire as a rural county with a growing and vibrant tourist industry.
2. The accommodation is sub-standard and facilities limited.
3. Disturbance to the permanent residents of Marden with the movement of workers in buses, HGV vehicles.
4. Lack of care and maintenance of Brook Farmhouse which is a Grade II listed building.
5. No Green Transport Plan.
6. The damaging effect on the quality of life style for Marden residents.
7. The permanent site for caravans and pods would be out of character in a rural area.
8. Immigrant fruit pickers provide an unacceptable burden on local services.

9. The land is prime agricultural land and should be used for growing sustainable crops.
10. The mass production of discretionary food may be unsustainable as we enter a recession which could leave a huge scar on the Herefordshire landscape.
11. Marden has become an industrial development area with the expansion of Brook Farm beyond the limits considered acceptable for the village.
12. The local road network is totally unsuitable for the buses the workers use and the large HGV vehicles.
13. This form of development was not envisaged nor would be considered appropriate in the Local Plan for Marden village.
14. The activities of workers accommodated on this site have caused unacceptable noise and disturbance.
15. The conditions and S106 of the previous applications were not enforced.
16. Workers are regularly transported to places of work other than Brook Farm.
17. Why is more land needed when the workforce is too shrink by 45%.
18. The balance of village life will be disrupted with the arrival of hundreds of foreign workers.
19. The caravan park resembles a refugee camp.
20. Noise from sporting events can be heard in the village and in homes.
21. The caravan site is only hidden during the period when trees and bushes have foliage. During late autumn, winter and early spring the site is clearly seen.
22. The yellow 'pods' are unsightly and when not in use are stacked high above any natural cover.
23. The application is no better than the previous refused application.
24. The caravans will be closer to the road with only fences and bushes to protect the landscape and residents from noise.
25. The applicants have previously stated that workers are not permitted to have vehicles on site, therefore there is no need for the car park.
26. This is not a 'whole farm', 'complete' application as several other matters are left for future applications.
27. The development is unrealistically high and fails Policy E11 that requires rural business to be of a scale to their rural landscape.
28. Typical caravans four person layouts are unacceptable.

29. Pods previously contained two bunk beds for four people, now they tell us only two people per pod.
30. The number of workers and the stated reduction do not match.
31. The accommodation occupied by the stated number equates to only 872 workers yet last year 1250 occupied the site.
32. More caravans will mean more workers.
33. The proposal does not comply with the Caravan Act.
34. The applicants claim that the pack house and headquarters will move sometime in the future. This equates to approximately 400 workers, therefore it is illogical to grant planning permission to have 1000 or more workers.
35. The accommodation should only be for workers at Brook Farm and no other parts of the county.
36. No public pavements from site to village.
37. No indication of access for emergency vehicles.
38. Any landscaping to mitigate the site will take up to 15 years to establish.
39. Some caravans are occupied all year round. This is not seasonal work and amounts to full time employment and that is unsatisfactory.
40. This is not a holistic submission.
41. If planning permission is granted it should be for no more than two years.

The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 This proposal seeks planning permission for the change of use of land for the stationing of mobile homes and 'pods' to house seasonal workers at Brook Farm, Marden. The complex is contained within a defined area south of the main buildings at Brook Farm and is mainly enclosed by mature hedging. The earth bunding forming part of the planning permission for the site will be removed and the caravans moved closer to the road. At this point a 2.4 metre fence is proposed.
- 6.2 The proposal has been considered under the following:
 1. Principle of Development
 2. Landscape Impact
 3. Impact on Marden

Principle of Development

- 6.3 The site has been used as a seasonal workers campsite for a number of years with planning permission which has now expired. The accommodation has provided in the past facilities for 1400 workers. This proposal seeks to reduce the number of workers albeit in slightly more caravans but in less 'pods'. The occupancy rate is also proposed to be reduced. The workers are employed at the adjoining packhouse and on the land preparing and harvesting the crops. Reduced labour force is required due to enhanced methods of production. The reduction in workforce/accommodation is in line with the Committee's resolution when planning permission was refused for a similar proposal in November 2007.
- 6.4 The workers are an integral part of the soft fruit enterprise and the need for the accommodation on this scale has been demonstrated in respect of the temporary permission previously granted and the on-going developments at the farm including the polytunnel planning application on this agenda. Whilst the workers in the packhouse are not strictly involved in direct agriculture, they are part of the processing and despatch of the agriculture products out to the consumers. Hence the need to have workers on site as part of the on going agriculture activity is considered acceptable.
- 6.5 The site lies adjacent to a main village which contains a post office, general store and access to public transport and as such represents a sustainable location having regard to balancing the need for workers to be housed closer to the farm and the services available in Marden. The site is well screened from the surrounding area by mature hedging and trees.
- 6.6 The site is secure with a security fence on the boundary. Leisure activities are provided within the site.

Landscape Impact

- 6.7 The site has previously been accepted in landscape terms however the proposal includes a full Landscape and Visual Appraisal (LVIA) which has been thoroughly assessed by the Council's Conservation Manager (Landscape). The LVIA was carried out in accordance with adopted guidelines and recognises natural and local landscape character assessment. The study proposes additional landscaping and management of existing vegetation to mitigate negative impacts. The new landscaping will also provide for improvement to the setting of the Listed Building. Finally, due to the topography of the site together with the existing and proposed landscaping the location of the site in landscape terms, is considered to have a minimal impact on the setting of the village of Marden.

Impact on Marden

- 6.8 It is considered reasonable to conclude that the establishment of such a large temporary workforce needs to be located close to the farmed area and furthermore its location within reasonable distance of the facilities provided by a village such as Marden represents a sustainable alternative to a very isolated rural location.
- 6.9 This proposal meets both of these criteria. Marden is identified in the Herefordshire Unitary Development Plan 2007 as a main village. Whilst at its peak the number of workers housed in the accommodation was comparable to the population of Marden, the intention is to reduce the workforce. In addition the applicants have sought to reduce the impact on the village by providing a range of on-site facilities including games areas, swimming pool, TV rooms, internet café and a bar. The proposal is

considered to provide an acceptable balance between on-site facilities and those services provided within the village and it is therefore considered acceptable.

Conclusion

- 6.10 The applicants have through the previous planning permission established a need for this temporary workforce and this proposal seeks to reduce the numbers. The site is well located in relation to the existing complex of farm buildings and lies on the edge of the settlement of Marden. The site is therefore considered to be acceptable subject to a further temporary planning permission of five years to enable the local planning authority to retain effective control over the site to meet any future changes in farming practices. Particularly given the stated aims of relocating the headquarters and packhouse which employ approximately 400 workers. It is acknowledged that the scale of the operation at Brook Farm, Marden and the associated accommodation requirements is a cause of serious concern amongst residents of the village. However it is considered that the principle of this use of land remains an acceptable one subject to appropriate planning controls. It is recommended that conditions can effectively restrict the threat of further expansion of the accommodation at Brook Farm and furthermore that a temporary permission remains appropriate in order to periodically review the accommodation needs for the enterprise given the relocation aims of the business and impact on the village of Marden.

RECOMMENDATION

That temporary planning permission be granted subject to the following conditions:

1. **F21 (Temporary permission (mobile home/caravan)) (Five years).**

Reason: To enable the local planning authority to retain effective control over the site in accordance with the aims of the applicants to relocate the operation.

2. **The occupation of the caravans and pods shall be limited to persons employed at Brook Farm, Marden.**

Reason: Planning permission has only been granted for the farming requirements of Brook Farm.

3. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that order with or without modification no caravans or pods shall at any time be placed on the land which is under the control or ownership of the applicant as defined by Drawing No. 1252/45B.**

Reason: In order to clarify the terms of this planning permission and to maintain control over the scale of accommodation provided in the interests of visual and residential amenity.

Informatives:

1. **N19 - Avoidance of doubt - Approved Plans.**
2. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

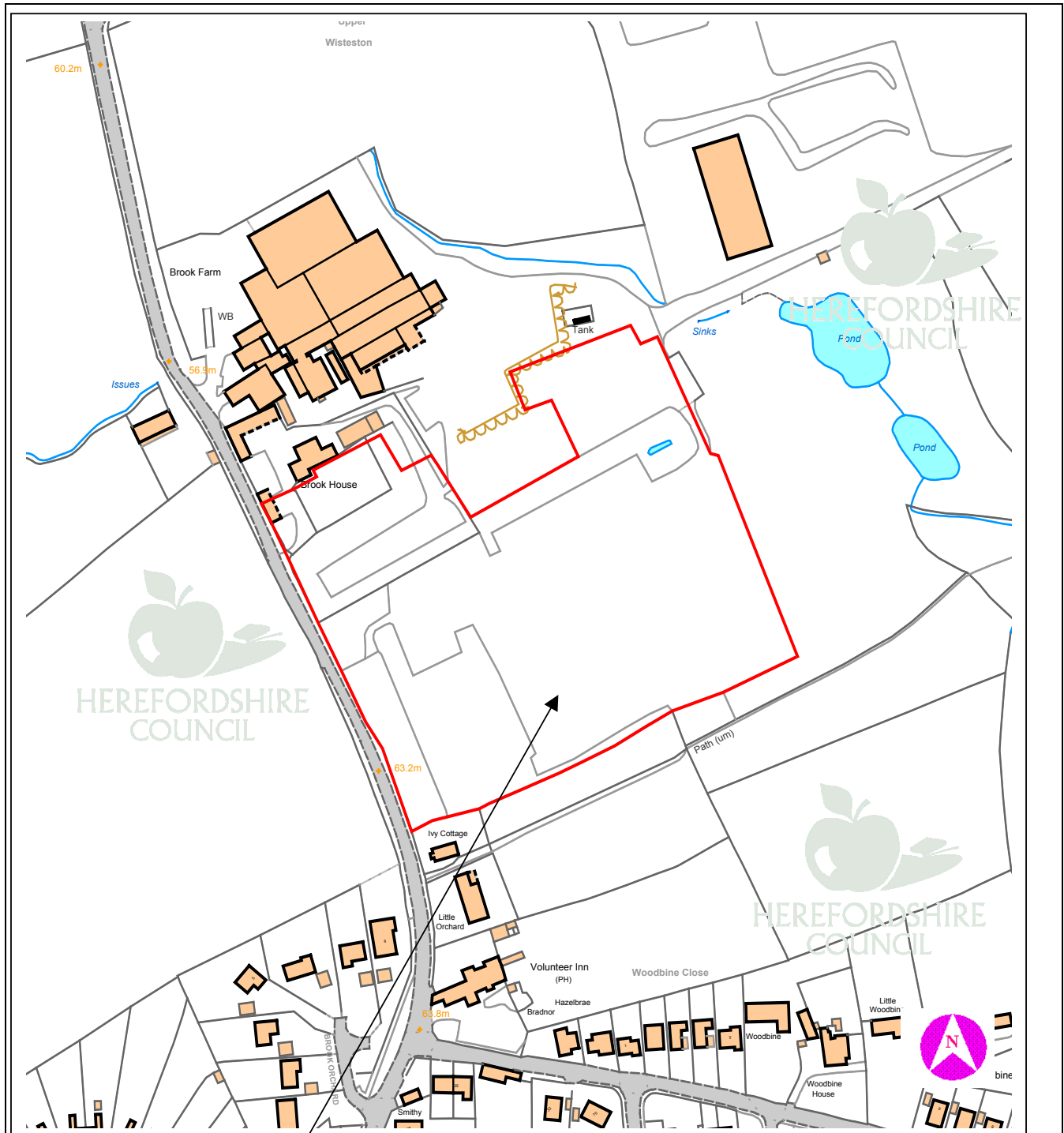
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2009/0160/F

SCALE : 1 : 2500

SITE ADDRESS : Land at Brook Farm, Marden, Herefordshire HR1 3ET

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