

5 DCNC2004/0321/F - CONSTRUCTION OF AMENITY BUILDING, TOILET BUILDINGS AND SITEWORKS FOR 300 UNIT CARAVAN STANDING FOR FARMWORKERS ACCOMMODATION AT BRIERLEY COURT FARM, BRIERLEY, LEOMINSTER, HEREFORDSHIRE, HR6 0NU

**For: S & A Property Ltd per McConaghy BGP
Architects 2 Shrubbery Avenue Worcester WR1 1QH**

**Date Received:
9th February, 2004**

**Ward:
Leominster South**

**Grid Ref:
48709, 56068**

**Expiry Date:
5th April, 2004**

Local Members: Councillors R.B.A. Burke and J.P. Thomas

1. Site Description and Proposal

- 1.1 The application site lies on the south side of the u/c 93600 road, approximately 600m, as the crow flies, west of Brierley. The site is rectangular in shape, and flat in nature and was previously used for hop growing. It has a roadside frontage of approximately 180m and stretches for approximately 420m to the northern boundary of approximately 240m, amounting to approximately 8.6 hectares in total, of grades 1 and 2 agricultural land.
- 1.2 The site does not benefit from any special landscape designation, being neither within an Area of Outstanding Natural Beauty, nor Area of Great Landscape Value. The draft Supplementary Planning Guide, Landscape Character Assessment, defines the site as lying within an area of Principal Settled Farmlands, on landscape that is resilient to change.
- 1.3 The scheduled Ancient Monument, Ivington Camp Hillfort, lies approximately 1 Km to the south-west. The rivers Arrow and Little Arrow approximately 1 Km and 0.5 Km to the north. There are a number of public rights of way in close proximity from which the site would be visible.
- 1.4 This application, which is part retrospective, proposes the use of the site as a caravan park for 300 static caravans, initially to house 1000 seasonal agricultural workers, to be employed in strawberry picking. An amenity building is also proposed, which is L-shaped in plan, the 'long' elevations measuring approximately 37m x 55m. The span of the building is 15m. The ridge height measures approximately 4.2m with eaves at 2.5m.
- 1.5 This building comprises a training/cinema room, internet room, library, medical rooms, TV room, office and stores, reception area, shop, kitchen, laundry, sauna, bar and dining area, games area, disco and small gym. In addition, a separate building is proposed adjacent to this, providing changing/shower facilities with further laundry facilities for workers. This building measures approximately 22m x 9.6m, of mono pitch design, the highest element of which measures 4.5m.

- 1.6 Both buildings are steel framed and proposed profile steel sheet cladding and roof.
- 1.7 Additional facilities include a small outside pool of 12m x 6m, and a football pitch and volleyball courts in the south-west corner of the field. A further lavatory block is proposed in this location. All caravans are to be plumbed to the proposed sewage treatment plant in the adjoining field, subject of a separate application. The caravans are located in hardstandings and served by either 4.5m or 3.5m access roads. A 2.5m galvanised chain link fence is proposed around the perimeter of the site, under the existing hedgeline. Landscaping is proposed.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

- A1 – Managing the district's assets and resources
- A2(D) – Settlement hierarchy
- A6 – Sites of local importance for nature conservation
- A7 – Replacement habitats
- A9 – Safeguarding the rural landscape
- A12 – New development and landscape schemes
- A13 – Pollution control
- A14 – Safeguarding the quality of water resources
- A15 – Development and watercourses
- A16 – Foul drainage
- A22 – Ancient Monuments and archaeological sites
- A23 – Creating identity and an attractive built environment
- A24 – Scale and character of development
- A28 – Development control criteria for employment sites
- A31 – Employment generating uses within or around the market towns
- A35 – Small scale new development for rural businesses within or around settlements
- A41 – Protection of agricultural land
- A43 – Agricultural dwellings
- A54 – Protection of residential amenity
- A58 – Mobile homes
- A68 – Water supply
- A70 – Accommodating traffic from development
- A78 – Protection of Public Rights of Way

2.2 Hereford and Worcester County Structure Plan

- H20 – Residential development in open countryside
- RC1 – Use as full-time homes
- RC2 – Locational requirements
- CTC9 – Development criteria
- A1 – Development criteria

2.3 Herefordshire Unitary Development Plan (Deposit Draft)

- S1 – Sustainable development
- S2 – Development requirements
- S7 – Natural and historic heritage
- DR13 – Noise

DR14 – Lighting
H8 – Agricultural and forestry dwellings and dwellings associated with rural businesses
H11 – Residential caravans
E10 – Employment proposals within or adjacent to rural settlements
E11 – Employment in the countryside
E13 – Agricultural and forestry development
E15 – Protection of Greenfield land
T8 – Road hierarchy
LA6 – Landscaping schemes
Arch 3 – Scheduled Ancient Monuments
CF2 – Foul drainage

2.4 Planning Policy Guidance Notes

PPG1 – General Policy and Principles
PPG7 – The Countryside – Environmental Quality and Economic and Social Development
PPG9 – Nature Conservation
PPG15 – Planning and the Historic Environment
PPG16 – Archaeology and Planning
PPG18 – Enforcing Planning Control
PPG24 – Planning and Noise
PPG25 – Development and Flood Risk

3. Planning History

- 3.1 NC04/0902/F - Proposed sewage treatment plant and pumping station, received 25 March 2004, on adjoining field. Undetermined.
- 3.2 NC04/0557/S - General purpose storage building adjoining field. Prior Approval required 26 March 2004.
- 3.3 NC04/0224/S - Construction of new roads (from Arrow Fishery to site, across adjoining fields). Prior Approval Not Required 6 February 2004.
- 3.4 NC2004/0551/H – Remove 10 metres of Hedgerow – on land opposite side of road.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: ‘The site lies within the Agency’s Indicative Floodplain. However a satisfactory Flood Risk Assessment (FRA), as undertaken by JBA Consulting, was recently submitted by Dossor Blackham to the Agency’s Flood Defence team. This confirmed that the site is outside of the flood risk area.

On the understanding of the above, the Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning conditions are imposed:

CONDITION:

No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage and regulation has been submitted to and

approved in writing by the Local Planning Authority. Such a scheme shall be implemented in accordance with the details approved by the local planning authority prior to the construction of any impermeable surfaces draining to the system.

REASON:

To prevent the increased risk of flooding.

'The Agency has no objection in principle to the proposed siting of caravans (in the area edged red), however the access is located within the 1 in 100 year floodplain, as shown on the JBA Consulting details (Fig. 3.1b). The Agency are on the understanding that this access is being constructed under permitted development rights, rather than constituting a new form of construction as part of the proposed development.

Under these circumstances, the Agency would not object to the use of that access so long as the "existing highway" access, as shown on drawing 0101/B, as submitted with the application, through the village of Brierley is also available to site occupants (even if only during periods of flood warning).'

'I would like to confirm that the Agency's Environmental Management team have had initial discussions with the applicant/agent who proposed to apply for S101A first time sewerage for the village with a view to connecting in this development. In the meantime, a temporary package treatment plant system is proposed to discharge to the Little Arrow and it is understood (through discussions with the LPA) that this may involve the submission of amended plans (or a further planning application).

The Agency ask that the LPA pursue the option of a connection to the mains foul sewer, in line with Planning Circular 3/99 - Your attention is drawn to point 3, which states that "when drawing up sewerage proposals for any development, the first presumption must always be to provide a system of foul drainage into a public sewer" ... Only "If, by taking into account the cost and/or practicability, it can be shown to the satisfaction of the LPA that connection to the public sewer is not feasible, a package sewerage treatment plant incorporating a combination of treatment processes should be considered ..."

If the LPA are content not to confirm the foul drainage proposals, before determining this application, it is recommended that the condition requiring the use of a treatment plant is amended, as follows, so that the development should connect to the mains foul sewer with temporary use of a treatment plant (unless otherwise previously approved in writing by the LPA). Details of a phased foul drainage scheme should be required for approval before the commencement of development and thereafter implemented in accordance with the approved details.'

- 4.2 River Lugg Internal Drainage Board: 'We are in receipt of the above application and it is noted that foul water is to be directed to a package treatment works, which will eventually outfall into an open watercourse. The Council will need to be satisfied that the treatment works satisfy the Environment Agency and your Council, and that discharge complies with the appropriate legislation.

Discharge is likely to be into open watercourses within the Drainage Board's district. The developer will be required to obtain a consent from the Drainage Board for works affecting any watercourse within their district.

The applicant states surface water is to be to the existing land drainage system. The developer will be required to confirm that surface water is to be directed to a soakaway system. When doing so, your Council will also need to be satisfied, by obtaining percolation test results from the developer, that a soakaway system at this location will be effective.'

- 4.3 English Heritage: 'The area of the proposed development does not impact on any areas designated as Scheduled Ancient Monuments. For the purposes of the Act, however, the site of a monument includes not only the land in or on which it is situated but also any land comprising or adjoining it which appears to the Secretary of State to be essential for the monument's support and preservation.

The proposed development is very large, especially within the context of the essentially rural nature of the area, and will have an impact upon the setting of the major Scheduled Hillfort of Ivington Camp.

Although it is difficult to place the overall development from the information supplied, I estimate that the proposed development location is over one kilometre from the nearest part of the hillfort. I also note that the development would be at least partially screened from the hillfort by Brierley Wood which extends to the north-east of the monument. These two factors would go some way towards mitigating the visual impact of the proposed development upon the setting of the monument.'

In addition, they recommend a pre-determination archaeological evaluation.

Internal Council Advice

- 4.4 Chief Conservation Officer:

Landscape:

'The application site is a large, rectangular flat field previously used for hop growing. it lies in an area of intensively farmed, flat, fertile land much of it now under polytunnels.

The site lies just outside an Area of Great Landscape Value, to the north of Ivington Camp, from where it can be readily viewed. A mature hedge borders the site on all sides although along the western boundary, in particular, it is very "gappy" consisting in part of little more than a row of birch trees.

The development to create a large caravan park with ancillary buildings and other facilities will introduce a very large built element within the open countryside. Generally, because the land is flat, the development will be unobtrusive from the north, east and west. However, the view from the public footpaths at Ivington Camp will be significantly affected. Although the impact of the development could be softened by tree planting, the topography renders it impossible to provide effective screening.

I would recommend that the applicant is required to provide a visual impact assessment, followed by a landscape design which addresses the screening issues. The landscape plan that the applicant has provided is inadequate. It does not address the screening issues or provide sufficient details to be meaningful.'

Archaeology:

'The archaeological evaluation at Brierley Court is now effectively complete on the ground. There will of course be a short delay while the archaeological contractors, Border Archaeology, prepare their report.

However, having monitored the work on a number of occasions, I am now in a position to make some provisional and informal comments on what the evaluation has revealed (please note these are without prejudice to my further formal comments when the report is available).

As anticipated, there are significant below ground archaeological remains on the site. It would appear for instance that along the mid-western part of the site there are the peripheral remains of a Romano-British farmstead or similar. Some interest has also been revealed towards the south-eastern corner, again Romano-British in date. I should shortly be able to provide you with an approximate plan of these areas of interest.

It would appear however that other parts of the site have only limited archaeological potential. In the circumstances, I would currently regard a potential refusal for archaeological reasons alone as difficult to sustain.'

It would appear that further investigation is required, following on from the initial investigation. This can be secured by imposition of a condition.

Ecology:

'As the site has been intensely farmed, the ecological value of the land is low, except for the hedgerow and ditch network around the site. The hedgerow is in poor condition and is very 'gappy' in many locations and contains a number of rabbit burrows.

Therefore I recommend that a landscape and nature conservation management plan for the site should be submitted to and approved in writing by the local planning authority before implementation. The plan shall cover general proposals such as

- wetland habitat enhancement utilising the ditches along the boundary
- conserve and enhance the hedgerow pattern and strengthen the patterns of tree cover.

4.5 Head of Engineering and Transport is considering the proposal in light of additional information contained in the Supporting Statement. Matters to be considered include:

- the highway crossing
- traffic generation
- signing/routing agreements
- sustainability
- access to the B4361

4.6 Head of Environmental Health and Trading Standards comment as follows:

"Schedule I Paragraph (7) of the Caravan Sites and Control of Development Act 1960, provides exemption for the need of a site licence for a caravan site where it is situated on agricultural land for use by agricultural workers on that land during a particular season. It would appear from this that the proposed site at Brierley Court may be exempt from Site Licence requirements and I am sure the applicants will agree. However, Paragraph 13 of the same Schedule allows the enforcing authority to apply to the Minister for the exemption to be removed. I am unable to give a definite answer at this stage as to whether a site licence will be required. Importantly the proposed site will be a permanent site and not for a particular reason. Regardless of whether a site

licence is required, however, I recommend that the model standards be met. I confirm that I have no objection as regards the proposal. Should noise nuisance occur from unacceptable behaviour by site residents e.g loud music from discos, powers are available under the Environmental Protection Act 1990 to control the nuisance. Controls however would not be available as regards any increase in disturbance to local residents due to normal day to day comings and goings etc.”

4.7 Public Rights of Way: No objection.

5. Representations

5.1 Leominster Town Council: Recommends refusal for a series of reasons, summarised below:

- 1) Impact on visual amenity.
- 2) Scale of development and number of employees out of proportion with the immediate area, constituting over-development. Appears to be more workers than land would support.
- 3) Noise and light pollution.
- 4) Disturbance to immediate neighbours.
- 5) Fire hazard to crops on adjoining land.
- 6) Even with internal road network, public highway inadequate.
- 7) Unsustainable pressure on Emergency Services
- 8) Concern about use outside of cropping season.

The reply goes on to list a number of policies with which the proposal conflicts.

5.2 Hope-under-Dinmore Parish Council: Supports residents of Ivington, Newtown, south-west Leominster and Aulden in their objections:

- loss of grade 1 and 2 agricultural land
- visual impact
- water supply
- noise/light pollution

5.3 Ford & Stoke Prior Parish Council: Objects to the scale of development, having a deleterious effect on local countryside, population and amenities. Concern about use beyond picking season. Suggests any permission be limited to 3 years, and no use of facilities beyond that of seasonal workers.

5.4 Leominster Civic Trust: Consider that the site lies within an Area of Great Landscape Value and Landscape Least Resilient to Change, and oppose the application as inappropriate in such an area, at the foot of Ivington Camp:

- substantial visual impact on Brierley, contrary to policy
- visible from Cockcroft, damaging tourism, thus unsustainable.

They consider that if minded to approve, should be called in.

5.5 CPRE: Detrimental impact on landscape, within Area of Great Landscape Value, and Landscape Least Resilient to Change. Adverse impact on character of Brierley and surrounding area.

5.6 Green Party: Object to industrial nature of the enterprise, unsightly spread of polytunnels and volume of traffic.

5.7 35 letters of objection have been received to date from or on behalf of addresses in Ivington, Cockcroft, Aulden, Knapton Green, Newtown, Elms Green, Hope-under-Dinmore, Leominster, Birley, Hereford and one from further afield. A letter has also been received from the agent for Arrow Valley Residents Association.

The objections are summarised as follows:

1. 300 equals approximately 2000 employees.
2. No expectation to connect to main sewer.
3. Retrospective elements of application.
4. Contrary to aims of promoting tourism.
5. Questions Home Office scheme.
6. Information on growth of market contrary to other evidence - Stewart Stubbings to Hereford Council 29.3.04.
7. Disturbance through early start to working day.
8. General questioning of supporting statement.
9. Refusal to employ local pickers.
10. Determination should await decision on S.T.W.
11. Are workers at Brierley being used at Marden?
12. Decision should await polytunnel procedure.
13. Proposal contrary to policies set out in supporting statement which purports in support.
14. Brierley residents only support proposal since the alternative would be worse, located in the centre of Brierley.
15. Other farmers have hired workers from S & A Davies. They should be banned from doing so.
16. Benefit to Herefordshire is minimal.
17. Highway safety issue.
18. Other options were available - not to carry out unauthorised development.
19. Development within floodplain.
20. Seasonal workers cause trouble in town.
21. Very few local employees.
22. Serious deleterious effect on village and surrounding environment.
23. Pollution - light/noise including refrigeration equipment.
24. Chain link fence unsightly.
25. Could be located on Leominster Enterprise Park.
26. What use of caravans outside of picking season?
27. Industrial scale of development out of keeping with traditional mixed farms of Herefordshire.
28. Pickers should be bussed from Marden or brownfield site such as Moreton Camp.
29. Emergency services/social services overstretched.
30. Loss of countryside which should be protected for its sake - PPG7.
31. 1000 pickers more than enough to pick 250 acres of strawberries.
32. Given intensive nature of strawberry growing cultivation will have to stop in a few years and need for caravans will cease.
33. Contrary to Policies A1, A2D, A9, A25, A41, A43, A54, A70, DR13 and DR14.
34. Impact on visual amenity, including from public footpaths and Ivington Camp.
35. Farm workers' accommodation was never meant to be on this scale.
36. A list of mitigation action has been submitted by the adjoining landowner.
37. Application should have been subject to Environmental Impact Assessment.

5.8 Many of these letters also referred to matters beyond the scope of the current application, including:

- housing on the former hopyard site
- reservoir
- agricentre
- polytunnels
- use of toxic chemicals to sterilise soil
- covering land in black plastic
- irrigation

5.9 A petition of 283 signatures was received on 9 March objecting to the proposal.

5.10 Additionally, a further petition with 70 signatures was received on 19 March urgently requesting that Hereford Council take out an immediate Injunction against S & A Davies Ltd to halt unauthorised works at Brierley Court.

5.11 Representations have also been received from addresses within Brierley. These included initial objections and concerns, many of which have now been overcome following further consultation with the applicant. The main points being that the assurances given by the applicant should form the basis of a Section 106 legal agreement, and that given the alternative of an 'uncontrolled' permitted development fall back available to the applicant, a controlled operation is preferable.

5.12 In addition, a letter has been received from the Brierley Residents Committee, received 10 March, signed by 20 residents. This includes references to the assurances given, and again a request that they form part of a Section 106 legal agreement. These assurances relate to proper management of the site, a plan of operation with the Police (including 10 min response); measures to minimise noise and light pollution, from both accommodation and operational activities, indigenous trees and hedging around perimeter to disguise chain link fence, and to hide new roadway, no more employees accommodated than those needed to farm the strawberries growing at Brierley Court Farm; signs stating Access Only, no S & A vehicles permitted.

5.13 In support the applicant has latterly submitted a statement explaining the proposal. Receipt of this was notified to objectors (sent on 1 April, with comments to be back by 16 April).

The statement includes information on the profile of the company, Brierley Court Farm, the economic case for development, the proposals themselves, reference to policy issues, the consultation carried out and a comment on the premature commencement of development. The document is too lengthy to include in its entirety even as an appendix. Section 6, The Development Proposals, is however attached as an appendix.

Set out below is a summary of the remaining chapters.

1. The S & A Group operates (1) through S & A Produce (UK) Limited which delivers quality soft fruits to households countrywide via the major supermarkets having graded and processed and packed the fruits through its own uniquely designed automated packhouse and (2) through S & A Soft Fruit Limited which prepares and plants and nurtures and picks the strawberry harvests and presents them to S & A Produce (UK) Limited for onward sale to the consumers.

2. S & A Produce (UK) Limited has invested approximately £4.8 million in buildings and machinery and packhouse technology at Marden.
3. Under the Home Office Seasonal Agricultural Workers Scheme (SAWS) the S & A Group have been selected and appointed as an authorised manager of immigrant workers. This planning application is directly related to the expectation of the Home Office for the integrated and total management of workers under SAWS under appropriate conditions and standards.
4. The S & A Group is based in Marden, Herefordshire and employs in Herefordshire 130 permanent local employees earning gross approximately £3.2 million.
5. The S & A Group contributes approximately £8.4 million directly into the Herefordshire local economy by purchasing supplies and services from local sources.
6. The S & A Group promotes a strategy of rejecting casual itinerant unauthorised callers for occasional labour to avoid any risk of chaos on their sites. This is a most important facet of the operational strategy of S & A Group as this strategy avoids the consequences of new European Union accession country citizens becoming speculative and uncontrolled labourers seeking casual work.
7. The site for the student seasonal workers accommodation caravans and the associated amenity centre is set out in a field known as West Field of approximately 18 acres and positioned to the west and as far from the hamlet of Brierley as land ownership and flood plain constraints allows.
8. The strawberry plantations at Brierley for 2004 will require 1000 workers to pick and increased acreage in future years will require additional numbers. The essential crucial supply line of seasonal workers has required S & A Group to develop a reputation and skill in the selection and management and entertainment of their immigrant work force.
9. S & A Group has participated in several years of discussions with the UK Government Home Office and DEFRA and the NFU and other specialist associations to design a programme for the management of immigrant seasonal agricultural workers. The S & A Group programme is approved by the Home Office and is cited as an example and model for other applicants.
10. Without reliable supply lines of seasonal labour the sustainability of the business would be in doubt. The new European Union accession countries from 1 May 2004 will be able to offer their free roaming citizens for work in the UK but these workers who can leave at their own discretion, as well as arrive when they want, are not the dedicated incentivised agricultural students which are preferred by the S & A Group.
11. There was not a single complaint received from the village of Marden during 2003 arising from the presence or behaviour from any of the 900 students on site.
12. One key feature of this relationship is the accommodation and proximity to the place of work. Picking can start early in the morning. Picking can start on short notice. Picking is subject to prevailing weather conditions. Picking is not good if

the weather is too hot and the crop is easily crushed. Students have come to pick and want to use their time profitably. All these reasons combine to require the accommodation units to be near to the place of work.

13. If any picker transport in/out for casual irregular seasonal pickers was necessary the traffic movements would be colossal and have serious adverse effect not only on the road network and neighbourhood and environment generally but also on the efficiency and effectiveness of the pickers and their performance.

14. The linkage between the strawberry fields and the campus and the amenity centre on the same integrated cohesive site enables the benefits of living and working on site to be maximised, and the severe disadvantages of distant or scattered accommodation units to be avoided.

15. DEFRA AND FARMING as taken from the DEFRA website 15 March 2004:

“The Government’s policy is to secure an environment in which a competitive and sustainable agricultural industry with a strong market orientation can flourish.”

“The British food and farming industries must respond to the demands of consumers for food of the highest quality, meeting the diverse needs of diverse people.”

“The strategy for sustainable farming and food ... the food chain ... the whole chain is faced with the constant need to adapt to changing circumstances and become more efficient. Increasingly, businesses are competing in a global market and the consequent demands for cost reduction are felt the length of the chain from retailers and caterers to wholesalers and processors and ultimately to farmers and growers ...”

16. PPG7 THE COUNTRYSIDE:

C10: “Although featuring the issue of glass house development the stated comment on horticulture is relevant to this application ...The UK faces intense competition from overseas growers and it is important that the horticultural industry is not held back by over-restrictive approaches to developments which could be sited without detriment to the surrounding area.”

C12: “The Government attaches great importance to encouraging new sources of jobs and services in rural areas and maintaining a strong agricultural and horticultural industry.”

Annex I.1: “One of the few circumstances in which isolated residential development in the countryside may be justified is when accommodation is required to enable farm or forestry workers to live at or in the immediate vicinity of their place of work.”

17. S & A Group have conducted consultations with a variety of special interest groups and offered opportunities to discuss and to visit the sites at Brierley Court and at Marden.
18. These consultees include neighbouring landowners Pryce and Taylor and Duggan and Leighton and Greene all of whom have indicated at one time an

acceptance or tolerance of the scheme subject to some suggestions of some details.

19. More regular discussions have taken place with individual residents of the hamlet of Brierley and the Brierley Residents Association. Apologies have been tendered when damage has been done to a private verge by lorries and remedial arrangements put in place. Lorry delivery times have been structured to avoid clashes with local school runs. The Brierley Residents Association are understood to have petitioned supporting the application.
20. S & A Group participated in the public meeting convened by residents of the village of Ivington held at the Royal Oak, Leominster, on 12 March 2004 and a meeting convened in Ivington on 26 March 2004.

The essence of the objections from these meetings was

- a) criticism of premature development
- b) criticism of intensive strawberry farming
- c) criticism of the impact of polytunnels

It should be noted

- a) Without the development of the caravan site and amenity centre there could be no appropriate controlled management of pickers and their accommodation and containment and transport and entertainment under the Home Office approved SAWS scheme.
 - b) That strawberry farming is an approved and permitted agricultural land use and one which is encouraged by consumers – Herefordshire has several intensive strawberry farms.
 - c) The impact of polytunnels is a matter of current and continuous review by Herefordshire Council and the other Councils. Herefordshire and elsewhere has many many acres of existing polytunnels.
21. S & A Group started the development, the subject of this application, before planning permission was granted. Such premature development has upset certain members of the public who expressed their dismay both to the media and at the public meeting. S & A Group accept the rebuke and tender by way of explanation the need to commence the development in order to ensure the minimum disruption and distress to the community by the operation of the farming activities when seasonal workers arrive on 1 May 2004.
 22. The business imperative arises out of the unexpected opportunity to buy the Brierley Court farm when marketed in May 2003. The envors insisted on exchange of contracts before their year end of end June and completion at the end of July. The growing hops could not be harvested until end of September 2003.
 23. Only with the completion of the hop harvest could certain essential ground surveys be undertaken.
 24. Those essential preliminary surveys and their results then had to be shared with and approved by the Environment Agency and by Welsh Water.

25. A planning application could not be lodged until the chosen site had been selected and surveyed and because of sewerage factors the associated issues of ground conditions and gradients have been resolved.
 26. The need for seasonal workers starts on 1 May 2004.
 27. If the site and centre were not built then the Home Office SAWS scheme based on carefully selected students and standards of accommodation would fail.
 28. There was no alternative but to start premature development and to comply with the SAWS scheme. S & A explained the position to those most personally affected in Brierley and to the Planning Officers. Brierley accepted the position as being in their best interests. The Planning Officers correctly advised that any premature development was at the developer's risk of a refusal by the Planning Committee.
- 5.14 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The application and more particularly the commencement of development has been the source of much concern and debate. Members will be aware of the requirement to determine the application on its merits, taking into account planning policies and material considerations, and not to be swayed by the unauthorised development to date.
- 6.2 Notwithstanding the above, it would be useful at this juncture to set out the position vis-à-vis permitted development.

Part 5 of The Town and Country Planning (General Permitted Development) Order 1995 states:

Class A Permitted Development

A. The use of land, other than a building, as a caravan site in the circumstances referred to in paragraph A2.

"A1 Development is permitted by Class A subject to the condition that the use shall be discontinued when the circumstances specified in paragraph A2 cease to exist, and all caravans on the site shall be removed as soon as reasonably practicable.

A2 The circumstances mentioned in Class A are those specified in paragraphs 2 to 10 of Schedule 1 to the 1960 Act (cases where a caravan site licence is not required), but in relation to those mentioned in paragraph 10 do not include use for winter quarters.

Permitted Development

B. Development required by the conditions of a site licence for the time being in force under the 1960 Act.

The relevant section of The Caravan Sites and Control of Development Act 1960 states:

"7. Subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for the use as a caravan site of agricultural land for the accommodation during a particular season of a person or persons employed in farming operations on land in the same occupation.

8. Subject to the provision of paragraph 13 of this Schedule, a site licence shall not be required for the use of land as a caravan site for the accommodation during a particular season of a person or persons employed on land in the same occupation, being land used for the purposes of forestry (including afforestation).

Paragraph 13 sets out that 'The Minister' may withdraw any of the listed exemptions.

- 6.3 Consequently, if it were the intention to remove the caravans at the end of the season, they would constitute permitted development. Class B permits development required by conditions of a site licence, this could include such things as infrastructure, hard standings, toilet facilities, etc. However, as the 1960 Act states that 'a site licence shall not be required ...' it may be argued that Class B does not come into play, and thus all work for infrastructure etc. does not then fall into the category of permitted development.
- 6.4 The definition of agriculture at Section 336 of The Town and Country Planning Act 1990 includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes.
- 6.5 As part of initial discussions about the proposal consideration was given to the need for an Environmental Impact Assessment. It was determined that the proposal did not fall into any of the categories of development contained in The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999, requiring such an assessment.
- 6.6 The list of policies set out earlier in the report is a measure of the number of different issues which are relevant in determining an application of this nature. A number of those policies relate to 'technical' issues such as drainage, to which there are technical solutions which can be required by condition. In determination of this application the main issues would appear to be the impact on visual amenity and character of the area, including upon the Scheduled Monument, the justification for residential accommodation in the countryside, highway safety, and the impact upon amenity of nearby residents.
- 6.7 The site is not located within an Area of Great Landscape Value or Landscape Least Resilient to Change as suggested in some of the representations. The landscape is characterised as Principal Settled Farmland: a landscape that is resilient to change. Of concern in these locations is the degradation and loss of hedgerows and intensification of farming practices resulting in a simplistic visual uniformity as landscape character is eroded. In this instance, the site for the caravan park is within a former hop field. It has not been necessary to remove hedges to achieve a site of this size. Whilst the proposal is necessitated by intensive agricultural practice it is not of itself such an activity.

- 6.8 It is inevitable that a proposal of this scale, in a location crossed by public rights of way, and elevated viewpoints, will be visible from a relatively wide area. However, other than within the immediate locality, the site is not visible from longer distance views, and cannot be seen from the B4361. A landscaping scheme has been included which has been subject to criticism from the Council's landscape officer. There is scope, however, for additional planting to soften the impact more than currently shown.
- 6.9 English Heritage have commented on the proposal, but do not recommend refusal on the impact of the site upon the setting of the Scheduled Monument, Ivington Camp.
- 6.10 Lying in open countryside, the justification for residential accommodation relies on criteria (i) of Policy A2(D) of the Leominster District Local Plan, i.e.

It is necessary for the efficient running of agricultural or forestry enterprises, and meets the criteria laid down in Policy A43. Policy A43 relates to agricultural dwellings.

The applicant has advised that 1000 pickers will be required in the first season with increased acreage in future years requiring additional workers. As currently proposed, the application provides for 3-4 workers per caravan. There is no alternative accommodation available either at Marden, or within Leominster, for this number of workers, even if daily transport was a sustainable option.

- 6.11 In order to reduce the volume of traffic through Brierley itself an internal farm road is being constructed, with access via the Arrow Fishery, to a point close to the site where it crosses the unclassified road between Brierley and Ivington. Had it not been for this road, the traffic implications would have been far more important.
- 6.12 The impact of the proposal upon amenity of local residents appears to have been assuaged, as far as Brierley residents are concerned, through the operation of the Home Office SAW Scheme, and the assurances provided by the applicant. It is understood that these do not necessarily overcome the concerns of other respondents. Pollution related issues can be controlled by condition and the Environmental Protection Act.
- 6.13 An archaeological evaluation has been undertaken, and whilst the final report is not available at the time of preparing this report, it is understood that there are no grounds for refusal.
- 6.14 If it is considered that the case for 300 caravans, accommodating 1000 seasonal workers initially is not made, then clearly the proposal would be contrary to Policy A2(D). If it is accepted that there is justification, it must be weighed against the impact upon visual and local amenity, together with other policies and material considerations. How much weight to give each element is a matter of individual interpretation.
- 6.15 Your officers consider that a sufficient case has been made to justify 300 caravans, moreover that the balance of considerations, including the fall back permitted development situation, which could see caravans, if not all 300, on site for up to 9 months, and policies and other guidance is such that a temporary permission for the caravans is acceptable. The permanent amenity buildings could not reasonably be so conditioned.
- 6.16 Reference has been made to the need for a Section 106 agreement. Given adherence to the applicant's own management arrangements and connection with Home Office

SAWS, this is not considered necessary. It is considered that a condition can cover the relevant points.

6.17 A suggestion has been made that if Members are minded to grant permission they will first need to refer the matter to the Secretary of State. The requirements are set out in Circular 19/92. The agent for the objector has been advised that such consideration will have to be given, that it will be a matter for Committee as to whether or not the application is contrary to policy, based on what weight is given to particular elements of the consideration. The Circular sets out the criteria should such a decision be required:

- “a) development which consists of, or includes the provision of
 - i) more than 150 houses or flats, or;
 - ii) more than 10,000 square metres of retail floor space;
 - iii)
- b) development of land of an interested planning authority, or for the development of any land by such an authority, whether alone or jointly with any person; or
- c) any other development which, by reason of its scale or nature or location of the land, would significantly prejudice the implementation of the Development Plan’s policies and proposals ...”

Your officers do not consider that the criteria are met, regardless of the decision.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - E23 (Temporary permission and reinstatement of land (mobile home/caravan)) (5 years)**

Reason: The local planning authority is not prepared to permit a residential [caravan] in this location other than on a temporary basis having regard to the special circumstances of the case.

- 2 - The occupation of the caravans shall be limited to persons employed in agriculture at Brierley Court Farm, under the Home Office Seasonal Agricultural Workers Scheme, or equivalent, unless otherwise previously agreed in writing by the local planning authority.**

Reason: Planning permission has only been granted given the farming requirements of Brierley Court Farm.

- 3 - Before any of the caravans are occupied details of the proposed means of foul drainage shall have been submitted to and approved in writing by the local planning authority, and shall be available for use. Any connection to a treatment works other than the mains shall be for a temporary period not exceeding 3 years from the date of this permission.**

Reason: In order to ensure that satisfactory drainage arrangements are provided.

- 4 - B01 (Samples of external materials) (No further development ...)**

Reason: To ensure that the materials harmonise with the surroundings.

5 - D03 (Site observation - archaeology)

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

6 - F14 (Time restriction on music) (delete 'in the premises', insert 'on the site')

Reason: In order to protect the amenity of occupiers of nearby properties.

7 - F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

8 - G04 (Landscaping scheme (general)) (No further development ...)

Reason: In order to protect the visual amenities of the area.

9 - G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

10 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

11 - G10 (Retention of trees)

Reason: In order to preserve the character and amenities of the area.

12 - Highway conditions

13 - Operation in accordance with management procedures set out in attached document.

Reason: In the interest of amenity.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.