

17 DCNW2004/3076/F - CHANGE OF USE TO SITE FOR CARAVANS FOR FRUIT PICKERS (RETROSPECTIVE APPLICATION) AT OAKCHURCH FARM, STAUNTON-ON-WYE, HEREFORD, HEREFORDSHIRE, HR4 7NE**For: E & J Price at same address.****Date Received:**
8th December 2004**Ward:**
Castle**Grid Ref:**
37364, 44953**Expiry Date:**
2nd February 2005

Local Member: Councillor J Hope

1. Site Description and Proposal

- 1.1 The location for the proposed development (retrospective) is to the rear of the existing farmyard at Oakchurch. Access to the site is through the existing farmyard complex from the unclassified 90401 public highway that runs past the eastern boundary of the farmyard. Also a public right of way passes closely (Staunton SY10) passes within close proximity to the application site on its western side.
- 1.2 The caravans are already in situ and consist of twenty five mostly 6-8 person units. The appraisal submitted in support of an application states these units have been on site for 8 years. The site has commanding views over the surrounding countryside and particularly out towards the south west. The farm complex itself gives reasonable screening on the eastern and south eastern elevations. While the land rises slightly to the north.
- 1.3 The application states that the units are required for the occupation of seasonal workers and in particular fruit pickers. However it must be emphasised that the application is for units that are required for occupation for longer than just the average fruit picking season - in fact for up to 10 months of the year.
- 1.4 The site does not form part of any particular landscape designation. Although there is a site of an ancient monument 160m from the application site.
- 1.5 Adjacent to the application site on the entry from the adjoining farmyard is a building structure that was approved on 1st May 2002 for an ancillary building in relationship to the agriculture business that is in use as a student/worker recreational building for use by occupants of the caravan site. Also alongside the eastern elevation of the application site and adjoining one of the applicants houses (the farmhouse), is a tennis court that is also used by occupants of the caravan units.
- 1.6 The caravan units themselves are laid out in a distinctive form around the access roads that circulate the site. There is nothing in the form of tree/shrub landscaping on the site itself, the units being surrounded by mown grassland. The units do have space for the parking of motor vehicles, although this is in no particular order, being in rather a haphazard fashion. The units also have no particularly safe means of foot access into them, some units only having the benefit of a timber pallet placed on its

one side and acting as a step. Also some units are poorly propped up with loosely laid concrete blocks.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

A1 – Managing the District’s Assets and Resources
A2(D) – Settlement Hierarchy
A9 – Safeguarding the Rural Landscape
A12 – New Development and Landscape Schemes
A13 – Pollution Control
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 Site
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
A78 – Protection of Public Rights of Way

2.2 Herefordshire Unitary Development Plan (Deposit Draft)

A1 – Development Criteria
S1 – Sustainable Development
S2 – Development Requirements
S3 – Housing
S4 – Employment
H7 – Housing in the Countryside outside Settlements
H8 – Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses.
H11 – Residential Caravans
E6 – Expansion of Existing Businesses
E11 – Employment in the Smaller Settlements and Open Countryside
E15 – Protection of Greenfield Land
HBA9 – Protection of Open Areas and Green Spaces
ARCH3 – Scheduled Ancient Monuments
CF2 – Foul Drainage
DR13 – Noise
LA6 – Landscaping Schemes

2.3 Planning Policy Guidance Notes

PPG1 – General Policy and Principles
PPS7 – Sustainable Development in Rural Areas
PPG – Nature Conservation
PPG16 – Archaeology and Planning
PPG24 – Planning and Noise

3. Planning History

- 3.1 None identified on site but most recent relevant history in relationship to the business is listed below.
- 3.2 NW2004/3407/F - Extension to food hall and storage construction of polytunnel type construction over plant area - Approved 8th November 2004.
- 3.3 NW2002/0832/F – Ancillary building to provide storage and shelter for fruit picking facility – Approved 1st May 2002.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency - The Agency requests a 'Holding Objection' to the proposed development until further information is supplied on how foul drainage will be safely disposed of from the proposed development.
- 4.2 English Heritage - If the development is acceptable on planning grounds, it should be screened by appropriate indigenous planting on all sides. Provided that the issues we have identified are addressed, we recommend that this case should be determined in accordance with government guidance, development plan policies and with the benefit of any further necessary conservation advice locally. It is not therefore necessary for us to be consulted again on this application.
- 4.3 The Ramblers Association - This development doesn't appear to have any impact upon the adjacent Public Rights of Way, Staunton SY10, however we would seek reassurance that the septic tank has been positioned and is of sufficient capacity so that it will not in-undate the footpath at anytime. Also the footpath level is somewhat below the caravan area level, what steps, if any, have been taken to ensure that storm water will not flood the footpath? At the end of the picking season shouldn't these caravans be cleared off the site and stored unobstrusively until the next season? We ask you to ensure that the developer is aware that there is a legal requirement to maintain and keep clear a Public Right of Way at all times.

Internal Council Advice

- 4.4 Highways Manager – suggests a travel plan condition.
- 4.5 Environmental Health Area Manager has no comments to make with regards to the proposed development.
- 4.6 Public Rights of Way Manager states the proposed development would not appear to affect the public footpath/bridleway. However the following points should be noted. The right of way should remain at its historic width and suffer no encroachment or obstruction at any time. The applicants should note that the Right of Way has footpath status and will only be maintained by the Highway Authority as such.

5. Representations

5.1 Staunton-on-Wye Parish Council state in their response: At a special meeting held on Friday 7th January 2005 to discuss the above planning application, the Parish Council resolved to make the following comments to the Herefordshire Council Planning Department.

1. There is much concern about inadequate sewerage disposal facilities. These may need a significant upgrade and re-route. Also there should be proper rubbish disposal, e.g. bins and skips.
2. The site is very exposed and serious landscaping and screening is needed.
3. The use of the caravans should be restricted to fruit pickers working on the farm.
4. The site needs strict management and control to minimise nuisance to local residents.

Subject to these matters being adequately addressed, the Parish Council supports the application.

5.2 Six separate householders have made objections/comments about the development. All raise concerns with regards to the development. Letters have been received from:

Mr & Mrs Pugh, New House Farm, Staunton-on-Wye
Mrs D Thomas, Bella-Vista, Staunton-on-Wye
Roberta Sanderson, Oakdale, Staunton-on-Wye
Mr D R & Mrs M G Penwarne, Sheldmar, Staunton-on-Wye
Patricia Sarkey, The Grove, Staunton-on-Wye
Major (retired) P S Berry, Oakchurch House, Staunton-on-Wye

The objections can be summarised as follows:

- The caravans presently on site are obtrusive and unsightly on the surrounding landscape.
- Concerns about numbers of caravans and also about Herefordshire's Voluntary Code of Practice with regards to polytunnel erection and how far will the applicants be allowed to go?
- Concerns raised about site being in permanent use and therefore not for temporary workers.
- Issues with regards to public nuisance by occupants of site on surrounding public highways.
- Concerns as to why English Heritage have not been informed in the past with regards to previous planning applications by Oakchurch Farm.
- Proper control and management of site and its personnel at all times.
- Concerns about adequacy of existing public transport within area of application site.
- Concerns about foul drainage from application site and fact that the applicants have not planted any trees or hedges to screen the existing site.

5.3 The applicant has submitted details regarding the need for the development, which is discussed in the appraisal section.

5.4 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 As Members may well be aware this application is 'retrospective' for the retention of twenty five caravans for occupation by agricultural fruit pickers and Members will also be aware of the need to determine the application on its planning merits with regards to planning policy and material considerations and not to be influenced by the unauthorised development already in place.
- 6.2 Of major concern with regards to this application is the requirement of the applicants that the caravans remain on site throughout the year and in use for longer than the fruit picking season and thus some units may well be in occupation throughout the year. Planning control of the site could potentially be difficult.
- 6.3 The applicants as part of their submission have submitted a detailed appraisal and statistics of the need for the siting of the 25 mobile homes in relationship to the business conducted from the farming unit.
The information provided states that the average fruit picker employed by the applicants picks 80kg of fruit per 8-hour day and reflecting overtime the average rises to 100kg per day. One picker in their employment cycle picks for 60 days and the crop therefore requires about 125 pickers. As well as fruit picking employees have to attend to such chores as planting, replanting failed plantings, weeding, venting, de-venting, crown splitting, polytunnel dismantling and other occasional tasks.
- 6.4 The employment period at Oakchurch of 'foreign labour lasts from 1st February until sometime during November (depending on the season) this employment time exceeds that of an average fruit picking season and therefore mobile home usage is required for longer than the fruit picking season.
- 6.5 Officers are satisfied that on the basis of the information provided that there is a need for the amount of bed spaces as stated in the report in order that the business can function effectively under the Seasonal Agricultural Workers Scheme the business is associated with. Provision also has to be made by the applicants for units to be available for single persons as well as couples and therefore there is a slight overlap in availability of units which internally are of basically satisfactory condition for temporary workers housing.
- 6.6 A site licence is also required for a caravan park where occupation of units is for longer than a 'season'. Agricultural seasonal caravan/mobile home units are normally exempt from this requirement provided they are removed from site after completion of the season they are in occupation.
- 6.7 Most of the units on site are capable of housing up to eight occupants and are therefore rather large and obtrusive. It is considered not practical to expect the applicant to remove them from site and if Members are mindful to approve the application it would be more practical that the units be allowed to remain on site and the site closed off and carefully worded conditions be attached to any approval notice issued, in order that the Local Planning Authority can closely monitor and enforce, if considered necessary.
- 6.8 Another practical reason for requesting that the applicants apply for a site licence is the fact that in order to obtain a site licence the site has to meet with Health and Safety regulations with regards to site layout, rubbish disposal, fire safety, and general safety issues etc, this issue is of particular concern considering the amount of persons the site is to house and time period in occupation. As earlier mentioned in this report some

of the units are spread out in a rather haphazard fashion with foot access to the individual units being in some cases over no more than a timber pallet used as a stepping stone into the unit, also some units are only resting on loosely laid concrete blocks. From a point of view of site safety therefore a site licence does have advantages. A site licence would also help address some of the Parish Council's concerns with regards to overall site management.

- 6.9 Leaving the units on site throughout the year also brings with it another planning issue of concern and one that has been raised in the letters of objections received from members of the public as well as the Parish Council, with regards to this application, about the detriment impact on the surrounding landscape that the caravans units have, being obtrusive and detrimental to the character of the rural scene. The site is located behind the existing farmyard complex and reasonably well screened within its immediate vicinity from the easterly direction and particularly from the adjoining public highway. However the site is open within the larger landscape scene context with far reaching views particularly in a westerly direction. During the winter months these units are even more noticeable on the surrounding landscape.
- 6.10 With no suitable venue in which to move them during the dormant period and the units left on site, it is therefore essential to ensure that adequate landscaping in the form of tree and hedge planting around the sites perimeter are put in place, in order to lessen the impact on the landscape. As well as some on-site informal tree plantings. English Heritage have commented on the application recommending if this development is acceptable on planning grounds, it should be screened by appropriate indigenous planting on all sides.
- 6.11 Another issue of concern is the means of foul drainage from the application site, an issue of concern also raised by objectors to the application as well as the Parish Council. The Environment Agency has responded to the application with a 'Holding Objection' to the proposed development until further information is supplied on how foul drainage will be safely disposed of from the proposed development. The Local Planning Authority received this response on 22nd December 2004, a copy of which was also sent to the applicants, and despite repeated requests from the Case Officer, no satisfactory response has been received and therefore the Environment Agency's response still stands.
- 6.12 The Highway Manager requests consideration be given to a travel plan. Since the occupants live at their place of work, this would be with regard to access to leisure facilities. wish to give include negotiations with regards to a section 106 agreement under the Town and Country Planning Act 1990 towards a contribution to local public transport.
- 6.13 Letters of objections received from members of the public to the application complain about public nuisance on the public highway during late hours – many of the sites residents frequently patronizing the local public house which is within walking distance of the site. This issue of concern is not a direct planning issue and one that falls under the remit of the local Police.
- 6.14 Alongside the western boundary of the application site there is a public right of way (Staunton SY10). The Councils Public Right of Way Officer has responded to the application with no objection stating that the proposed development will have no detrimental effect on this right of way. A note can be added to any approval notice issued reminding the applicant that it is an offence to block or impinge onto a public right of way that must remain open at all times.

RECOMMENDATION

That the application be delegated to the Head of Planning Services for approval subject to the applicants supplying satisfactory information on the method of foul drainage from the application site. Prior agreement is also required by means of a detailed site plan indicating each caravan unit and occupancy capacity with a clear indication of duration of its individual season. Finally the applicants must also supply prior written agreement with regards to applying for a site licence from the Councils Environmental Health Department.

- 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 - E32 (Static holiday caravan occupancy) (1st December – 31st January)

Reason: To prevent the establishment of a residential use in the countryside where it would not normally be permitted.

- 3 - E36 (Caravan colours)

Reason: To minimise visual intrusion.

- 4 - F24 (Standard of septic tank/soakaway system)

Reason: To prevent pollution of the water environment.

- 5 - F39 (Scheme of refuse storage)

Reason: In the interests of amenity.

- 6 - The occupation of the caravans shall be limited to persons in full-time employment at Oakchurch 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 Oakchurch Farm.

- 7 - F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

- 8 - Full details will be submitted to the Local Planning Authority prior to the first recognised planting season after the issuing by the Council of this approval notice and agreed in writing by the Local Planning Authority on details of all boundary tree and hedge planting and internal tree/shrub planting within the caravan park complex.

Reasons: In order to protect the surrounding landscape and improve the visual impact of the development on the surrounding landscape.

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

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

10 - G06 (Scope of landscaping scheme)

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

11 - G08 (Retention of trees/hedgerows (outline applications))

Reason: To safeguard the amenity of the area.

12 - G10 (Retention of trees)

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

13 - Each caravan unit will have its own designated car parking space and sufficient room will be allowed in order that vehicles may enter and leave the site in a forward gear. The car parking space will be constructed in accordance with full details as approved in writing by the Local Planning Authority within 12 months of the issuing of this approval notice.

Reasons: In the interest of highway safety and to minimise the likelihood of indiscriminate parking.

14 - Within 12 months of the issuing of this approval notice provision for cycle parking will be provided on site in accordance with full details as previously approved in writing by the Local Planning Authority.

Reasons: In order to ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both Local and National Planning Policy.

15 - The site shall be securely locked by means of a gate and padlock during the period 1st December and 31st January (inclusive) of the following year. With no means of available public access onto the site during this period.

Reasons: In order to ensure that the site is not in occupation for a full year, as the location is considered unsuitable as a permanent residential site.

16 – Within 3 months of the date of this permission the applicant shall have agreed in writing with the Local Planning Authority, a travel plan to ensure that occupiers have sustainable options to gain access to leisure/shopping facilities.

Reasons: To ensure a sustainable option is available to reduce reliance upon car borne transport.

Informatives:**1 - The applicants are reminded that a footpath (Staunton SY10) passes within close proximity to the application site and are reminded that it is an offence to obstruct**

or encroach onto this footpath which must remain at its historic width at all times.

- 2 - The applicants are reminded with regards to their written agreement with regards to a Site License from Herefordshire County Councils Environmental Health Section.
- 3 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.