

4.2 - 17/02113/FUL

Date expired 4 September 2017

Proposal: Change of use of land for the stationing and storage of rural worker caravans overwinter and the provision of associated hardstanding, drainage and landscaping.

Location: Land At Salmans Farm, Salmans Lane, Penshurst, Kent

Ward(s): Penshurst, Fordcombe & Chiddingstone

ITEM FOR DECISION

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) The caravans shall not be brought onto the land until full details of soft landscape works have been submitted to and approved in writing by the local planning authority. Those details shall include:- planting plans (identifying existing planting, plants to be retained and new planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation. The local planning authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted. The approved details shall be implemented within the first planting season after approval.

To safeguard the visual appearance of the area as supported by Policies EN1, EN5 of the Sevenoaks Allocations and Development Management Plan.

3) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To safeguard the visual appearance of the area as supported by Policies EN1, EN5 of the Sevenoaks Allocations and Development Management Plan.

4) No floodlighting, security lighting or other external lighting shall be installed or operated at the site, other than in accordance with details submitted and agreed in writing by the local planning authority. Such details shall include a statement as to the need for the lighting, the hours and frequency of operation, the areas of illumination and beam angles, and the number and location of any lighting. Only the approved lighting shall be installed and maintained thereafter..

To protect the amenities of the area as supported by Policies EN5, EN6 of the Sevenoaks Allocations and Development Management Plan.

5) At no time shall there be more than 4 caravans stationed or stored within the area of the application site as shown in blue on approved drawing no. 01A. Furthermore the caravans shall only be sited in the area as shown on approved drawing no. 02.

To protect the amenities of the area as supported by Policies EN1, EN5 of the Sevenoaks Allocations and Development Management Plan.

6) The total number of agricultural workers accommodated within the caravans hereby permitted shall not exceed 6 persons per caravan, a total of 24 persons at any one time.

To safeguard the amenity of the area.

7) The external elevations and roofs of the caravans shall be coloured dark green and thereafter retained as such.

To safeguard the visual appearance of the area as supported by Policies EN1, EN5 of the Sevenoaks Allocations and Development Management Plan.

8) The caravans hereby permitted shall be used for the purpose of seasonal workers' accommodation in association with the agriculture of the adjoining agricultural unit, as defined by Section 336(i) of the Town and Country Planning Act 1990, as amended (or any definition which replaces it) and for no other purpose including Class C3 (residential) of the Use Classes Order 1987, as amended.

Stationing of non-agricultural workers caravans would be contrary to Green Belt policy and rural protection policies as supported by Policy GB6 of the Sevenoaks Development Management Plan and policy LO8 of the Sevenoaks Core Strategy.

9) Three months after the cessation of the use of the site for the stationing of caravans hereby permitted, the caravans and associated equipment and hardstanding shall be removed from the site. Three months prior to the cessation of the use of the site, a programme of restoration works will be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details within a month of the removal of the caravans.

To safeguard the amenity of the area.

10) The development hereby permitted shall be carried out in accordance with the following approved plans: 01A and 02

For the avoidance of doubt and in the interests of proper planning.

Note to applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,

- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was provided with pre-application advice.
- 2) Was updated on the progress of the planning application.

Description of site

- 1 The application site, forms part of a larger agricultural until that comprises an area of approximately 22 hectares of which 15 hectares is covered by polytunnels for the use of growing soft fruit. The site is located to the west of the main centre of Penshurst village and directly to the west of Penshurst Place.
- 2 The site is accessed via a private driveway/track, which joins the B2188, approximately 0.5 km to the east of the site. There is access to the south-eastern corner of the site from this driveway, which presently accommodates some parking in connection with the site. The driveway then continues along the entire southern edge of the site to serve a number of residential properties further along, including Salmans Farm Cottages and as the drive turns northwards, Salmans Oast and Watermill Oast, Salmans Farm (house) and Abbotsmerry Barn. The driveway then continues north to Wat Stock. A further, unmade, vehicular track runs along the entire northern boundary of the site from Wat Stock back to the parking area at the south-eastern corner of the application site.
- 3 The section of track running from the B2188 to the south-eastern corner of the site, all along the northern boundary and along the track from Wat Stock

southwards is classed as a Public Right of Way (SR546) - Eden Valley Walk (Tudor Way).

- 4 The southern and northern boundaries of the site follow the trackways, with the western boundary more irregular as it skirts around the eastern side of Salmans Farmhouse and Abbotsmerry Barn as it rises up and over the ridge bordering a short section of private track / bridleway and a field to then meet the northern boundary at Wat Stock
- 5 Within the site the polytunnels are generally aligned to run up/down the slope of the land for drainage purposes whilst the length of each tunnel responds to the varying lengths available on each field.
- 6 Separate permissions have been granted for above ground water storage tanks and associated equipment on the site to facilitate crop irrigation, water being extracted from the River Eden. The storage tanks are located centrally on the site near the highest point of the site together with farm storage buildings and a couple of mobile homes that are sited adjacent to it (permitted development). It here where it is intended to station 4 caravans within this small cluster of buildings.

Description of proposal

- 7 Change of use of land for the stationing and storage of four rural worker caravans overwinter and the provision of associated hardstanding, drainage and landscaping.
- 8 Each caravan measures approximately 11 metres x 3.7 metres wide and have self-contained amenities within them, thus removing the requirement of an amenity block. A network of gravel footpaths together with associated services to the caravans will be provided on the site.
- 9 The proposed caravans will have 6 berths each having a capacity to accommodate up to 26 workers to carry out work at Salmans Farm. Salmans Farm grows soft fruit on 15 hectares of land. Accommodation is required for 'only agricultural' workers to undertake general horticultural operations, and carry out out-of-season duties such as maintaining the land i.e. pruning and topping, mowing, spraying and replanting and provide security for the site. It is expected that 1 caravan would be occupied continuously and the other three would only expect remain unoccupied for 1 month during a 12 month period. The number of people to occupy the caravans at any one time will vary, depending on how early or late the crop is.
- 10 The proposal includes the installation of a sewage treatment plant to treat on-site wastewater.

Constraints

- 11 Metropolitan Green Belt
- 12 High Weald Area of Outstanding Natural Beauty
- 13 Public Right of Way SR564 (adjacent site)

Policies

Sevenoaks Core Strategy:

14 Policies:

SP1- Design of New Development and Conservation
LO8 - The Countryside and Rural Economy

Allocations and Development Management Plan

15 Policies:

SC1 - Presumption in Favour of Sustainable Development
EN5 - Landscape
EN6 - Outdoor Lighting
GB6 - Siting of Caravans and Mobile Homes in the Green Belt

Other:

16 National Planning Policy Framework

17 National Planning Policy Guidance

18 Caravans and Control of Development Act 1960

19 The High Weald AONB Management Plan

20 SDC Development in the Green Belt SPD

Planning History

21 17/02111/FUL - Permanent erection of polytunnels at the land at Salmans Farm, with associated landscaping and ecological enhancements - PENDING CONSIDERATION

17/01916/RG5 - Request for a screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulation 2017 for the retention of existing poly tunnels - EIA Not REQUIRED

10/00517/FUL - Retrospective application for erection of temporary portable, multi-bay polythene tunnel structures for protection of fruit crops, together with proposed associated drainage works - GRANTED

09/02661/AGRNOT - Erection of a steel frame Agricultural Building. As amplified by e-mail received 14.12.09 confirming use of dark coloured materials in the external fabric of the building - NO OBJECTION

07/03574/AGRNOT - Erection of two water tanks and a steel container - NO OBJECTION

05/00107/FUL - Erection of temporary portable, multi-bay polythene tunnel structures for protection of cane fruit crops - GRANTED (5 year temporary permission on part of site known as 'Top Field 30', expired November 2010)

04/01630/FUL - Retrospective and new erection of Temporary, portable multi bay polythene tunnel structures for protection for fruit crops - GRANTED

Consultations

SDC Agricultural Advisor

- 22 'As advised regarding the earlier pre-application submissions for these proposals, submitted under PA/17/00091, the adjoining land concerned extends to some 30 ha and has been farmed with fruit for a number of years using polytunnels; most recently under SE/10/00517 Salmans Farm was granted temporary permission for some 15 ha polytunnels, which remain in existence today. The 2010 temporary permission expires on 30 November 2017.
- 23 More recently (2014) the farm was taken over by Clock House Farm Ltd. as part of their large specialist soft fruit growing venture, based at Coxheath, and utilising both owned and rented land in the locality, again mainly using polytunnels.
- 24 Salmans Farm previously had the use of the previous farmer's seasonal workers' camp with 52 mobiles, at Home Farm, Bidborough, but I gather that site has since been approved for housing. It is now proposed to have 4 agricultural workers' mobile homes at Salmans Farm instead. More recently (2014) the farm was taken over by Clock House Farm Ltd. as part of their large specialist soft fruit growing venture, based at Coxheath, and utilising both owned and rented land in the locality, again mainly using polytunnels.
- 25 Salmans Farm previously had the use of the previous farmer's seasonal workers' camp with 52 mobiles, at Home Farm, Bidborough, but I gather that site has since been approved for housing. It is now proposed to have 4 agricultural workers' mobile homes at Salmans Farm instead.
- 26 The general agricultural justification for both the polytunnels and the use of seasonal workers' mobile homes has been set out by Rural Planning Limited on many occasions and has been accepted in principle both to serve Salmans Farm, other parts of Clock House Farm Ltd.'s land, and also for many other similar businesses across the County.
- 27 The general agricultural justification for both the polytunnels and the use of seasonal workers' mobile homes has been set out by Rural Planning Limited on many occasions and has been accepted in principle both to serve Salmans Farm, other parts of Clock House Farm Ltd.'s land, and also for many other similar businesses across the County. The agricultural justification is further explained, in this case, in the Statements submitted by the applicants' agents.'

High Weald AONB Unit -

- 28 'Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have regard to 'the purpose of conserving and enhancing the natural beauty of AONBs' in making decisions that affect the designated area. The National Planning Policy Framework paragraph 115 requires great

weight to be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas. The High Weald AONB Management Plan has been adopted by all the relevant local authorities, including Sevenoaks District Council, as their policy for the management of the area and for the carrying out of their functions in relation to it.

- 29 It is the responsibility of Sevenoaks District Council to decide whether the applications meet legislative and policy requirements in respect of AONBs.
- 30 The High Weald AONB Management Plan sets out five key landscape components of the High Weald, which are:
- Geology, landform, water systems and climate
 - Settlement
 - Routeways
 - Woodland
 - Field and heath.
- 31 The first and last of these are considered to be the most relevant for these applications. The Management Plan sets objectives and targets for each of these components. Objective FH1 of the Management Plan seeks ‘To secure agriculturally productive use for the fields of the High Weald, especially for local markets, as part of sustainable land management’. This includes horticulture and soft fruit growing has an established history in the area, particularly in the Kent part of the High Weald.
- 32 It is noted that the fruit plants at the application site are grown in pots and some representations suggest that this demonstrates that the operation has no requirement to be in the AONB. However, I understood that the operator considers that the site is good for soft fruit growing because of its form and local climate which is exceptionally warm and sheltered. The AONB Unit suggests the local planning authority seeks independent expert opinion on this matter.
- 33 The representations also raise the issue of the visual impact of the polytunnels. The AONB Unit’s Planning Advisor has visited the site and surrounding areas and viewed the photographs submitted as part of the application and by representors. The expanse of plastic sheeting over 15 hectares undoubtedly has a visual impact on the landscape, albeit that this is removed in the winter months. The AONB Unit does not object to polytunnels in principle but it is our view that the scale of this application is not consistent with the small scale nature of the AONB’s landscape character.
- 34 The AONB Unit’s Planning Advisor observed that shelter belts have been planted around the site and notes that there are proposals for additional environmental improvements such as wildflower meadows and pond management but I have not been able to scrutinise these proposals in detail and have not assessed their value as compensation measures for the visual impact. The AONB Unit’s Planning Advisor has provided the applicants with

links to our website on wildflower meadow management and pond restoration to encourage these improvements to be carried out in a way that maximises environmental benefits and supports plants that are indigenous to the High Weald.

- 35 In the event that Sevenoaks District Council decides to grant planning permission, the following requirements are recommended:
- The polytunnels and caravans should be maintained in a good condition, or replaced by similar structures as necessary, to avoid visual degradation of the site over time;
 - Details of the proposed ecological improvements and their future management shall be submitted to and approved by the LPA (we would like to be consulted on these details);
 - Any external lighting on the site should be controlled through condition, including lighting within the tunnels which would be visible from outside due to their transparent nature. The Institute of Lighting Professionals (ILP) recommends light control zone E1 (Intrinsically dark) for exterior lighting in AONBs in their guidance for the reduction of obtrusive light.'

Penshurst Parish Council

- 36 'Approval is only permitted in conjunction with polytunnel use if application SE/17/02111/FUL is approved
- Number of caravans limited to four (4) as a maximum
 - The land remains agricultural land and the change of use is not permitted
 - Future permitted development rights relating to the stationing of mobile homes are removed'

Chiddingstone Parish Council

- 37 Object for the following reasons:
- 38 'There is concern that, if approved, this site would require more workers than could be accommodated in the four caravans included in this application. Additional caravans or mobile homes, whether on a permanent or temporary basis, would also constitute inappropriate development in the AONB and Green Belt.
- 39 Workers at this location would put a huge burden on the current infrastructure - there are not enough school places for their children and the doctors' surgeries in the area are full.
- 40 Chiddingstone Parish Council does support local rural businesses when there are economic and social benefits. In this case there does not appear to be any such benefit for the local area'.
- 41 Cllr Coleman (Local Member - Representation made prior to being elected) - Objects to the scheme:

- Inappropriate development in the AONB and set a precedent other similar development in the AONB;
- Mobile homes do not respect local built character;
- Increase in traffic movements

Representations

42 145 Objections received from both local residents and those further afield -

- No visual merit;
- Duty to Protect AONB;
- Security Issues;
- Take away communal feel of a village by the influx of migrant workers; (officer comment - this is not a material planning consideration)
- Sanitation and drainage issues;
- No economic benefit;
- No proven need;
- Company would not be at an competitive advantage;
- Associated infrastructure would harm green belt;
- To applicant is premature; (officer comment - this is not a material planning consideration)
- Bridge in a dangerous state;
- Would lead bigger encampment; (officer comment - this is not a material planning consideration)
- Industrial operation;
- Forerunner to a housing estate; (officer comment - this is not a material planning consideration)
- Setting a precedence;
- Harm openness of Green Belt;
- Would not reduce traffic movements;
- Blight property values; (officer comment - this is not a material planning consideration)
- Adverse impact upon local community resources, infrastructure;
- Affect tourism;
- Light pollution;
- Already have accommodation in Maidstone;
- Affect the Conservation Area;
- Proposed drainage system too excessive to meet its needs.

43 (It is noted that many objections relate mostly to the parent planning application ref: SE/17/02111/FUL regarding the polytunnels).

43 Statement of Opposition from ADU planning on behalf of Protect Penshurst Campaign Group. In summary states:

‘Mobile homes would be harmful to the AONB and to the openness of the Green Belt. They would fail to comply with Policy GB6 of the ADMP in that a proven need has not adequately been made for their retention. Nor are they acceptable in terms of their location, access or local amenity. In the

absence for the retention of the polytunnels this application is considered to be pre-mature.’

44 35 representations of support from both local residents and those further afield have been received including the National Farmers Union. Representations making the following points, in summary:

- Use would not result in deterioration of local tourism;
- Sits beyond the flood plain;
- Farm workers would contribute to the local economy - paying NI and tax;
- Reduction with the need to commute;
- Site is shielded;
- Essential for protection and maintenance of crops;
- Sustain farming practises and food security;
- Keep food costs low;
- Less disruption by keeping working accommodation on site.

Chief Planning Officer’s appraisal

Principle issues

Background

45 The proposed caravans are to accommodate agricultural workers employed by Clock House Farms. It is expected that a minimum number of staff is required to be on-site to effectively manage the 15 hectare polytunnel operation on site. The occupants of the proposed caravans will undertake general horticultural operations including but not limited to planting, harvesting, packing, plant pruning and thinning, mowing, spaying, pollinating, feeding, temperature monitoring, replanting, polytunnels maintenance and general maintenance (fixing stakes, pest control etc.).

Month	Staff Required	Tasks
January	Medium - low	Tunnel repairs to frame, wirework maintenance, plant moving, irrigation maintenance, machinery repair and maintenance, building maintenance and cleaned.
February	Medium	Tunnel construction and repairs, orders done, mowing
March	Medium - high	Slit blackberry beds, tunnel construction, planting, mulch and replace canes, mowing in tunnels, fertilizer application, temperature monitoring and feeding plants.

April	High	Planting, mulching and sorting canes, weeding, thinning and, mowing, temperature monitoring and feeding plants
May	High	Planting, weeding, mulching, thinning and training, mowing, temperature monitoring, feeding plants, picking and packing
June	High	Planting, weeding, spraying, thinning and training, temperature monitoring and feeding plants, mowing, picking and packing
July	High	Planting, weeding, mulching, thinning and training, spraying, mowing, picking and packing. Cut back fruited canes
August	High	Weeding, spraying, pruning and training, picking, packing and mowing.
September	High	Weeding, spraying, pruning and training, picking, packing and mowing.
October	High	Picking and packing, dismantling poly tunnels and growing areas.
November	Medium	Plant moving, dismantling poly tunnels and growing areas.
December	Medium - low	Tunnel and trellis repairs to frame, wirework maintenance, plant moving, irrigation maintenance, machinery repair and maintenance, building maintenance and cleaning.

46 The applicant has stated that further consideration has been given to renting accommodation locally. However, Clock House Farm Ltd consider that it would give them a substantial competitive disadvantage compared to other farms producing the same fruit for the following reasons:

- staff would not be on site to deal with the variable tasks required of them and the often unusual hours associated with their work (potential spraying in the early morning when there is no wind, picking the fruit crops in the evening before the prediction of a heavy frost etc.);
- Result in to paying their staff more to reflect the rents that their staff would then need to pay, which would also put them at a serious competitive disadvantage;

- Seasonal workers do not want to commit to having to pay for annual occupation of dwellings in nearby settlements, additional travel costs etc so the attractiveness of this work reduces for the workers. The attraction for the staff that undertake this work is the ability to be provided with accommodation that deals with all their services and needs and allows them to go on holiday outside of the seasonal work period without worry.
- The additional cost of transporting the staff to and from the farm on a regular basis.

Impact upon the Green Belt

- 47 Current Government advice, in the form of the NPPF, supports the protection of the Green Belt and seeks to restrict development. Paragraph 79 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The advice states that there is a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt.
- 48 The NPPF states that certain other forms of development are not inappropriate development provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.
- 49 Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, except for a limited number of exceptions, including: Buildings for agriculture and forestry.
- 50 In light of this the caravans could be seen as appropriate development in the green belt.
- 51 Policy GB6 of the ADMP allows for temporary or permanent location of mobile home/caravans in the Green Belt if there is a proven need for agricultural/forestry purposes. In addition the NPPF also seeks to promote a prosperous rural economy and para.28, amongst other things, states that:
- ‘Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development by:
- supporting sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings and;
 - promote the development and diversification of agricultural and other land-based rural businesses.’

- 52 Policy GB6 of the ADMP allows for the permanent or temporary stationing of mobile homes/caravans for residential accommodation associated with agricultural or forestry purposes within the Green Belt providing there is proven need.
- 53 As highlighted previously the management of the site does warrant the occupation of workers to adequately deal with sudden changes in climatic conditions and demands of the crop/business. In this instance, the business has demonstrated in compliance with Policy GB6 of the ADMP that there is a need to retain the caravans onsite even though 3 of them are unoccupied for one month in a 12 month period. Our Agricultural Advisor has raised no objection to this proposal.
- 54 It is recognised that the caravans will cause modest harm to the open character of the Green Belt as they add to the additional built form within the site. Notwithstanding this, they are considered as appropriate development within the Green Belt.
- 55 Overall it is considered that the development is appropriate development in the Green Belt that conforms to Policy GB6 of the ADMP
- 56 In acknowledgement that much of the year the caravans can be stationed without requiring planning permission, it remains to be assessed whether storing them in the same location represents the optimum solution in minimising their visual impact on the rural character of the area.
- 57 It is recognised that the caravans will cause modest harm to the open character of the Green Belt that leads to a view that they should be removed when no longer required. In this instance, to remove the caravans to another site when not in use for a short period would represent a cost to the business and logistical issues. Furthermore, there is no capacity to put them into a storage building onsite as these are occupied by machinery and cold storage. Their retention could only be justified if it would cause a demonstrable increase in visual harm compared to their stationing and occupation for much of the year and which could not be resolved by other mitigation measures i.e. landscaping.
- 58 In the context of the immediate area the site is already well enclosed by existing mature hedgerows and tree belt to its northern boundary. The caravans would be sited within a small cluster of permanent built forms, being the existing storage building and water tanks. These existing features ensure that the impact of the caravans will be contained within the site and have a limited impact on the rural character of the wider rural area. Additional landscaping could be planted to further diminish/soften the visual impact of the development when the caravans are being stored/occupied, as this would be seen as a positive measure.

Impact upon the AONB

- 59 The Countryside and Rights of Way Act (2000), Section 85 states that:

‘In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall

have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.’

- 60 As such the local planning authority has a duty to uphold this by statute.
- 61 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 62 Paragraphs 115 and 116 of the National Planning Policy Framework are also applicable as they seek to protect the intrinsic qualities of AONBs.
- 63 Paragraph 115 of the NPPF gives great weight to conserving and enhancing the landscape, natural and scenic beauty of the AONB necessarily feeds through to how one should respond to development which fails to conserve or enhance the AONB.
- 64 Policy EN5 of the Allocations and Development Management Plan states that proposals within AONB will be permitted where the form, scale, materials and design would conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.
- 65 Core Strategy Policy LO8 seeks to conserve and enhance the distinctive character of AONBs and the use of appropriate mitigation is provided where damage to local character cannot be avoided. It also supports the maintenance and diversification of the rural economy that includes agriculture.
- 66 The impacts of the proposal should be primarily judged against the requirements of paragraph 115 of the Framework, which call for great weight to be given to conserving landscape and scenic beauty, and also considered alongside the other policies within it that give support to a prosperous rural economy.
- 67 The caravans would be located to the rear of an existing storage/coldstore building within the site. The caravans would be partially screen by the existing building and the surrounding polytunnels. Further landscaping would further reinforce the screening of the caravans, which would lessen their visual impact. The visibility of the proposal also needs to take account of the backdrop of the larger building to its front other and others that surround it, which would lessen their prominence. Both these factors would reduce the visual impact, and would mean that the development would not appear incongruent features at odds with the agricultural and rural landscape.
- 68 However the introduction of further built form within the context of the AONB would neither conserve nor enhance its natural beauty and the special character of the landscape. As such the proposal would not accord with policy EN5 of the ADMP.

Residential amenity

- 69 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is

that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy EN2 of the ADMP requires that any proposed development should not have an adverse impact on the amenities of neighbours and ensures a satisfactory environment for future occupants.

- 70 In terms of the impact of the proposal on residential amenity, the mobiles are set well within the farm site. It is not considered that any nearby property would be directly affected by the proposed development due to the separation distances, as the closest dwelling is some 250 metres to the southwest of the site - Abbotsmerry Barn.
- 71 Concerns have been raised in the representations relating the intensification of the site and the resultant noise that could be generated by increased traffic and more persons loitering around the caravans. It must be noted that this development would form part of an agricultural operation, it is reasonable to expect and experience some noise and disturbance during the daytime and evening activities. There will be some noise associated with people living in the caravans but this will be minimal.
- 72 However for the majority of the day the workforce will be out working in the polytunnels. A designated site manager on site who will be able to oversee the management of the staff workers in the caravans, to prevent any disturbance or inconvenience on site. Furthermore the farm discourages workers from using their own form of transport and therefore it is unlikely that there would be a significant noise issue would arise from additional vehicular activity.
- 73 On considering the above, the stationing of these caravans at a minimum distance of 250 metres from the nearest property, would not detrimentally effect to the living conditions of nearby residential properties. This proposal would comply with Policy EN2 of the ADMP.

Highways

- 74 Objections made in relation to this development is its impact on the local road network when the caravans are occupied and to the deterioration of the access road/bridge on Salmans Lane due to increased traffic. Kent Highways views have been sought on this matter and their comments will be reported in the late observations.
- 75 It should be noted however temporary seasonal accommodation in the way of caravans can be station at the farm for a number of months without the need for any planning permission. There would be no requirement for any highway or parking provision in such circumstances. In addition the current seasonal workers have to travel to this site to work and have had for a number of years now. The current proposal would involve reduce travelling to and from work, as the seasonal workers would now live on site. Therefore there is a balance of travel movements in the months would seasonal workers are on site.
- 76 When the caravans are being occupied in the winter months, it is considered that the amount of traffic generated will be minimal and likely to be no

more than that required for general maintenance operations carried out by the farm.

- 77 With regard to the representation made regarding the damage to the bridge, as mentioned in the previous report under planning permission reference SE/17/02111/FUL, works are planned for the repairs to be undertaken to the bridge on Salmans Lane.

Other issues

- 78 Consideration has been given the objections raised to the proposal in respect of noise and disturbance, number of future occupants, drainage and the increased pressure on the local infrastructure and resources. These are matters that we can have some control over by the use of planning conditions. Therefore these matters would not result in a level of harm which would justify a refusal of this application.
- 79 It must be noted that the occupation of the caravans are to be restricted to workers only and it is not farm policy to encourage dependants/families to reside with them. Therefore it not considered that the number of seasonal workers residing on site would put undue pressure on local services or facilities.
- 80 Conditions requiring details of boundary treatments and external lighting are necessary to protect the character and appearance of the area. For similar reasons, the dark green colour external finishes of the mobile homes would be reasonable to assist the caravans to assimilate into their immediate surroundings thus not adversely affect the character and appearance of the rural location.
- 81 A number of representations have stated that if this permission were to be granted, it would create a precedent for more caravans to move onto the site. In light of this, a condition has been imposed to limit the number of caravans allowed within the site.

Planning balance

- 82 The proposed stationing of caravans at this site needs to be balanced between harm to the AONB as a result of the development and support for agricultural workers accommodation in the green belt, along with the policies supporting the rural agricultural economy.
- 83 There is identified harm and there is also a need to consider whether other material considerations apply to outweigh the identified harm. The planning balance is whether 'any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.
- 84 In this case it is important to recognise that for the majority of the year these caravans benefit from permitted development. The caravans would need to conform to the definition of a caravan as cited in Caravan Sites and Control of Development Act 1960.

- 85 Section 29 of the 1960 Act states that a caravan ‘means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any other motor vehicle so designed or adapted, but does not include a) any railway rolling stock which is for the time being on rails forming part of a railway system, on b) any tent.’ This definition also includes ‘twin unit’ caravans.
- 86 In addition to the above, the 1960 Act defines the size of a caravan as being:
- ‘(a) length (exclusive of any drawbar): 20m); .
 - (b) width: 6.8m; .
 - (c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 3.05m).’
- 87 Therefore if the caravans conform to this, then the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended would apply. It states in Schedule Two, Part 5, Class A of that Order that permitted development for the use of land, other than a building, as a caravan site providing they are not used for winter quarters.
- 88 Class A, paragraph A.1 of the Order states that permitted development is subject to condition ‘that the use is discontinued when circumstances specified in paragraph A.2 cease to exist, and all caravans on site are removed as soon as reasonably practicable’.
- 89 This can be construed as a viable ‘fall-back’ position and the Caravan Sites and Control of Development Act 1960, qualifies the exemption that a site licence would 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’
- 90 This is a qualified ‘fall-back’ position and is an important material planning consideration in the determination of this application.
- 91 Further to the above these permitted development rights under Schedule Two, Part 5 of 2015 Order:
- Are irrespective of landscape designation - the Area of Outstanding Natural Beauty and Metropolitan Green Belt are subject to the same permitted development rights as land outside these designations;
 - Do not limit the number of caravans allowed to be sited on land and;
 - Do not restrict the caravans to be occupied by workers farming on the land on which they are sited.
- 92 Therefore providing that the caravans are removed from the site as soon as reasonably practicable, as set out in the relevant clauses and conditions of the General Permitted Development Order, the siting of the caravans at land on Salmans Farm would be classed as permitted development.

- 93 Whilst no limit is specified on the number of caravans that can be stationed for this purpose, it must first be demonstrated that the numbers of caravans are proportionate to the scale of agricultural operations being carried out. Our Agricultural Advisor is satisfied that given the small scale of this proposal and the needs of the established agricultural enterprise, the additional caravans are justified and proportionate to the needs of the enterprise to succeed in its commercial operation.
- 94 It is therefore considered that the proposed number of caravans is justified in agricultural terms and can be sited when occupied within a season as permitted development. It is acknowledged that there is no time constraint to define a length of a season in planning terms.
- 95 This application is however, for the stationing of caravans on a permanent basis at the farm, specifically for occupation all year round by the farm's workers.
- 96 As previously mentioned there is identified harm caused to the character and appearance of the AONB as the development would neither conserve nor enhance it.
- 97 The harm derived from this would be no greater than that permissible by the permitted development regime. There is slight harm caused to the openness of the Green Belt however this needs to be weighted against all material planning considerations.
- 98 By allowing the 4 caravans to remain on-site outside the 'working' season (1 month for three caravans) would positively benefit the farm and the local economy without adversely affecting the amenities of the area. Further planning conditions can be imposed to soften the impact of the development within the immediate area and would be seen in the context of belonging to a small cluster of agricultural buildings.

Conclusion

- 99 It is acknowledged that the development does cause some harm to the landscape including the AONB and Green Belt. However, significant weight is given to the fall back position as well as the benefits the economic operation of the farm would bring to the local rural economy. These considerations when combined outweigh the harm to the AONB and Green Belt as identified in the report.

Recommendation

- 100 That planning permission is granted

Background papers

Site and block plan

Contact Officer(s): Sean Mitchell Extension: 7349

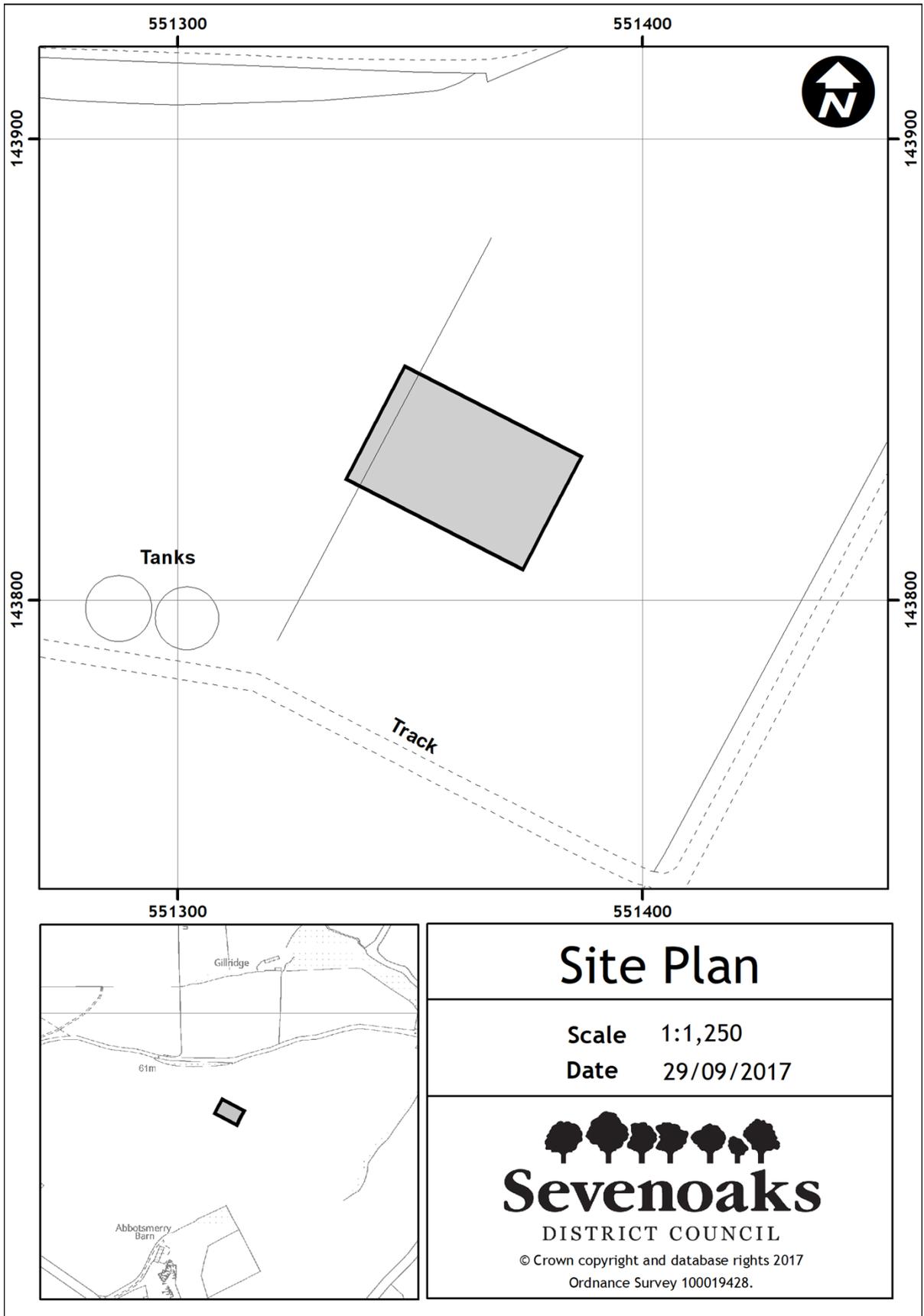
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OSKPX3BKLPS00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OSKPX3BKLPS00>



Block Plan

