

3/09/0786/FP - Accommodation for seasonal agricultural workers (retrospective) at The Nurseries, Green Tye, Much Hadham, SG10 6JJ for Guy & Wright Ltd

Date of Receipt: 21.05.2009

Type: Full

Parish: MUCH HADHAM

Ward: MUCH HADHAM

Reason for report: requested by Councillor Carver

RECOMMENDATION

a) That planning permission be **REFUSED** for the following reasons:-

1. The Local Planning Authority is not satisfied of the overriding agricultural necessity for the proposed residential units or that they meet the tests applied in PPS7. The development would thereby be contrary to the provisions of Policies GBC3, GBC5 and Annex A of PPS7: Sustainable Development in Rural Areas.
2. The proposed building by reason of its size, siting and design and would be out of keeping with detrimental to the character and appearance of the Rural Area contrary to Policies GBC5 and ENV1 of the East Herts Local Plan Second Review April 2007.

a) That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised development and the removal of the resultant material from the site.

Period for compliance: 6 months

Reason why it is expedient to issue an enforcement notice:

1. The Local Planning Authority is not satisfied of the overriding agricultural necessity for the proposed residential units or that they meet the tests applied in PPS7. The development is thereby be contrary to the provisions of Policies GBC3, GBC5 and Annex A of PPS7: Sustainable Development in Rural Areas.

2. The proposed building by reason of its size, siting and design is out of keeping with detrimental to the character and appearance of the Rural Area contrary to Policies GBC5 and ENV1 of the East Herts Local Plan Second Review April 2007.

_____(078609FP.FH)

1.0 Background

- 1.1 The application site is shown on the attached OS extract.
- 1.2 The Nurseries is located in the village of Green Tye. Guy & Wright Ltd is a large scale long season commercial tomato grower and the wider site is some 1.5 hectares in size comprising a number of large green houses, associated agricultural buildings and a Grade II listed dwelling. Also present on the site are four mobile homes which were, until recently, used to accommodate seasonal workers.
- 1.3 The application seeks permission for the construction of a residential building which takes the form of 4 attached 'porta cabin' style structures on a concrete base. It is located to the north of the green houses adjacent to greenhouse Block 5. The building has already been constructed and is occupied. To the north and east of the building is open countryside. The building provides two residential units, each with 2 double bedrooms, 1 bathroom, 1 WC and 1 lounge and a communal kitchen shared between the two units. It is some 78 square metres in floor area and 2.5 metres in height and is constructed from plywood with a green render type finish and a flat black felt roof. Whilst the proposal is to provide accommodation for Seasonal Agricultural Workers for approximately 9 months of the year the building itself is permanent and will remain in situ when not occupied.
- 1.4 In a supporting statement the applicant states that previously staff have been accommodated on site in caravans. However, in order to improve living conditions these were replaced in January 2009. The building is required to house seasonal migrant workers from the EU and operated under the UK government's Seasonal Agricultural Workers Scheme (SAWS). Part of the SAWS regulations includes a requirement that clean and sanitary accommodation be provided. SAWS workers are not eligible for settlement in the UK although many SWAS workers come as couples. EU workers also tend to return home at the end of each season.

2.0 Site History

- 2.1 The site has a long established use for horticultural purposes and the planning history relates to various developments associated with this use.

3.0 Consultation Responses

3.1 County Highways advise that traffic generation from the development is minimal and sufficient space for the parking and turning of vehicles is available. There are therefore no objections to the application.

4.0 Parish Council Representations

4.1 Much Hadham Parish Council does not object to the proposal on the basis that there is an agricultural tie, the accommodation is only used by workers under SAWS and is removed if SAWS ceases to operate or if it is not occupied for a continuous period of, for example, 550 days.

5.0 Other Representations

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

5.2 Two letters of representation have been received supporting the application for the following reasons:-

- Seasonal workers need suitable accommodation;
- On site facilities would reduce traffic pollution and encourage workers to integrate with the community;
- Guy & Wright is a long established business with strong local ties and are committed to long term commercial success and the implementation of 'green' policies;
- Must support any sensible action which allows rural businesses to survive.

6.0 Policy

6.1 The relevant Local Plan policies in this application include the following:-

GBC2	The Rural Area Beyond the Green Belt
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
GBC5	Agricultural, Forestry and Other Occupational Dwellings
TR7	Car Parking- Standards
TR14	Cycling- Facilities provision (Residential)
TR20	Development Generating Traffic on Rural Roads
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV9	Withdrawal of Domestic Permitted Development Rights

6.2 In addition to the above it is considered that Planning Policy Guidance 7: Sustainable Development in Rural Areas is a material consideration.

7.0 Considerations

7.1 The main determining issue in this case relates to whether the proposal is appropriate within the Rural Area Beyond the Green Belt, where the aims and objectives of policy are placed firmly on growth restraint. Consideration also needs to be given to traffic generation, highway safety and parking, the design and appearance of the building and any impact the proposal may have on neighbouring properties.

7.2 Within the Rural Area Beyond the Green Belt permission will not normally be given for the construction of new buildings or changes of use, other than for those purposes listed under the policy as appropriate development. Under the provisions of Rural Area Policies GBC3 and GBC5 a permanent agricultural workers dwelling may however be acceptable if it has been demonstrated that there is a functional need for the dwelling and it is sensitively designed and sited to minimise the impact of the building on the character and appearance of the countryside.

7.3 Annex A of PPS7 states that new permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing there is a clearly established existing functional need i.e. it is essential for the proper functioning of the enterprise for 1 or more full time workers to be readily available at most times of the day and night, the examples of such cases are given as in the case of animals who need care at a short notice or to deal with emergencies that could otherwise cause serious loss of crops or products.

7.4 In this case, I consider that the functional needs of the unit relate specifically to the need for a duty manager to be on site 24 hours a day to actively manage the irrigation, heating and ventilation systems. This is to ensure that serious loss of crops do not occur. The applicants have confirmed that there is already a dwellinghouse on the site occupied by the owners and that a neighbouring bungalow, also within the farms ownership, is already used by staff. Either of these two properties could provide the necessary accommodation for a duty manager.

7.5 In contrast the residential units proposed are to accommodate seasonal agricultural workers for approximately 9 months of the year who are primarily employed to plant and gather crops and to assist with on-farm processing and packing. They are not employed to fulfil the established functional needs of the farm.

- 7.6 Furthermore there are provisions under Part 5 of Schedule 2 of the 1995 G.P.D.O. allowing for the stationing of caravans (which includes mobile homes) on agricultural land for the accommodation, during a particular season, of workers employed in farming operations on land in the same occupation. This enables seasonal workers to be accommodated in appropriate sanitary accommodation without the need to provide a permanent dwelling on the land, which I understand is how seasonal workers have been accommodated at the site until recently.
- 7.7 For the above reasons I consider the proposals fail to comply with the first part of Policy GBC5 and the requirements of PPS7.
- 7.8 Turning to the second part of Policy GBC5; this requires new dwellings to be sensitively designed and sited to minimise the impact of the building on the character and appearance of the countryside. The building in question is a prefabricated flat roofed structure which has the appearance of 4 connected porta cabins. Its appearance and siting is wholly inappropriate and does not relate in any way to either the existing buildings on the site or the surrounding countryside. It has a significant adverse impact on the character and appearance of both the surrounding countryside and the site itself and no attempt has been made to either sensitively design the building or minimise its impact on the area. I therefore consider that the proposal fails to comply with the second part of Policy GBC5.
- 7.9 For the above reasons the proposal does not comply with either GBC3 or GBC5 and therefore constitutes “inappropriate” development. It consequently needs to be considered whether there is sufficient justification in this case to warrant a departure from normal Rural Area policy.
- 7.10 In the accompanying supporting statement the applicant argues that the limited housing opportunities in the area for low paid workers; the unsociable hours; the lack of public transport; the environmental benefits of staff not needing to travel to work by private car and the need to replace the existing caravans on the site to comply with SAWS legislation all contribute towards special circumstances.
- 7.11 I do not consider the arguments put forward constitute special circumstances to justify departing from Policy GBC3 and allowing two additional residential units in the Rural Area. Whilst I acknowledge that all these factors are beneficial, as stated above, there are provisions under Part 5 of Schedule 2 of the 1995 G.P.D.O. allowing for the stationing of caravans on agricultural land for the accommodation, during a particular season, of workers employed in farming operations on land in the same occupation. This enables seasonal workers to be accommodated in appropriate sanitary accommodation without the need to provide a

permanent dwelling on the land. This is, in my view a far more appropriate form of temporary accommodation for seasonal workers which is required to be removed at the end of each season, when not in use, therefore having much less impact on the character and appearance of the area. It should be noted that in the applicants statement there is no suggestion that the use of caravans or mobile homes in principle is inappropriate for housing seasonal workers but it would appear that those existing on the site are no longer fit for purpose and need to be replaced.

7.12 Furthermore, I do not consider that either the established nature of the business, the green credentials of the business or the ties the occupier has with the local community constitute special circumstances to justify departing from Policy GBC3. These attributes are characteristic to many farming businesses in East Hertfordshire, and should this application be granted for any of these reasons it may weaken the Councils position when determining similar applications.

7.13 With regards to traffic generation, access and parking, in line with comments from County Highways I consider that the proposal would not unduly prejudice highway safety the existing access is adequate and sufficient parking is available on site.

7.14 Finally, with regards to any impact the proposal may have on the amenities of neighbouring properties I am satisfied that due to the significant distance between the new building and the nearest neighbouring property no adverse impacts would result.

8.0 Conclusion

8.1 Having considered the above matters, it is my opinion that the proposed development is contrary to both National and Local Plan policy. The application site lies within the Rural Area Beyond the Green Belt and no special circumstances exist to outweigh the presumption against development in this location.

8.2 For these reasons I recommend that planning permission be refused for the reasons set out at the commencement of this report.

8.3 In addition, on the basis that unauthorised works have been carried out and the building has been constructed without permission, it is recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the removal of the unauthorised building and any associated unauthorised works and the removal of any resultant material from the site.