

## DELEGATED DECISION OFFICER REPORT

| AUTHORISATION                               | INITIALS  | DATE                  |
|---|-----------|-----------------------|
| File completed and officer recommendation:  | MP        | 23/04/19              |
| Planning Development Manager authorisation: | AN        | 25/4/19               |
| Admin checks / despatch completed           | KNE<br>SB | 26/04/19<br>25/04/19. |

**Application:** 19/00178/FUL **Town / Parish:** Frating Parish Council

**Applicant:** Mr Dave Edwards - Anglia Salads

**Address:** Site of Caravans at Hockley Farm Church Road

**Development:** Proposed permanent siting of 6no. mobile home caravans for accommodation of Agricultural workers employed at above site between 1 March and 30 November.

### 1. Town / Parish Council

Frating Parish Council      No comment.

### 2. Consultation Responses

ECC Highways Dept

A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority. Previously a temporary Planning Application has been granted for the six mobile caravans. The proposal is situated at the end of a private road and retains adequate room and provision for off street parking and turning, the site has an existing vehicle access/ junction that also act as access to the proposed application.

The Highway Authority does not object to the proposals as submitted.

Informative1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

### 3. Planning History

|              |   |          |            |
|--------------|---|----------|------------|
| 06/01738/FUL | 6 x mobile homes to accommodate seasonal staff.                                       | Approved | 12.12.2006 |
| 10/00330/FUL | Continued stationing of 6 no. mobile homes (to provide accommodation for agricultural | Approved | 17.06.2010 |

|               |  |           |            |
|---------------|--|-----------|------------|
|               | workers between April and October (inclusive) each year, as originally approved under planning permission 06/01738/FUL).   |           |            |
| 13/00566/FUL  | Continued stationing of 6 no. mobile homes (to provide accommodation for agricultural workers between April and October (inclusive) each year, as originally approved under planning permissions 06/01738/FUL and 10/00330/FUL). | Approved  | 26.07.2013 |
| 16/01221/LUEX | 6 no. mobile home caravans for the accommodation of agricultural workers employed on the farm.   | Withdrawn | 19.09.2016 |
| 19/00178/FUL  | Proposed permanent siting of 6no. mobile home caravans for accommodation of Agricultural workers employed at above site between 1 March and 30 November.   | Current   |            |

#### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

HG17 Relocatable Dwellings for Agricultural Workers

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

PP13 The Rural Economy

SPL3 Sustainable Design

#### Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three

'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

## **5. Officer Appraisal**

### Site Description

The application site is set to the south of Hockley Place, in a relatively isolated rural location. The main farm holding is further west. A private access track provides vehicular access to, and through the site and farm generally. A small pond is located immediately north of the proposal area and Hockley Wood is to the south-east of the site.

### Description of Proposal

This application seeks permission for the permanent stationing of 6 no. mobile homes (to provide accommodation for agricultural workers between 1 April and 30 November each year.

The original plans were for the permanent all year round siting of these mobile homes; however due to concerns that the works would not adhere to the requirements of Adopted Policy HG18, the above amendments to the scheme were provided.

### Site History

Under planning reference 06/01738/FUL, temporary permission for the siting of 6 no. mobile homes for three years was approved. This permission was then renewed under planning permissions 10/00330/FUL and 13/00566/FUL.

Under planning reference 16/01221/LUEX, permission was sought to obtain lawful use for the six mobile homes. However, given that the proposal had already received three separate planning permissions, it could not be determined by this type of application, and the applicant was therefore advised to submit the full application that is the subject of this application.

### Assessment

#### 1. Principle of Development

Policy HG18 of the Adopted Local Plan states that outside defined settlements, new permanent dwellings for agricultural or forestry workers will be granted if, amongst other things, there is a proven need for the dwelling to be located within the relevant agricultural or forestry unit through both a functional and financial test, if the applicant is able to demonstrate the size of the proposed dwelling is commensurate with the functional requirement of the agricultural unit and that the enterprise has been carried out for a period of at least three years.

The mobile homes have been in situ for approximately 14 years and provide temporary accommodation for seasonal foreign farm workers. Due to the relatively low pay associated with such work for the unskilled workers, accommodation forms part of the employment package. It is further noted that the nature of the work involves starting as early as 6am and finishing until sunset; this in turn requires workers to be on site from the early hours. The applicant has also previously confirmed that the business is devoted to the growing and marketing of speciality

Lettuce, Endives and Chicory for major processors, supermarket chains and food services. The applicant has further stated previously that the Anglia Salads business has been successfully operating since 2001, having originally been formed by relatives back in 1929. Accordingly, there is no dispute as to the functional need for the accommodation or financial viability of the business. Therefore, the aims of Policy criterion HG17 (i) and (ii) are met.

## 2. Visual Impacts

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Due to the sites isolated location, there will be no impacts any nearby street scenes, while it is noted they have been sited in this location for a number of years. Their proposed permanent retention will therefore not significant harm the areas character and appearance.

In terms of the design of the units, again there is acknowledgement that these have been in situ for a number of years. That notwithstanding, the units are of a simple design that would be expected from such a use and are therefore acceptable in this location.

## 3. Impacts to Neighbouring Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Given the sites isolated location, there are no neighbouring properties within close proximity that could be potentially affected by the permanent retention of the mobile homes.

### Other Considerations

Frating Parish Council have not commented.

There have been no other letters of representation received.

## 6. Recommendation

Approval.

## 7. Conditions

- 1 The use hereby permitted shall be limited to a period between 1 April and 30 November each year.

Reason - The proposed development is not considered appropriate to warrant the grant of a permanent all year round permission.

- 2 The occupation of the mobile homes shall be limited to a person solely or mainly working or last working, in the locality in agriculture (as defined in Section 336(1) of the Town and Country Planning Act 1990) or in forestry, or a widow or widower of such a person and to any resident dependants.

Reason - The site of the permission is outside any area where planning permission would normally be forthcoming for residential development not directly related to a clearly and specifically identified exceptional need related to a recognised countryside activity.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans, the untitled Site Location Plan, drawing number 17190/101 and the document titled 'Agricultural Statement of need for Hockley Farm agricultural workers caravan site'.

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

## 8. Informatives

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

