

BOSTON BOROUGH COUNCIL

Planning Committee – 21 August 2018

Reference No: B/18/0136

Expiry Date: 05-Jun-2018 (Extension of Time 26th June 2018)

Application Type: Full Planning Permission

Proposal: Resubmission of B/17/0130 to remove condition 2 on planning approval B/15/0017 to enable a maximum of 25 caravans to be occupied by agricultural workers for a period of up to three years with the maximum continuous length of stay of any individual worker being limited to 10 months

Site: Old Leake Caravan and Leisure Park, Shaw Lane, Old Leake, Boston, Lincolnshire, PE22 9LQ

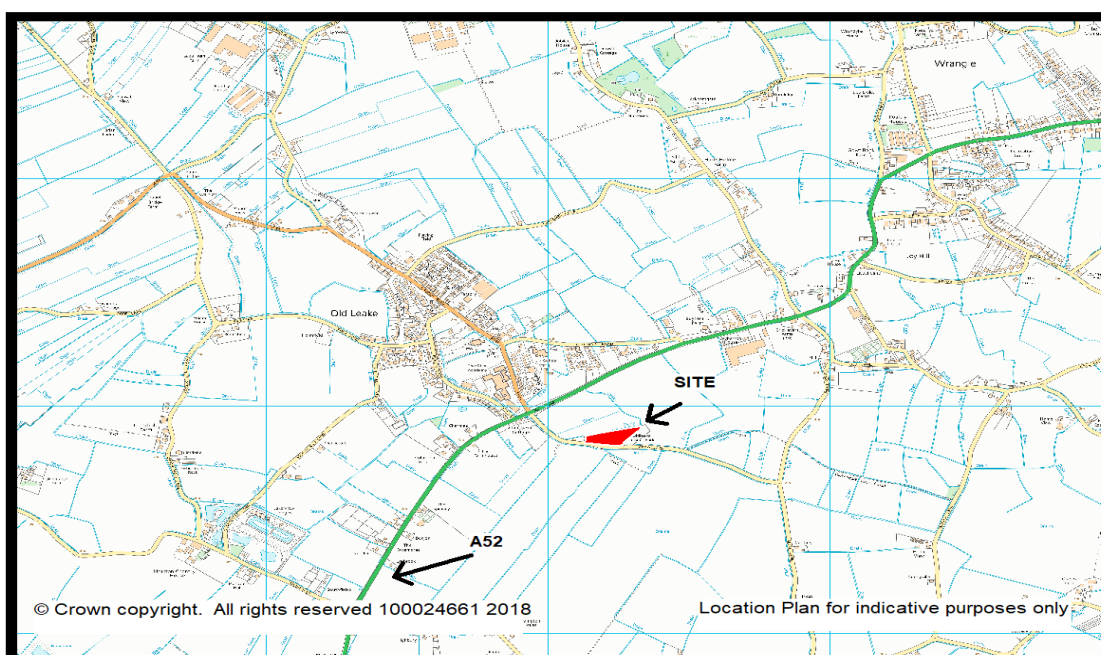
Applicant: M and A White

Agent: Mr Mark Southerton

Ward: Old Leake and Wrangle
Parish: Old Leake Parish Council
Case Officer: Lisa Hughes
Third Party Reps: One

Link to Planning Record: [B/18/0136](#)

Recommendation: Grant



1.0 Background

- 1.1 This application was deferred from Planning Committee on 24th July to enable a site visit to be undertaken. The aim of the site visit was to ascertain sufficient information regarding the amenity of the occupiers in terms of the occupation of the caravans
- 1.2 The report has been updated at sections 3.3 with an updated figure 2 showing the correct location of the static caravans as well as section 11 relating to conditions 1, 3 and 7 as presented to Planning Committee on 24th July.
- 1.3 In addition, updates have been made following the publication of the 2018 National Planning Policy Framework (NPPF). The text of the NPPF in relation to the considerations of this application has not changed significantly compared to the 2012 publication. The report has also been updated under section 9, namely 'Principle of Development', in particular, insertion of paragraph 9.1, sub-sections 'Proximity' and 'Housing Supply and Sustainability and also 'Monitoring and Control'. Lastly, an additional paragraph has been added under 'Summary and Conclusion'
- 1.4 The full text of Policy CO9 has been included at Paragraph 9.11 to provide clarification of the types of buildings this policy relates to – agricultural and not caravans whether occupied by tourists, agricultural workers or other residents.

2.0 Reason for Report

- 2.1 The application is presented to Committee due to the history of the site and previous applications having been considered by Planning Committee.

3.0 Background

- 3.1 Planning Committee will be aware that an application for the same development was determined on 5th December 2017 and refused, contrary to Officer recommendation. The applicant appealed against the decision, with the appeal due to be heard by Hearing on the 17th July 2018. However, the applicant withdrew the appeal in light of the recommendation for this application.
- 3.2 As part of this application, the applicant's agent has provided a significant amount of new information in order to support the proposal, overcome the reason for refusal and in response to requests from the Council. This information includes, but is not limited to:
 - financial statements covering year ending March 2014 to 2017;
 - information regarding marketing of the site for tourist purposes;
 - information from letting agents; and
 - the development would contribute towards the Council's housing supply.

3.3 This proposal is complex due to the planning history. The original 1986 planning permission (B16/0606/86) had condition 3 removed by planning application B/15/0017 in 2015. This application, under consideration, seeks to remove a planning condition attached to the 2015 permission. Also adding to the complexity for this application is whilst the site comprises the same site area as the 2015 approval, the location of the 25 caravans, the subject of this application, only comprises a part of the wider site as described below.

Figure 1:

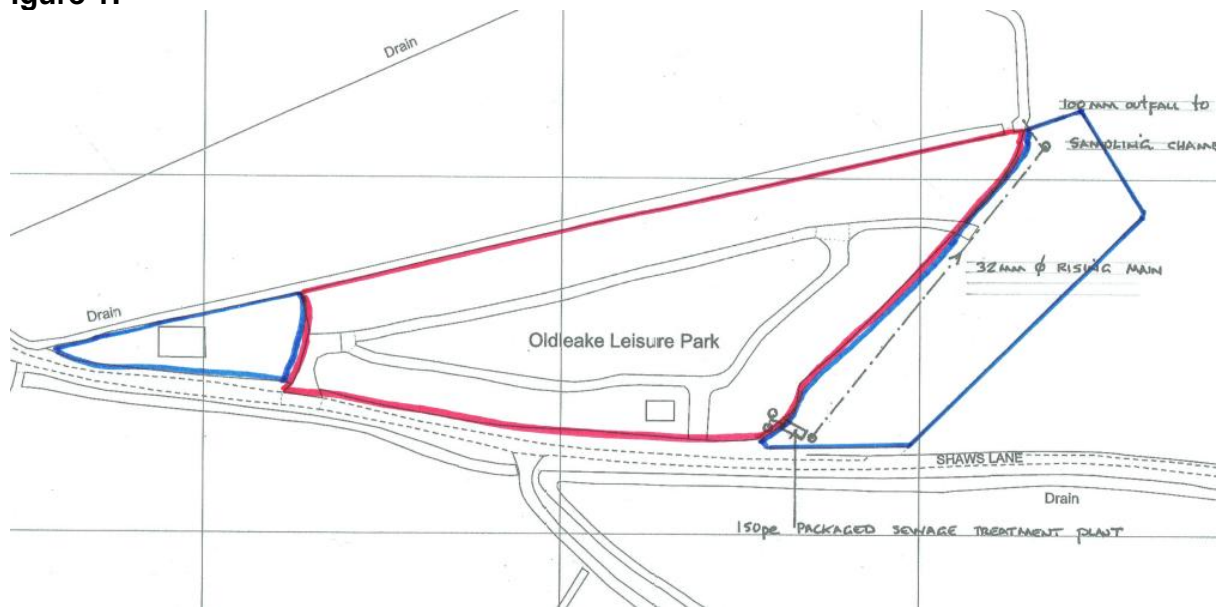


Figure 2:



3.4 Figure 1 shows the wider application site outlined in red with the areas in blue identifying land within the ownership and/or control of the application. Figure 2 shows the location of the 25 static caravans, the subject of this application, which are sited along the northern and eastern boundaries of the site outlined in red. It is understood that the location of the caravans in the positions identified in figure 2 are those as approved within the 1986 planning permission.

In total, up to 60 pitches can be sited on the land as shown in figure 1 within both the red and blue outlines as approved in 2006 (B/06/0067). Therefore this application would not change the overall number of caravans and tent pitches that might be present on site if permission is granted, i.e. a total of 60.

4.0 Application Site and Proposal

4.1 The application site is an existing caravan and camping site located off Shaws Lane, which is off the A52. The site is mainly laid to grass and houses caravans and camping plots, and a single roadway loops around the site. The caravan area includes siting for a warden's mobile home and is gated off from a gravelled area which serves as a parking area at the entrance to the complex. Also included within the wider site and to the west of the main entrance lies a two-storey dwelling with single storey extension and a single storey outbuilding – these all act to service the site. Although Shaws Lane itself is quite narrow, access to the site is wide and incorporates good radii. The site is surrounded by land in agricultural use.

4.2 The application site is an established leisure and tourist camping and caravan site in open countryside. The site is separated from Old Leake by the A52, a busy A-road and is in a remote location. Part of the application site has been used for some months by seasonal agricultural workers without planning permission.

4.3 The application proposes to remove condition 2 on planning approval B/15/0017 to enable a maximum of 25 caravans to be occupied by agricultural workers with the maximum continuous length of stay of any individual worker being limited to 10 months.

4.4 The permission is proposed to be personal to the applicants, Messrs Michael and Anthony White, who are brothers who own and have licence for this site. The application is for a temporary period of up to three years.

4.5 The condition proposed to be removed is:

“No person shall occupy the caravans or tents for more than two months in any three month period and the caravans and tents shall be used for holiday accommodation only and for no other purpose. No caravan or tent shall form the main residence of any individual.

Reason: The site is in the open countryside in an area where permanent residential accommodation would be contrary to national and local policy. Occupation restricted to holiday accommodation is in accordance with the objectives of Local Plan Policies G1, R12 and C01.”

4.6 The number of seasonal workers on the site would be dictated by the size and layout of each caravan to be utilised, in the usual way of caravan licensing.

4.7 The application is supported by a Flood Risk Assessment and details of a packaged sewage treatment plant for the site that has been installed and is in use.

5.0 Relevant History

Planning

- 5.1 B/17/0130 - Application under s.73 to remove condition 2 on planning approval B/15/0017 and to remove condition 3 of B16/0606/86 to enable a maximum of 25 caravans to be occupied by agricultural workers for a period of up to three years with the maximum continuous length of stay of any individual worker being limited to 10 months.

Refused, for the following reason:

1. The proposal would lead to the siting of caravans for a use that is not required for the essential operation of a viable agricultural holding nor located nearby or within the locality of a relevant agricultural holding. It is considered that the associated workers would be more sustainably accommodated within a sustainable town or village settlement. The proposal is therefore contrary to policies C01 and C09 of the Adopted Boston Local Plan and national policy as expressed paragraph 55 of the National Planning Policy Statement which seeks to resist isolated dwellings within the countryside unless there are special circumstances demonstrated.
- 5.2 B/15/0017 Application to remove condition 3 of B16/0606/86.
Approved 20 April 2015.
This application removed the restriction of operation of the site and allowed 12 month use, with the imposition of a requirement of a log of users of the site.
- 5.3 B/14/0434. Application to remove condition 9 of approval B/06/0067.
Granted March 2015.
This application removed the restriction of operation of the site and allowed 12 month use, with the imposition of a requirement of a log of users of the site.
- 5.4 B/06/0067 Change of use of agricultural land to form extension to caravan and camping park, from 40 pitches to 60 pitches.
Approved 21 March 2006.
- 5.5 B16/0838/88 Construction of extension to dwelling.
Approved.
- 5.6 B16/0606/86 Change of use from caravan site and winter storage of unoccupied touring caravans to caravan/camping site of 40 pitches to include touring caravans/tents/static holiday caravans.
Approved.

Enforcement

- 5.7 A breach of condition notice was issued in January 2017 against condition number 2 of application B/15/0017:

'No person shall occupy the caravans hereby approved for more than two months in any three month period. The caravans shall be used for holiday accommodation only and for no other purpose and no caravan shall form the main residence of any individual.'

Reason: *The site is in the open countryside in an area where permanent residential accommodation would be contrary to national and local policy. Occupation restricted to holiday accommodation is in accordance with the objectives of Local Plan Policies G1, R12 and CO1.'*

- 5.8 The wording of this condition varies to the one seeking to be removed because it does not include the occupation of tents due to the breach relating solely to the occupation of the static caravans. Following the submission of the previously refused application and this application, no further action has been taken in relation to this notice in order for the planning merits of the proposal to be appraised.

6.0 Relevant Policy

Boston Borough Adopted Local Plan

- 6.1 The development plan consists of the saved policies of the Boston Borough Local Plan (Adopted 1999). Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The land is designated as open countryside within Boston Borough Local Plan 1999.
- 6.3 The saved Local Plan Policies of relevance to this application are as follows:
- Policy C01 Development in the Countryside
 - Policy C09 Agricultural Development
 - Policy R11 Static Holiday Caravans and Chalets
 - Policy G1 Amenity
 - Policy G3 Foul and Surface Water
 - Policy G5 Flood Risk Protection
 - Policy G6 Pedestrian and Vehicular Access
- 6.4 Policy R12 referenced in the reason for Condition 2 of planning application B/15/0017 is not applicable to this proposal. This policy relates to touring caravans or camping sites whereas the proposal relates to static caravans only.

National Planning Policy Framework, 2018

- 6.5 Section 5 'Delivering a sufficient supply of homes' and Section 6 'Building a strong, competitive economy'

7.0 Representations

7.1 As a result of publicity one representation has been received from Church End Cottage, Main Road.

7.2 The objection can be summarised as follows:

- Up to 6 workers in each of the 25 caravans is a substantial influx which will lead to litter, noise, parking and access problems
- Insufficient facilities within the village to cope with this development and others that have planning permission
- Do not believe there is a need for the development

8.0 Consultations

8.1 Old Leake Parish Council has not responded.

8.2 Environment Agency advise the condition to be removed was not attached for flood risk reasons. There will be a risk to people living on the site but it would be unreasonable for an objection to be raised.

9.0 Planning Issues and Discussions

9.1 The consideration with this application is to only consider the removal of the conditions of the extant permission. It is not to consider the siting of the caravans as these are lawful in view of the existing planning permission (B/15/0017). Therefore Policy CO1 is not relevant as the physical development is lawful. The effect of this application is to only consider the effect of a change in occupation of the caravans. The key issues with regard to this proposal are therefore:

- Principle of development
 - Viability of Tourism Business
 - Need
 - Proximity
 - Housing Supply and Sustainability
- Impact on the Character of the Countryside
- Impact on Neighbour's Amenity
- Drainage and Flood Risk
- Other Considerations
- Planning Conditions

Principle of Development

- 9.2 The condition attached to the previous decision and proposed to be removed was imposed for clear planning policy reasons. It was specifically imposed to restrict the use of the site to recreational/holiday uses, so as to avoid permanent residential accommodation being provided as the site is in open countryside in accordance with local and national planning policies.
- 9.3 This application is effectively seeking to remove the recreational use on approximately half of the site (figure 2) and to regularise the use of the site for the temporary accommodation of seasonal agricultural workers, employed locally on a temporary basis.

Viability of Tourism Business

- 9.4 To support the application, the applicant has submitted audited financial statements for years ending March 2014, March 2015, March 2016 and unaudited accounts for 2016/17. These show the business operating at a loss for all years until March 2016 when following the occupation by the agricultural workers the business ran at a profit. The applicant was questioned in relation to marketing of the site prior to the unauthorised use commencing as well as the length of time they have owned the site. An email from former occupiers prior to the Whites' purchase in 2007 was provided which identifies that the previous owners undertook a variety of measures to promote the site including adverts at the bottom of the road (A52), on the internet through various websites and other media outlets. The former occupiers advise the business was struggling at that time. Following the White's purchase, an email from Hoseasons confirms the site was marketed through themselves between 16th July 2010 to 26th July 2016. However as it did not work as a holiday rental, they removed the business from their books. The applicant's Accountant also states that Mr A J White owns a number of other holiday parks which are successful and profitable. The applicant has advised these are at:

- Riverview Park NN7 1NH;
- Norfolk Broads Caravan Park NR29 5JB;
- Ranksborough Hall LE15 7EJ;
- Weston Wood Lodges DE72 2BU;
- Boat Lane Caravan and Camping Site NG14 7FT.

- 9.5 It has not been possible to verify the ownership of these sites independently, however with the Accountant confirming ownership, it is not anticipated that the information is disingenuous.
- 9.6 In view of this information, it is concluded the ongoing use of the site for tourism purposes is not viable at present and the owners have used their best endeavours to make a go of the site for tourism purposes. Therefore an alternative use is required. With the caravans already existing on this site and thus any visual impact already existing, the physical presence of the structures is not an issue. The proposal therefore needs to be considered against all other relevant national and local plan policies. The NPPF, Section 6, supports the promotion and development and diversification of agricultural and other land-based rural businesses – as well as sustainable rural tourism.

Need

- 9.7 The next question relates to whether there is a need for the workers within the locality, specifically Boston. The previous application discussed the need for seasonal workers where it was stated

“The requirement for seasonal workers is now an essential part of farming in the Boston area and the Secretary of State’s decision for Staples at Wrangle where agriculture workers caravans have been allowed in areas of high flood risk. The principle of siting agricultural workers caravans is now more commonplace and is often considered essential in rural areas where farming contributes substantially to the economy.”

- 9.8 The previous application was not refused on the basis that Committee did not consider there was a need for such workers and much of the land within the Borough is agricultural contributing strongly to the economic vibrancy of the area. This is supported within the ‘Regional Economic Strategy for the East Midlands 2006-2020’ where it states there is an “...increasing presence of migrant workers engaged in agriculture and horticulture in the Fenland areas adjacent to the Wash and extending into the neighbouring East of England region.” and “*There is evidence to suggest that economic migration yields substantial benefits to the economy. whilst lower skilled economic migrants play an important role in addressing shortages in unskilled, temporary, and casual employment in the agriculture and hospitality sectors, especially in South Lincolnshire.*” Additionally, the ‘Lincolnshire: A Local Economic Assessment Drivers for Change, June 2011’ reports “*due to its significant agriculture industry. ...quantity of the land has ensured that Lincolnshire is one of the most important counties in the UK in terms of agricultural and horticultural production...*”. There is therefore an identified need for agricultural workers within the Borough as well as the wider Lincolnshire area. The next question is whether or not this site is in the correct location.

Proximity

- 9.9 Many previously approved planning permissions for caravans for agricultural workers have related to the agricultural holding on which they are situated or relate to a wider agricultural business, such as Staples Vegetables Limited, Wrangle, which Members will be aware was determined by the Secretary of State in March 2011 with the appeal being allowed (reference APP/Z2505/V/09/2119178). This application differs to previous cases by virtue of the site not comprising an agricultural holding. Therefore it is necessary to determine whether this is a requirement at local and/or national planning policy level.
- 9.10 No adopted local plan policy directly applies to this development. However, Policy CO9 (Agricultural Buildings) has been used for a number of applications that propose the use of caravans for agricultural workers. In fact the previous application on this site was refused due to the proposal not complying with this Policy.

9.11 Policy CO9 states:

“Planning permission will be granted for the development of agricultural buildings (other than intensive livestock units), provided that:

- 1) *The proposal is sited and designed so as to make the minimum possible intrusion into the countryside and, where possible, is sited near to existing farm buildings;*
- 2) *The proposal will not significantly harm the amenities of other adjacent land users or residents because of its nature, scale, density, layout, appearance or level of traffic generation;*
- 3) *The proposal includes a satisfactory landscaping scheme, incorporating means of future management; and*
- 4) *The proposed means of disposing of any resultant foul and surface water are satisfactory.”*

9.12 This policy has been used for a number of similar proposals although not all. The supporting text to the policy refers to buildings that might require the approval of details by the Council. This infers reference to buildings that are constructed under permitted development i.e. those for the housing of livestock or storage of agricultural materials for example, without the need for formal submission of a planning application. The supporting text goes further with “Techniques for minimising the visual impact of these commercial building....”. These pieces of text together with the rest within the supporting paragraph indicate that policy CO9 is aimed at commercial agricultural buildings requiring planning permission rather than residential accommodation associated with agricultural holdings. The Planning Committee previously refused permission for the development being contrary to Policy CO9, however, in light of the above discussion, this is not considered appropriate and on reflection could not be sustained as a Policy objection to the proposal. In addition, it should be noted that a caravan is not a ‘building’ as defined under Section 29 (1) of the Caravan Sites and Control of Development Act 1960.

9.13 The application site is not an existing agricultural landholding and nor is it used by a specific farm holding or agricultural processing business in the Borough. Instead the applicants, who are the landowners, have entered into a 3 year contract with a local company, Go Produce (formerly Evo Services), who are an agency supplying agricultural workers to farms. It is estimated that the applicant is approximately 12 months into this contract. The workers are assigned to “client” farms. In support of the application relating to proximity, the agent states:

“The company will be monitoring travel distance so that the Council will be aware of the distances travelled and so be able to judge if the way the site operates is ‘sustainable’. Whilst the workers will generally be assigned to clients within easy travelling time, it is considered that travelling a little further if work in the immediate locality is temporarily short because of seasonal shifts in demand etc is a sustainable option. A larger group of workers travelling in one vehicle from the caravan park to a client a little further afield – even if 25 miles or so – is still more sustainable than individuals driving separately/in smaller groups to work or workers having to temporarily relocate into new accommodation (which may well be unavailable for short term use in any event).”

Providing a continuous stream of work is vitally important to the viability of the business/maintaining the supply of local agricultural / horticultural and food manufacturing labour. If Evo cannot ensure a reasonably continuous income stream/work then the local economy will suffer as workers move off to find more viable work opportunities elsewhere – continuity of work and maintaining the labour force locally are key to the success of the service companies like Evo provide to local farms. Monitoring travel distances and granting the use sought for a temporary period will help ensure that the site operates in a sustainable manner.”

9.14 As indicated within the planning history, a breach of condition notice was issued in early 2017. This required three steps to be carried out in order to comply with the condition. One of these was to maintain an up-to-date register of the ‘names of all the occupiers of the caravans, and of their home addresses, and ensure the register is available for inspection on the site at all reasonable times’. As advised, whilst the planning applications have been pending, further action has not been taken in relation to this notice. However, the applicant has been keeping the register.

9.15 Information provided upon request on two occasions to the Council of workers names, place of employment and period of occupancy show that all employment has been outside of the Borough. Possible conditions were discussed with the agent as part of the appeal prior to its withdrawal. One of the conditions agreed was for occupiers to work within the Borough of Boston. The agent was questioned in regards to this condition and the requirement for workers to be occupied within the Borough, should it be imposed, when the information indicated that this might be immediately breached. They advise:

“Basically, the occupancy parameters can be tailored to fit in with whatever planning conditions are considered appropriate. Go Produce has been maintaining records as agreed with enforcement/legal team but as yet no conditions are in place in respect of place of work/travel distances. I don't think anyone is travelling an unreasonable distance but, in any event, anything reasonable can be complied with given the level of demand/need for accommodation locally.”

9.16 The applicant also advises that they are approached on a weekly basis by local farm/ground workers looking for accommodation. They consider that compliance with a condition requiring workers to be employed in the Borough is possible. Whilst the use has been ongoing for some time, no conditions exist which require compliance in relation to the scheme under consideration. Therefore, whilst workers have been employed outside of the Borough, there is no reason to suspect that this could not be complied with in view of information gathered provided under paragraph 9.17 above from the applicant’s agent.

9.17 The previous application was refused, inter alia, as it was considered that workers would be more sustainably located within a sustainable town or village settlement. The applicant’s agent has been questioned as to why workers were not being housed within traditional houses or rooms within such houses as rooms are advertised by a number of letting agencies within the Borough. They have provided information from four different estate agents within Boston who advise that minimum occupancy is for 6 months.

The information provided to the Council shows that the majority of the workers occupy the site for a period of less than 6 months. Additionally, as ground workers, because they are not on permanent contracts they would not pass credit checks and lastly if there were between 3 and 6 unrelated individuals within a property it would comprise a House in Multiple Occupation (HMO). Planning permission is not required to change the use of a C3 (dwellinghouse) into a C4 (HMO). However, other legislation applies to HMO properties, discussed below.

- 9.18 New legislation is coming into force from the 1st October 2018 requiring additional HMO properties to be licensed and which applies to dwellings occupied by 5 or more tenants in two or more households (The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018, SI 2018/221) compared to current legislation which has the same criteria plus needing to be 3 storeys or more. The applicant's agent anticipates with the charge per licence, estimated to be around £1000 with fines up to £30,000 that many properties will revert back to C3 dwellinghouses. The Council's Housing team will be responsible for enforcing this legislation when it comes into effect. The agent has advised they are aware that a number of landlords are moving out of the market as a result of this legislation although the scale is difficult to estimate with properties likely reverting to C3 (dwellinghouse) use. It is not disputed that the number of available HMO properties will become more limited, notwithstanding the majority of workers would not be able to meet the rental 'tests'.
- 9.19 From the above discussion, it is concluded agricultural workers such as those occupying this site, cannot reasonably occupy 'bricks and mortar' houses, other than for each farm holding seeking planning permission for workers to be housed (in caravans) on their site.

Housing Supply and Sustainability

- 9.20 Lastly, the agent submits the proposal would contribute towards the Council's 5-year housing land supply. The Committee will be aware the Council has recently published its 'Assessment of 5-year housing land supply as at 31 March 2018'. Depending upon whether the Liverpool or Sedgfield method of calculating housing requirement is used, there is currently an oversupply using the Liverpool method or undersupply using the Sedgfield Method. However, the report identifies that until the housing identified within the emerging plan can be counted as contributing towards the housing land supply the Sedgfield method should be used. Therefore, the Borough does not have a five year housing land supply and therefore the 'presumption in favour of such sustainable developments' as contained within the NPPF effectively replaces the housing supply policies in the Development Plan.
- 9.21 The application itself does not propose housing. However, the agent contends that by providing accommodation within the static caravans for the workers on a temporary basis, will mean that existing 'bricks and mortar' housing is still available for long-term residents within the Borough. This view is not supported as the accommodation is for a temporary period and does not comprise their main accommodation unlike, for example, gypsy and travellers. However, utilising this site for the proposed purpose prevents greenfield land from potentially being built upon, for example, by each agricultural holding.

- 9.22 The previous application was also refused for being contrary to paragraph 55 of the NPPF. The first part of the paragraph stated “*to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.*” The 2018 NPPF amends paragraph 55 to comprise paragraphs 78 and 79. In terms of this proposal, the principles of paragraph 55 of NPPF 2012 has been carried forward into the 2018 version.
- 9.23 The caravans are not considered to comprise housing as discussed earlier, they are for a temporary period of occupancy of up to 10 months. They do however, provide habitable accommodation with many of the matters that would apply to permanent accommodation applying in this instance, such as access to local facilities. The site is outside of the village envelope where housing development would not normally be permitted, subject to meeting all other relevant policy criteria. The site is approximately 240 metres from the village of Old Leake and is walkable for the occupiers. In this case, it is considered significant weight needs to be given to the fact that the structures already exist in terms of assessing the overall proposed development. Occupation by agricultural workers would have some differences compared to tourists. Recognition needs to be given to the fact that an ongoing use of the site for tourism purposes is unlikely, due to the lack of viability of the site for tourism purposes. This is considered should be attributed moderate weight. The workers are reported to regularly use local facilities, thus supporting the vitality of Old Leake. It is concluded this part of paragraph 79 would be complied with.
- 9.24 Paragraph 55 (updated to paragraph 79 in 2018 NPPF) also states new isolated homes in the countryside should be avoided unless for the essential need for a rural worker to live **permanently** at or near their place of work in the countryside. With many agricultural activities being seasonal, there is a need as discussed above for temporary workers as well as permanent. It is logical for a permanent worker to live at or near to their place of work to limit the amount of travelling but also to be available for emergencies such as calving and lambing season for livestock farms. However, other workers are also needed especially relating to crops and food production for which Boston and the immediate surroundings benefit from significant economic growth.
- 9.25 It is necessary to consider whether the imposition of a condition requiring occupation to be employed within Boston meets the tests for applying conditions as detailed within paragraph 206 of the National Planning Policy Framework. This requires any condition to only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The applicant has provided justification for the development as being essential for agricultural workers. An argument is provided regarding the sustainability of the site and proximity to holdings as well as occupation of this site contribute towards the housing land supply. On balance, whilst the weight attributed is very limited, it would be reasonable for a condition to require occupiers to work within the Boston Borough boundary to be attached. Consideration should be given if they are working on land within the Borough although the farm address might be outside or land that straddles borough boundaries.

Impact on the character of the countryside

- 9.26 The principal of the use of this wider site for the siting of caravans (and tents) has been accepted by previous permissions and the application site is an established location for caravans. From a visual perspective there is no material difference between occupation by tourists or seasonal workers. Often even on touring sites, visitors put out small washing lines and other domestic paraphernalia. In addition the part of this site to be used for seasonal workers is that set back furthest from the highway with a relatively dense boundary hedge.
- 9.27 The proposal is for a retrospective use and therefore it is possible to see that the site is well maintained and visually low key, with parking and turning facilities on the site. Part of the site is also to be retained for tourism uses, although information provided during the site visit indicates that few tourists are unlikely to stop.
- 9.28 Overall, it is considered that the use of the site does not have a detrimental impact on the visual or functional character of this part of the open countryside.

Impact on neighbour's amenity

- 9.29 The site is not located close to existing dwellings, with the nearest dwelling of Old School Cottage located in excess of 160 metres to the west, at the A52 junction. There has been one objection from a neighbouring resident as set out above and is addressed elsewhere in this report. The matter of noise pollution was raised as an objection with the previous application and was not considered to a problem at that time and the same applies now. Litter and waste storage facilities are currently available on site, however a condition is recommended to ensure these are maintained and appropriately serviced.
- 9.30 The issue of traffic generation has been raised by the objector, and the matter of traffic has been considered by Lincolnshire County Council Highways who raise no objection. It is not considered that the use of the site for seasonal agricultural workers would lead to a material increase in traffic to and from the site compared to the authorised use. The workers tend to vehicle share or are bussed to local employment sites.
- 9.31 In addition, as part of the appeal, Lincolnshire County Council Highways were asked whether planning obligations were required to contribute towards any highway improvements, such as pedestrian crossings across the A52. Lincolnshire County Council Highways responded that due to the scale of the development being relatively limited, but in particular occupation of the units only being by adults who would be able to manage to cross safely compared to children, there was no justification to request a financial obligation.

Drainage and Flood Risk

- 9.32 The application site is located in Zone 3 of the Environment Agency's flood risk maps. The application has been submitted with a Flood Risk Assessment which has been assessed by the Environment Agency. They advise that they are mindful the request is to remove a condition not imposed for flood risk reasons. As a result, it would be unreasonable for them to object to the proposal.

9.33 The application includes the provision of sewerage arrangements including a package treatment plant that has been installed and surface water arrangements. The waters from these discharges into the existing dyke to the west of the site. This arrangement is controlled and will be licensed by the Internal Drainage Board.

Other Considerations

9.34 The NHS was contacted in relation to the need for possible planning obligations towards health facilities within the locality. They advise that as the occupation by seasonal workers is for a temporary basis, they consider it is not possible for contributions to be sought at this time.

Monitoring and Control

9.35 In order to ensure that occupiers work within the Borough and do not live on site for more than 10 months, condition 2 is proposed. The permission is also personal to the applicants and therefore condition 4 is recommended, also requiring occupation to revert back to tourism use at the end of the 3 year temporary period or if they sell the site. In order to ensure no more than 25 caravans are sited on the land as shown in figure 2 (green outline), condition 5 is proposed. To enable effective enforcement of the above conditions, condition 7 requires a register to be kept and for this to be provided to the Local Planning Authority within 5 working days of written request. Refuse arrangements are required via condition 8. Lastly, conditions that were attached to planning permission B/15/0017, other than condition 2, have been checked to establish if any require imposing on this permission. Only 1 condition is considered to apply relating to flood risk.

9.36 The removal of condition 2 as sought with this application, if approved, would apply to the whole of the land outlined in red (figure 1). However, this would mean this condition which currently restricts occupation to tourists within mobile caravans and tents and for up to two months would no longer apply. Therefore land outside of the green outline (figure 2) but within the red (figure 1) would not be subject to any planning control. Consequently, it is considered reasonable to attach proposed condition 2, below, to control this part of the land.

9.37 With the imposition of these conditions, appropriate control and monitoring of the site can be achieved including occupancy and duration. The Local Planning Authority is confident of their enforceability. All conditions therefore comply with the 'tests' within the National Planning Policy Framework. Discussion regarding the wording of the conditions and the resulting work that would arise in relation to possible enforcement action has been discussed with the Council's Planning Enforcement Officer. Whilst the work involved in enforcement due to the wording of the conditions might be greater than with other applications (although the amount of work involved cannot be assumed on the basis of the complexity of the wording), this is not a reason for refusal.

10.0 Summary and Conclusion

- 10.1 This application is to only consider the conditions of the extant permission (B/15/0017) as identified above under section 9. The buildings are lawful and the consideration for Planning Committee is whether or not the change in occupation of the caravans is acceptable and whether the permission is acceptable with the recommended revised conditions.
- 10.2 The use of the site for permanent unrestricted residential accommodation would be unacceptable in principle due to the location of the site in open countryside, remote from local services, contrary to local and national planning policies. The applicant has submitted evidence to confirm the site is no longer viable for tourism purposes and therefore an alternative use is sought in line with the National Planning Policy Framework. On the basis of the information submitted with this application, it is considered that the use of part of this site, as shown in figure 2, for the siting of up to 25 caravans to be used as temporary accommodation for workers employed locally in agriculture is acceptable for a temporary period of 3 years, subject to the conditions below.
- 10.3 The development would not impact on local residential amenity or the visual quality of the area to warrant a refusal. Overall, the applicant has overcome the previous reasons for refusal and no other additional matters have been raised.

11.0 Recommendation

- 11.1 It is recommended that Committee grant planning permission subject to the imposition of the following conditions:

1. Condition numbers 4 to 7 apply only to the land outlined in green on drawing number OL1 dated 10/07/18.

Reason: The condition being removed applies to the land outlined in red whereas the caravans are sited on a smaller area on the land outlined in green. Appropriate controls are required for the land that is not within the green outline during the temporary period that this development relates. The development is approved for a temporary period due to the site being located within the open countryside wherein Policy C01 of the Boston Borough Local Plan 1999 restricts development and permanent residential occupation would not be permitted.

2. The land outlined in red on the submitted Site/layout plan at 1:1000 but excluding the area edged in green shall be occupied as follows: -

No person shall occupy the caravans or tents for more than two months in any three month period and the caravans and tents shall be used for holiday accommodation only and for no other purpose. No caravan or tent shall form the main residence of any individual.

Reason: The site is in the open countryside in an area where permanent residential accommodation would be contrary to national and local policy. Occupation restricted to holiday accommodation is in accordance with the objectives of Boston Borough Local Plan 1999, Policies G1, R12 and C01.

3. The development hereby permitted shall be carried out in accordance with the application form and following approved plans:

- Location Plan 1:1250 (1/4)
- Caravan Pitch Numbers OL1 dated 10.7.18

Reason: To ensure the development is undertaken in accordance with the approved details and to accord with Boston Borough Local Plan 1999, Policy G1.

4. The use hereby permitted shall be carried on only by Mr Michael White and Mr Anthony White and shall be for a limited period being the period of three years from the date of this permission or the period during which the premises are owned by Mr Michael White and Mr Anthony White whichever is the shorter, after which time the land shall revert to the previous authorised use.

Reason: The proposed use is contrary to Policy CO1 of the Boston Borough Local Plan 1999 relating to development in the open countryside and has only been permitted to meet the special circumstances of this case, namely the temporary accommodation of locally employed agricultural seasonal workers.

5. The development hereby permitted shall be carried out in accordance with the submitted plans and details, with no more than 25 static caravans as defined within the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 sited at any one time on the land edged in red and used to provide agricultural worker accommodation.

Reason: To define the permission and in accordance with the details of this application and taking account of the use already approved at this site in accordance with Policy CO1 of the Boston Borough Local Plan 1999.

6. No person shall occupy any of the caravans for more than ten months in any rolling twelve month period and the caravans shall be used for the accommodation of seasonal workers employed solely in agriculture within the Borough of Boston only, and for no other purpose. No caravan shall form the main residence of any individual.

Reason: The site is in the open countryside in an area where permanent residential accommodation would be contrary to national and local plan policy. Occupation restricted to temporary seasonal agricultural accommodation is in accordance with the objectives of Policies G1 and CO1 of the Boston Borough Local Plan 1999.

7. The owners of the development hereby approved shall maintain an up-to-date register of the names and their home addresses of all occupiers relating to each of the numbered caravans shown on drawing OL1 dated 10/07/18 along with:

- i. the caravan number responding to the submitted plan,
- ii. the date of arrival of each occupier on the site,
- iii. the location and business of their employment,
- iv. their periods of employment and of their home addresses, and

shall make this information available within 5 working days of written request by the Local Planning Authority to the Local Planning Authority.

Reason: The site is in the open countryside in an area where permanent residential accommodation would be contrary to national and local plan policy. Occupation restricted to temporary seasonal agricultural accommodation is in accordance with the objectives of Policies G1 and CO1 of the Boston Borough Local Plan 1999.

8. Details of secure refuse storage facilities and collection arrangements shall be submitted within 2 months of the date of this permission to the Local Planning Authority for approval in writing. The approved details shall be implemented within 1 month of approval and shall be retained and maintained in clean working order in accordance with the approved details.

Reason: In order to ensure that refuse and potential litter are adequately controlled and stored in accordance with Policy G1 of the Boston Borough Local Plan 1999.

9. At the expiry of period of temporary consent hereby granted the permitted occupancy for the entire site shall be restricted as follows:

No person shall occupy the caravans or tents for more than two months in any three month period and the caravans and tents shall be used for holiday accommodation only and for no other purpose. No caravan or tent shall form the main residence of any individual.

Reason: The site is in the open countryside in an area where permanent residential accommodation would be contrary to national and local policy. Occupation restricted to holiday accommodation is in accordance with the objectives of Boston Borough Local Plan 1999, Policies G1, R12 and C01.

10. The development hereby approved shall only be carried out in accordance with the approved Flood Evacuation Plan dated October 2014.

Reason: To reduce the risk and impact of flooding to the proposed development and future occupants and to accord with the objections of Boston Borough Local Plan Policy G1 and the National Planning Policy Framework.

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2018 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Lisa Hughes
Development Manager