

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 4 AUGUST 2015**

**PLANNING APPLICATION – DORMITORIES CHARLETON FARM CHARLETON MONTROSE**

**GRID REF: 371904 : 761054**

**REPORT BY THE HEAD OF PLANNING AND PLACE**

**Abstract:**

This report deals with planning application No. 15/00135/FULL for the proposed temporary planning permission for seasonal workers accommodation to be occupied between 1st March and 30th November each year at Charleton Farm Charleton Montrose. This application is recommended for conditional approval.

**1. RECOMMENDATION**

It is recommended that this application be approved for the reason and subject to the conditions detailed at Section 10 of this report.

**2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/ CORPORATE PLAN**

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our communities are developed in a sustainable manner
- Our natural and built environment is protected and enjoyed

**3. INTRODUCTION**

3.1 The applicant seeks temporary planning permission for seasonal workers accommodation to be occupied between 1 March and 30 November each year.

3.2 The application site is located adjacent to the Charleton Farm complex which lies 400 metres to the west of the classified Charleton Road and approximately 1 km north of the settlement of Montrose. The application site is contained within a former walled garden located 60m to the south/east of the existing complex of farm buildings at Charleton Farm. The site is bound to the east, south and west by agricultural Land. It is relevant to note that the farm complex located to the north of the site contains a coffee shop and an associated children's play area.

3.3 The applicant is seeking permission for the siting of 15 temporary caravans for occupation by seasonal workers during the period 1 March and 30 November each year. The submitted information indicates a common block would also be provided for the occupants. This is a retrospective application as the caravans are already in situ.

3.4 The proposal has been advertised in the press as required by legislation.

3.5 This application requires to be determined by the Development Standards Committee due to the recommendation for approval whilst being subject to a Community Council objection.

**4. RELEVANT PLANNING HISTORY**

4.1 The application has been submitted in response to an enforcement enquiry (15/00022/BREACH refers) which formed part of a wider review of planning permissions for seasonal workers sites in Angus.

- 4.2 The site has previously benefited from planning permission for the same number of caravans for the same period of operation each year (ref: 08/00334/FUL refers).
- 4.3 A site adjacent to the existing site is subject to a planning application (15/00135/FULL refers) for temporary planning permission for seasonal workers accommodation to be occupied between 1 March and 30 November each year. The site is located on the same agricultural unit but has been submitted by a different applicant and is currently pending consideration. The application proposes four caravans on the site which is located approximately 60 metres to the east of the existing site.

## **5. APPLICANT'S CASE**

- 5.1 Supporting information has been submitted which confirms the following.
- There is a functional and essential economic need for seasonal workers at the selected location as they are linked to the seasonal strawberry fruit and sprout production.
  - In general the caravans have been occupied within the period originally granted planning permission.
  - The workers are employed by the client to work solely on the agricultural unit.

## **6. CONSULTATIONS**

- 6.1 The Roads Service - has not objected to the proposal in respect of traffic safety.
- 6.2 The Environmental Health Service - has no objection to the application, noting that the site will require to be licensed in terms of the Caravan Sites and Control of Development Act 1960 (as amended).
- 6.3 Scottish Water - no response has been received within the prescribed consultation period.
- 6.4 Community Council - this consultee objects to the application on the basis of inadequate site hygiene, period of operation and Council Policy.
- 6.5 Scottish Environment Protection Agency - offers no objection to the application.
- 6.6 Scottish Fire & Rescue Service - this consultee has viewed the site and has indicated that the access to the site is adequate for emergency vehicles.

## **7. LETTERS OF REPRESENTATION**

There have been no letters of representation submitted.

## **8. PLANNING CONSIDERATIONS**

- 8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 In this case the development plan comprises:-
- TAYplan (Approved 2012)
  - Angus Local Plan Review (Adopted 2009)
- 8.3 The development plan policies relevant to consideration of this application are provided in Appendix 1 and have been taken into account in the preparation of this report.
- 8.4 Angus Council is progressing with preparation of a Local Development Plan to provide up to date Development Plan coverage for Angus. When adopted, the Angus Local Development Plan (ALDP) will replace the current adopted Angus Local Plan Review (ALPR). The Draft Proposed Angus Local Development Plan was considered by Angus Council at its meeting on 11 December with a view to it being approved and published as the Proposed ALDP for a statutory period for representations. The Draft Proposed ALDP sets out policies and proposals for the 2016-2026 period consistent with the strategic framework provided by the

approved TAYplan SDP(June 2012) and Scottish Planning Policy (SPP) published in June 2014. The Proposed ALDP, as approved by Angus Council, will be subject to a 9 week period for representation commencing in February 2015. Any unresolved representations received during this statutory consultation period are likely to be considered at an Examination by an independent Reporter appointed by Scottish Ministers. The Council must accept the conclusions and recommendations of the Reporter before proceeding to adopt the plan. Only in exceptional circumstances can the Council choose not to do this. The Proposed ALDP represents Angus Council's settled view in relation to the appropriate use of land within the Council area. As such, it will be a material consideration in the determination of planning applications. The Proposed ALDP is, however, at a stage in the statutory process of preparation where it may be subject to further modification. Limited weight can therefore currently be attached to its contents. This may change following the period of representation when the level and significance of any objection to policies and proposals of the plan will be known.

- 8.5 As indicated above this application relates to permission for the siting of 15 temporary caravans for occupation by seasonal workers during the period 1 March and 30 November each year. Therefore the key issues in relation to this application are whether the proposal would give rise to any unacceptable impacts having regard to the relevant policies of the development plan.
- 8.6 The current local plan does not provide any specific policy basis for the assessment of proposals for seasonal or transient workers accommodation. Whilst the Proposed ALDP does not yet constitute part of the development plan, Policy TC5: Seasonal or Transient Worker Accommodation is not subject to objection and as such is unlikely to be modified prior to the adoption of the ALDP. That proposed policy provides a basis for the assessment of proposals for temporary seasonal workers accommodation. On the basis that the policy is the settled view of the Council is not subject to objection, weight can be attached to it as a material consideration in the assessment of this planning application.
- 8.7 Policy TC5 only permits temporary accommodation for seasonal or transient workers where (i) there is a functional and essential economic need for the amount and type of accommodation proposed that cannot reasonably be met elsewhere in the locality; (ii) that accommodation is required to house workers employed on the agricultural unit of the applicant; (iii) the proposal involves the conversion, reuse or redevelopment of suitable vacant buildings or brownfield land on, or adjoining, the agricultural unit or it can be demonstrated that there are no such buildings or sites capable of accommodating the proposed development; (iv) the proposed site will provide a good residential environment with adequate access to facilities; (v) the scale and nature of the development is in keeping with local landscape character and pattern of development; and (vi) there is no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure.
- 8.8 It is widely recognised that the employment of seasonal workers is vital to the success of agricultural operators in the locality. This proposal involves a development for 15 seasonal workers caravans where the occupants would be employed to handle strawberries and sprouts and as such the demand for the level of accommodation proposed at this site is considered to be acceptable (i). The applicant has confirmed that the workers residing in the accommodation would work solely on the agricultural unit (ii). The applicant has indicated that there are no alternatives to siting the new accommodation on the site and there are no vacant buildings suitable for re-use or conversion (iii). The proposed layout of the caravans appears to provide a reasonable residential environment in terms of spacing between the proposed caravans and it is noted that the submitted drawings identify a common block. The Environmental Health Service has considered the application and has no objection to it, noting that the site would require a licence which would regulate numerous matters to ensure the provision of a reasonable level of amenity (iv). The proposed caravans would sit relatively comfortably within the landscape in that they remain largely hidden within a walled garden. (v). The site is not located within any area designated for its natural heritage but is located within a C listed Walled Garden. The caravans are buildings of a temporary nature and do not have any impact on the fabric or setting of this listed structure. On this basis, the site would provide a good residential environment, considering the temporary nature of accommodation proposed. The site is accessed via an existing track that leads to the public road to the east. The Roads Division has considered the application and has no objection to it. The Scottish Fire and Rescue Service has indicated that the access to the site is currently adequate for emergency vehicles but a planning condition is attached to ensure that the condition of the access is maintained for the life of the development. In relation to other infrastructure, the

applicant has indicated that the accommodation would connect to a private water supply and details of the existing foul drainage have been provided. On the basis of the above, I am satisfied that there would be no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure (vi).

- 8.9 Policy TC5 indicates that planning permission will not normally be granted for more than five years when the requirement for seasonal or transient worker accommodation can be reviewed. It requires that temporary structures, including residential caravans, must be removed when the need for them ceases or the planning permission expires, whichever is sooner. Conditions are attached limiting the length of the permission to a temporary five years period and to prevent the permanent occupation of the caravans.
- 8.10 The caravans the subject of this application are located within a listed walled garden on agricultural land on an existing agricultural unit. As noted above the caravans are temporary in nature and do not have any impact on the fabric or setting of the listed structure. There would be no permanent loss of prime agricultural land because this is a temporary proposal which would assist the operational efficiency of the farm unit. The need to employ seasonal workers has for some time been accepted as a necessity of modern farming practice which is a saving to farms in terms of safeguarding the viability of the unit. Similarly the caravans do not give rise to any significant issues in terms of roads, access, parking, landscaping, open space, biodiversity, drainage or flood risk.
- 8.11 I note the concerns that have been raised by the Community Council in respect of adequate site hygiene, period of operation and Council Policy. The site has been in operation for a number of years and the Scottish Environmental protection Agency has confirmed that the site is linked to an existing licence under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) in relation to waste water discharges. The period of operation of the caravans would be controlled by a condition and there is no obligation on the Council to provide housing outwith this period with any application by the occupants, subject to normal housing assessment criteria. Again it is important to emphasise that whilst the proposed ALDP does not yet constitute part of the development plan; however, Policy TC5: Seasonal or Transient Worker Accommodation is not subject to objection; as such, it is unlikely to be modified prior to the adoption of the ALDP. The proposed policy therefore represents the settled view of the Council and provides a basis for the assessment of proposals for temporary seasonal workers accommodation.
- 8.12 In conclusion, the proposal will provide for the seasonal workers accommodation in a manner that will not give rise to any significant adverse impacts on the amenity or appearance of the area. Whilst I note the concerns raised in the submitted consultation response, these do not give rise to issues that would justify refusal of the application. In this case it is considered that the proposal would be acceptable on this site for a temporary period and would be in accordance with the relevant adopted and proposed development plan policies subject to conditions. There are no material considerations that justify refusal of the application.

## **9. OTHER MATTERS**

### **HUMAN RIGHTS IMPLICATIONS**

The decision to grant permission/consent, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

### **EQUALITIES IMPLICATIONS**

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

## 10. CONCLUSION

It is recommended that application be approved for the following reasons and subject to the following conditions:

### **Reason(s) for Approval:**

The application is consistent with the relevant provisions of the Development Plan and will not have a significant adverse impact on the surrounding area. There are no other material considerations that would justify refusal of the application.

### **Conditions:**

1. That the use/development hereby permitted be restricted to a period of five years from the date of this permission.

*Reason: In order that the Council can control and review the length of time during which the development is permitted to continue in the interests of the general amenity of the area.*

2. That on or before the expiration of that period, the use of land hereby permitted shall be discontinued and all buildings, plant, machinery or materials associated with that use shall be removed.

*Reason: In order that the general amenity of the area shall not be affected and to ensure that the site is restored to an acceptable condition upon the cessation of the use.*

3. That the accommodation hereby approved shall only be occupied on a temporary basis by seasonal workers employed on Charleton Farm and that none of the accommodation provided under the provision of the permission hereby granted shall be occupied outwith the period 1 March and 30 November inclusive in any year as long as this permission endures.

*Reason: In order to ensure that the caravans are provided for seasonal workers employed on the farm unit and to ensure that the accommodation is used as temporary accommodation only for those workers.*

4. That the number of caravans on site shall not exceed 15.

*Reason: In order that the planning authority may regulate the number of caravans in the interests of the amenity of the area.*

5. Prior to the commencement of the use hereby approved, a scheme shall be submitted to and approved in writing by the planning authority (hereafter referred to as 'the scheme') to ensure that the site access is accessible for emergency vehicles for the duration of the use of the site as a caravan park. The scheme shall include proposals for the regular inspection, maintenance and repair of the access (between the caravan site hereby approved and the public road). The access shall thereafter be inspected, maintained and repaired in accordance with the approved scheme for the duration of the use of the site as a caravan park.

*Reason: In order to ensure that the access to the site is maintained to a standard that can be accessed by emergency vehicles.*

### **NOTE**

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

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**Appendix 1: Relevant Development Plan Policies**

## APPENDIX 1 – RELEVANT DEVELOPMENT PLAN POLICIES

### Angus Local Plan Review 2009

#### **Policy S1: Development Boundaries**

- (a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.
- (b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.
- (c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.

#### **Policy S3: Design Quality**

A high quality of design is encouraged in all development proposals. In considering proposals the following factors will be taken into account:

- site location and how the development fits with the local landscape character and pattern of development;
- proposed site layout and the scale, massing, height, proportions and density of the development including consideration of the relationship with the existing character of the surrounding area and neighbouring buildings;
- use of materials, textures and colours that are sensitive to the surrounding area; and
- the incorporation of key views into and out of the development.

Innovative and experimental designs will be encouraged in appropriate locations.

#### **Policy S6: Development Principles**

Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information.

#### **Schedule 1 : Development Principles**

##### **Amenity**

- (a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.
- (b) Proposals should not result in unacceptable visual impact.
- (c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

##### **Roads/Parking/Access**

- (d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.
- (e) Access to housing in rural areas should not go through a farm court.
- (f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17 : Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary.
- (g) Development should not result in the loss of public access rights. (Policy SC36)

##### **Landscaping / Open Space / Biodiversity**

- (h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)

- (i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.
- (j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.
- (k) The planting of native hedgerows and tree species is encouraged.
- (l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

#### **Drainage and Flood Risk**

- (m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)
- (n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.
- (o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)
- (p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).
- (q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38)
- (r) Development should minimise waste by design and during construction.

#### **Supporting Information**

- (s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following: Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.

### **Policy SC19: Rural Employment**

Employment opportunities throughout rural Angus will be supported where they make a positive contribution to the rural economy and are of a scale and nature appropriate to the location. Proposals which reuse existing buildings and sites and those which assist diversification of an existing rural business will be encouraged. There may also be scope for mixed use developments incorporating staff accommodation and/or home/work units.

### **Policy ER30: Agricultural Land**

Proposals for development that would result in the permanent loss of prime quality agricultural land and/or have a detrimental effect on the viability of farming units will only normally be permitted where the land is allocated by this Local Plan or considered essential for implementation of the Local Plan strategy.

### **Proposed Angus Local Development Plan**

#### **Policy TC5: Seasonal or Transient Worker Accommodation**

Proposals for the development of temporary accommodation (including residential caravans and mobile homes) for seasonal or transient workers will only be permitted where:

- there is a functional and essential economic need for the amount and type of accommodation proposed that cannot be reasonably met elsewhere in the locality;
- the accommodation is required to house seasonal or transient workers employed on the agricultural unit;
- the proposal involves the conversion, reuse or redevelopment of suitable vacant buildings or brownfield land on, or adjoining, the agricultural unit or it can be demonstrated that there are no

- such buildings or sites capable of accommodating the proposed development;
- the proposed site will provide a good residential environment with adequate access to facilities;
- the scale and nature of the development is in keeping with local landscape character and pattern of development; and
- there is no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure.

Planning permission will not normally be granted for more than 5 years when the requirement for seasonal or transient worker accommodation can be reviewed. Temporary structures, including residential caravans, must be removed when the need for them ceases or the planning permission expires, whichever is sooner.