

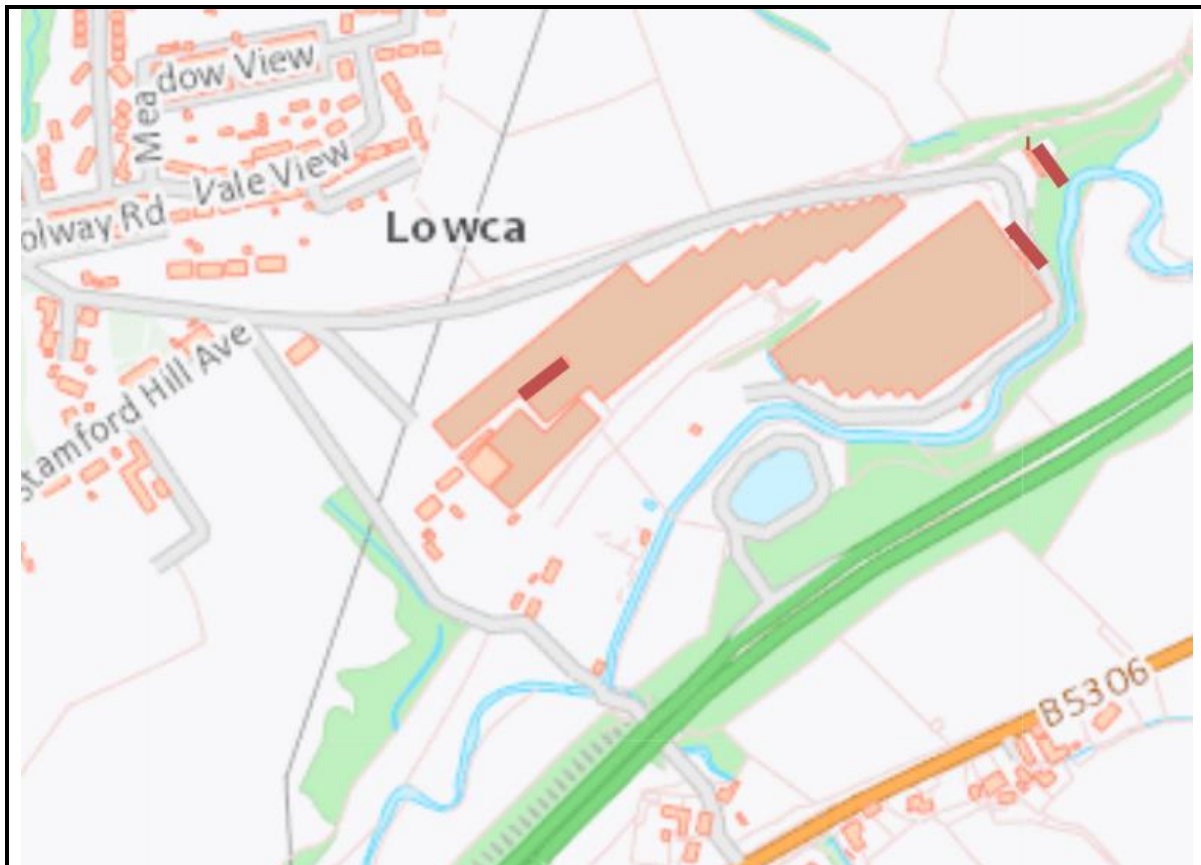


**To: PLANNING PANEL**

**Development Management Section**

**Date of Meeting: 15/03/2023**

<b>Application Numbers:</b>	4/22/2463/0F1
<b>Application Type:</b>	Full
<b>Applicant:</b>	Woodland Nurseries
<b>Application Address:</b>	WOODLAND NURSERIES, STAMFORD HILL, LOWCA
<b>Proposals</b>	RETAIN EXISTING 6 CARAVANS FOR USE BY SEASONAL EMPLOYEES APPROVED UNDER PLANNING PERMISSION REFERENCE 4/17/2289/0F1 AND CONSENT FOR 1 ADDITIONAL CARAVAN
<b>Parish:</b>	Lowca
<b>Recommendation Summary:</b>	Approve subject to conditions



**Crown Copyright.** Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Copeland Borough Council Licence No. 100019619 (2005).

### **Reason for Determination by the Planning Panel**

This application is brought for consideration by Members of the Planning Panel under the terms of the Constitution as the Parish Council has lodged an objection to the proposal which is contrary to the Officer recommendation.

### **Site and Location**

This application relates to Woodland Nurseries which is located at Stamford Hill on the eastern edge of Lowca. The commercial nursery has expanded incrementally over the last 25 years and comprises a number of large-scale glass houses.

The nursery provides bedding plants/ornamental plants which are sold directly to Local Authority Parks Departments, garden centres and retail outlets on a wholesale basis. It currently employs 40 staff, 18 of which are seasonal.

The site is accessed from Stamford Hill via a private access road. Parking and turning space are available within the site.

## **Relevant Planning History**

Three residential caravans (retrospective), approved in February 2010 (application reference 4/09/2546/0F1 relates);

Renewal of application to retain 3 residential caravans for continued occupation by agricultural workers, approved in March 2015 (application reference 4/15/2042/0F1 relates);

The siting of 6 static caravans for seasonal employees, approved in February 2018 (application reference 4/17/2289/0F1 relates).

## **Proposal**

Planning permission is sought for the retention of the six static caravans which were previously approved on the site in 2018. It is also proposed to site an additional static caravan on the land associated with the nursery, giving seven caravans in total.

Four of the existing caravans occupy a central location within the site and are enclosed by existing glasshouse structures. Two of the caravans are stationed on the eastern edge of the site adjacent to another glass house. The additional caravan will be opposite to and against the eastern elevation of this glass house.

The caravans are currently used to house temporary and part time staff at the nursery. They are connected to two existing private treatment plants and have mains electricity and water. Access is achieved off the main entrance into the site.

This application is accompanied by the following information:

- Application form
- Site location plan
- Site plan
- Supporting Letter which sets out a justification for the proposal.

## **Consultation Responses**

### Lowca Parish Council

This planning application was considered at the Lowca Parish Council meeting on Wednesday 21st December. The Parish Council are aware of the history of these static caravans. Back in 2013 the applicant made an application to increase his then glasshouse area by 70% to 11 acres, at that time there was no mention or consideration in the planning application for employee accommodation.

Lowca parish council back in March 2015, dealt with a retrospective application, 4/15/2042, made by Blomfield Ltd for 3 mobile caravans, which had already been on the site in excess of 5 years, at least 3 years before the 2013 application. The Copeland Panel concluded that if the functional need continues to house workers on the site, then Blomfield should look

towards finding a permanent solution to the issue. The Panel agreed to the caravans remaining on the site for a further three-year period to March 2018 and indicated to Blomfield Ltd that they would be unlikely to look favourably on any further extension beyond that three-year period.

Then in 2017 the Parish Council were consultees in respect of an application 4/17/2289 for the siting of 6 static caravans for seasonal workers at the Lowca site which contained the statement, "three of the vans shown on Plan WN/1/2 have the benefit of planning permission". The application in reality referred to a retrospective application for a further 3 mobile homes installed since 2015, although Blomfield had already been advised to find a permanent solution to housing workers. Additionally, 3 mobile homes which were coming to the end of an extension granted to March 2018, which was unlikely to be renewed.

The 4/17/2289/0F1 application however was granted by Copeland Borough Council with a condition that the permission should expire on 16th February 2021, and that the caravans should be removed from the site on or before that date.

Lowca Parish Council as part of their submission attach a copy of the 16th August 2017 decision notification.

Once again, the Parish Council has before it a retrospective planning application in respect of 6 static caravans, which should have been removed, 21 months ago, and an additional seventh static caravan. Since 2017 the nursery business has invested in a new additional large glasshouse. In that process the parish council consider that in the business plan to expand the glasshouse are, consideration of supply and demand for labour and seasonal workers should have been part of the development and business plan. The applicant was already aware of the 2017 planning decision requiring removal of static caravans by February 2021.

The Parish Council are objecting to this retrospective application for the continued use of the six static caravan accommodation, plus the additional static caravan and provide the Copeland Borough Council last permission statement 4/17/2289/0F1 as their basis for objection and the undoubted clarity of condition 1 in that statement. There is no ambiguity in that planning condition.

#### Cumbria Highways

Taking into account the existing use of the property, it is considered that the proposal will be unlikely to have a material effect on existing highway conditions. I can therefore confirm that the Highway Authority has no objection to the proposal.

Note: A PROW (public footpath/bridleway/byway) number FP413006 and BW413001 lies adjacent to the site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.

#### Environmental Health

I have no objections to the above application.

Under the Caravans Sites and Control of Development Act 1960, caravans used for the seasonal use of employees are exempt from site licensing by the Local Authority.

These caravans would fall under this exemption, but the planning permission must state that the caravans are for the use of seasonal employees only and not for holiday use.

### **Public Representation**

The application has been advertised by way of a site notice.

No responses have been received as a result of this advertisement.

### **Planning Policy**

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

### **Development Plan**

#### **Copeland Local Plan 2013 – 2028 (Adopted December 2013)**

##### Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS3 – Housing Needs, Mix and Affordability

Policy T1 – Improving Accessibility and Transport

##### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM19 – Residential Caravans, Mobile Homes, Chalets and Beach Bungalows

Policy DM22 – Accessible Developments

### **Other Material Planning Considerations**

National Planning Policy Framework (2021)

National Design Guide (NDG)

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

##### Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) was recently the subject of an Examination in Public by a Planning Inspector. The Examination closed on 9<sup>th</sup> March 2023.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the NPPF.

The policies relevant to this application are:

- Strategic Policy DS1PU - Presumption in favour of Sustainable Development
- Strategic Policy DS2PU - Reducing the impacts of development on Climate Change
- Strategic Policy DS3PU - Settlement Hierarchy
- Strategic Policy DS4PU - Settlement Boundaries
- Strategic Policy DS5PU - Planning Obligations
- Policy DS6PU - Design and Development Standards
- Policy H21PU: Residential Caravans
- Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

## **Assessment**

### **Retrospective Nature of Application**

The previously approved application for 6 caravans (application reference 4/17/2289/0F1) was approved on a 3 year temporary basis extending up to 16<sup>th</sup> February 2021. A condition was included on this approval which stated that the caravans should be removed from the site on or before this date and the land restored. Whilst the Applicant has not provided any justification for the timing or retrospective nature of this application to retain the caravans, Government Guidance on such matter's states that "the local planning authority should take care not to fetter its discretion prior to the determination of any application for planning permission – such an application must be considered in the normal way". This application therefore falls to be determined on its merits.

### **Principle of the Development**

The application site lies on the edge of Lowca outside of any designated settlement boundary. Policy ST2 of the CS and Policy DS2PU of the ELP state that outside of the defined settlement boundaries, development is restricted to that which has a proven requirement for such a location, including housing that meets proven specific and local needs including provision for agricultural workers, replacement dwellings, replacement of residential caravans, affordable housing and the conversion of rural buildings to residential use.

As the development is for residential caravans for rural workers, the application can be considered under this exception.

Policies DM19 of the CS and H21PU of the ELP set out the criteria that should be met for residential caravans to be considered as acceptable. With regards to this application, the following criterion in Policy DM19 of the CS apply.

- Residential mobile homes will be permitted as temporary accommodation to support the establishment of a new rural enterprise.

Policy H21PU of the ELP states that residential caravans will only be permitted in exceptional circumstances and on a temporary basis where the need is demonstrated fully to the satisfaction of the Council and where:

- The siting of the caravan will not result in adverse impacts upon the landscape or biodiversity or cause visual harm;
- The siting of the caravan will not result in unacceptable adverse impacts upon the amenity of neighbours through a loss of privacy or sunlighting;
- The siting of the caravan does not give rise to unacceptable impacts upon the highway network or highway safety;
- there is a clearly established existing functional need;
- the need relates to a full-time worker, or one who is primarily employed in a rural business and does not relate to a part-time requirement;
- the unit and the rural business concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so.

Given the stage in preparation of the Emerging Local Plan which has recently undergone Examination by a Planning Inspector weight can be given to Policy H21PU which is considered to be consistent with the current NPPF.

The Applicant's Agent has set out a justification for the caravans as follows:

1. The nursery cannot get local labour despite best endeavours (the Nursery pays above minimum wage).
2. Since Brexit the supply of eastern European labour has dried up.
3. The Nursery now have to apply for the government's SAWS (Seasonal agricultural workers scheme).
4. Staff are only allowed to work for 6 months on this visa, and they cannot rent a house for short rental periods.
5. Any rental of houses on a short-term period, if allowed, would reduce the rental housing stock that is available to local people.

It is clear from this and previous applications that the business has struggled to maintain a workforce and there has been a functional need for the employment of temporary foreign workers on a seasonal basis for a considerable period of time. The Seasonal Agricultural Workers Scheme requires that the workers have a sponsor and money to support themselves, or a sponsor who is willing to support them. With the provision of the

residential caravans on the site, the Applicant is able to provide such sponsorship and is therefore able to source workers to keep the business going.

On this basis, it is considered that the Applicant has provided a suitable justification for the functional need for the siting of mobile homes to support the business. This provision has allowed this long-established business to expand and remain viable. The application is therefore considered to comply with the criteria set out in Policy H21PU.

#### Landscape, Visual and Amenity Impacts

Policy ST1 of the CS seeks to protect the amenity of neighbouring properties whilst Policy DM10 promotes good design. Policy H21PU requires that the siting of the caravans will not result in adverse impacts for the landscape, visual amenity, biodiversity or the amenity of any neighbouring properties.

All of the caravans are contained within the site and lie within close proximity to the existing large glass greenhouses. Four of the caravans are located between glasshouses and cannot be seen from outside the site. The two caravans to the east of the site are screened from local views by timber fences and, due to the change in land levels, cannot be seen from the Workington to Whitehaven cycleway. They are partially visible from the Distington bypass although their visual impact is limited as they are seen in the context of the existing large glasshouse structures. The new caravan is located adjacent to and seen in the context of the existing glass house on the northeast of the site,

As there are no neighbouring residential properties within the immediate vicinity, there are unlikely to be any amenity issues created through loss of privacy or overlooking.

On this basis, the proposal is considered to comply with Policies ST1, DM10 of the CS and H21PU of the ELP.

#### Access, Parking and Highway Safety

Policies T1 and DM22 of the CS and CO7PU of the ELP requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough.

Due to the additional staff on the site being of a temporary nature it is unlikely that there will be any significant increase in vehicle movements in or around the site. There is currently ample space available for parking and turning within the site.

Cumbria Highways raised no objections to the application.

On this basis the proposal is considered to be compliant with Policies T1 and DM22 of the CS and CO7PU of the ELP.

#### Planning Balance and Conclusion

An objection was received from the Lowca Parish Council due to the retrospective nature of the application and the breach of the condition attached to the previously planning approval from 2018. Despite the retrospective nature of this application, it falls to be determined on its merits. It has to be assessed against the policies set out within the Development Plan.



The principle of the development is considered to be acceptable. The applicant has submitted a justification for the proposal, and it is clear that temporary and seasonal workers are essential for the functional operation of this rural business. The proposal accords with the test set out in Policy ST2 of the CS for a location outside the development boundary.

The caravans are sited within the confines of the overall site and are seen in context with the large glasshouse structures that are used to grow the plants. In this context the caravans are not considered to have a significant adverse landscape or visual impact.

No issues with regards to the impact on the amenity of neighbouring properties have been identified and the site has sufficient capacity for any increase in cars that are likely to result from this proposal.

On balance, the proposal is considered to be compliant with policies within the Copeland Local Plan, the emerging Local Plan and the guidance within the NPPF.

### **Recommendation:**

Approve subject to the following conditions: -

### **Conditions**

1. This permission will expire on 30<sup>th</sup> March 2026. The caravans must be removed from the site, on or before this date and the land restored to its former condition.

#### **Reason**

The use hereby approved is not considered to be suitable as a permanent form of development and permission is granted in recognition of the functional needs of the rural business and in accordance with Policy DM19 of the Copeland Local Plan.

2. The occupation of the caravans is limited to persons solely employed at the nursery and for no other purposes whatsoever.

#### **Reason**

Permission has only been granted in recognition of the functional needs of this rural business and in accordance with Policy DM19 of the Copeland Local Plan.

### **Informative Note**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

### **Statement**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.