

DOUGLAS BRIGGS
PARTNERSHIP

INTEGRATED
ARCHITECTURE
AND
TOWN PLANNING

Context

Newlands nursery is an established horticultural enterprise as part of the Roundstone Group that has an annual turnover of £32m and employ 142 FT, 7 PT and 350 Seasonal workers over 11 sites along the South Coast area.

The applicants provide accommodation for seasonal workers for the business and the number of seasonal workers on site varies as the seasons progress with peak demand in the April to May and like many other local horticultural businesses these seasonal workers are essential to the viability and vitality of the horticultural enterprise.

Seasonal workers are currently housed at South Downs Worker Village (the former South Downs Holiday Park in Bracklesham Bay, operated by the applicant and are bused to Roundstone's site.

Whilst the South Downs Worker Village has provided a valuable facility for the seasonal workers, the owners of the site have obtained planning permission from Chichester District Council (18/00753/OUT) to redevelop the site for permanent housing that does not meet the demand for seasonal workers accommodation.

With the impending eviction from the Bracklesham site, this application seeks confirmation that the accommodation of seasonal workers on the Newland Nursery site would be within the permitted development rights (GPDO Schedule 2, Part 5, Class A) agreeing common ground on the extent of the seasons when seasonal workers accommodation is required and when the accommodation would be removed to comply with the conditions of the permitted development rights.

Planning Context

The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) as amended makes provision for seasonal workers accommodation for agricultural operations in Schedule 2, Part 5, Class A which states;

"The use of land, other than a building, as a caravan site in the circumstances referred to in paragraph A.2." is permitted development.

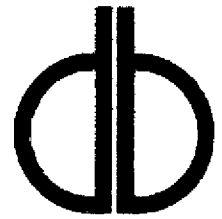
Paragraph A.2. states; *"The circumstances mentioned in Class A are those specified in paragraphs 2 to 10 of Schedule 1 to the 1960 Act (cases where a caravan site licence is not required), but in relation to those mentioned in paragraph 10 do not include use for winter quarters."*

The Caravan Sites Control of Development Act 1960 (The 1960 Act), schedule 1 paragraph 7 states;

"the use as a caravan site of agricultural land for the accommodation during a particular season of a person or persons employed in farming operations on land in the same occupation"

The GPDO Condition A.1 states that; *"Development is permitted by Class A subject to the condition that the use is discontinued when the circumstances specified in A.2. cease to exist, and all caravans on the site are removed as soon as reasonably practicable"*

Therefore in determining whether the use of caravans on an agricultural site fall within the permitted development rights outlined above, it is necessary to consider, whether the persons occupying the caravans are undertaking 'farming operations'; whether their operations are within 'the same occupation'; and when 'a particular season' comes to an end requiring the removal of the caravans from the site.



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1. Farming Operations.

Section 336 of the Town and Country Planning Act 1990 (1990 Act) defines 'agriculture' as including:

- horticulture, fruit growing, seed growing, dairy farming;
- the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land)
- the use of land as grazing land, meadow land, osier land, market gardens or nursery grounds; and
- the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes.

Therefore, persons employed within operations of the horticultural business can be considered to be 'employed in farming operations'.

2. The Same Occupation

The same occupation is not clearly defined within the 1960 Act or the 1990 Act and there is no clear requirement for occupancies to be contiguous with an accommodation site or related to the ownership of land.

There is no question that farm workers in accommodation on the same agricultural unit as the where they are employed in farming operations would comply with the circumstances set out in the 1960 Act, irrespective of who owns the land.

However, just as one site may be in multiple occupancy (Houses of Multiple Occupation for instance), it is possible for multiple sites to be in the same occupation (same family may occupy more than one house) and where farming operations are undertaken by the same farming business on multiple sites, they may be considered within the 'same occupation'.

Therefore, a farm worker carrying out the same farming activity on multiple sites for the same business may be considered as working within the 'same occupation' and therefore complying with circumstances described in the 1960 Act.

The same would not be true if a farm worker was employed by a separate business with no connection to the host (accommodation) site while undertaking operations on an entirely unrelated site.

For the avoidance of doubt, this application seeks to accommodate seasonal workers employed in farming operations on this nursery site.

3. A Particular Season

It should be noted that the 1960 Act says 'a particular season' it does not state how many seasons there are during a year or define the length of a particular season and it is self evident that different crops can have different length seasons and there may be more than one crop season in any one year on any farm land.

Therefore, it is possible for a person to be employed in farming operations working on multiple or sequential crops to be working in 'a particular season' for more than one season in a year and their occupancy of a caravan site can continue to comply with the circumstances described in the 1960 Act.

For the avoidance of doubt, this application seeks to accommodate season workers on this site during the particular 'spring' season from February to March (inclusive) each year.

4. Requirement to remove accommodation.

The GPDO condition requires the 'use' is discontinued when the circumstances described in the 1960 Act cease to exist, use referring to use as a caravan site, not any particular caravan.

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The GPDO also states that 'all' caravans on the 'site' are removed when the circumstances do not exist.

The site is in use 'as a caravan site' which would include empty caravans and would only require caravans to be removed, when 'all' could be removed and there is not a requirement to remove any particular caravan just because it is empty.

Provided that the circumstances of the 1960 Act exist for workers accommodated on the site, the use of the site 'as a caravan site' including empty caravans would continue.

It therefore follows that where two consecutive seasons requiring accommodation overlap, the circumstances of the 1960 Act would not cease to exist and there would be no requirement to remove any caravans (empty or otherwise).

The condition also states that all the caravans on the site are removed 'as soon as reasonably practicable'.

In the case of consecutive seasons where the conditions for seasonal occupation may cease for a short period of time between, it would be a matter of fact and degree as to whether it would be 'reasonably practicable' to remove the caravans between the two particular seasons.

For the avoidance of doubt, this application seeks to retain the number of caravans required for the particular 'spring' season and for the caravans to be removed when the circumstances justifying the season's number of caravans no longer exists as soon as is reasonably practical at the end of that season.

Proposals

Newlands nursery is an established horticultural enterprise with glasshouses and processing facilities, all contained within a single site of Lagness Road to the North East of Pagham Road.

The number of workers changes as seasonal requirements demand with the maximum number of workers per caravan not to exceed 6 for welfare reasons.

The site at Newlands Nursery is owned by the applicant's parent group and would provide **20 units** to cover the peak demand for on-site accommodation of **100 workers at the Nursery for the Spring season** that would be occupied from **February to March**.

The units will be removed from the site and use as a caravan site for the Spring Season will cease between the first day of April and the last day of January.

Crop Production

Bedding plants are the main staple of the nursery and are grown in three main seasons for the Spring, Summer and Autumn Retail markets.

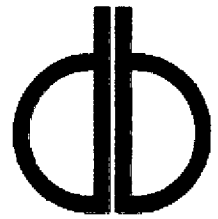
The following table summarises the volumes of bedding pots / trays that are processed at Newlands Nursery on a month-by-month basis (based on 2018 figures), demonstrating the length of each season and variations in volumes of production.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Spring Season	195,474	579,300	482,600	-	-	-	-	-	-	-	-	-
Summer Season	-	-	647,746	2,104,850	3,186,600	741,100	82,700	-	-	-	-	-
Autumn Season	-	-	-	-	-	-	20,000	395,606	300,500	211,400	32,100	-
Total	195,474	579,300	1,130,346	2,104,850	3,186,600	741,100	102,700	395,606	300,500	211,400	32,100	-

Figure 1: Volume of Bedding packs by month (typically 6-9 plugs per pack)

As can be seen from the figures above;

The Spring Bedding Plant Season operates from January to March, peaking in February and there is an overlap with the Summer Season in March.



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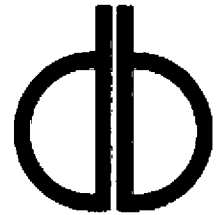
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Tasks and Processes

Despite increased mechanisation generally within the industry, the preparation, planting, care, picking/harvesting and processing of bedding plants and fruit crops remain labour intensive and work undertaken within the glasshouses at Newlands Nursery is carried out on a shift basis to take advantage of the daylight hours.

While the Nursery produces a variety of plant types with varying growth patterns, the vast majority of bedding require similar processing during their life cycle at the nursery during each season as follows:-

- **Propagation** – The Nursery utilise three seeding machines to aid with the propagation of seeds, each machine requires two operators, one specialist and one non- specialist. About 180,000,000 seeded plugs, with up to 20 seeds per plug, will be produced through these machines. For the 1st 4 to 6 weeks during germination and 1st stage rooting the Nursery has specialist cultural work underway ensuring that all seeds have taken and all plug cells are filled. There can be up to 30 workers undertaking this operation, 7 days a week across multiple shifts. Environment management, watering and pest control are all key activities also performed during this stage.
- **Transplanting** – Of the plugs produced about 80,000,000 are transplanted into larger pots / packs with remainder being sold to wholesale customers in their original plug trays. The Nursery utilise five transplanting machines to manage this, with each machine supported by a team of, on average, 5 specialist workers. At key times of the year these machines will be operated 24/7 across multiple shifts.
- **Growing** – Once plants are transplanted into their final pots/ packs they are moved into the growing areas. Transplanting to dispatch is on average 6 weeks. There are several activities that are undertaken during this stage, most of which are not labour intensive and largely related to managing the plants environment; including water, feed, pest and disease control & monitoring.
- **Cultural work** – during the growing stage there are elements of cultural work required such as –
 - Deflowering – all manual
 - Weeding – all manual
 - Thinning out to customer specification – all manual
 - Spraying – mechanised spraying rig with specialist operators
 - Plant relocation to suit temperature zones – mechanised carriers with specialist operators
- **Lifting / Harvesting / picking** – Following the growing stage; specialists will determine which crops have reached customer specification and will instruct specialist labour operating carriers and shuttles to lift the product and deliver to the dispatch areas. All the product is then “cleaned” by the “gapping team”. Cleaning includes removal of dead flower heads, brown leaf removal, additional thinning and removal of any foreign bodies. This work is undertaken by shift teams of up to 50 people with approximately 20% of the workers being skilled.



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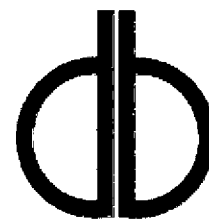
- **Packaging and despatch –**

- Labelling - Plants are then placed on conveyors and passed through one of six labelling lines in preparation for final dispatch. These lines will add customer specific labels, bags, straps, pricing etc.
- Mixing - Once the plants are labelled they are transferred to the mixing lines. Here different plant varieties and tray sizes are loaded onto individual trolleys according to the customers specification requirement.
- Trolley production - Trolleys are "built" to maximise plant density and customer specification by the trolley building machine with some build being completed manually. and final mixing lines (mixing of varieties to suit customer orders)
- Dispatch - Trolleys are manually lined up into lanes and stored for dispatch. When the lorry is ready for dispatch the trolleys are then manually transferred onto the lorries.

Theses process will have up to 60 people per shift, operating 24/7 at peak times.

The Nursery also employs general support staff throughout the season on both full time and seasonal basis including;

- plant administrators planning the growth cycle and production volumes throughout each season
- Health & Safety and supervising staff
- Various machinery drivers for forklifts and tugs to handle produce
- Engineering staff for the maintenance of the machinery and glasshouse structures
- Human Resources, Information Technology and administrative staff



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Labour requirements by Season

The following graphs show the average monthly labour requirements for each of the distinct seasons with each month divided into the approximate number of staff for each of the growing processes described above.

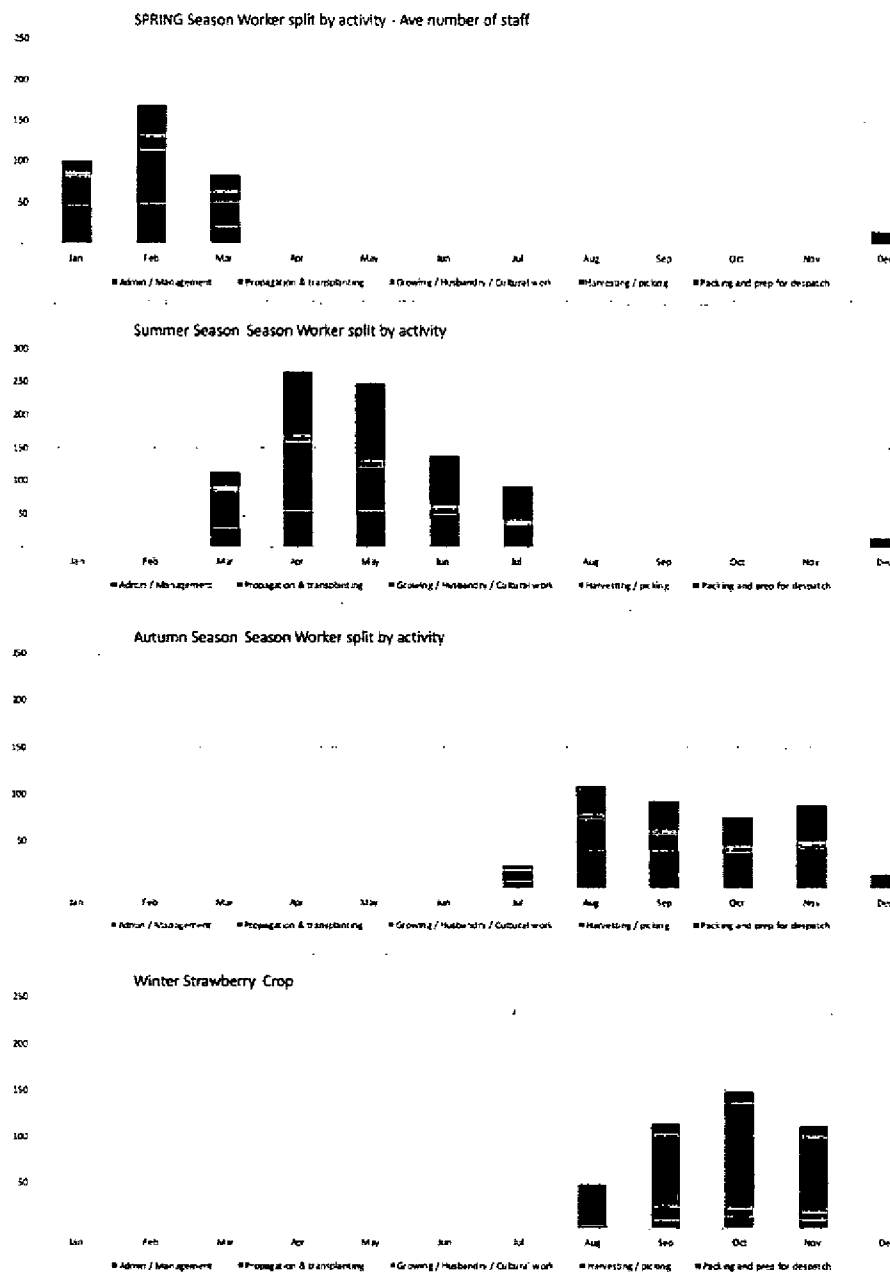


Figure 2: Monthly staff requirement, by season, month and farming activity
The total site staff requirement is illustrated on the graph below.

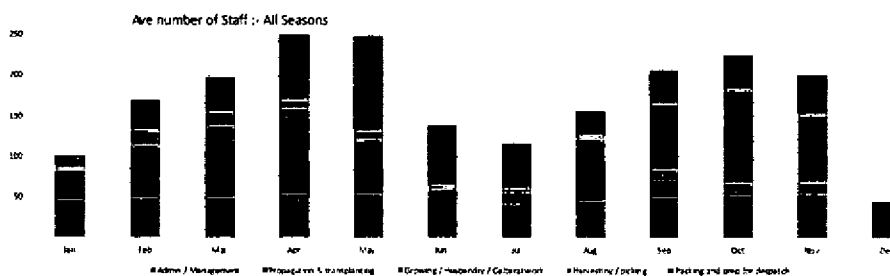
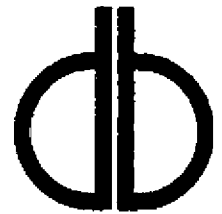


Figure 3: Average number of staff per month by farming activity for all seasons

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Accommodation requirements by Season

While the Roundstone group does recruit workers living permanently in the local area, the number of potential workers in the area, capable and willing to undertake the range of skilled, unskilled and physically demanding work in varying weather conditions and occasionally at unsociable hours, required to harvest horticultural crops is comparatively low.

This is compounded by the high cost and lack of supply of affordable housing within the local area, making permanent relocation for seasonal employment unviable for many farm workers.

Figure 4 below shows the total temporary staff requirement. Based on experience, the applicant anticipates that approximately 90 to 100 of the staff would be accommodated off site in either private rented houses or other specific worker accommodation. This is illustrated by the dotted line. However, please note that this is a simplistic representation as the total number of people accommodated offsite does tend to vary over the course of the year.

Figure 4 shows the combined totals for the 3 identified seasons;

Spring

Bedding plants from January to March

Requiring accommodation on site from February to March

Summer

Bedding plants from March to July

Requiring accommodation on site from April to July

Autumn

Bedding plants and Strawberries from July to November

Requiring accommodation from August to November

This application seeks seasonal workers accommodation for the **Spring Season**

Figure 4 shows that the Spring seasonal requirement has a peak of 170 staff in February, allowing for staff accommodated off site, this gives a seasonal accommodation peak of about 100 for the Spring Season where the spring and summer seasons overlap in March.

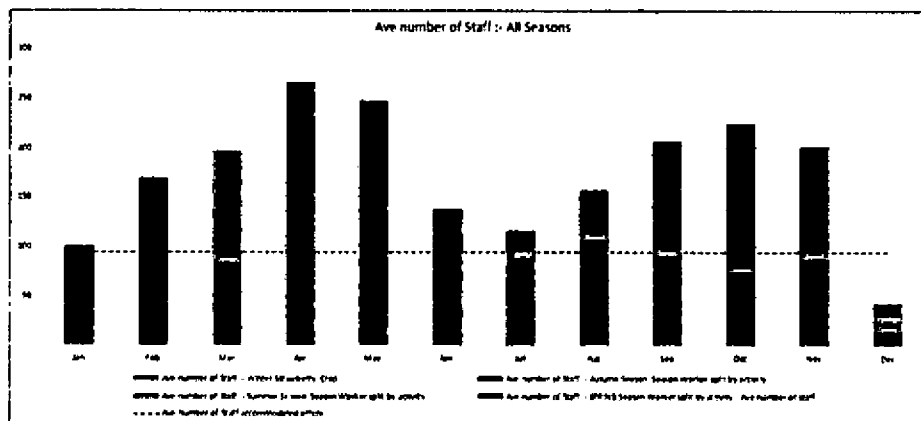
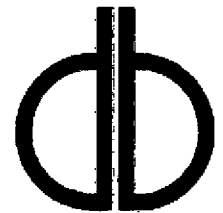


Figure 4: Average monthly temporary staff requirement
(Seasonal accommodation requirement above dotted line)

It should be noted that while the proposed 20 caravans with 6 births each could theoretically provide a maximum of 120 bed spaces. In practice it is very difficult to fully occupy the accommodation due to having cater for couples, family groups and language differences and it is reasonable to assume that 20 caravans is required to cover this spring season demand.

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Assessment

1. Farming Operations.

The tasks described above, clearly relate to the growing of crops on the farm and fit within the definition of 'agriculture' described in the 1990 Act (including horticulture and market gardening) and persons undertaking these tasks can reasonably be described undertaking 'farming operations' for the purposes of the 1960 Act.

2. The Same Occupation

The information above describes the volumes and types of crops grown on the site and the tasks involved during a season, that at times are undertaken in multiple shifts, requiring a significant number of general and specialist farm workers.

There is a significant fluctuation in staff numbers that is to be expected in seasonal work (relating to the differences in labour intensity of each task involved and volume of produce being handled) and as identified in Figure 2, the number of staff identified, relate directly to farming operations taking place during the Spring season on this site.

Different staff are required for different farming operations at different times and it would be unreasonable to expect full-time accommodation to be provided to meet this fluctuating demand and there is a clear need for seasonal workers accommodation on site that justifies the total number of caravans proposed as seasonal accommodation.

Most farm workers travel between sites but for the avoidance of doubt the calculation for the number of units required to accommodate seasonal workers have been calculated from farming operations undertaken on this site only.

3. A Particular Season

This application relates to accommodation required for the Spring Season only as 'a particular season' as defined within the 1960 Act.

Comparing Figure 1 (production volumes) and Figure 2 (staff requirements by season) with the knowledge of the timing, type and labour intensity of the tasks involved enables an understanding of the correlation between production volumes and staff requirement.

There are overlaps in seasons that make the overall requirement for accommodation on site higher in certain months (reducing the amount of off-site accommodation available) but that should not detract from the fact that the number of caravans required to accommodate seasonal staff in the Spring Season have been justified for that particular season.

Therefore, the conditions set out in the 1960 ACT would exist for the duration of the Spring Season from the end of January to the end of March.

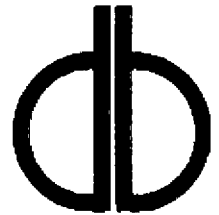
4. Requirement to remove accommodation.

Toward the end of January, the requirement for seasonal accommodation to support the Spring Bedding season begins and the use of a caravan site for the accommodation of seasonal workers would be justified under the GPDO and 1960 ACT.

The conditions sent out in the 1960 Act requiring seasonal accommodation exist throughout the Spring Season as demonstrated by the tables above and there would be no period during that particular season when the conditions would not exist.

The GPDO requirement to remove the caravans when the 1960 Act conditions do not exist, would take effect when seasonal accommodation is not required for 'a particular season'.

As the number of units required for each season varies, for the avoidance of doubt, when seasonal accommodation is not required for 'a particular season', the proposal would be to remove these units as soon as is practicable and at no point will the total number of units on site exceed the peak number for a particular season.



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Conclusion

Seasonal workers are essential to the operation of the horticultural enterprise and the application proposes the siting of 20 caravan units for the use of seasonal workers employed in farming operations at the Nursery for the spring season between February and March each year.

There are three distinct Bedding Plant seasons and one Strawberry Season that have been identified where workforce numbers fluctuate and it would be unreasonable to expect permanent accommodation to be provided.

The application has demonstrated a clear need for the seasonal accommodation and justified the number of units required based on peak demand for a particular season, accounting for accommodation requirements and available off-site or permanent accommodation.

The workers are employed in farming operations at the Nursery over the Spring Season and the requirements of the 1960 Act have been satisfied

When there is no requirement for seasonal workers accommodation, the site would not be occupied, the caravans would be removed and the use of a site as a caravan site, including all temporary infrastructure, would be removed from the site as soon as practicable in accordance with the requirements of the GPDO.

Therefore the proposed use of the site as a caravan site for the seasonal accommodation of farm workers working on the nursery is in compliance the circumstances set out in paragraph 7 of The Caravan Sites Control of Development Act 1960, would satisfy the requirements of The Town and Country Planning (General Permitted Development) (England) Order 2015 and a Certificate of Lawfulness for the proposed use as described should be issued.

SPRING

