

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.*

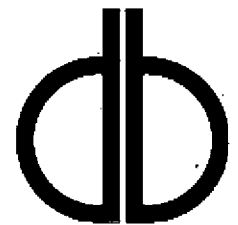
Paragraph A.2. states; *"The circumstances mentioned in Class A are those specified in paragraphs 2 to 10 of Schedule 1 to the 1960 Act (cases where a caravan site licence is not required), but in relation to those mentioned in paragraph 10 do not include use for winter quarters."*

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.

### **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.

### **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.

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

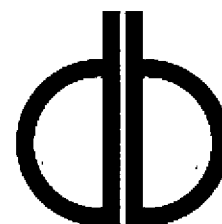
The site is in use 'as a caravan site' which would include empty caravans and would only require caravans to be removed, when 'all' could be removed and there is not a requirement to remove any particular caravan just because it is empty.

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.



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### 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 31 units that would be occupied by between 93-186 workers through the production period with accommodation required from February to November.

The units will be removed from the site and use as a caravan site will cease between the first day of December and the last day of January (*off-season*).

### 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        | -        |
| <b>Total</b>  | <b>195,474</b> | <b>579,300</b> | <b>1,130,346</b> | <b>2,104,850</b> | <b>3,186,600</b> | <b>741,100</b> | <b>102,700</b> | <b>395,606</b> | <b>300,500</b> | <b>211,400</b> | <b>32,100</b> | <b>-</b> |

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

The Summer Bedding Plant Season operates from March to July

The Autumn Bedding Plant Season operates from July to November

Peak production occurs between March and May, but it should be noted that peak staff activity is typically during the overlap between seasons in March and July

Due to the reduced sun hours in Autumn, bedding plants take longer to grow, coupled with a reduced retail demand for bedding plants during this season, means that the production volumes for bedding plants in Autumn is significantly lower than the other seasons.

To make efficient use of their glasshouse facilities, the Nursery produce a winter Strawberry crop, as a companion crop to the Autumn bedding plants.

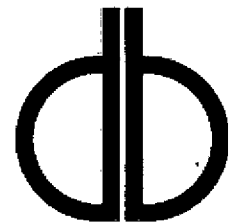
Strawberries are planted in August, producing fruit for processing and sale from September to November.

### *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 1<sup>st</sup> 4 to 6 weeks during germination and 1<sup>st</sup> 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.

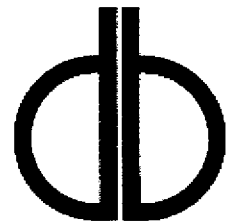
The Winter Strawberry season varies from the core business of Bedding Plants, following a slightly different process as follows:-

- **Prep** - This stage involves preparation of the growing space for the new crop, including assembly of the table top growing system, irrigation and fertiliser lines, Carbon Dioxide distribution tubing.
- **Planting** – laying out of pre-planted / propagated plants and connection of irrigation lines
- **Husbandry** – Managing flower fertilisation, removal of dead leaves, thinning of fruit / removal of poor quality fruit whilst still small
- **Picking** – picking of fruit, weighing, quality control, moving fruit to dispatch.
- **Dispatch** – Fruit is dispatched to a local pack house where it is packaged to the customer requirements.

This crop requires approximately 100 pickers, 10-15 husbandry / cultural work / 10 team supervisors and 5 drivers / runners.

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.

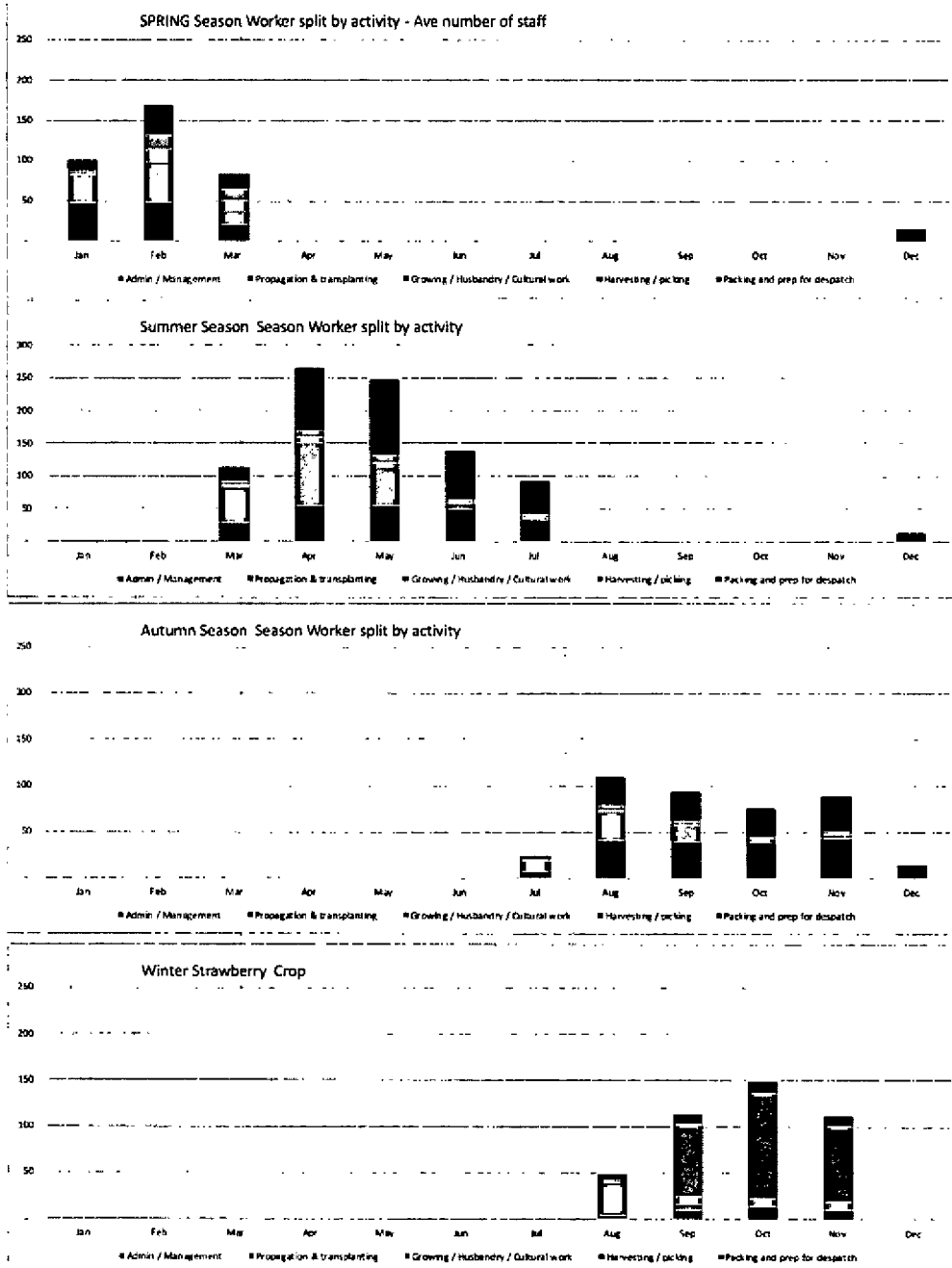


Figure 2: Monthly staff requirement, by season, month and farming activity  
The total site staff requirement is illustrated on the graph below.

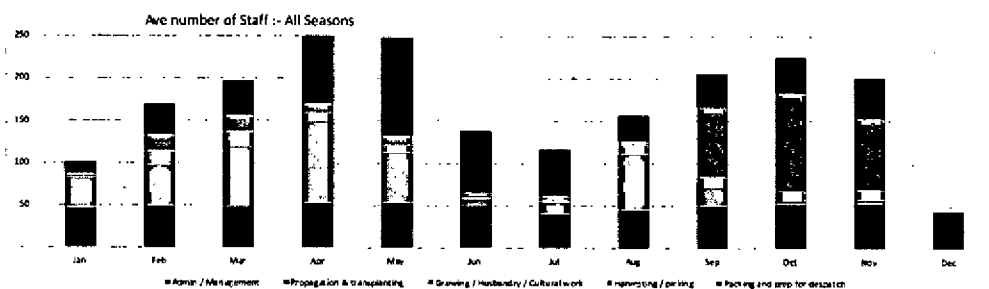


Figure 3: Average number of staff per month by farming activity for all seasons

Flinr Barns, Ham Farm, Bosham West Sussex, PO 18 8 EH

### 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 that the peak average requirement for the accommodated staff on Newlands would be 161 staff in the month of April when the Spring and Summer Bedding Seasons overlap.

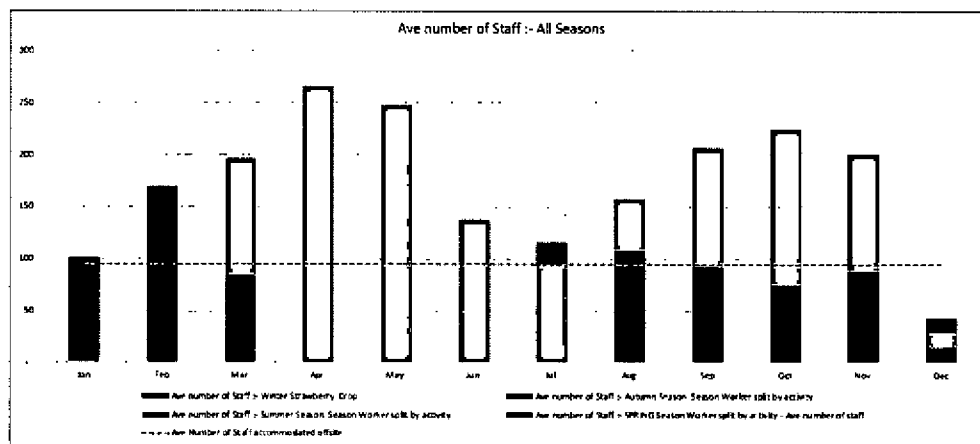
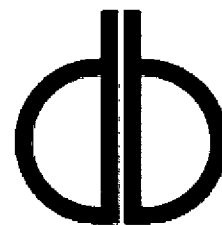


Figure 4: Average monthly temporary staff requirement  
(Seasonal accommodation requirement above dotted line)

It should be noted that while the proposed 31 caravans with 6 births each could theoretically provide a maximum of 186 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 31 caravans is required to cover this peak in 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 each season on the 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.

### **3. A Particular Season**

Four separate seasons have been identified, each with specific requirements for staff to undertake farming operations and a seasonal fluctuation in the numbers of those staff.

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.

While the Summer bedding plant season produces the greatest amount of produce, the peaks in labour demand occur when seasons overlap as demonstrated in figure 3 and as demonstrated in figure 4.

This is supported by the understanding of the farming activities involved in each season with labour intensive activities at the beginning and end of each season explaining the peak in labour demand during April, even though June and July are the highest months for bedding plant production.

Therefore, the conditions set out in the 1960 ACT would exist for the duration of each of the 4 seasons identified.

### **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.

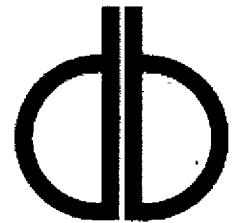
The conditions sent out in the 1960 Act requiring seasonal accommodation would exist throughout each season and as demonstrated by the tables above, there would be no period between seasons when the conditions would not exist.

Even if there were a very limited period of time when the accommodation was not required, the removal of the caravans and infrastructure of the caravan site would not be practicable between these overlapping seasons.

The GPDO requirement to remove the caravans when the 1960 Act conditions do not exist, would take effect at the end of the Autumn Bedding and Winter Strawberry crops in December, when the caravans would be required to be removed from the site, together with their relevant infrastructure.

Therefore while there are 4 separate seasons, there is a continuous requirement for seasonal workers accommodation from February to November (Inclusive).

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### *Conclusion*

Seasonal workers are essential to the operation of the horticultural enterprise.

The accommodation is for workers employed in farming operations at the Nursery and satisfy the circumstances of the 1960 Act

Three distinct Bedding Plant seasons and one Strawberry Season have been identified; Spring Bedding Plants from January – March; Summer Bedding Plants from March to July; Autumn Bedding Plants from July to December; overlapping with a Winter Strawberry Season from August to November.

While workforce numbers fluctuate, the graphs above demonstrate that there is a continuous requirement for seasonal labour to be accommodated on the site between February and November (inclusive) and it would not be reasonably practicable to require all caravans to be removed between each season.

During December and January, the site would not be occupied, the caravans would be removed from the site and the use of a site as a caravan site, including all temporary infrastructure, would be removed from the site.

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.