
SUMMARY REPORT

Application Ref:	20250604
Site Address:	Cobham House Vineyard, Gold Street, Cobham, Gravesend, Kent, DA12 3AA
Application Description:	Details related to 20240544 for the Erection of a winery building and hardstanding.
Applicant:	Mr Sengupta, Cobham House Vineyard Ltd
Agent:	Mr Dan McEwan, Work by Here Ltd
Ward:	Istead Rise, Cobham and Luddesdown
Parish:	Cobham
Decision due date:	01 October 2025
Publicity expiry date:	N/A
Decision Level:	Planning Committee
Reason for referral:	Member call-in
Recommendation:	To follow in Supplementary Report

Summary of Reasons for Recommendations

To follow in Supplementary Report.

MAIN REPORT

1. Site Description and Surroundings

- 1.1. The application site is located on Gold Street, Cobham, and is a land holding of approximately 11.51 hectares containing two agricultural fields.
- 1.2. The site is within the Green Belt, in the Kent Downs National Landscape and the Istead Arable Farmlands Landscape Character Area (as identified in the Gravesham Landscape Character Assessment (2009)).

2. Planning History

Reference	Description	Decision	Decision Date
20240544	Application to determine if prior approval is required for a proposed; Erection of a winery building and hardstanding for Agricultural or Forestry use of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 6.	PRIOR APPROVAL REQUIRED	30.04.2025

3. Proposal

- 3.1. In June 2024, the applicant submitted an application to the Local Planning Authority to determine whether prior approval was required for the 'erection of a winery building and hardstanding for Agricultural or Forestry use' under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 3.2. In April 2025, the Local Planning Authority issued a decision advising the applicant, that prior approval was needed - this decision notice is attached at Appendix 1. The additional details sought by the Local Planning Authority relate to:
 - Landscaping
 - Noise Impact Assessment
 - Preliminary Ecological Appraisal

4. Consultations and Publicity Responses

External Consultations

4.1. Kent County Council – Ecology

We have reviewed the submitted Ecological Appraisal (Libby Morris, Juen 25), Biodiversity Enhancement Plan (Weller Designs, May 25) and Landscape Plan (Weller, May 25) and are satisfied that sufficient information has been provided to meet the conditions for prior approval.

PRELIMINARY ECOLOGICAL APPRAISAL

The PEA demonstrates that habitats to be impacted by proposals are of generally low value for biodiversity, and provided that the precautionary working methods set out within the PEA are implemented, no adverse impacts to protected species are anticipated. No additional surveys are required.

Lighting in the vicinity of a bat roost or along commuting / foraging routes could constitute an offence both to a population and to individuals. Artificial lighting has been shown to be particularly harmful to bats along river corridors, near woodland edges and near hedgerows. Local authorities have a duty to ensure impacts upon legally protected species are avoided and impacts upon bats are a material consideration in any planning permission under the Natural Environment and Rural Communities (NERC) Act 2006 and through the NPPF 2024.

The Lighting Design Strategy (Alan Tulla Lighting, June 24) demonstrates minimal light spill (0.5 lux) on surrounding habitats (e.g. hedgerows). Additionally, external lighting will be downward facing and on motion sensors. We are satisfied that provided external lighting is implemented as outlined within the Lighting Design Strategy report, that impacts to biodiversity (e.g. foraging bats) will be avoided.

BIODIVERSITY ENHANCEMENTS

The ecological enhancement opportunities as identified within the Biodiversity Enhancement Plan, and the habitat creation measures as demonstrated in the Landscaping Plan show a suitable quantum of biodiversity enhancement measures.

The following enhancements shall be incorporated into retained vegetation 7 x bat boxes, 2 x tawny owl boxes, 6 x other nest boxes (we advise that these should be a mix between open fronted and hole fronted boxes). We also advise that these should be created from a durable material (e.g. woodcrete) as shown in the Biodiversity Enhancement Plan legend. There will also be 3 x log piles and 3 x hibernacula around site boundaries. These will provide opportunities for birds, bats, invertebrates, reptiles and amphibians.

Native species planting will include a range of native tree and shrub species which will provide a range of new ecological niches and opportunities for biodiversity across the site. The LEMP details suitable habitat creation measures, management, monitoring and details the responsible parties involved.

Internal Consultations

4.2. Gravesham Borough Council – Environmental Protection

Our comment relates to:

2. BS4142:2014 NOISE ASSESSMENT

The applicant is advised that further details relating to a BS4141 noise assessment from a comparable facility is necessary, to establish that the building would not result in any adverse impact on amenity through its siting, design and external appearance. Should the assessment not meet the Local Authority's noise criteria, further noise mitigation shall be implemented.

In relation to condition 2 of 20240554, a Noise Assessment dated 4 June 2025 by Chris Wood Acoustics (Ref: 231_02M_2-0_CWA) has been submitted. To address the condition, noise measurements were taken at a similar sized wine making facility in Kent.

Due to the time of year, processing or bottling was not taking place, but plant was operated/run in order to take noise measurements. Some of the equipment at the testing winery was not the same as that proposed at Gold Street, however, larger/potentially noisier items were tested to gauge overall noise levels. The noisiest equipment/operations were the bottling machine, the press with compressor running and the impeller pump.

It was found that with various combinations of plant/equipment running, noise levels were not greater than the previously assumed 75dB used in the original NIA and were in fact lower. Therefore, the original findings of the NIA are ratified and based on 75dB are more than 5dB below existing background.

The condition refers to the 'assessment not meeting the Local Authority's noise criteria', but as pointed out in the 4th June assessment, no level was specified in the condition. Our usual criteria is that noise from new plant/equipment is 10dB below existing background. However, as demonstrated in the recent assessment, noise levels are likely to be lower than the 75dB worked to, which would give a higher decibel difference between the operational noise and the background noise.

Therefore, it is anticipated that the noise criteria will be more or less achieved and 1-2dB difference will not be audibly detected as being louder.

Neighbour Representations

- 4.3. The applicant was required to display a notice on site in accordance with Schedule 2, Part 6, Class A.2 (2)(d)(iv) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. This has resulted in twenty-seven representations being received by the Local Planning Authority, all registering objection to the proposal.
- 4.4. The comments received have been summarised below:
 - Unacceptable noise levels from operation of the winery (including bottling, plant equipment and other operational noise)
 - Disruption to tranquillity of the area
 - Similar impacts from nearby winery and public houses
 - Impact on biodiversity
 - Evidence of protected species (including badgers, owls and bats) from nearby Mulberry House
 - EIA Development
- 4.5. This application relates specifically to matters relating to landscape, noise and ecology, with the previous prior approval application (ref. 20240544) assessing the proposal against Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
- 4.6. The GPDO legislation enables the construction of agricultural buildings, subject to certain criteria and conditions, with an assessment required relating to the siting, design and external appearance of the building. Therefore, the other matters raised by neighbouring residents (listed below), have been addressed within the previous delegated report (Appendix 2):
 - Scale of the winery
 - Encroachment on protected rural landscape (Kent Downs National Landscape)

- Cumulative impact of Inappropriate Development
- Increased vehicle traffic
- Inappropriate location for HGV movements
- Unsafe vehicular access
- Impact on the public right of way
- Contrary to Local and National planning policy

5. Planning Analysis and Head of Planning Comments

- 5.1. This application relates to details requested by the Local Planning Authority when determining prior approval was required for the erection of the winery building (ref. 20240544) on 30 April 2025.
- 5.2. Permitted development rights allow certain development that would normally require an applicant to apply for planning permission to be carried out without them having to apply for planning permission. However, some permitted developments are 'subject to prior approval'.
- 5.3. If a permitted development right is subject to prior approval, this means the applicant **must** submit an application to the council prior to commencing works to ascertain if prior approval is required. This application is known as a prior approval application.
- 5.4. The matters that can be considered by the council as part of a prior approval application depend on the specific permitted development right. If a permitted development right is subject to prior approval, the relevant section of the legislation will describe the matters to be considered as part of the application. The legislation that contains all permitted development rights is called The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 5.5. A prior approval application is **not** the same as a normal planning application. The main differences are:
 - With a normal planning application, the council is entitled to consider a wide and range of planning matters. By contrast, the council is only entitled to consider a narrower range of specific planning matters as part of a prior approval application. Those specific matters will be clearly set out in the relevant section of the legislation.
 - With a normal planning application, the council will assess all planning matters against the Development Plan and material considerations. By contrast, the council is not allowed to assess compliance with planning policies as part of a prior approval application. The council can only assess whether or not the development complies with the relevant part of the legislation. As set out above, this is Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in this instance.
- 5.6. The permitted development rights for this proposal are set out in Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Under Class A.2(2)(i), a developer before beginning development must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building.

- 5.7. Class A of Part 6 of Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) is set out by Government at <https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/part/6> and replicated below, it permits:

PART 6

Agricultural and forestry

Class A – agricultural development on units of 5 hectares or more

Permitted development

A. *The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of—*

- (a) works for the erection, extension or alteration of a building; or*
- (b) any excavation or engineering operations,*

which are reasonably necessary for the purposes of agriculture within that unit.

Development not permitted

A.1 Development is not permitted by Class A if—

- (a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area;
- (b) it would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 of this Schedule) where development under Class Q or S of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which development under Class A(a) begins;
- (c) it would consist of, or include, the erection, extension or alteration of a dwelling;
- (d) it would involve the provision of a building, structure or works not designed for agricultural purposes;
- (e) the ground area which would be covered by—
 - (i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations [**F1** would exceed 1,000 square metres]; or
 - (ii) any building erected or extended or altered by virtue of Class A [**F2** would exceed 1,500 square metres],

F3 ... calculated as described in paragraph D.1(2)(a) of this Part;

- (f) the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;
- (g) the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;
- (h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;
- (i) it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building;
- (j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; **F4**...
- (k) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system—
 - (i) would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit; or
 - (ii) is or would be within 400 metres of the curtilage of a protected building **[F5]**; or
- (l) the erection or extension of a building would be carried out on land or a building that is, or is within the curtilage of, a scheduled monument**]**.

- 5.8. Development permitted by Schedule 2, Part 6, Class A is also subject to a number of conditions set by Government. These are set out at https://www.legislation.gov.uk/ukSI/2015/596/schedule/2/part/6/crossheading/class-a-agricultural-development-on-units-of-5-hectares-or-more_paragraph-A.2 and available at Appendix 3.
- 5.9. A full assessment of the proposed winery building against Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) was undertaken for application reference 20240544, and this can be found in the delegated officer report that accompanies the Prior Approval decision (“the PA Decision”) (See Appendix 1 for the decision notice and Appendix 2 for the delegated officer report).
- 5.10. When considering the Applicant’s application for prior approval (ref. 20240544), the Council concluded that prior approval of the siting, design and external appearance of the proposed development was required, and that the development therefore could not begin until additional details are approved by the Council.
- 5.11. The further details that the Council indicated in its PA Decision were necessary were as follows:
- Landscaping

The applicant is advised that a scheme detailing the proposed hard and soft landscaping associated with the development are necessary, to establish:

- (i) the type and species of planting to be carried out to include their quantity and size;
- (ii) measures to promote biodiversity enhancement to include planting of native and wildlife attracting species and installation of bat and bird nesting boxes;
- (iii) a timetable for implementation;
- (iv) details of initial aftercare, long term maintenance and details for monitoring and remedial measures;
- (v) the extent of, and materials for all areas of hardstanding; and
- (vi) the type, materials, height and extent of any fences, gates, walls or other means of enclosure

In order to minimise the impact of the siting, design and external appearance of the agricultural building.

- Noise Assessment

The applicant is advised that further details relating to a BS4141 noise assessment from a comparable facility is necessary, to establish that the building would not result in any adverse impact on amenity through its siting, design and external appearance. Should the assessment not meet the Local Authority's noise criteria, further noise mitigation shall be implemented.

- Preliminary Ecological Appraisal

The applicant is advised that a Preliminary Ecological Appraisal (PEA) is required. The PEA should provide an overview of the ecological value of the site and its surroundings. It should identify potential ecological constraints that could affect the development and be informed by relevant surveys and required mitigation if appropriate.

- 5.12. In light of the analysis set out in the delegated officer report (Appendix 2) accompanying the PA Decision (Appendix 1), this report does not duplicate the analysis set out in that earlier report in terms of the acceptability of the proposal in terms of siting, design and external appearance. As such this report should be read in conjunction with the accompanying appendices, with this report focussing on the information submitted under application 20250604.
- 5.13. As part of the decision making process, Members, having read the earlier delegated officer report (Appendix 2), should determine this application taking into account the analysis in that delegated officer report where it still applies and has not been superseded by new information submitted by the applicant under this application (20250604).

Landscaping

The informative attached to the PA Decision stated:

The applicant is advised that a scheme detailing the proposed hard and soft landscaping associated with the development are necessary, to establish:

- (i) the type and species of planting to be carried out to include their quantity and size;
- (ii) measures to promote biodiversity enhancement to include planting of native and wildlife attracting species and installation of bat and bird nesting boxes;
- (iii) a timetable for implementation;
- (iv) details of initial aftercare, long term maintenance and details for monitoring and remedial measures;
- (v) the extent of, and materials for all areas of hardstanding; and

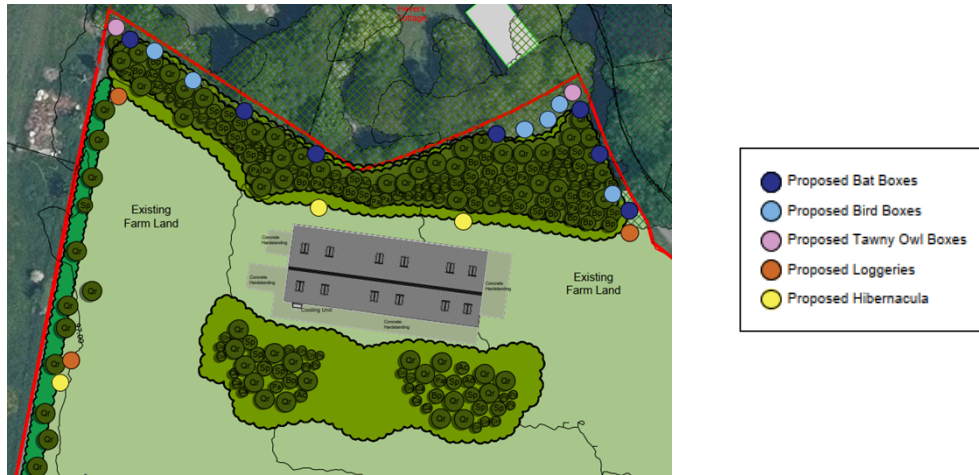
(vi) the type, materials, height and extent of any fences, gates, walls or other means of enclosure

In order to minimise the impact of the siting, design and external appearance of the agricultural building.

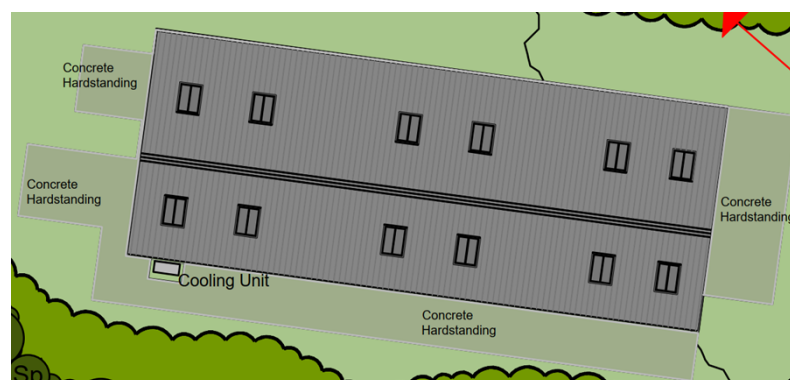
- 5.14. It should be noted that the question for the Committee at this stage is whether or not to give prior approval as to the siting, design and external appearance of the Building. As such its consideration is not confined to considering the details that it indicated in the Informatives attached to the PA Decision.
- 5.15. Members therefore have to consider whether or not the siting, design and external appearance of the building are acceptable in light of all the information submitted so far by the Applicant.
- 5.16. However, the Committee is referred to the earlier analysis in the PA Decision, which sets out an analysis of the siting, design and external appearance of the Building. In terms of landscape and visual impact, it was considered in particular that *“although the proposal would introduce built form to the landscape, this is not uncharacteristic and [is] suitably designed to minimise siting impacts through black cladding to limit the impact of external appearance, as agreed by Kent Downs NL Management Unit.”* However, the Report also noted that the details of the proposed planting and soft landscaping, which were relevant to consideration of the siting, design and appearance in the landscape, were lacking and therefore a comprehensive landscape plan was required.
- 5.17. The applicant has now submitted a landscape management plan (by Weller Designs Ltd), as well as a landscaping plan and biodiversity enhancement plan. The supporting information addresses the requirements of the landscaping informative and would minimise the impact of the siting, design and external appearance of the agricultural building. It includes a satisfactory level of details to establish (i) the type and species of planting (quantity and size), (ii) biodiversity enhancement measures, (iii) a timetable of implementation, (iv) aftercare and maintenance, (v) extent and material of hardstanding, and (vi) means of enclosure.
- (i) The proposed planting would include woodland, hedgerows and shrubs located on the northern and western boundaries of the site, as well as to the south of the agricultural barn (see image below). These would include a number of native species and no concern has been raised by KCC Ecology to the planting schedule.



- (ii) The proposed biodiversity enhancement measures include bird and bat boxes, loggeries and hibernaculas. These are to be located within the northern woodland belt and on the western boundary planting (see plan extract below). The details have been reviewed by KCC Ecology and found to be acceptable.



- (iii) The timetable for implementation is set out in the Landscape Management Plan. This demonstrates that the planting would be carried out within the first planting season, which is in accordance with guidance. There is no objection from KCC Ecology in relation to the timetable or implementation of the planting.
- (iv) The aftercare and maintenance are set out in the Landscape Management Plan. It details management, monitoring and details the responsible parties involved, with no objection raised by KCC Ecology.
- (v) The extent and material of hardstanding is shown on the plans and would measure approximately 279m². The hardstanding would be concrete and located around the building (see plan extract below). This is not excessive and is considered to be acceptable in an agricultural setting.



- (vi) The details show no alterations to the existing fencing on the site and no additional means of enclosure.
- 5.18. Overall, the proposed landscaping details satisfy the requirements of the informative. They together with the earlier information provide sufficient information for the Local Planning Authority to conclude in terms of landscape and visual impact of the proposal, that the siting, design and external appearance of the building is acceptable.

BS4142:2014 Noise Assessment

The informative attached to the PA Decision stated:

The applicant is advised that further details relating to a BS4141 noise assessment from a comparable facility is necessary, to establish that the building would not result in any adverse impact on amenity through its siting, design and external appearance. Should the assessment not meet the Local Authority's noise criteria, further noise mitigation shall be implemented.

- 5.19. The reason this informative was imposed arose in the context of the analysis in the earlier PA Decision of the consideration of whether the siting and design of the proposal was acceptable, because the question of impact on residential amenity was considered relevant to that question. Members are referred to the analysis of the potential of the proposal to impact on neighbour amenity in the earlier PA Decision report. It concluded that there was no unacceptable loss of outlook for residential properties, and that the lighting design was also acceptable based on the lighting design strategy (Appendix 2)
- 5.20. In terms of noise and disturbance arising from vehicle movements, it was concluded that any disturbance arising from vehicle movements was not expected to have any detrimental impact on the amenity of residential occupiers (Appendix 2).
- 5.21. However, it was considered that the proximity of the building itself to residential properties could have impacts on amenity and for this reason recommended a BS4142: 2014 assessment to allow greater consideration of noise impacts.
- 5.22. The applicant has submitted a Noise Impact Assessment by Wood Acoustics (ref. 231_02M_2-0_CWA) (dated 4 June 2025), which has taken noise measurements from a similar sized wine making facility as requested. Although bottling was not taking place during the visit, the plant machinery was operating to enable the measurements. It is noted that some of the machinery in the winery was different from the proposal, however the larger equipment was tested such as the bottling machine, the press and compressor, and the impeller pump. The noise assessment found noise levels did not exceed the 75dB, as set out in the original noise impact assessment (ref. 20240544).
- 5.23. Gravesham's Environmental Protection Officers have reviewed the assessment and have confirmed that the findings of the assessment are acceptable and that the variations that may occur would equate to a 1-2dB difference which would not be audibly detected as louder. Therefore, no objection has been raised by Gravesham's Environmental Protection, and the development would not have a detrimental impact on amenity of neighbouring residents through noise from the building itself from its siting.
- 5.24. Neighbouring residents have raised concerns regarding the noise disturbance from the cumulative use of the site, taking into consideration the noise disturbance from the operation of the winery building; bottling, plant equipment, vehicle movements and glass handling. As set out above, these matters (other than vehicle movements) are addressed within the noise impact assessment, which has been reviewed by Environmental Protection and found to be acceptable.
- 5.25. The information on vehicle movements to and from the building has not been included within the new noise impact assessment as this was considered earlier in the PA Decision and any disturbance was considered acceptable based on the level of trip generation. Members are referred to that earlier analysis (Appendix 2).
- 5.26. However, it is important to consider vehicle use at the site itself (rather than merely external trip generation). It is acknowledged that this has not been subject to a formal

noise assessment, however, it is not considered that this is necessary, for the following reason.

- 5.27. It should be noted that the lawful agricultural use of the landholding would include cultivation, planting and harvest, with some potential on-site crop processing, involving vehicle movements throughout the year within the site. The activity generated by the existing agricultural use of the land is a material planning consideration.
- 5.28. Based on the supporting information for the PA Decision, the winery building would have peak periods for operation and similar level of operational vehicle activity, peaking at harvest time (estimated 1-2 week period in September or October) and bottling (estimated 20 hour per annum, over 3-4day period) (Vinescapes Operational Addendum). These estimated movements associated within the new winery building are not considered to have any detrimental impact on neighbour amenity through the siting of the building, by virtue of the relatively small-scale operation which would limit any disturbance.
- 5.29. Overall, the noise impact assessment meets the requirements of the informative. It provides sufficient information when taken into context with the earlier information for the Local Planning Authority to conclude that in terms of noise impacts, the siting and design of the Building is acceptable.

Preliminary Ecological Appraisal

The informative attached to the PA Decision stated:

The applicant is advised that a Preliminary Ecological Appraisal (PEA) is required. The PEA should provide an overview of the ecological value of the site and its surroundings. It should identify potential ecological constraints that could affect the development and be informed by relevant surveys and required mitigation if appropriate.

- 5.30. The applicant has submitted a Preliminary Ecological Appraisal (PEA). The PEA demonstrates low biodiversity value of habitats impacted by the proposal, and sets out precautionary working methods to be implemented to ensure that no protected species are adversely impacted. This has been reviewed by KCC Ecology who consider that no additional surveys are required.
- 5.31. The concerns raised by neighbouring residents relate to the impact on the development on ecology and biodiversity, in the form of protected species. It is noted that evidence has been provided of badgers, bats and owls on a nearby residential property. These species were included within the PEA surveys, which has been reviewed by KCC Ecology with no objection raised. The review by KCC Ecology consider that the proposal avoids impact on protected species in accordance with the Natural Environment and Rural Communities (NERC) Act 2006 and paragraph 187(d) of the National Planning Policy Framework (2024). Moreover, KCC Ecology confirmed that the lighting design as bat friendly with limited lux spill onto the surrounding hedgerows and landscape.
- 5.32. Overall, the PEA meets the requirements of the informative. It provides sufficient information for the Local Planning Authority to conclude that the siting, design and external appearance of the building is acceptable in terms of any impact on ecology and diversity.

6. Conclusion

- 6.1. The full recommendation will follow in a supplementary report.

Recommendation

To follow in Supplementary Report

List of Appendices

- Appendix 1 – Decision Notice (ref. 20240544)
 - Appendix 2 – Delegated Officer Report (ref. 20240544)
 - Appendix 3 – Extract from the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
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