
SUPPLEMENTARY 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:	31 October 2025
Publicity expiry date:	N/A
Decision Level:	Planning Committee
Reason for referral:	Member call-in
Recommendation:	The recommendation to Planning Committee is for the prior approval to be DELEGATED to the Head of Planning to grant PRIOR APPROVAL subject to the imposition of conditions, including those set out in Schedule 2, Part 6, Class A.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Summary of Reasons for Recommendations

The prior approval has been supported by sufficient information to approve the details related to 20240544 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)”.

The details relating to landscaping demonstrate substantial native species will be planted on the site within the next planting season, with acceptable maintenance and monitoring to ensure they are sustained. There will be limited areas of hardstanding and no additional means of enclosure.

The noise impact assessment demonstrates that the noise levels will not be detrimental to the amenity of neighbouring residents, subject to compliance with the recommendations set out in the report. Therefore, the siting of the building is not considered to impact amenity.

The preliminary ecological appraisal demonstrates that habitats to be impacted by proposals are of generally low value for biodiversity, and subject to the precautionary working methods being implemented, there would be no anticipated adverse impacts to protected species.

As per the EIA (Environmental Impact Assessment) Screening Decision issued on 16th October 2025 and appended at Appendices 4 and 5, the proposed development is not considered to fall within Schedule 1 or Schedule 2 of the EIA Regulations, as such a negative EIA screening decision has been made. This means that an EIA is not needed for the proposed development.

Therefore, it is recommended that the application is DELEGATED to the Head of Planning to grant PRIOR APPROVAL subject to the imposition of conditions, including those set out in Schedule 2, Part 6, Class A.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

MAIN REPORT

1. Introduction

- 1.1. Following publication of the agenda (Item 6a), the Local Planning Authority have further considered matters pertaining to an Environment Impact Assessment and Section 85 of the Countryside and Rights of Way (CROW) Act 2000. These are set out in the report below.

2. Planning Analysis and Head of Planning Comments

Environmental Impact Assessment

- 2.1. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) does not grant permitted development rights for Environmental Impact Assessment (EIA) Development: Article 3(10).

(10) Subject to paragraph (12), Schedule 1 development or Schedule 2 development within the meaning of [the Town and Country Planning (Environmental Impact Assessment) Regulations 2017] ("the EIA Regulations") is not permitted by this Order unless—

- (a) the local planning authority has adopted a screening opinion under [regulation 6] of those Regulations that the development is not EIA development [within the meaning of those Regulations];*
- (b) the Secretary of State has made a screening direction under [regulation 5(3)] of those Regulations that the development is not EIA development [within the meaning of those Regulations]; or*
- (c) the Secretary of State has given a direction under [regulation 63(1)] of those Regulations that the development is exempted from the application of those Regulations.*

- 2.2. The Local Planning Authority have undertaken a Screening Opinion (see Appendices 4 and 5) in accordance R (Goodman) v Lewisham LBC [2003] Env LR 28, which sets out that there needs to be a screening direction unless no reasonable authority could think that a development would require an EIA.
- 2.3. The conclusion of the Screening Opinion is that the proposal does not constitute EIA development by not falling within Schedule 1 or Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) regulations 2017 as amended. Accordingly, the Local Planning Authority determined that the development described in the application, associated plans and documents is not EIA development. Therefore Article 11 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) is not met, and the proposal can be considered under Schedule 2, Part 6, Class A.

Section 85 of the Countryside and Rights of Way (CRoW) Act 2000

- 2.4. Section 85 of the Countryside and Rights of Way (CRoW) Act 2000, which places a duty of regard on any relevant authority (in this instance this Local Planning Authority (LPA)) to seek to further the purpose of conserving and enhancing the natural beauty of a National Landscape. The duty within S85 of the CRoW Act introduces the expectation of a higher level of satisfaction from LPAs to avoid harm to the Kent Downs National Landscape, with the LPA needing to demonstrate that a proposal has actively sought to further the purposes of conserving and enhancing natural beauty, and be open to scrutiny thereto. This duty has been expanded upon by case law e.g. AC-2024-LON-002385 and [2025] EWHC 726 (Admin).
- 2.5. The Kent Downs National Landscape (previously known as Area of Outstanding Natural Beauty Management Plan) 2021-2026 (the Management Plan), sets out that vineyards are becoming a rapidly increasing component of fruit growing in the Kent Downs. With Vineyards being located in prominent positions in the landscape and tending to be highly visible. The Management Plan through its principles sets out that the local character, qualities, distinctiveness and natural resources of the National Landscape will be conserved and enhanced through appropriate design, scale, siting, landscaping and materials of new development. With proposals needing to conserve and enhance the character and qualities of the National Landscape, rather than detract from it or negatively impacting upon it i.e. upon distinctive landscape character, special characteristics and qualities, the setting and views to and from the National Landscape.
- 2.6. The delegated officer's report for 20240544, considered matters relating to the National Landscape in greater depth (see Appendix 2), and concluded that, *"Overall, the proposed barn is considered to be well designed, in an appropriate location within the landholding and includes mitigation to limit impacts on the Kent Downs National Landscape. Therefore, from a landscape perspective the siting, design and external appearance of the agricultural building is acceptable in accordance with Policies CS12 and CS19 (LPCS), as well as Sections 12 and 15 of the NPPF (2024)."*
- 2.7. The nature of the statutory duty of S85 of the CROW Act was explored in Wadhurst Parish Council v SSHCLG [2025] EWHC 1735 (Admin), where the Court confirmed that regard had to be had to the duty but where there is no harm, the duty has been met. In this case, the Local Planning Authority have considered the impact on the National Landscape and concluded, in the Committee Report (Item 6a), that "in terms of landscape and visual impact of the proposal, that the siting, design and external appearance of the building is acceptable".
- 2.8. The Kent Downs AONB Landscape Design Handbook (LDH) draws attention to the issue of modern farm buildings on the surrounding landscape (paragraph 2.2) and sets out a number of design principles. It is considered that any effects on the National Landscape are addressed through the consideration of siting, design and external appearance as part of the prior approval process. The applicant has provided sufficient information to address anticipated effects, such as appropriate materials, design and landscaping to preserve the scenic landscape beauty.

3. Conclusion

- 3.1. The prior approval application for the erection of a winery building has been supported by sufficient information relating to siting, design and external appearance of the building, through the information submitted as part of planning application 20240544, and landscaping, noise and ecology as requested under the informatives attached to ref. 20240544.

- 3.2. Therefore, adequate details have been submitted to the Local Planning Authority to enable it to reach a view as to whether the siting, design and external appearance of the building are acceptable and should be approved.
- 3.3. It is considered that in light of the additional information submitted for this application, and taking into account the details previously submitted with the prior approval application (ref. 20240544 - Appendices 1 and 2), that the siting, design and external appearance of the building is acceptable and the prior approval can be approved.

Recommendation

The recommendation to Planning Committee is for the prior approval to be DELEGATED to the Head of Planning to grant PRIOR APPROVAL subject to the imposition of conditions, including those set out in Schedule 2, Part 6, Class A.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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)
 - Appendix 4 – Decision Notice (ref. 20251040)
 - Appendix 5 – Delegated Officer Report (ref. 20251040)
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