



Delegated Report

Planning Application

Planning Application No: 20221334

Location: Land At New Green Farm Lower Road Shorne

Description: Construction of agricultural worker dwelling, including the provision of all associated landscaping, biodiversity enhancements and drainage infrastructure

Applicant: Mr R Goatham, AC Goatham & Son

Site Visit Date: 29th December 2022

Submitted Documents/Plans

Application Form
P.2259.010.A – Location Plan
P.2259.030.A – Proposed Block Plan
P.2259.060.A – Proposed Floor Plans
P.2259.070.A – Proposed Elevations
Appendix 2 GE Land Profiles
Appendix 1 – Best Price Guide
Appendix 2 – Best Price Guide
Appendix 3 – News Headlines (x4)
Appendix 4 – House of Commons Report - Labour Shortages in the Food and Farming Sector
Appendix 5 – Agency Report
Planning Statement

~~Appendix 5 – Agency Report~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20210970	Erection of a 4 bedroom detached dwelling to provide accommodation for the farm manager and their family, with associated landscaping, biodiversity enhancements and drainage infrastructure.	Refused	26/09/2022

Development Plan

Gravesham Local Plan Core Strategy 2014
CS01 – Sustainable Development
CS02 – Scale and Distribution of Development
CS11 – Transport
CS12 – Green Infrastructure
CS18 – Climate Change
CS19 – Design and Development Principles

Saved Policies in the Gravesham Local Plan First Review 1994

C10 – Agricultural Dwellings

T1 – Impact of Development on Highway Network

P3 – Vehicle Parking Standards

Paragraph 33 of the NPPF (2021) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

Policy CS02 of the Core Strategy sets out the Borough's objectively assessed need for housing over the Plan period (up to the year 2028) and finds that there is a need for at least 6,170 new dwellings during the period. Evidence now available shows that the Council is not able to demonstrate a five-year housing supply (a 3.27 year supply has most recently been calculated and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Core Strategy Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF (2021).

This requires that in regard to housing development, planning permission should be granted unless:

“the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF (2021) at footnote 6 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF (2021) paragraph 181)
- Sites of Special Scientific Interest;
- Green Belt,
- Local Green Space,
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats;
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 63); and
- Areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 125(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

As part of this balancing exercise, it should be noted that paragraphs 130 and 134 of the NPPF (2021) requires development to add to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Notwithstanding the Council's shortages in housing delivery and the consequent weight to be given in

favour of the proposed development it is necessary to assess the proposals against the policies in the National Planning Policy Framework and established local planning policy taken as a whole.

National Planning Policy Framework (2021)

- Section 2 – Achieving sustainable development
- Section 5 – Delivering a sufficient supply of homes
- Section 9 – Promoting sustainable transport
- Section 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006);
- Householder Extensions/Alterations Design Guide (2021); and
- Gravesham Landscape Character Assessment (2009)
- Guide to Assessing Development Proposals on Agricultural Land (2021)
- Housing Needs of Different Groups (2021)

Consultations, Publicity and Representations

The final date to submit comments on this application ended on 24th January 2023.

Consultees

GBC Waste and Recycling

No comments received.

GBC Highway Officer

The proposal is some distance from the highway so there are no highway objections, the car parking provision and access provision being more than adequate.

As the property would be a new four-bedroom dwelling, provision should be made for the secure and weather proof storage of 4 bicycles to comply with the minimum requirements of SPG4.

I note that the proposed foul sewerage will be dealt with by a package treatment plant and whilst this is an EA issue I would like to see the proposed position to ensure it is readily accessible by tanker for the occasional removal of sludge and it and its drainage field are within the red line property boundary.

The location is not very sustainable, but if a farm manager is required on site, this is a matter than cannot be easily addressed, although the manager would not have to commute to work.

I would suggest however that the use is restricted to agriculture only and ancillary to the farming of the adjacent farmland within the blue border on the ordnance survey plan due to the fact the property would not be considered sustainable for any other occupier.

GBC Conservation Officer

No comments received.

KCC Biodiversity

We advise that additional information is required prior to determination.

No ecological survey has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that we are satisfied that no ecological information is required. We have taken this view due as the proposal will result in the loss of a small area of intensively managed orchard. Therefore other than breeding birds we are satisfied that the proposal will have limited potential to impact protected notable species. We are satisfied that any impact to breeding birds can be address via a breeding bird informative and we will provide wording once the additional requested information has been provided.

The planning application is for Construction of agricultural worker dwelling, including the provision of all associated landscaping, biodiversity enhancements and drainage infrastructure however we are unable to identify any plans detailing what landscaping or biodiversity enhancements will be incorporated in to the site.

As the application states that the application includes ecological enhancements we advise that this information is submitted prior to determination.

KCC Public Rights of Way

Public Rights of Way NS156 lies to the south of the site. The route may be affected by the application, and I therefore enclose a copy of the Public Rights of Way network map showing the definitive line of this path for your information.

It is important to advise the applicants that a public right of way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the current width, at any time now or in future. This includes any building materials or waste generated during any of the construction phases. Please note that no furniture or fixtures may be erected on or across Public Rights of Way without the express consent of the Highways Authority

KCC Flood and Water Management

As Lead Local Flood Authority, Kent County Council are required to provide technical advice and guidance on the surface water drainage strategies, designs and maintenance arrangement put forward by developers to any new major development. According to the Town and Country Planning (Development Management Procedure) (England) Order 2010, major development is defined in planning as any development involving any one or more of the following:

- a) The winning and working of minerals or the use of land for mineral-working deposits;
- b) Waste development;
- c) The provision of dwelling houses where:
 - i. The number of dwelling houses to be provided is ten or more; or
 - ii. The development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c) (i);
- d) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- e) Development carried out on a site having an area of one hectare or more.

The application under the above reference number therefore falls outside the definition of major development and also falls outside of KCC's remit as statutory consultee.

Dickens Country Protection Society

The Society would wish to raise an objection in the grounds that the site is in an area within which Green Belt Policies apply, isolated in the middle of open fields except for a barn erected by the applicant as permitted development. A dwelling with its associated paraphernalia in this location would impact on the openness of the Green Belt. In the Society's view, based on the type of enterprise involved, there is no evidence of very special circumstances to warrant overriding Green Belt Policy.

Ward Councillors

Cllr Lane: It appears to me that there is very little material change from application 20210970 which was refused in 2021. The design of the property has been amended, and the proposed location has been moved, but it is still a 4 bedroom detached property for the same family for the same reasons on the same farm on green belt land. I would have thought that most if not all the reasons for refusal of the previous application would apply to this latest application.

Shorne Parish Council

Accordingly the Parish Council submits much the same representations as previously and continues to OBJECT STRONGLY to the application as detailed below.

To ensure clarity, "New Green Farm" is merely the name that the applicant has given to open fields that were formerly part of Green Farm.

Changes identified since the previous application:

- The site of the proposed CEO's house has been moved to near the previously permitted barn, this means that it is now closer to and could adversely impact the ambience of Public Footpath NS156.
- The building will share the previously permitted sewage packet plant serving the proposed seasonal workers mobile accommodation, and other services.
- The proposed house has a smaller ground floor area than the previous proposal, with a basement room added instead. The proposed curtilage is smaller and more appropriate in size.
- An agricultural tie is proposed however the house remains designed and intended for the CEO of the owning company and his family and not for true agricultural or rural workers.
- The applicant states that they will be purchasing additional land but this is not evidenced or presented as definite so has no material effect on the application.
- The applicant also refers repeatedly to their intention to build a large cold storage facility ("proposed cold stores", note plurality, in point 1.13), and also a packing plant and storage however these do not have planning permission so have no material effect on the application, and permission for this application would not convey permission for those other structures.
- A large area of hardstanding has been installed northwest of the permitted barn.

We also note that:

- The review of local available properties for sale and the agency report have not been updated and do not reflect current availability of properties immediately adjacent to the applicant's present land.
- Several extracts from press articles have been submitted along with the plans and discussed however we do not consider these to be relevant or to provide additional support to the proposal.
- Reference is again made to pre-application discussion with Gravesham Borough Council but we do not know the complete content of the discussion. Appendices 1, 6 and 7 have not been published.
- To date the applicant has made no attempt to discuss any of their plans with the Parish Council.
- 5125 bins of fruit, which is half the anticipated total for the presently owned land, were satisfactorily produced in 2022 despite the prolonged hot and dry weather. This was achieved without any resident managerial staff, and also without any/many resident seasonal workers (there is only one caravan in place) or apparent need for on-site cold storage and packing.
- The cold store stated as intended is shown on plans as being more than three times the floor area of the existing barn, itself 45m x 19m x 8m high, and located within an approximately 60m by 110m red-lined area. The applicant already has a very large cold store and Packing Plant nearby at their headquarters at Flanders Farm on Ratcliffe Highway so we would question the need for any local facilities rather than taking advantage of economies of scale. The proposed store shown is labelled

for only 10,529 bins so as such is below the capacity of the anticipated total landholding production leading to concern that a further cold store building would then be wanted (refers back to use of plural in point 1.13). A requirement for additional seasonal worker accommodation is also suggested.

- Any such developments locally would impact very adversely on Public footpath NS156, which is not indicated on the submitted plans, the openness of the Green Belt and the amenity of nearby residential areas.

The Planning Statement has been updated, now extending to 72 pages, so the points we make below have also changed. Our previous representations for refused application Ref 20210970 also still remain valid.

Green Belt location; other designations:

- The proposed site is located in the Green Belt where new dwellings would not normally be permitted. The site is also within the Higham Arable Farmlands Landscape Character Area although that is being sequentially diminished as agricultural land has been sold away from arable farming.
- The proposal would have further adverse effect on openness and lead to further damage to the Green Belt's purpose in this area, which is to preserve openness, prevent urban sprawl and coalescence of discrete communities.
- The proposed site is located centrally in open fields, where it will have maximal landscape impact to the surrounding area when viewed from higher ground. The applicant includes information only about horizontal visual impact, stating incorrectly in point 1.25 that the site "is not readily visible" and in point 1.26 that it will be "well screened within the landscape". The applicant has not considered the issue that land nearby rises steeply to 500ft and over, where many houses are located, so the proposed house and any nocturnal lighting will have visual and landscape impact in addition to that already caused by the barn and proposed seasonal workers accommodation.
- We do not consider that sufficient or robust "very special circumstances" have been evidenced that would outweigh the considerable landscape harm that this proposed additional property, together with the applicant's other stated intentions, would cause.

Nature of the "Farm":

- "New Green Farm" is not an existing discrete farm but a parcel of arable fields that were bought by ACGoatham and are being turned into intensive orchards.
- There is no historic farmstead that we are aware of at this location.
- It is not a livestock farm (meaning horses, cattle, pigs)
- It is small being only 67.5 hectares although a further 17.5 hectares may be added.
- ACGoatham appear to be trying to create a farmstead in the Green Belt where none presently exists, as they make reference to "farmyard" in point 1.14 and "farmhouse" in point 8.9.
- It is noted in particular that the land has no direct connection to the A226 so is being accessed via residential areas and unsuitably narrow roads.

Residence for a "farm manager":

- We note that the applicant is the CEO of the very large, diversified, multi-site Company. As such he is not a mere "farm manager" or an agricultural worker or a rural worker. The planning statement again details that most of the working family member time is (unsustainably) spent offsite including at company headquarters rather than that they will be living "at or near their place of work in the countryside" (point 1.27)
- We consider that the claim that there needs to be a resident farm manager is overall tenuous as the majority of the reasons given do not stand up to close examination or are solveable by automated (and probably offsite) monitoring and proper implementation of safety policies and procedures.
- If such a need was regarded as essential then this should have formed part of the earliest planning applications and been identified from the outset rather than the applicant undertaking piecemeal expansion of the built forms on the site. The same applies to the other mentioned future buildings.
- Locating a family home close to/surrounded by likely chemical spraying causes health concerns.

The "Sight and sound" claim:

- There is no livestock (meaning horses, cattle, pigs) on the site that might require in-person monitoring, which would be the usual attempted justification for a residential need. However we

consider that in modern times CCTV and alarm systems are an adequate substitute for on-site presence.

- The usual arrangement in large multi-site Companies is to have a roster of staff on-call to deal with any emergencies, as it is not reasonable for one person to be continuously on-call.
- We do not consider that the level of emergencies likely to occur justifies a resident manager.
- On-site resident managers are not the norm in modern, large scale agricultural endeavours.

The design and plans:

- The house is stated to be being built for the Company CEO and his family and appears over-large and over-specified to be regarded as a genuine and generic farm manager's house.

- The plans do not show or discuss any boundary treatments (walls, fences, gates etc) and this information must be provided with the application.
- A lower rise building would have less landscape impact.
- The plans do not include details of any exterior lighting, which must be controlled by Condition.
- A long additional driveway is noted.

The Covid-19 pandemic and Brexit:

- Reference is repeatedly made to effects of the Covid-19 pandemic on working practices however the major effects are past, so we do not accept this as any justification.
- Reference is similarly now made to Brexit as justification however this is also rejected.

Opinion of local residents:

- The general view of local residents is that this is again a largely spurious application, manufactured with the intent of circumventing planning rules that are designed to protect communities and the local environment.
- It creates a new house in the Green Belt and on cheaper agricultural land, a measure unavailable to ordinary residents who must pay market prices.
- It seeks to create a farmstead where none presently exists, which might then be used to justify further buildings, as the applicant already indicates.
- A full planning application should have been made at the outset for the totality of what the applicant wants to develop on the site, this would have allowed proper consideration of the applicant's total proposals with attachment of suitable protective Conditions such as for noise and HGV movements.
- The rights and needs of local residents do not seem to be being adequately considered by the applicant as regards both the proposal for a house and the overall direction of development of the agricultural land.

Suggested Conditions if to be permitted:

- A long and strong agricultural tie should be imposed, in line with the stated agricultural need.
- Any permission for this application does not convey permission for any other structures on the entire landholding(s), to include cold stores, packing plants, other storage or additional seasonal worker caravans (over and above what has already been explicitly permitted).
- We request that permitted development rights should be withdrawn for the entire residential site so that extensions, loft conversion, any alteration to the roofline and any other buildings should not be allowed, in order to prevent further landscape impact and erosion of openness.
- No exterior lighting is shown on plans so none is permitted.

The Parish Council considers that the present application is not materially different to that previously refused under Ref 20210970 so hereby requests that, for the reasons stated above and previously, GBC should also REFUSE this application.

Should GBC Officers however be minded to permit the application or be undecided then we would also request that the application should be called in for discussion at the Planning Committee.

Neighbouring properties

9 surrounding properties were consulted and 11 responses were received (1 Representation and 10 objections)

Summary of Objections:

- Potential harm to footpath.
- Agricultural workers dwelling is likely not a long term requirement.
- The building could be located on land that is not Green Belt.
- Could set a precedent for the wider area.
- Application should be heard by the planning committee
- Green Belt land needs to be protected, and the case put forward by the applicant does not outweigh this designation or provide sufficient evidence to grant permission for development in such a sensitive area.
- More housing is required nationally but it does not have to be in the middle of green belt land spoiling the landscape and adding to noise/fumes in the area.
- Very little change from the original building proposed which was refused.
- The proposed dwelling only benefits a single family.
- The development would reduce the historic separation between Shorne and Higham Villages.
- It would impact perspective of house located to North of the site.
- Thought should be given to walkers enjoying the countryside and impact on the tourist industry.
- This will not have any relevance to reducing the labour market shortage a
- Planning permission was given for 6 mobile dwellings a few years ago and to date, only one has been stationed and no one is living there.
- There is another example of a fruit farm nearby (Mockbeggar Farm), where multigeneration family owners live locally and do not need to build a dwellinghouse on site.
- Technology can be utilised to provide appropriate security and weather condition forecast.
- The fruit is not harvested all year round so an onsite dwellinghouse here is not necessary.
- Brownfield sites should be used for this type of development, not Green Belt land.
- Building on fields used to grow food, impacts the ability to provide food grown in Britain, to the country.
- There is no need for accommodation for farm workers on site. This was farmland worked by migrants before the orchards were planted and they did not need to be housed on site. The orchards have been successfully harvested without onsite accommodation. This is an unnecessary attempt to build on green belt land.
- The site has been moved slightly further uphill, and this will make the proposed property even more of an eyesore.
- The owners office is 7 miles away, close enough to manage the site effectively.
- No thefts have taken place since 2019 when the site was open.

Summary of Representation:

- Concern regarding addition of any lights in the dark field, resulting in exacerbating existing light pollution from Higham sidings and uralite site.

Officer's Analysis

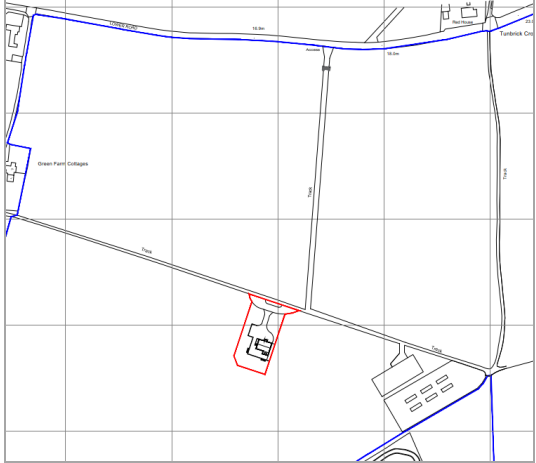
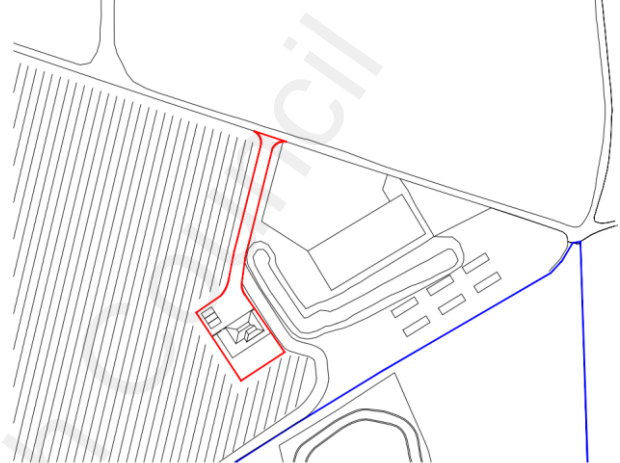
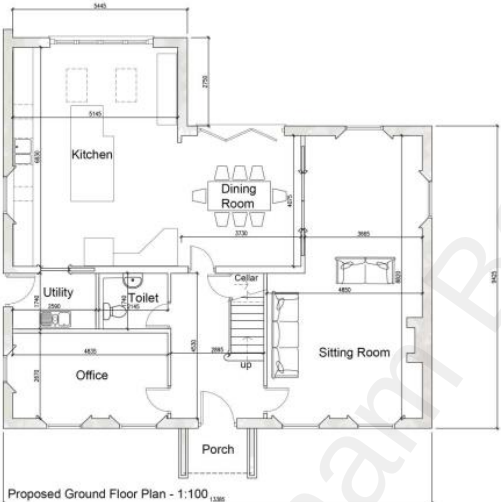
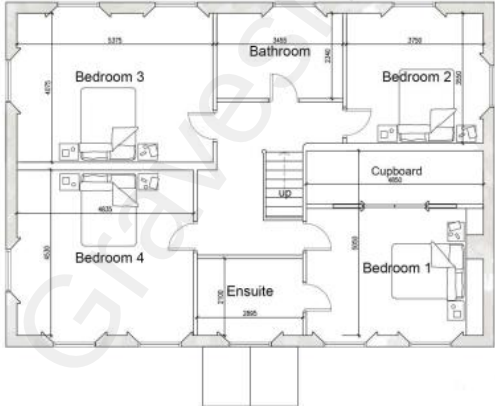
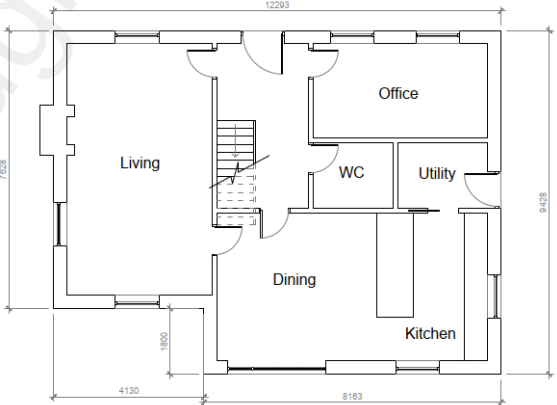
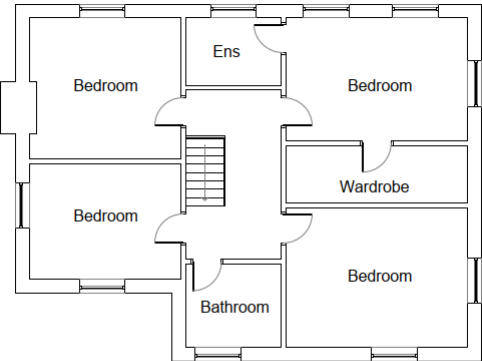
Proposal

The application seeks planning permission for the erection of a 4-bedroom detached dwelling to provide accommodation for the farm manager and their family, with associated landscaping, biodiversity enhancements and drainage infrastructure.

It is proposed that a new farmhouse is provided for on-site security and for the management of New Green Farm. The proposal will provide a 4-bedroom family house for the farm manager (a Managing Director of AC Goatham & Son), his wife (who also works for the business) and their children (who take an active interest in farming).

The dwelling would contain a dining room and kitchen, utility, living room, office and WC to the ground floor and 4 bedrooms, a wardrobe room, bathroom and ensuite to the first floor.

This application follows a recent refusal for a similar scheme under planning reference 20210970. The location and design of the proposed dwellinghouse has changed. For clarification the refused plans and the proposed plans are laid out as follows:

Plan Type	Refused 20210970	Proposed 20221334
Site Plan		
Floor Plans	 Proposed Ground Floor Plan - 1:100  Proposed First Floor Plan - 1:100	 Ground Floor Plan  First Floor Plan

	Proposed Basement Plan - 1:100	
West Elevation	Proposed West Elevation	West Elevation
East Elevation	Proposed East Elevation	East Elevation
South Elevation	Proposed South Elevation	South Elevation



Principle Issues

The main issues for consideration in the determination of this application relate the refusal reasons and are as follows:

- Refusal Reason 1 - Principle of development in the Green Belt and Rural Housing Need Refusal
- Reason 2 – Impact on Openness and Landscape Character
- Refusal Reason 3 – Locational Sustainability
- Refusal Reason 4 – Impact on Grade 1 Agricultural Land
- Refusal Reason 5 – Impact on Thames Estuary and Marshes SPA/Ramsar Sites

However, given that the proposed development follows a similar application which was refused, a focal point would be to understand whether the new proposal overcomes those ground for refusal. As such, the grounds for refusal of application ref 20210970 were:

1. *The proposal is considered to comprise an inappropriate development in the Green Belt that would introduce a significant expanse of built development and features into this open, agricultural site, causing substantial and permanent detriment to the openness of the Green Belt and conflicting with the purpose that this land is included within it. The very special circumstances put forward to justify the development in relation to an essential need for a rural worker to permanently reside at the site do not outweigh the harm resulting from the proposal by reason of inappropriateness, or any other harm. The development is therefore contrary to the requirements of paragraphs 11, 80, 137, 138, 147, 148 and 149 of the National Planning Policy Framework 2021, and Policy CS02 of the Gravesham Local Plan Core Strategy 2014.*
2. *The proposed dwelling would introduce an incongruous and obtrusive development, completely at odds with its surroundings, which would detract from the visual and spatial quality of this open agricultural landscape and would significantly harm the rural character of this site within the Higham Arable Farmlands Landscape Character Area. The development is therefore contrary to the requirements of paragraphs 174 and 179 of the National Planning Policy Framework 2021, Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014, and the Gravesham Landscape Character Assessment 2009.*
3. *The proposed dwelling would be in an unsustainable location for residential use and is therefore contrary to paragraph 79 of the National Planning Policy Framework 2021 and Policy CS01 of the Gravesham Local Plan Core Strategy 2014.*
4. *In the absence of any information relating to the loss of Grade 1 agricultural land, the proposal fails to demonstrate the impact on this valued land and soil, contrary to the requirements of paragraph 174 of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.*

5. *The proposal fails to secure a contribution towards strategic mitigation measures within the Thames Estuary and Marshes SPA/Ramsar Sites to resolve disturbance issues to wintering birds, and in the absence of this contribution or any evidence to inform an appropriate assessment, the development fails to comply with the requirements of the Habitat Regulations and paragraphs 174 and 180 of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.*

The following assessment will address the changes made in the new scheme and whether they overcome these reasons for refusal. For consistency, where relevant areas of this assessment may reflect those in the previous officer's assessment.

Refusal Reason 1

Principle of development in the Green Belt

The application site is defined on the Gravesham Local Plan Core Strategy Policies Map 2014 as lying outside any settlement boundary in the rural area, within the Green Belt and within the Higham Arable Farmlands Landscape Character Area. It is classified as Grade 1 agricultural land.

Policy CS02 of the Core Strategy 2014 prioritises development in the urban area as a sustainable location for development. In the rural area, it states that development will be supported within rural settlements that are inset from the Green Belt and defined on the Policies Map. Development outside those settlements (which is the case here), will only be supported where it is compatible with national policies for protecting the Green Belt and policies in the Core Strategy 2014.

Green Belts are of great importance. The fundamental aim of Green Belt policy is to prevent urban sprawl by preserving the open and permanent characteristics of Green Belts (paragraph 137 of the NPPF 2021). Paragraph 147 of the NPPF 2021 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt (paragraph 149 of the NPPF 2021). However, there are exceptions to this which, as asserted in the case of this proposal, include:

(a) buildings for agriculture and forestry.

Saved Policy C10 of the Local Plan 1994, which relates to agricultural dwellings in the countryside, must also be considered. Saved Policy C10 of the Local Plan 1994 states that the Borough Council will only give favourable consideration to applications for agricultural dwellings where an overriding case can be demonstrated and when no satisfactory alternative means of provision is available. However, this policy pre-dates the NPPF 2021, and therefore greater weight should be given where the approach is consistent with paragraph 145 the NPPF 2021.

In order to assess whether the proposed new building is inappropriate in the Green Belt, the key consideration is to determine whether the proposed building is a 'building for agriculture'. On face value, and as a matter of fact, the use of the proposed building in this case is residential not agricultural. It is not considered to be a building for agriculture in the sense of the meaning of this exception category and no other exception is applied for erection of residential dwellinghouses in the Green Belt and is therefore considered to be inappropriate development.

In determining this, in line with paragraph 147 of the NPPF 2021, it is necessary to consider whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development. In this case, the

special circumstances put forward by the applicant centre around whether the proposed dwelling is essential for agriculture. This will be considered further below.

Rural housing need

The Supporting Statement confirms that the site of the proposed development, New Green Farm, is an agricultural holding purchased in 2018 by AC Goatham & Sons, a large-scale fruit growing business farming some 2400 acres across Kent. Their New Green Farm site extends to 67.5 hectares of Grade 1 agricultural land. There is an agricultural building at the holding to store machinery and equipment (granted under application 20181247), and 6 seasonal workers caravans (granted under application 20200457).

There are high yielding varieties of apples and pears that have been planted at New Green Farm, including a new variety of apple that needs extra monitoring and management in its development and production. From the information submitted relating to this site and the well-established nature of the business as a whole, there is no uncertainty over the continued viability of this enterprise.

In general, to ensure orchards perform at their optimum they need to be closely monitored, with suitable action taken depending on weather patterns to optimize yields and fruit size. In addition, to help control and improve the growth of fruit as far as possible, an increase in labour levels is required. Indeed, the number of seasonal workers at New Green Farm has recently increased; the recently approved planning application for caravans relates to this. Higher staffing levels requires greater levels of staff management. Where seasonal staff are principally made up of people from European countries, their management is time-consuming, given the language barriers and requirements to train and monitor staff. The pandemic has also added to staffing pressures, and has resulted in additional emphasis on on-site management to operate the business more efficiently and to be able respond immediately as required based on the needs of the business and the weather.

Manager dwellings ensure that there is suitably skilled agricultural practitioner on site where the agricultural processes require constant attention to limit the potential for crop loss, to maximise yields, regularise fruit sizing, to manage and instruct the team on a daily basis, to walk the orchards to ready for the next days instruction, to deter and prevent as far as possible crime on the sites, to manage the daily Covid protocol (restrictions which have since been lifted in their entirety) and ensure continuous compliance with rules, and importantly to act as point of contact for members of the public.

The current application has been submitted on the basis that a dwelling is required in order enable the time-consuming monitoring and supervising of the fruit trees on this agricultural holding and the seasonal staff, as well as to provide additional on-site security. It is expected that an agricultural condition would tie the use of the property to the farm.

Further information has been submitted by the agent relating to details of farm accommodation on other farms that are owned by AC Goatham & Son in order to ensure effective management.

In order to help determine whether there is an agricultural need for the proposed dwelling to be on this site, the views of the Council's Rural Advisor were sought on the most recent application which was refused. He comments in particular about a lack of conviction with the applicant's argument that a dwelling (whether occupied by the Managing Director as proposed, or by a farm manager responsible for New Green Farm in particular) is essentially needed "within sight and sound" of the farm infrastructure, which is centred at present on one general purpose farm building, and 6 seasonal workers' caravans.

The absence of equivalent Manager accommodation on other comparable units can be regarded as relevant evidence of lack of need in this case. Whilst the applicants' have sought to provide information identifying farms with existing managers' houses or permissions for such said to have been obtained, within their Planning Statement and within submitted additional information, it appears that most of the applicants' many other farms have no permanent on-site manager's accommodation at all; including the majority of the 17 owned farms, and including none at the business HQ and packing centre at Flanders Farm about 1km from the outskirts of Hoo, or at two of the three other major operational hubs at Howt Green, Bobbing, and

Swanton Farm, Bicknor.

The submitted additional information on farms with managers' houses identified just 7 farms (all owned) of the 29 in total, as having existing managers' accommodation and/or with permissions for some form of further accommodation. However, this accommodation comprises modest, existing, converted and redundant buildings, often approved through permitted development Class Q and O conversions under prior notifications, and with no agricultural occupancy conditions (AOC) and no suggestion that they are required for managers' accommodation.

For example, at Elmstone Court Farm in Dover permission was recently granted for a dwelling (ref. 21/01272 - change of use and conversion of agricultural building to dwelling (Use Class C3), cladding to exterior and installation of a waste water/sustainable drainage system) following an earlier Class Q conversion that was allowed at appeal. There is no AOC, and the approved dwelling (only 12.2m x 5.5m) would have just one bedroom and a kitchen/living room, so it is most unlikely to be appropriate, or intended, for a "senior manager" – indeed the supporting Planning Statement stated, "The conversion of the barn would enable AC Goatham & Son to release or raise capital either through the onward sale for conversion, conversion and market rental or to act as security for farm business loans should they be required".

At Howt Green Farm in Swale, which is a main operational 'hub' farm, a Class Q conversion was granted under ref. 20/500391. This related to a small chill store attached to one of the larger farm buildings. In this case, because of its position in the working farm yard, Swale Borough Council attached an AOC as one of the approval conditions, limiting occupation to a person solely working in agriculture at Howt Green Farm. If and when it is converted it will only have very modest accommodation of some 60m², comprising 2 bedrooms, a kitchen, a day room, and a shower/WC, and thus is unlikely to be seen as suitable for anyone with senior managerial responsibilities.

There are no cited examples of any other new-build dwellings having been applied for, let alone approved or built, to serve as managers' dwellings on any of AC Goathams' farms. There have been various conversion applications, mainly under the permitted development provisions without any requirement for agricultural workers' use. Other properties referred to are established dwellings that were built many years ago and acquired more recently by the applicants.

The agent considers that whether these dwellings have obtained permission to be there under permitted development, full planning permission or due to previous existence is irrelevant; the fact that they exist shows how management accommodation serves a purpose at farms which produce apples and pears.

However, the Agricultural Advisor maintains that the submitted details fail to support the agents' claim that "resident managers are the norm for AC Goathams' owned farms and some rented farms".

The agent has further put forward that the site currently has permission for 6 seasonal workers caravans, which can be occupied by up to 36 people for 9 months of the year, and as there is an accepted need for labour on the farm for the majority of the year, it is not unreasonable to therefore require labour for at least one person on the farm to undertake agricultural work for the remaining three months of the year. This is particularly relevant given the investment at the farm and it being the leading grower of a new fruit variety that is being relied upon for market success.

However, the Agricultural Advisor disagrees as seasonal workers caravans cannot be compared to a permanent dwelling: there are provisions for seasonal workers caravans under permitted development (as was the case with the relevant approval at this site), but such workers do not have to reside on a particular site full-time to carry out their work, and indeed often move around from holding to holding as needed. Whilst it is common to add to permitted development provisions, with planning permissions allowing caravans to remain on site unoccupied out of season, there are invariably conditions requiring their complete removal in the event they are no longer required for their purpose. Thus, the planning considerations relating to caravans cannot be reasonably compared to those that apply to a substantial permanent-built agricultural dwelling, such as is proposed here.

Furthermore, what is being sought is clearly not accommodation for one agricultural worker, but family accommodation in a dwelling for up to 8 persons. It should be made clear that these comments were given based on the previous application. However, the facts which the Agricultural Advisor made these comments based on are unchanged; the proposal is for a family dwelling which could accommodate up to 8 persons, the extant consent for agricultural caravans are not directly comparable to permanent residential structures such as the one proposed. Sufficient explanation has not been provided that would suggest the situation has substantially changed since the recent assessment which was decided 5 months ago. The LPA therefore considers the most recent comments as appropriately reflective of the current climate and the proposed scheme.

Paragraph 79 of the NPPF 2021 sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 80 also states that planning policies and decisions should avoid the development of isolated homes in the countryside unless particular circumstances apply. In this case, in line with paragraph 80(a), it is asserted by the applicants that the proposal would fall under the circumstance that there is an essential need for a rural worker, including (in this case) those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

The agent has put forward an extensive list of work required at New Green Farm to take into account when applying paragraph 80(a) of the NPPF 2021, as set out within the guidance at paragraph 010 of the planning practice guidance *Housing Needs of Different Groups* 2021. In summary, in this case the essential need is stated to include the following:

- undertake and manage the farming operations that are needed at New Green Farm on a daily basis;
- offer security at the site to prevent thefts, break ins and acts of vandalism;
- monitor the irrigation systems that are in place to ensure they are working correctly and are not leaking (causing potential damage to other trees);
- undertake headland and field margin management;
- be on site early in the morning to brief the farm workers on the days operations and continue to monitor progress throughout the day, assisting wherever necessary (whilst not taking away from the applicant's ability to monitor and run the rest of the business);
- work unsociable hours for spraying, thinning harvest etc to work around ad hoc weather patterns;
- walk the orchard at the end of each day to assess the progress made over the site, to assist in the preparation of the next morning's farm brief and to assess and monitor trees to deter against disease and predators (this will then inform the next day's operation);
- be on hand to act with emergency's where for example frosts may be anticipated or hail storms are due – this may require crops to be picked last minute or considered for covering.

It is recognised that there is no existing accommodation/buildings on the site that could meet the stated residential need. In terms of availability of accommodation elsewhere, research has been undertaken and submitted by the applicant consisting of a 10 month monitoring of the housing market for accommodation to satisfy the applicant's requirements, the main criteria being that a property is within sight and sound of New Green Farm. It was concluded that there was nothing suitable that would compare to an on-site dwelling.

The need for a dwelling to be 'within sight and sound' of the farm is also related to security, and details of thefts have been provided; however, the three incidents reported were three years ago, which does not indicate a pressing need for 24 hour surveillance in relation to site security.

Whilst it is recognised that there are tasks at New Green Farm that may be undertaken out of hours, and it would certainly be a convenient arrangement for the potential occupants of the dwelling to be on site, no one area of orchard is likely to require a residential presence immediately on site, at all times of the day and night to deal with the supervision of day-to-day orchard management and cropping. Indeed, the submitted Planning Statement confirms that the proposed house and office within would be used for general homeworking during conventional office hours to conduct and address the other needs of the wider business, which somewhat weakens the argument that a residential dwelling is essential at this particular site for this particular farm.

The Agricultural Advisor remains of the view that that no essential need has been demonstrated for the Managing Director, or an employed farm manager, to reside at the proposed site as opposed to in existing accommodation elsewhere in the general locality.

The agent has also set out a number of material considerations which they believe should be factored into the decision-making process and weigh in favour of the scheme; these being the Government's Food Strategy published in June 2022 (<https://www.gov.uk/government/publications/government-food-strategy/government-food-strategy>) and a research paper published in July 2022 by the RTPI on Rural Planning in the 2020's (<https://www.rtpi.org.uk/media/11955/rural-planning-in-the-2020s.pdf>). The RTPI paper addresses issues to do with the affordability of housing in rural areas, comments on the impact of Brexit on implications for farm buildings and workers' housing, and the importance of the farming sector is also recognised. However, the research paper does not provide any particular justification for supporting the need for the Managing Director, or an employed farm manager, to reside at the proposed site.

The Government's Food Strategy recognises the role of the food and drink industry and the agricultural sector. It also picks up upon matters pertaining to sustainability and healthier lifestyles. The need for a functioning and successful agricultural sector is not questioned, neither is the need for agricultural units linked to this application to be managed. As such the Food Strategy in itself is not of direct relevance, as it does not delve into agricultural worker accommodation and provide any particular justification for supporting the need for the Managing Director, or an employed farm manager, to reside at the proposed site.

Changes Made: The above assessment is reflective of that made in the original planning application. The assessment still stands. This application has changed the location of the proposed building to be closer to existing buildings. However the site is still within the Green Belt and for non-agricultural buildings the harm this causes is inherently harmful by definition. Further information has been provided to justify the need for the dwellinghouse and 24 hour oversight of the farm by the applicants, in terms of reduced European farm labour, safety concerns and the intention to support the next generation of farmers. However, there appears to be a lack of safety incidents which have occurred over the years and the need for further on site surveillance has not been demonstrated. There is also availability of mobile homes with access to the site and so consistent access to the farm for surveillance is also demonstrably available without the need to erect a family home on this agricultural land. Whilst it is also appreciated that there is a need to support for the next generation of farmers, there is no evidence that this support cannot continue without 24-hour on-site access to the farm, and thus resulting in harm to the Green Belt. On balance, the development does not provide adequate justification to meet the 'exceptional circumstances' criteria and the application fails to be acceptable in principle.

Refusal Reason 2

Impact on openness and Impact on landscape character

Policy CS19 of the Core Strategy 2014 requires that new development is well designed and respects the character and appearance of surrounding area. The application site is located in the Higham Arable Farmlands Landscape Character Area and as such, Policy CS12 of the Core Strategy 2014 is also relevant. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham Landscape Character Assessment (LCA) will be taken into account in determining applications. Paragraph 174 of the NPPF 2021 seeks to protect and enhance such valued landscapes.

In relation to the Higham Arable Farmlands Landscape Character Area, one of the key characteristics of the area is the open, gently undulating farmland, which provides high visibility across the area. The overall condition of the landscape is poor and has moderate sensitivity. It is recommended that key landscape elements should be restored and created. Proposals that introduce extensive or obtrusive elements within visually sensitive areas of the open landscape should be resisted.

The proposed development of this site for a dwelling and its associated residential paraphernalia would introduce an incongruous and obtrusive development, completely at odds with its surroundings, which would detract from the visual quality of this open farmland landscape and would significantly harm the rural character of the area, thereby contrary to the objectives of the LCA. Whilst the use of landscaping could to help reduce the visual impact to a certain degree, this would not overcome the overall adverse impact on the character of the site and wider area from the incongruous nature of the development on this site. The proposed development is therefore considered to be unacceptable on the grounds of the failure to conserve or enhance the rural character of the site and surroundings. The proposal would therefore fail to comply with the requirements of the Gravesham LCA 2009, Policies CS12 and CS19 of the Core Strategy 2014 and paragraphs 130 and 174 of the NPPF 2021.

Changes Made: This proposed scheme has moved the location of the proposed dwellinghouse closer to the existing agricultural building on the farm, which has been suggested to be an improvement in terms of impact on the landscape as it would be more closely associated with the existing built form. This particular site is a rural, isolated setting and the presence of any residential dwellinghouse in any location would be at its very core, harmful to the character of the area. It is also noted that the advice given that is referred to was given without the provision of rural consultation comments and was made some time ago in 2020, as informal comments. Informal comments given as advice do not justify harm to the Landscape identified at a later point during assessment of a full application. As the aerial image below shows, the existing landscape character is highly agricultural, with buildings having a coarse grain and being agricultural in nature. The introduction of a clearly residential element in this vicinity, would be harmful and would fail to enhance the rural character of the site and its surrounding. In this instance, the proposal would fail to overcome this refusal reason.



Refusal Reason 3

Locational Sustainability

Paragraph 79 of the NPPF 2021 sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

In the context of this application, the location of the site over 1km from the nearest villages of Higham, Chalk and Shorne would mean that future residents of the proposed dwelling would be likely to rely on private car(s) to reach essential local services and facilities, particularly as the country roads leading to them are not safe to walk on. Whilst the proposal is intended for an on-site farm manager, the proposed occupiers are involved in the wider management of the company, which would invariably involve commutes to other business locations. This would not achieve the social and environmental sustainability objectives of the NPPF 2021. It is therefore considered that the proposal would result in an unsustainable home in the countryside, contrary to paragraph 79 of the NPPF 2021.

Changes Made:

The location of the dwellinghouse remains to be in a rural location, isolated away from local amenities and other residences. The agent has referred to paragraph 80 in the NPPF which reads as follows:

80. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

(a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

(b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

(c) the development would re-use redundant or disused buildings and enhance its immediate setting;

(d) the development would involve the subdivision of an existing residential building; or

(e) the design is of exceptional quality, in that it:

is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

The argument being made here is that part a applies and that there is an essential need for a rural worker. However, this has not been demonstrated as discussed under the assessment of refusal reason 1. The two arguments are interlinked and where the principle of a dwellinghouse is unacceptable in this instance, as a demonstrably need for the dwellinghouse, meeting exceptional circumstances has not been met, it cannot therefore be acceptable as an exception in this case. In both instances for refusal reason 1 and refusal reason 3 adequate justification for an on site farm manager has not been met in this case and so, refusal reason 3 stands.

Refusal Reason 4

Impact on Grade 1 Agricultural Land

The application site is classified as Grade 1 agricultural land. Paragraph 174 of the NPPF 2021 is relevant here, as it seeks to ensure planning decisions contribute to and enhance the natural and local environment by:

- protecting and enhancing landscapes, biodiversity, geology and soils;
- recognising soils as a natural capital asset that provide important ecosystem services;
- considering the economic and other benefits of the best and most versatile (BMV) agricultural land, and trying to use areas of poorer quality land instead of higher quality land;
- preventing soil, air, water, or noise pollution, or land instability from new and existing development.

Whilst the proposal is small in terms of the size of the scale of loss of this BMV land (i.e. below 20 hectares) it will regardless result in a loss. No information has been submitted recognising this loss, or any details submitted to show how soils would be managed and protected during construction to ensure the sustainability of the land. In the absence of this information, the proposal fails to demonstrate the impact on this valued land and soil, contrary to paragraph 174 of the NPPF 2021.

Changes Made: Forming part of this new application, land profiles have been provided. The agent has also argued within the supporting document that this new scheme reduces the amount of land that would be lost and it would be in a more defined built environment and so less harmful to the Grade 1 Agricultural Land. They have also submitted that the process of farming apples involves management of land and soil quality and the proposal to have an on site manager of this would provide a positive impact in terms of land and soil management.

It is noted that agricultural maintenance of land and soil would be a positive. However, the loss of agricultural land is undeniable as a result of the scheme, albeit less than previously proposed. Given that the new scheme does not detail how the soils would be managed and protected during construction, adequate information has not been provided to demonstrate that the valued agricultural land and soil would not be significantly harmed as a result of the scheme. This refusal reason therefore must be maintained.

Refusal Reason 5

Impact on Thames Estuary and Marshes SPA/Ramsar Sites

As the application site is within 6km of the Thames Estuary and Marshes SPA/Ramsar Sites and would provide additional residential accommodation, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. On this basis a tariff of £275.88 is required.

Without an agreement in place to secure this contribution or any evidence to inform an appropriate assessment, the Local Planning Authority cannot be satisfied that the proposal would put in place adequate measures to mitigate potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar Sites, which is contrary paragraphs 174 and 180 of the NPPF 2021 and Policy CS12 of the Core Strategy 2014.

Changes Made: The payment to date has not been received. However, it is noted that the agents have advised of their intention to make this payment should the application be recommended for approval. Given that there remains a number of reasons for refusal of this application, it was not therefore deemed necessary to request the payment in this instance and the refusal reason is maintained.

Conclusion & Recommendation

The recommendation is to refuse this application.

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Ms Lisa Williams	Team Leader:	Richard Hart
Signed:		Signed:	R Hart

Dated:	10th February 2023	Dated:	13th February 2023

Gravesham Borough Council