

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20211049
Location	Broomfield Farm Ifield Road Meopham Gravesend
Proposal:	Application for Lawful Development Certificate for proposed construction of an oval shaped pond.
Applicant:	Mr David Brown
Site Visit	N/A Desktop Assessment

Plans & Documents

Planning Application Form received 12th November 2021;
Existing Block Plan received 18th October 2021;
Proposed Block Plan received 18th October 2021;
Proposed Site Plan received 17th November 2021;
Proposed Section Plan received 17th October 2021;
Photographs received 20th August 2021;
Aerial View received 20th August 2021;
Section Plan (annotated) received 20th August 2021; and
Section Plan (showing direction) received 20th August 2021.

Property Type

The site comprises is Broomfield Farm which consists of 75 acres of mixed arable land, located within the rural area of Meopham and within the Green Belt and the Meopham Downs Landscape Character Assessment.

Material Consideration

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Relevant Planning History

Application Ref. No.	Description	Status	Date
20190022	Prior notification under Part 3 Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use from agriculture building to far shop cafe (Class A3).	Prior Approval Not Required	19.02.2019
20150865	Installation of 1 x pole and 1 x stay wires under existing line, removal	Observations Sent	18.09.2015

of poles 812527, 812528, 812529, 812530, 812531, 812532, 812533 and 812534, associated stay wires and LV overhead lines.

19980475	Use of land for erection of 21m high lattice tower with 2 no. dual power antenna and a dish antenna, radio equipment cabin, 2 no. AC units, electricity meter cabinet and 1.8m high boundary fence and gate.	Withdrawn	10.09.1998
19950572	Erection of 3no.stables and use of land for keeping of horses.	Permitted	24.04.1996
19920144	Use of part of the agricultural land for clay pigeon shooting.	Refused	06.07.1992
19910605	Demolition of the existing single storey rear extension to the Farmhouse and erection of a two storey rear extension to form kitchen, lobby and w.c./shower room with bedroom over.	Permitted	05.11.1991
19900199	Erection of an agricultural worker's bungalow.	Refused	30.05.1990
19540220	Erection of a private garage.	Permitted	07.07.1954

Consultation

No formal consultation was undertaken as there is no statutory requirement to consult third parties including parish councils or neighbours for lawful development certificate applications, however a representation has been received from Dickens' Country Protection Society making the following comment;

The Society notes that the site is in an area within which Green Belt Policies apply. We would suggest that if consent is granted it is conditioned to control the use of the pond, restricting any commercial use.

Local and National policy does not apply in lawful applications and therefore not relevant and conditions of use cannot be imposed. The application will be assessed against the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to ascertain if the proposal falls within lawful use.

Officer Assessment

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	N
Article 4 Direction	N
Permitted Development Rights Removed/Restricted	N

Schedule 2 Part 6 Class A – agricultural development on units of 5 hectares or more

A.1	Development is not permitted by Class A if –	Y/N
(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	N (30ha unit)
(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	N
(c)	it would consist of, or include, the erection, extension or alteration of a dwelling	N
(d)	it would involve the provision of a building, structure or works not designed for agricultural purposes	N
(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; or; (ii) any building erected or extended or altered by virtue of Class A would exceed 465 square metres, calculated as described in paragraph D.1(2)(a) of this Part	N N N
(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;	N
(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;	N
(h)	any part of the development would be within 25 metres of a metalled part of a trunk road or classified road	N (63.3m)
(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	N
(j)	it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or	N
(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.	N N
A.2–(1)	Development is permitted by Class A subject to the following conditions –	Y/N
(a)	where development is carried out within 400 metres of the curtilage of a protected building, any building, structure, excavation or works resulting from the development are not used for the accommodation of livestock except in the circumstances described in paragraph D.1(3) of this Part or for the storage of slurry or sewage sludge, for housing a biomass boiler or an anaerobic digestion system, for storage of fuel or waste from that boiler or system, or for housing a hydro-turbine;	N/A
(b)	where the development involves –	N

	(i) the extraction of any mineral from the land (including removal from any disused railway embankment); or (ii) the removal of any mineral from a mineral-working deposit, the mineral is not moved off the unit;	N
(c)	waste materials are not brought on to the land from elsewhere for deposit except for use in works described in Class A(a) or in the provision of a hard surface and any materials so brought are incorporated forthwith into the building or works in question.	N
A.2-(2)	Subject to sub-paragraph (3), development consisting of –	Y/N
(a)	the erection, extension or alteration of a building;	N/A
(b)	the formation or alteration of a private way;	N/A
(c)	the carrying out of excavations or the deposit of waste material (where the relevant area, as defined in paragraph D.1(4) of this Part, exceeds 0.5 hectares); or	N
(d)	the placing or assembly of a tank in any waters, is permitted by Class A subject to the following conditions— (i) the developer must, before beginning the development, 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, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be; (ii) the application must be accompanied by a written description of the proposed development and of the materials to be used and a plan indicating the site together with any fee required to be paid; (iii) the development must not begin before the occurrence of one of the following— (aa) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required; (bb) where the local planning authority give the applicant notice within 28 days following the date of receiving the applicant's application of their determination that such prior approval is required, the giving of such approval; or (cc) the expiry of 28 days following the date on which the application under sub-paragraph (2)(ii) was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination; (iv) where the local planning authority give the applicant notice that such prior approval is required, the applicant must— (aa) display a site notice by site display on or near the land on which the proposed development is to be carried out, leaving the notice in position for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant; and (bb) where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in sub-paragraph (iv)(aa) has elapsed, the applicant is treated as having complied with the requirements of that sub-paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement; (v) the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—	N/A

	(aa) where prior approval is required, in accordance with the details approved; (bb) where prior approval is not required, in accordance with the details submitted with the application; and (vi) the development must be carried out— (aa) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given; (bb) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (d)(ii).	
A.2–(3)	The conditions in sub-paragraph (2) do not apply to the extension or alteration of a building if the building is not on article 2(4) land except in the case of a significant extension or a significant alteration.	N/A
A.2–(4)	Development consisting of the significant extension or the significant alteration of a building may only be carried out once by virtue of Class A(a).	N/A
A.2–(5)	Where development consists of works for the erection, significant extension or significant alteration of a building and –	Y/N
(a)	the use of the building or extension for the purposes of agriculture within the unit permanently ceases within 10 years from the date on which the development was substantially completed; and	N/A
(b)	planning permission has not been granted on an application, or has not been deemed to be granted under Part 3 of the Act, for development for purposes other than agriculture, within 3 years from the date on which the use of the building or extension for the purposes of agriculture within the unit permanently ceased, then, unless the local planning authority have otherwise agreed in writing, the building or, in the case of development consisting of an extension, the extension, must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing between the local planning authority and the developer.	N/A
A.2–(6)	Where an appeal has been made, under the Act, in relation to an application for development described in sub-paragraph (5)(b), within the period described in that paragraph, that period is extended until the appeal is finally determined or withdrawn.	N/A
A.2–(7)	Where development is permitted by Class A(a), within 7 days of the date on which the development is substantially completed, the developer must notify the local planning authority in writing of that fact.	N/A

Class A(b) of Part 6 to Schedule 2 of the GPDO allows for any excavation or engineering operations, which are reasonably necessary for the purpose of agriculture within that unit, on agricultural land comprised in an agricultural unit of 5 hectares or more in area.

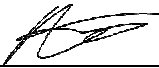
The proposal is for the excavation of an area within the existing agricultural unit to create a pond for the purpose of collecting water over the wet season to be used for irrigating pick-your-own crops during the growing season.

Broomfield Farm is an existing agricultural unit and is approximately 30 hectares in area.

The relevant excavation works would not exceed 0.5 hectares.

Conclusion

The proposed pond would therefore fall within Schedule 2, Part 6, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015. A Lawful Development Certificate can be granted.

Recommendation: <u>Grant</u> Lawful Development Certificate		
	Name/Signature	Date
Planning Officer	Amanda Grout 	6 th January 2022
Principal Planner/ Manager	Richard Hart / <i>R Hart</i>	10 th January 2022