

Cobham House Vineyard, Sole Street, Kent, DA12 3AA

Landscape and Visual Impact Assessment

REBUTTAL TO OBJECTORS' LANDSCAPE STATEMENT

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**LAND AT GOLD STREET, COBHAM DA12 3AA – APPLICATION REF
20240544 - FOR PRIOR APPROVAL UNDER CLASS A PART 6 of SCHEDULE
TOWN & COUNTRY (GENERAL PERMITTED DEVELOPMENT)(ENGLAND)
ORDER ('the GPDO') FOR WINERY BARN**

The [terra firma](#) Consultancy project ref: 2537

26th September 2024

Rebuttal Notes to Louise Hooper Landscape Statement and Site Options documents
July and August 2024



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1. INTRODUCTION

1.1. Background

- 1.1.1. This rebuttal document is on behalf of the applicant (Cobham House Vineyard Ltd). It addresses the Landscape Statement (July 2024) and Site Options for Proposed Winery Building (August 2024) produced by Louise Hooper Landscape Architect (LHLA) on behalf of objectors to the Prior Approval Notification application 20240544 for a winery building at Cobham House Vineyard.
- 1.1.2. My firm, terra firma, has produced a Landscape and Visual Impact Appraisal (LVIA) for the scheme in response, which is the basis for our evidence. Whilst this rebuttal does not respond to every point, where Ms Hooper's evidence is not challenged, it does not follow that other points are accepted.
- 1.1.3. It should be read in conjunction with the following documents:
- *Landscape Statement by LHLA July 2024*
 - *Site Options for Proposed Winery Building by LHLA August 2024*
 - *Landscape and Visual Impact Appraisal by terra firma September 2024*

2. REBUTTAL COMMENTARY

2.1 Background

- 2.1.1 This is the fourth application for the proposed winery. The first application was refused on 20 September 2023. The basis for refusal was that the *'proposed siting and appearance would be inappropriate and harmful..to the openness and natural character of the surrounding Kent Downs Area of Outstanding Natural Beauty, the Green Belt and Instead Arable Landscape Character Area and contrary to Policies CS02 and CS12 of the Gravesham Local Plan Core Strategy (2014) and Paragraph 174 of the National Planning Policy Framework (2023)'*. The second application was approved but was then quashed following a judicial review challenge and the third, offering an alternative location which the applicant considered might be more acceptable to neighbours who had objected, was refused in May 2024 by the local authority as harmful to the landscape. This proposal returns the proposal to the original location, which Gravesham Council approved
- 2.1.2 Gravesham Borough Council have confirmed in all the applications that the building proposed meets the e *"definition of development set out in Article 3, Part 6, Class A of Schedule 2 to the Town and Country (General Permitted Development) (England) Order 2015 (as amended) and the building is considered reasonably necessary for the purposes of agriculture"* but that *"prior approval would be required for the siting and external appearance of the proposed agricultural building because it would be located in a very sensitive location within the Kent Downs National Landscape, the Green Belt and the Istead Arable Farmlands Landscape Character Area."*¹
- 2.1.3 The following points relate solely to landscape and visual matters and the two LHLA documents set out above. References in section headings relate to those found in those documents.

2.2 LHLA Landscape Statement July 2024 ('the LHLA Statement'):

- 2.2.1 While I understand the purpose of the LHLA documents is to assist objectors to the proposals (see Introduction 1.1²) as opposed to being a full independent analysis and is endeavouring to do so in a concise way, it is clearly not a full Landscape and Visual Impact Assessment. To

¹ See Delegated Powers Officer report dated May 2024

² *"This Landscape Statement has been prepared...to object to planning application 20240544"*

that end terra firma have been tasked to produce one that is. As such, terra firma is also required by its professional rules and guidelines to produce an independent and objective (ie not set out to simply be in support or in objection – see Role of LVIA 2(4) in Notes and Clarifications on Aspects of Guidelines for Landscape and Visual Assessment GLVIA 3 Landscape Institute August 2024). The methodology (1.3) addresses this and the lesser level of assessment and areas of departure from GLVIA 3.

- 2.2.2 I have no issue with the Landscape Character documentation referred to (Section 2) and these are also properly referred to in our LVIA.
- 2.2.3 Aside from the above however, I take specific issue with some of the points set out in the Landscape Baseline (3.1) within the LHLA statement.
- 2.2.4 Firstly, it is simply incorrect to assert that there is '*no precedent of isolated large modern barns in the vicinity*'. It is clear from a Googlemaps search that there are at least a dozen such isolated barns within the area;



- 2.2.5 Secondly, to say '*High Voltage cable routes traverse the landscape to the east of the site, but are generally unobtrusive and do not detract from the landscape quality*' is unlikely to be a statement that would find much traction with either landscape professionals or members of the public. In LVIA parlance they are undoubtedly a detractor and our assessment has attributed this to assessed views where they form part of the view.
- 2.2.6 Thirdly, while being able to be far more comprehensive in our assessment and setting out the differing landscape and visual receptors separately, it should be noted that at no point do our findings equate the landscape as having a *high sensitivity* to change which LHLA have concluded.
- 2.2.7 The sensitivity of a landscape is determined by combining judgements on value with the susceptibility to type of change or type of development proposed. While we agree with LHLA that the starting point is that this landscape is attributed high value by virtue of its designations, not all elements contribute to the underlying quality at that level. This should then be considered with susceptibility, which would normally be low for an agricultural building in the countryside and at most medium. This arrives therefore at a sensitivity that would be Medium or Medium High at most.
- 2.2.8 Fourthly, LHLA select only four viewpoints for their assessment (3.4). Evidently this is not a comprehensive study and while it does acknowledge that there are also '*many impediments*

to views which are typical of this landscape – in particular, high hedges, thick woodland and topography, the reader could easily be left with the impression that this is a highly visible site. The reality is far better understood within the work of our wider comprehensive LVIA with its computer generated ZTV and fieldwork to 2 kms radius which can be seen under 2.3.2. Where there is visibility, this is clearly assessed in our LVIA and in a way that can be proportionally understood.

2.2.9 The next sections of the LHLA (3.6 -4.7) deal with proximity to neighbours, siting, massing and design of the building and include in my opinion some questionable statements from a landscape consultant calling into question the acoustic report, lighting emissions and optimum location which are matters outside any landscape consultant's expertise. For this reason they are not the focus of this landscape rebuttal. Nevertheless, our LVIA does address effects on perceptual qualities along with visual impacts on neighbours, as well as the receptors in the wide landscape.

2.2.10 The summary and conclusion sections (5.1-5.4) of the LHLA statement presents a confused series of paragraphs suggesting adverse effects without clear and supporting evidence. To take the seven points in the conclusion (5.4) in turn with reference to our LVIA ;

(i) It is stated that the proposed winery would be *'out of scale with the local landform and landscape pattern'*. We contest this with our point 2.2.3 above. This is an agricultural barn, entirely of a size and nature one might expect to see in this landscape. The design team used the Kent AONB Farmsteads Guidance and Character Area Statements to ensure the proposal complies with correct guidance for this area.

(ii) It is stated that *'the level of activity, lighting and noise associated with the development would adversely affect the tranquillity of the local landscape'*. Our LVIA has attributed some harm (as would be the case with any built introduction to any unbuilt upon site) to perceptual qualities but only of low adverse effect, given the strategies for lighting design and noise reduction proposed. There would only be a very limited period during the annual harvest when this might be exceeded.

(iii) It is suggested that *'the proposals would be in serious conflict with the policies for the protection of the Kent Downs National Landscape'* arriving at *'moderately adverse'* effects on the setting. While some of the policies are set out or referred to, this is not substantiated. Whilst I understand that the approach to a Prior Approval scheme under the GPDO is not the same as a planning application, our LVIA has been produced to assess this in more detail. While adverse effects are identified, they cannot be summarised as moderately adverse on the policies and setting.

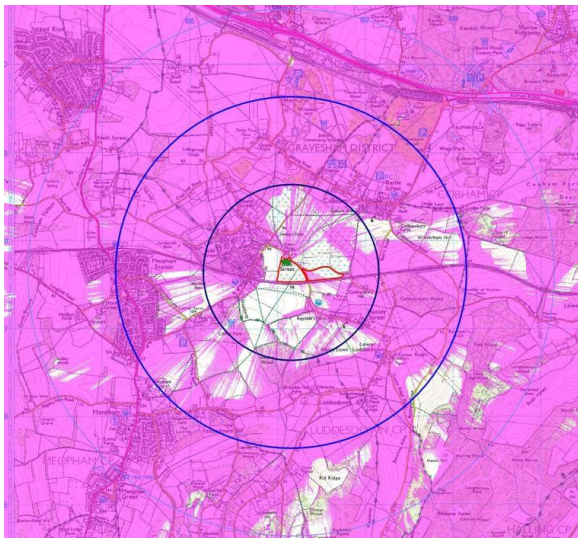
(iv) The visual impacts on neighbouring properties along Sole Street, Gold Street and Batt's Road are attributed as *'major adverse'* at 5.4 in the LHLA statement and on some properties along the eastern side of Sole Street visual impacts are attributed *'moderate adverse'*. Again, however these attributions are not substantiated. Private views are not assessed in our LVIA for reasons of access but are acknowledged in our narrative for the nearest of these properties and nearby publicly available views are properly assessed. In addition, our LVIA shows that adverse impacts will be reduced once intervening planting has been established.

(v) It is stated in the LHLA statement at 5.4 that the mitigation proposals would be *'inadequate and out of character; they would not prevent or reduce the adverse landscape impact of the proposed development'*. This is presumably referring to the planting proposals (not the lighting, noise and architectural mitigation). The stated intention of the planting is to provide effective long-term screening using native indigenous woodland, hedgerow and shrub planting. While we have suggested some minor alterations to these can improve the mitigation (some tree planting to the proposed western boundary hedgerow and a wider block of woodland to immediate west of the proposed building – see Figure 2 within our LVIA Vol 2), our reading of its location and constitution is that it will provide visual mitigation in the long term (hence our findings in the LVIA visual assessment and referred to above). We fail to see how this can be described as out of character with the local landscape character of native hedgerows and woodland belts. In terms of pure landscape impact, there is no reason the planting proposed cannot achieve noticeable enhancement as well as providing effective mitigation.

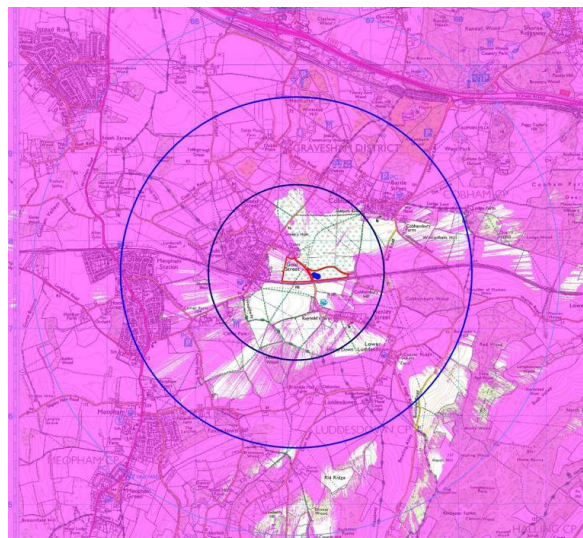
2.3 Site Options for Proposed Winery August 2024:

- 2.3.1 This document concerns itself with other options for locating the winery, seemingly tainted from the start on behalf of LHLA's clients wish to place the building as far as possible from their properties. This is not a task that we have been instructed to do ourselves as it does not relate to the proposals before us.
- 2.3.2 The applicant, by whom we are instructed, has good reasons to locate it where they have for the practicalities of access and operational use. That said, an alternative option has already been offered with the third application PA 3 submission (see our 2.1.1 above) which was turned down by the local authority for reasons of landscape harm. This broadly equated to the Option B position suggested by the LHLA study.

Our view would be that the further Options C and D would in fact be similarly viewed given their more open locations and higher zones of visibility in contrast to the table presented at 2.7 of the LHLA statement which we would argue based upon our own fieldwork, the evidence would not support. To that end we have produced a ZTV for Option D showing how it has increased visibility. We can only assume LHLA measured visual impact by reference to the close neighbours to the site and not wider receptors. LHLA's Table 2.7 is also misleading in giving unsubstantiated evaluation criteria.



ZTV for Proposal



ZTV for Option D

- 2.3.3 We are instructed that Option E would be seen as a non-starter by the client for reasons of inability to provide safe and practical access from Batts Road (it is noted that LHLA has included an assessment of access which confirms this). Being in the most open position, it would also be likely to have a wider visual impact than any of the other options, particularly with increased visibility from the north.