



Delegated Report

Planning Application

Application no: 20211106

Location: Harlex Haulage Services Park Pale Farm Park Pale Shorne

Description: Application for a determination as to whether prior approval is required for the siting, design and external appearance of a general purpose agricultural building 30.36 metres long, 16.00metres wide and 7.00 metres high.

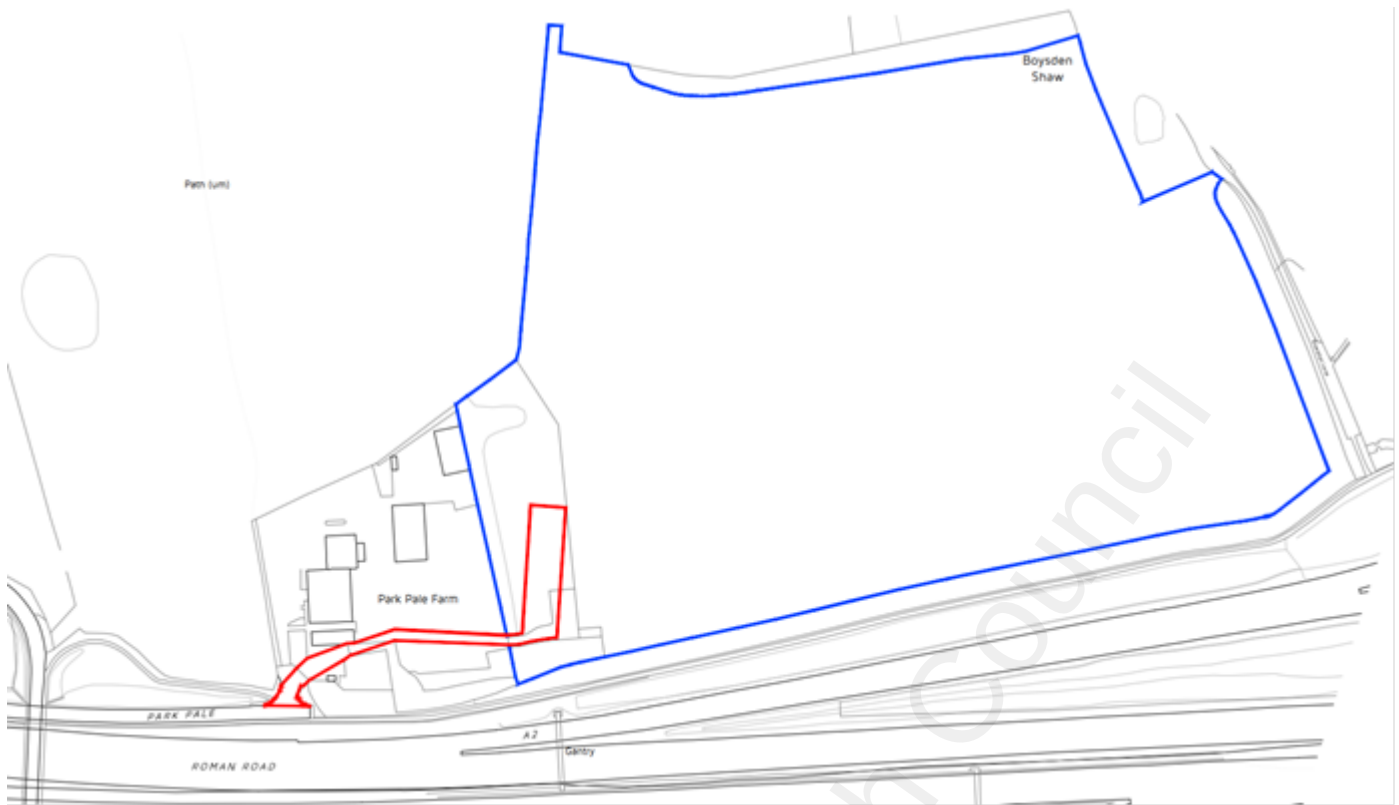
Applicant: Mr Michael Gagg, J & B Martin

Site Visit Date: Desktop Assessment

Description of application site

The application site to which this prior approval application relates (as shown in the red line boundary below from the OS extract plan) comprises a small part of an area of open land located immediately to the east of a haulage/contractors yard occupied by Harlex Haulage Services (plant and machinery hire). The haulage/contractors yard is the site of what was once Park Pale Farmyard. The red line boundary (claimed as 486m²) includes a route of an access through the site of the haulage/contractors yard. The access is gated and hard surfaced within the adjacent yard and within the application site, the surface is partly gravelled.

The blue line boundary which extends to apparently 7.97 hectares (18.5 acres) of land, the majority of the site is laid to grass (pasture land), with mature vegetation located just beyond the western boundary also includes a small area used for some open storage. It is within that part of the site that the defined application site is located (a rectangular area set at an angle).



The haulage/contractors yard through which the vehicular access is proposed, is not shown in the above plan to be within the ownership of the applicants (J and B Martin, Crayford & Fawkhams) notwithstanding that their registered office is Park Pale, Shorne, and is owned by the applicants.

Furthermore, it was noted by the previous case officer that there are a number of buildings within the haulage/contractors yard that do not appear to have planning permission.

Paragraph 1.2.5 of the supporting planning statement states that the applicant currently uses the land for agriculture for grazing sheep and produces hay bales to sell to other agricultural holdings within the locality.

It is noted from company records of the applicants that the nature of their business is stated to be:

- Growing of cereals (except rice), leguminous crops and oil seeds
- Other mining and quarrying not elsewhere classified
- Freight transport by road
- Other letting and operating of own or leased real estate

The land to the west, north and east of the site beyond the haulage yard includes a mixture of pasture (grassland) and woodland. To the south of the site is the A2 Trunk Road close to its junction with the M2 and the A289 (Wainscott By-Pass). There is a public footpath close by (NS161).

Planning History

Note: The history relates to the whole site whether or not within the specific red line boundary of the application

20210087: Application for a determination as to whether prior approval is required for the siting, design and external appearance of a general purpose agricultural building 30.36 metres long, 16 metres wide and 7.00 metres high. **Refused.** 23.02.2021

20201012: Application for a determination as to whether prior approval is required for the siting, design and external appearance of a general purpose agricultural building 42.36 metres long, 16.00 metres wide and 8.00 metres high. **Determined that prior approval of the agricultural building is the inappropriate procedure and planning permission is required.** 29.10.2020

20140527: Application for a Non-Material Amendment to planning permission reference numbers 20131186 and 20120996 in order to reposition the two buildings 3m to the east. Approved 17.07.2014

20140025: Mixed use of the site for B2 and B8 purposes, including the manufacture, preparation and storage of specialist lighting and pyrotechnic displays. Permitted 30.05.2014

20131186: Demolition of existing timber barn and erection of a replacement timber barn with similar footprint and design. Permitted 12.03.2014

20131079: Application for approval of conditions 2 and 6 attached to planning permission reference number 20120996 relating to the materials, landscaping and drainage. Approved 13.02.2014

20130893: Application for approval of conditions 7 and 8 attached to planning permission reference number 20120996 relating to contaminated land assessment. Approved 29.10.2013

20120996: Demolition of existing buildings and erection of a building with mezzanine floor to provide vehicle maintenance workshop with ancillary offices, storage and other ancillary facilities with alterations to existing barn. Permitted 17.01.2013

20110160: Application for approval of condition 2 attached to planning permission reference number 20100878 relating to the landscaping bund. Approved 21.03.2011

20100878: Section 73A application for continued use of land and buildings for general haulage depot and storage use; continued use of land as contractor's yard, retention of offices, commercial buildings, security accommodation, portable structures/containers/tanks together with associated parking, access, security gates, fencing and landscaping. Permitted 09.12.2010

20070644: Use of land for a caravan park for road/rail workers in connection with CTRL and A2/M2 worker's road widening for a temporary period of six months. Permission 24.09.2007

20050552: Application for variation of condition 3 of planning permission reference number GR/2003/910 (for continued use of the land as a temporary caravan park) to allow Mrs Carus, the wife of a road/rail worker engaged in employment in connection with the CTRL and the A2/M2 road widening, to jointly occupy a caravan with her husband. Refused 24.08.2005

20030910: Continued use of land for temporary caravan park for road/rail workers in connection with CTRL and A2/M2 road widening. Permission 23.12.2003

20010705: Continued use of haulage yard for the parking of coaches and buses and the stationing of a portacabin on the site for a temporary period of 2 years. Refused 21.11.2001

20010482: Use of haulage yard for the parking of coaches and buses for a temporary period. Withdrawn 09.08.2001

20000847: Continued use of land for temporary caravan park for road/rail workers in connection with CTRL and A2/M2 road widening. Temporary Permission 13.03.2001

19990130: Continued use of land as a mobile crane hire yard including retention and continued use of portacabin as an office. Refused 26.04.1999

19970481: Details pursuant to KCC planning permission reference number GR/96/520 for the disposal of surplus soil arising from construction of Wainscott Northern Bypass. KCC Granted Permission 30.7.1997. GBC No Objection 05.08.1997

19960520: Disposal of surplus spoil arising from construction of Wainscott Northern Bypass. Permission 23.01.1997

19920210: Use of part of site for the storage of pallets and stationing of a lorry in connection with the buying and storage of the pallets. Refused 02.10.1992

19880973: Change of use of agricultural land to form an extension to the existing general haulage depot. Withdrawn 21.03.1989

Proposal

This application is for a determination as to whether prior approval is required for the siting, design and external appearance of a general purpose agricultural building 30.36 metres long, 16 metres wide and 7.00 metres high.

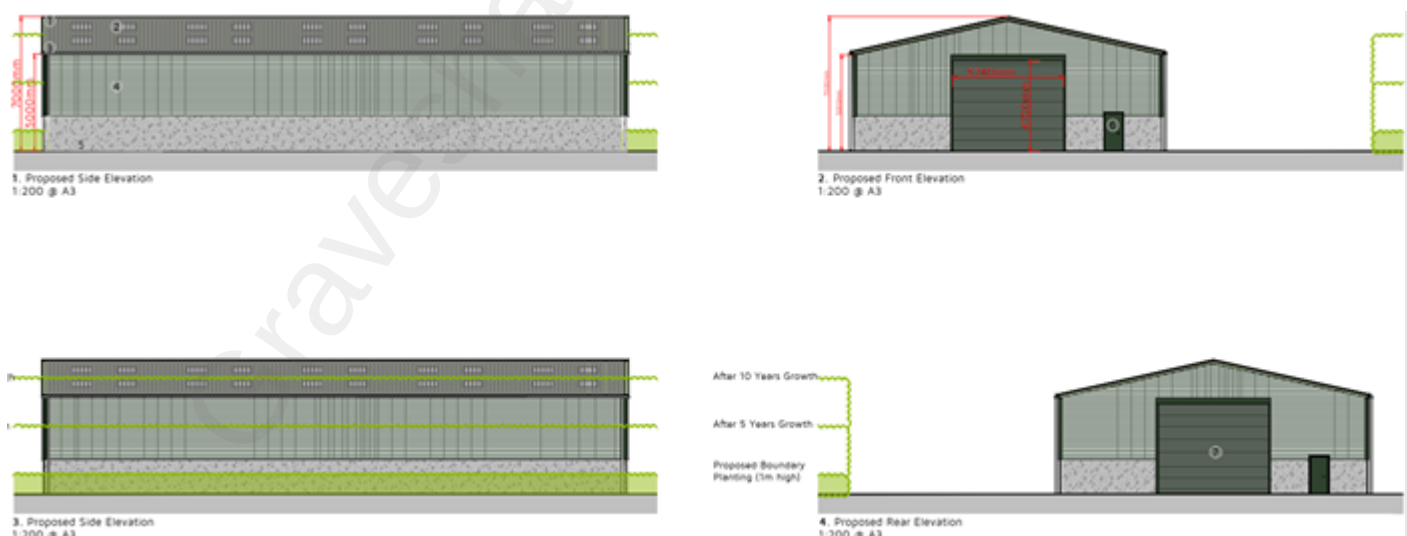
Submitted Plans and Documents

Planning Application Form received 7th September 2021;
Planning Statement received 7th September 2021;
Drawing No. DHA/15790/01 – Site Location Plan received 7th September 2021;
Drawing No. DHA/15790/02 – Existing Site Layout Plan received 7th September 2021;
Drawing No. DHA/15790/03 – Proposed Site Layout Plan received 7th September 2021;
Drawing No. DHA/15790/04 – Proposed Plans received 7th September 2021;
Drawing No. DHA/15790/05 – Proposed Draft Elevation received 7th September 2021;
Drawing No. DHA/15790/06 – Previous Site Boundary Plan received 7th September 2021;
Drawing No. DHA/15790/06 – Existing and Proposed Visual View A received 7th September 2021;
Drawing No. DHA/15790/07 – Existing and Proposed Visual View B received 7th September 2021;
Drawing No. DHA/15790/08 – Existing and Proposed Visual View C received 7th September 2021; and
Drawing No. DHA/15790/09 – Illustrative Proposed Landscaping Visual received 7th September 2021.

Details of the Development

The proposed building would be 30.36m in length, 16.00m wide and with an eaves height of 5.00m and a ridge height of 7.00m. It would be constructed of 32/1000VW vented wall cladding and 100mm thick pre-stressed concrete wall panels taken up to 1.8m from ground level (colour Juniper Green) and roof 0.77mma profile PVC cladding (colour Moorland Green) with translucent GRP rooflights.

On the application form it is stated that the total area of the agricultural unit defined by the red line is 486m². However, that would appear to relate to the floor area of the building only. It is indicated that the land has been used for a trade or business in agriculture for 30 years. The building will be used for the storage of hay and straw, equipment and machinery used to maintain Park Pale Farm and other agricultural land. The form states that this site is best suited due to its proximity to major road networks and that the proposed development has been designed for the purposes of agriculture due to the ventilated panels of the building which are appropriate for the storage of hay and straw. The proposed building is shown below:





The revised submission has indicated the extent of the hardstanding around the footprint of the building, together with proposed additional soft landscaping and hedgerow screening details which have been shown on Drawing No. DHA/15790/03. The revised proposed building has doors located on the front and rear elevations, facing eastwards towards the agricultural land and westwards towards the main access and therefore the proposed hardstanding areas would be in front of those doors.

Background

The adjacent site has been the subject of numerous planning applications. The most relevant application is considered to be Ref: 20210087 which was submitted for a determination as to whether prior approval is required for the siting, design and external appearance of a general purpose agricultural building 30.36 metres long, 16 metres wide and 7.00 metres high. It was concluded that Planning Permission would be required for the following reasons:

1. *The development would not be on an agricultural unit of 5 hectares or more as the unit shown in the red line accompanying the application and indicated in the application form is stated to be just 486m² and therefore cannot be reasonably necessary for the purposes of agriculture within that unit under Article 3, Part 6, Class A (a) of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 'GPDO') and therefore is not permitted development and planning permission is therefore required.*

Whilst it is noted that the applicants have indicated two separate sites and agricultural units owned by the applicants away from Park Pale as being a large part of why the building is necessary at the application site the building as proposed should ultimately be shown to be reasonably necessary for the purpose of agriculture at Park Pale rather than in combination with more distant parcels of land.

In addition the applicant has not provided sufficient information to determine whether the proposed development would be in line with the requirements of the 'GPDO' in terms of how the holding has been operated to date (including the commerciality of it and whether it is a sustainable agricultural trade or business), the extent of any proposed hardstanding/access arrangements (and as a consequence, the total ground area covered by the proposed development), or whether there are any other buildings nearby that could be used for the purposes intended.

Moreover, having regard to the historical background, the extent of the adjoining haulage yard also owned and operated by the applicants (and noting condition 8 of application reference 20100878

relating to the planning consent for the haulage yard which does not allow any further buildings or structures to be erected on the site without the prior written approval of the Local Planning Authority and which site includes a part of the current application site), and the non-agricultural activities currently taking place on the application site, the proposal would not be permitted development and planning permission would be required.

2. *Even in the event that the wider adjacent land to the east, as outlined in blue on the submitted site location plan were to be regarded as the agricultural unit for the purposes of this prior approval application, due to the sensitivity of the siting of the proposed agricultural building within the Green Belt, the Kent Downs Area of Outstanding Beauty and the Shorne Woodlands Landscape Character Area and having regard to other constraints relating to this site and concerns relating to the appropriateness of the design of the building for the purpose intended and lack of 'agricultural appearance', it is considered that the approval of the Local Planning Authority would nevertheless be required on the siting, design and external appearance of the building pursuant to Class A.2 of the 'GPDO'. As the development does not comprise Permitted Development, Prior Approval cannot be given for these matters and must be recorded as being refused.*

In response to the reasons for refusal, paragraphs 1.3.2 to 1.3.4 of the planning statement says;

20100878

The above application granted retrospective planning permission for the continued use of land and buildings for general haulage depot and storage use, continued use of land as contractors yard, retention of offices, commercial buildings, security accommodation, portable structures/containers/tanks together with associated parking, access, security gates, fencing and landscaping.

Condition 1 is clear that the use of the land and buildings permitted shall be restricted to the haulage yard and for no other purposes without the prior approval of the LPA in writing. Condition 3 is clear that the approved landscape area shall only be used for screening purposes and should not be used for any commercial storage of any kind.

A plan submitted as part of this application overlaying the extent of planning permission 20100878 in relation to the application at hand to demonstrate that this submission lies wholly within the agricultural land.

The Local Authority is in agreement with paragraph 1.3.4 and accept that the proposed agricultural barn would be sited within agricultural land and would be separate from the haulage depot. Moreover, the conditions imposed on decision notice 20100878 still stand and can be enforced should any breach occur.

Paragraph 1.3.11 of the planning statements says;

The LPA again considered the impact of development on the Green Belt, Kent Downs AONB and Shorne Woodland Character Area. We reiterate that this is not a consideration for PNA's made under Schedule 2, Part 6, Class A of the GDPO. We do therefore respectfully ask the Council to check the procedure for determination for such cases to avoid potential Appeal Costs.

The current application has been submitted to address the previous reasons for refusal and correspondence relating to materials for the proposed building. The main revisions area;

- Amendment to the location of the building;
- Proposed materials amended from 0.7mm Box Profile PVC Cladding and 100mm thick Pre-Stressed Concrete Wall Panels to 32/1000VW vented wall cladding and 100mm thick pre-stressed concrete wall panels;
- Some minor elevational changes relating to door location;
- Hardstanding details to serve the building have been included; and
- Screening planting has been included located to the east of the proposed building.

Previous Proposed Site Location (App. Ref. 20210087) Current Proposed Site Location



Previous Proposed Site Layout (App. Ref. 20210087)



Current Proposed Site Layout



Previous Proposed Building (App. Ref. 20210087)



Current Proposed Building

Purpose of Development

The supporting planning statement states:

The land at Park Pale Farm comprises some 7.97 hectares and is mainly used as arable land for the production of hay and straw. There are currently no modern/fit for purpose agricultural buildings serving the holding.

At present, straw, hay or haylage is either taken off site or stored under tarpaulin, with any machinery being kept outside when required to be on site or being moved between the applicants holdings.

Providing purpose built, modern agricultural accommodation on site will help improve farm efficiencies and reduce traffic movements.

Paragraph 1.4.6 of the Planning Statement also goes on to say;

The applicant has historically paid an agricultural contractor to harvest his land and for hay to be harvested. However, this has proven to be expensive, non-profitable for the applicant and as well as time consuming to organise. Therefore, in order to maintain the land properly and reduce the time, cost and resources needed, the applicant requires safe storage for machinery and equipment to ensure that he is able to undertake this exercise himself, as well as for the storage of hay.

Paragraphs 1.4.7, 1.4.8 and 1.4.9 highlight that;

The applicant has chosen Park Pale Farm for his Agricultural Building due to its proximity to the A2, meaning it will be easier for equipment to be transported to other land within the applicant's ownership. Furthermore, the applicant already has appropriate means of access and has some buildings erected on

the site, such that when seen in the context visual impacts are minimised. We do iterate that visual harm is not an aspect the Council need to consider when determining the application at hand. Park Pale is also connected to water and electricity mains and has some security features on site which will deter crime. Is it therefore considered the most appropriate parcel of land to erect such a building.

In order to maintain all of the applicant's land properly as well as harvest and store hay, it is considered that equipment and machinery stored in the proposed agricultural barn will include but not be limited to:

- Stock Fencing including posts and wiring to demarcate land;
- Tractors;
- An All-Terrain Vehicle;
- Compact Utility Tractor;
- Lawn Tractor,
- Blades;
- Rotary Tiller;
- Long reach pruners, loppers and chainsaws (for pruning of trees and hedges);
- Hay rakes;
- Hay Baler;
- Hay tedders;
- Bale Movers (Movers could be rectangular or round dependent on the Bale Wrapper);
- Bale wrappers.

Material consideration

Article 3, Part 6, Class A of Schedule 2 to the Town and Country (General Permitted Development) (England) Order 2015 (as amended) to determine whether the siting, design and external appearance of the proposed building requires prior approval.

Planning Policies

The nature of this application is such that adopted and emerging planning policies are not relevant, since it relates to whether the proposed agricultural building requires prior approval only.

Consultations, Publicity and Representations

KCC Public Rights of Way

Public Rights of Way NS161 runs to the west of the site and 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 Heritage

The proposed agricultural building lies within an area of archaeological potential adjacent to the line of Roman Watling Street. The site has the potential for below-ground archaeological remains and it would be helpful for any necessary archaeological mitigation works to be secured by a planning condition attached to a formal planning decision.

The location is also close to the designated Cobham Hall and Park and within the Kent Downs AONB so that issues such as detailed design and screening will also need to be considered.

Rural Planning

Further to your request for advice, you will recall that in my email of 15 February 2021, regarding the previous similar application ref. 20210087, I advised that there appeared to be a reasonable need for the proposed building, under the terms of the GPDO, particularly as it had been scaled down quite significantly to approx. 30m x 16m and 5m to eaves. The siting also appeared reasonable.

As to design, I suggested that upper elevations of spaced timber boarding, rather than steel sheeting, above the concrete panelling, would be better for the ventilation of stored hay, as well as providing a more agricultural appearance.

As discussed verbally with Amanda Grout I note that the latest revised design (as well as a small re-alignment in terms of siting) now includes vented steel side cladding for the purpose of allowing circulation of air for stored hay. This should provide an acceptable technical alternative to my suggestion of spaced timber boarding. In terms of external appearance, essentially the choice between the two forms of cladding would be a matter for the Planning Authority.

Kent Downs Area of Outstanding Natural Beauty

The following comments are from the Kent Downs AONB Unit and as such are at an officer level and do not necessarily represent the comments of the whole AONB partnership. The legal context of our response and list of AONB guidance is set out as Appendix 1 below.

The site lies within the Kent Downs AONB. While located close to the busy A2, the proposal would introduce a substantial new building onto currently undeveloped land in a rural location which is wholly characteristic of the local landscape area within which it lies, comprising gently rolling open countryside. As with previous applications 20210087 and 20201012, we would again urge the Council to require an application for prior approval in order that appropriate mitigation can be secured, such as requiring appropriate materials.

It is our understanding that notwithstanding any conclusion that the proposed agricultural building complies with stipulations set out in Class A.1, Part 6, Schedule 2 of the GPDO, the Council is still entitled under A.2 2(i) of the GPDO to require prior approval for the siting, design and external appearance of the building.

Dickens' Country Protection Society

The Society would wish to object to this application on the grounds that the site is in an area within which Green Belt Policies apply and the North Downs Area of Outstanding Natural Beauty. The application appears to have assumed the proposal would be permitted development subject to the calling in of the details. The Society does not believe this is the case and full planning consent is required.

Highways England

We will be concerned with proposals that have the potential to impact on the safe, reliable and efficient operation of the SRN, in this case, particularly the proposed route of the Lower Thames Crossing in the vicinity of Gravesend.

We have assessed the application from two perspectives

- a) Impact of traffic attracted to or generated by the proposed development. Given the location and small scale nature of the potential development we have no objection from this perspective.
- b) Impact on the construction and/or operation and maintenance of Lower Thames Crossing. The site is located close to the current red-line boundary for the Lower Thames Crossing. However, if the site is developed it should not affect the Crossing's construction and/or operation and maintenance. Therefore we have no objection from this perspective.

It should be noted that it is assumed that the applicant is fully aware of the proximity of the Lower Thames Crossing route to the site as will be any future investor, developer, purchaser or occupant and that any party will make any decision in full knowledge of the potential consequences of that proximity.

On this basis, we are content that the above proposed development will not unacceptably impact on the safety, reliability and/or operational efficiency of the current and proposed SRN (the tests set out in DfT C2/13 and MHCLG NPPF2021). Therefore, please find attached our formal NHPR response of No Objection.

KCC Highways

I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.

INFORMATIVE: Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and

consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

GBC Highways

I have no objections to this proposal subject to no retail sales or collections can take place of excess hay or straw, as this would result in additional vehicle movements for which a Transport Statement may be appropriate, unless it can be demonstrated that this activity is already taking place.

Officer Assessment and Analysis

As part of the analysis of that application the previous planning case officer identified from historic Google Earth images that shows how the site had changed over the last 5 years and these are re-produced below.

Image 1: 20.04.2015 - shows possible agricultural use accessed via haulage/contractors yard

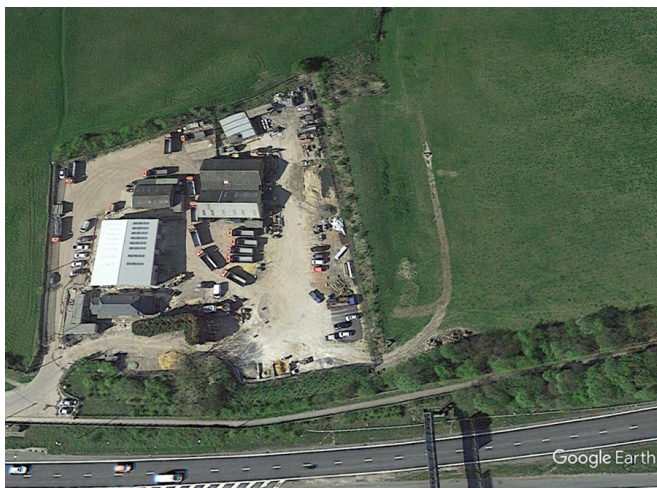


Image 2: 02.07.2017 shows the storage of numerous items in field possibly accessed via haulage/contractors yard

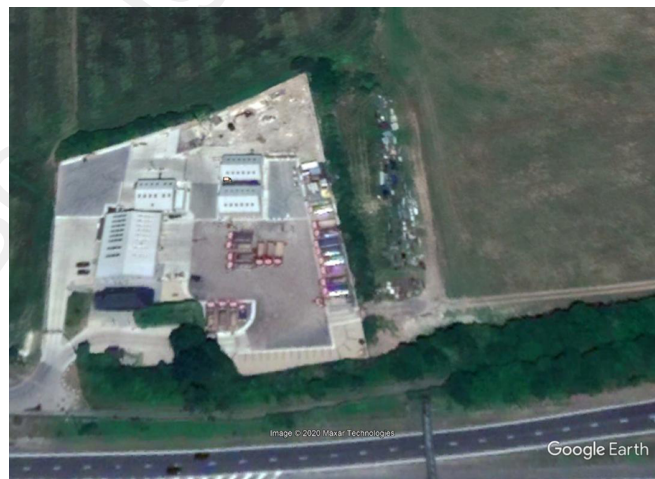


Image 3: 05.05.2018 - shows the storage of numerous items in field possibly accessed via haulage/contractors yard



Image 4: 23.04.2020 - shows the storage of numerous items in field possibly accessed via haulage/contractors yard



This application is not a planning application but an application as to whether prior approval is required for the siting, design and external appearance of the proposed building.

Before undertaking such an assessment it is again appropriate and essential to consider whether the proposal actually benefits from the relevant permitted development rights (Article 3, Part 6, Class A of Schedule 2 to the Town and Country (General Permitted Development) (England) Order 2015 (as amended) (thereafter referred to as the 'GDPO'), such that a prior approval application can legitimately be made.

This assessment was carried out by the planning case officer in respect of the most recent prior approval applications (20210087 and 20201012). A check list setting out whether the building complies with the provisions in Class A and the limitations/conditions therein has been provided by the applicant's agents with the current application.

The first key tests are as follows:

- Article 3, Part 6, Class A of Schedule 2 to the GPDO states that the proposed development must be carried out on agricultural land, in an agricultural unit with an area in excess of 5 hectares.
- The development must also be reasonably necessary for the purposes of agriculture within that unit.

Note: The definition of agricultural land is provided in paragraph D.1 of Part 6 of the GPDO, which states 'land which, before development permitted by this Part is carried out, is land in use for agriculture and which is so used for the purposes of a trade or business, and excludes any dwellinghouse or garden'.

The current submission with a plan showing that the area of the agricultural land is 7.97 hectares at this site at Park Pale (but shown only by a blue line on the submitted site plan rather than as forming the application site) and with the red line of the application site relating to the access to it and the area of the proposed agricultural building.

The supporting Planning Application Form and Planning Statement have indicated that the agricultural unit is just 486m² and that the land which it sits is greater than 5 hectares. Whilst the actual agricultural barn only has a footprint of 486m², the land to which it sits is 7.97 hectares which is still within the applicant's ownership. Whilst it is acknowledged that there have been changes to the land over the last 5 year period as shown in the satellite pictures above, it does appear that there has been any permanent fixtures or buildings erected, as can be seen from the differences within the images and as such it does not appear that a permanent change of use has occurred. The Planning Statement states that "It is noted that no development under Class Q or S of Part 3 (Change of Use) of Schedule 2 has been carried out by the applicant within a period of 10 years, nor will any development of that nature take place before the proposed development begins". The Council has no reason to dispute this.

It is noted that the GBC Agricultural Advisor who was consulted on the previous and current applications considers that the proposed building could be reasonably necessary for the purposes of agriculture at the application site and taking into account other agricultural land that the applicants own. The current application has taken the previous comments on board and that the latest revised design (as well as a small re-alignment in terms of siting) now includes vented steel side cladding for the purpose of allowing circulation of air for stored hay. This should provide an acceptable technical alternative to the previous suggestion of spaced timber boarding.

Whilst the applicants have mentioned two separate sites and agricultural units away from Park Pale as being a further reason for the proposed building, essentially the supporting details have been clear in stating that the agricultural barn will only be used to support and enable the proper maintenance of and agricultural operations undertaken at Park Pale Farm and other agricultural holdings within the applicant's ownership and that a safe and secured space is needed to provide storage for equipment and machinery used for maintaining the agricultural land for hay bales harvested from the farm holding.

Development not permitted

'A.1 Development is not permitted by Class A if -

(a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area'.

As noted above the development will be carried out on a parcel of land with an area of 7.97 hectares.

'(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';

Paragraph X of Part 3 of Schedule 2 defines established agricultural unit as 'agricultural land occupied as a unit for the purposes of agriculture'. It is noted that no development under Class Q or S of Part 3 (Change of Use) of Schedule 2 has been carried out by the applicant within a period of 10 years, nor will any development of that nature take place before the proposed development begins. Attached to the Planning Statement is evidence from the Applicants Solicitor confirming the land is part of an Agricultural Trade or Business as well as a plan overlaying historical permission for the haulage yard, clearly showing that it lies outside of the confines. The Council has no reason to dispute this.

'(c) it would consist of, or include, the erection, extension or alteration of a dwelling';

The proposal does not consist of or indeed include the erection, extension or alteration of a dwelling.

'(d) it would involve the provision of a building, structure or works not designed for agricultural purposes';

The 486m² agricultural barn will only be used to support and enable the proper maintaining and agricultural operations undertaken at Park Pale Farm and other agricultural holdings within the applicant's ownership. It has been outlined how safe and secured covered space is needed to provide storage for equipment and machinery used for maintaining the agricultural land and for hay bales harvested from the farm holding.

The volumetric calculations above show that the proposal is entirely appropriate and is the lowest possible area needed to support the applicant's agricultural operations.

'(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'.

The agricultural building will not be used for accommodating livestock or any plant or machinery arising from engineering operations.

The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018 amends Class A of Part 6 of Schedule 2, substituting the previously permitted 465m² figure to now allow buildings up to 1,000m². The proposal meets this criteria.

'(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';

The buildings height at ridge level will be 7m, however the structure will not be within 3km of an Aerodrome. The below figure shows a 3km radius from the application site in relation to nearby Aerodromes.



'(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';

The ridge height of the agricultural building will be 7m and is therefore considered to be acceptable. The eaves height of the agricultural building will be 5m.

'(h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road';

The proposed Agricultural Building will be at least 60m from the nearest classified Road, Watling Street (A2).

'(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';

The Agricultural barn will be used for the storage of hay, machinery and equipment. No structure on the site will be used to accommodate the uses under (i).

'(j) 'it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or'

At no point has or will the land at Park Pale Farm been used in connection with fish farming.

'(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'.

This Prior Notification is not for the storage of fuel or waste from a biomass boiler or an anaerobic digestion system, therefore it is considered that subparagraphs (i) and (ii) do not apply to this application.

Siting, Design and External Appearance

Notwithstanding the above and if it were accepted that the tests in the GPDO (Article 3, Part 6, Class A and Class A.1 (a) to (k) of Schedule 2 were met under Class A.2 (2) (i) it is still down to the Local Planning Authority to judge whether prior approval is required of the siting, design and external appearance of the agricultural building.

The application site is located in the Green Belt, the Kent Downs Area of Outstanding Beauty and the Shorne Woodlands Landscape Character Area and thus in a very sensitive location. The Gravesham Landscape Character Assessment, May 2009, describes the key characteristics of the Shorne Woodlands as including undulating topography, chestnut coppice woodland and chequered and ornamental brickwork. The document refers to there being some open arable fields surrounding Great Crabbles Wood to the east of Shorne (where the application site is located). The condition of the landscape is highlighted as good with moderate sensitivity and it recommends conserving areas in good condition and reinforcing the distinctive features and elements of the landscape.

The size of the building has been reduced from the previous prior approval application (App. Ref. 20201012) the proposal is still for a substantial building that would be a prominent feature in the landscape. However, the revised details have included hedgerow screening that over a 10 year period would obscure most of the views of the building from the east. Whilst the building would have hardstanding to the front (south) and rear (north), these would have a minimum footprint from the building. In terms of the access road, this utilises the existing access from the west and would only extend slight further to the east due to the revised location of the barn.

The Kent Downs AONB unit comments, *while located close to the busy A2, the proposal would introduce a substantial new building onto currently undeveloped land in a rural location which is wholly characteristic of the local landscape area within which it lies, comprising gently rolling open countryside. As with previous applications 20210087 and 20201012, we would again urge the Council to require an application for prior approval in order that appropriate mitigation can be secured, such as requiring appropriate materials.*

It is our understanding that notwithstanding any conclusion that the proposed agricultural building complies with stipulations set out in Class A.1, Part 6, Schedule 2 of the GPDO, the Council is still entitled under A.2 2(i) of the GPDO to require prior approval for the siting, design and external appearance of the building.

In terms of design and appearance, the building would have an eaves height of 5m and ridge height of 7m and the walls would be 32/1000VW vented wall cladding in juniper green colour above 100mm thick pre-stressed concrete wall panels. The roof would be 0.77mm box profile PVC cladding in Moorland Green. The two large doors would be steel roller shutter doors and the personnel door would all be in juniper green. The colours, together with proposed hedgerow screening planting, would help the building to blend in with its surroundings and over a 10 year planting growth would be almost completely screened from wider views.

In terms of the siting of the building, the Council's Agricultural Advisor has commented that the proposed siting would be reasonable.

No objection has been raised by Highways England, Kent Highways or the GBC Highways Development Management Officer regarding the highways impacts of the proposal.

In terms of Public Right of Way (PROW), there was no objection but 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 which can be added as an informative to the decision notice.

The application site is located in an area of archaeological potential, adjacent to the line of Roman Watling Street. KCC Heritage has highlighted that the site has the potential for below-ground archaeological remains and it would be helpful for any necessary archaeological mitigation works to be secured by a planning condition attached to a formal planning decision. Subject to the imposition of this condition, there would be no objection with this regard.

Overall it is considered that the revised proposal has taken into consideration comments made on the previous application including the position of the building and materials, together with hedgerow planting to provide natural screening, and as such the siting of the proposed agricultural building are considered acceptable and that the development is considered to be Permitted Development. It is considered that the design and external appearance of the building as proposed is generally acceptable. As such this matter would not trigger the requirement for prior approval but it may be relevant if prior approval is not required to seek details of materials through a planning condition.

Conclusion

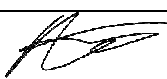
In assessing this revised application, based on the information provided, the development would be located on agricultural unit of 5 hectares or more which are reasonably necessary for the purposes of agriculture within that unit under Article 3, Part 6, Class A (a) of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore is not permitted development and planning permission is therefore required.

In addition, the revised details relating to location, materials, colour and hedgerow screening would address the previous issues raised and the proposal would not result in an adverse impact on the Green Belt, the Kent Downs Area of Outstanding Beauty and the Shorne Woodlands Landscape Character Area, subject to the conditions securing those details.

Recommendation:

Prior approval is required and granted

See draft Decision

Case Officer:	Mrs Amanda Grout	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	15 th October 2021	Dated:	15th October 2021