



Gravesham Borough Council
Civic Centre,
Windmill Street,
Gravesend
DA12 1AU

Our Ref: TS/JFC/37094

11 November 2025

Dear Sir/ Madam,

THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2015.

APPLICATION IN RESPECT OF SCHEDULE 2, PART 6, CLASS A FOR AGRICULTURAL DEVELOPMENT ON UNITS OF 5 HECTARES OR MORE ON LAND AT BROOKERS FARM, LUDDESDOWN ROAD, LUDDESDOWN, GRAVESEND, KENT, DA13 OXE

This letter has been prepared on behalf of Vineyard Farms Ltd, to seek to confirm if the Prior Approval of Gravesham Borough Council (GBC) is required for the installation of a surfaced pathway for agricultural use at Brookers Farm, Luddesdown in accordance with Schedule 2, Part 6, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

This letter is intended to be read in conjunction with the following documents:

- Site Location Plan – DHA/35449/300
- Existing Site Layout Plan – DHA/35449/301
- Proposed Site Layout Plan – DHA/35499/302

The Site

The application site comprises part of an agricultural field south of Brookers Farm, Luddesdown and west of Cutter Ridge Road and east of Luddesdown Road.

The site is located in the countryside, the Kent Downs National Landscape (formerly AONB), and the Green Belt.

Kent

01622 776226

Gatwick

01293 221320

London

020 3005 9725

Email: info@dhaplanning.co.uk

Web: www.dhaplanning.co.uk

**Inspiring
Planning
Delivering**





Figure 1: Location and routing of proposed path.

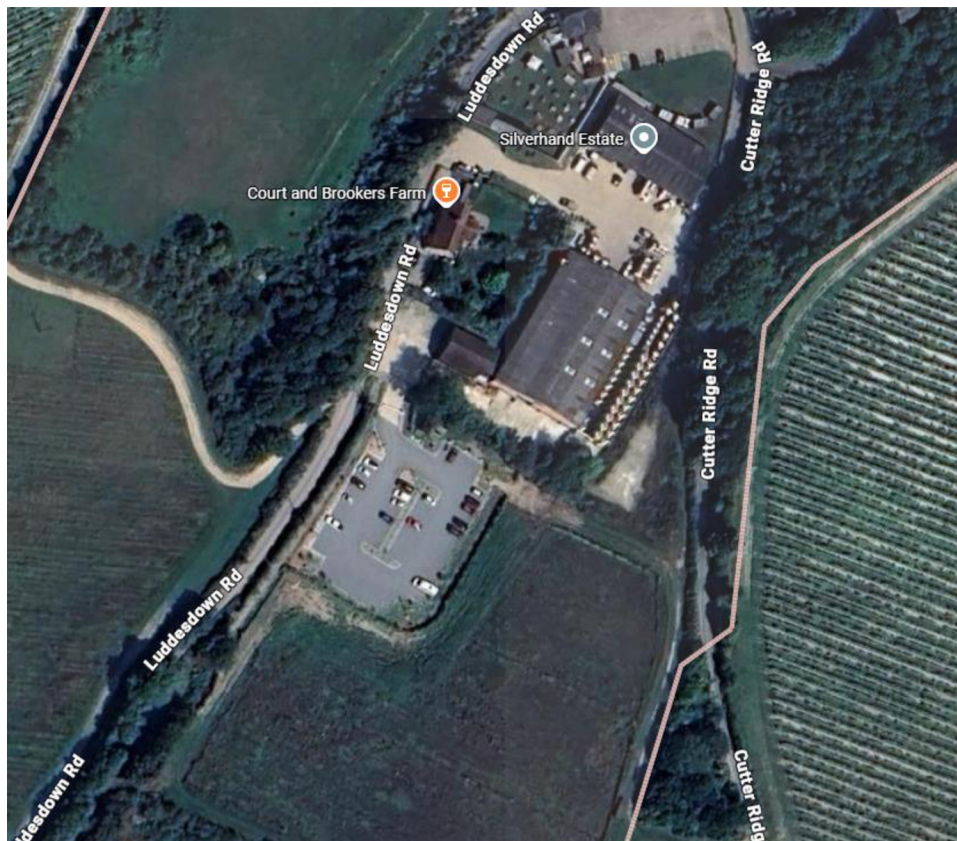


Figure 2: Aerial view of the site.



Development permitted under Part 6 Class A

Agricultural (viticultural) Need

Schedule 2, Part 6, Class A 'agricultural development on units of 5 hectares or more' sets out permitted development rights as follows, provided they are reasonably necessary for the purposes of agriculture within that unit:

- a) works for the erection, extension or alteration of a building; or
- b) any excavations or engineering operations.

Viticulture is defined as agriculture under Section 336 of the Town and Country Planning Act 1990 ("the Act") as follows:

"Agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly;"

In planning, the making and selling of wine from grapes grown on the premises (associated vineyard), including tours and tastings, are classified as 'ancillary agricultural activities' where the growing of grapes is the primary use. This was established in the Supreme Court with the Millington case ¹.

Brookers Farm is the site of Vineyard Farm Ltd winery and wine shop. Both of which are lawful in planning terms. Vineyard Farms Ltd estate at Brookers Farm extends to over 800 acres across and around Luddesdown.

The proposed path is intended to provide an all-weather surfaced permissive path between Brookers farm (and specifically the staff car park) and footpath NS238 to facilitate winery tours on foot. The connection between Brookers Farm and the footpath is made from the staff car park and up a relatively steep slope. Due to the nature of the slope, it can become slippery and muddy at certain times of the year and during rainfall, and so an all-weather surface is proposed to overcome this. This will then make the path suitable for winery tours.

The path is to be 2m in width and finished with a crush stone surface.

The path is considered reasonably necessary for the Vineyard Farms Ltd viticulture (agriculture) business.

¹ Millington v Secretary of State for Environment Transport and Regions v Shrewsbury and Atcham Borough Council: CA 25 Jun 1999



Part 1 of Class A lists a number of criteria where permitted development rights do not apply. These are addressed in turn below:

Class A.1 – Development not permitted

(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;

Paragraph X of Part 3 of Schedule 2 defines established agricultural unit as 'agricultural land occupied as a unit for the purposes of agriculture'. The development will not be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area. A plan showing Vineyard Farm Ltd agricultural estate is appended to this letter.

(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;

The proposed development does not involve the erection or extension of any agricultural building.

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

The proposed development does not include a dwelling.

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

The proposal does not involve the provision of a building, structure or works not designed for agricultural purpose.

(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 would exceed 1,000 square metres; or***
- ii. Any building erected or extended or altered by virtue of Class A would exceed 1,500 square metres, calculated as described in paragraph D.1(2)(a) of this Part;***

The proposal does not involve the erection of a building or structure for accommodating livestock or any plant or machinery arising from engineering operations. Nor does the proposal involve a building erected or extended or altered that would exceed 1,500 square metres.

(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;

No part of the works would exceed 3m.

(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;

No part of the works would exceed 12m.

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

The development is not within 25 metres of a metalled part of a trunk road or a classified road, and as such is compliant with criteria 1(h). Neither Luddesdown Road or Cutters Ridge Road are trunk roads or classified roads.

(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 proposed development is for the construction of a new permissive footpath, as set out above. As this proposal does not involve the erection of a building 1(i) is not relevant to this application.

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

The site does not comprise article 2(4) land and is not connected 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***

The proposed development will not be used for storing fuel or waste from a biomass boiler, and as such criteria 1(k) is not relevant to this application.

(l) the erection or extension of a building would be carried out on land or a building that is, or is within the curtilage of, a scheduled monument.

The proposed development does not involve the erection or extension of a building, nor is it within the curtilage of a scheduled monument.

The above concludes that the proposed development complies with all elements of A.1 of Part 6 of the GDPO.

Conditions

1. Development is permitted by Class A subject to the following conditions –

- 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;

The proposed development is not within the 400 metres of the curtilage of a protected building and the remaining criteria are not applicable to the development sought.

b. Where the development involves – 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;

The development will not involve the extraction of any minerals or the removal of any mineral from a mineral-working deposit. As such, criteria 1(b) is not considered relevant to this application.

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.

No waste materials will be brought onto the land from elsewhere for depositing, and as such criteria 1(c) is not relevant to this application.

2. Subject to sub-paragraph (3), development consisting of –

- a. The erection, extension or alteration of a building;***
- b. The formation or alteration of a private way;***
- 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***
- d. The placing or assembly of a tank in any waters.***

In this regard the Order states:

“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.

This application seeks to understand from the Council whether their prior approval is required in respect of the siting and means of construction of the proposed public footpath.

Siting and means of construction of the proposed private way

It is acknowledged that the site sits within the National Landscape. However, the entire agricultural holding at Brookers Farm is located within the National Landscape and it is not therefore possible to locate the development outside of the National Landscape.



Furthermore, being in a National Landscape does not in itself revoke the permitted development rights under Part 6 Class A of the GPDO.

Notwithstanding this, the proposed footpath is to be located adjacent to the existing car park and farm buildings at Brookers Farm and will connect to the existing PRoW to the east. The siting of the path will ensure it remains visually associated with the existing Brookers Farm complex. The siting of the path is therefore considered appropriate for its setting and function. Any development that was detrimental to the site would be counterintuitive to the Applicant in any event who rely on the scenic beauty of the site to attract visitors.

The path will be made up of crushed stone to a depth of up to 150mm laid over a weed membrane. The path will be 2m in width, typical of official public rights of way. Given the paths proximity to the Brookers Farm and its intended purpose and length, this is considered to be entirely in-keeping with an agricultural setting. The means of construction is therefore considered appropriate on that basis.

Conclusion

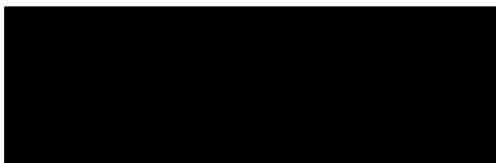
This letter has been prepared to seek to confirm if the Prior Approval of Gravesham Borough Council is required for the creation of a new permissive path for agricultural use at Brookers Farm, Luddesdown in accordance with Schedule 2, Part 6, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

This report confirms that the proposed development meets the requirements of permitted development of this type as set out in Part 6 Class A.

The siting and means of construction of the proposed footpath is appropriate to its intended use and with due regard to all planning considerations.

It is therefore considered that Prior Approval for the siting and means of construction of the proposed development is not required and can proceed as permitted development.

Yours faithfully,



Tim Spicer
Director
Tim.spicer@dhaplanning.co.uk

Enc. Plan showing Vineyard Farm Ltd agricultural estate is appended to this letter.



Site location

0 0.5 1 km