

Delegated Report

Prior Approval Application

Planning Application No: 20251150

Location: Brookers Farm, Luddesdown Road, Luddesdown, Gravesend

Description: Application to determine if prior approval 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.

Applicant: Mr Steve Chappell

Site Visit Date: Desktop assessment

Submitted Documents/Plans

Application form
Covering letter dated 11 November 2025
Drawing no. DHA/35449/300 (Site Location Plan)
Drawing no. DHA/35449/301 (Existing Site Layout Plan)
Drawing no. DHA/35449/302 (Proposed Site Layout Plan)

Relevant Planning History

Reference	Description	Decision	Decision Date
20250840	Retention/installation of 59 wine tanks and grape presses.	Pending	
20251092	Application for a Proposed Lawful Development Certificate; to create additional ground floor space within existing building for new storage area for wine shop; conversion of existing staff room into storage/wine tasting room; creating internal doorways connecting the wine shop with the adjacent tasting rooms; reconfiguring and replacing ground floor toilets with installation of new external windows on side elevation. Creation of first floor mezzanine floor space for new wine tasting room.	Pending	
20251012	Erection of a temporary marquee and shipping container to house a pop-up pub for a period of 6 months.	Granted Temporary Permission	02.12.2025
20250934	Advertisement Consent for non-Illuminated fascia sign for Cellar Door Shop.	Granted	17.11.2025
20250839	Application for an Existing Lawful Development Certificate for the continued use of part of the agricultural building as a small wine shop (Cellar Door) and vineyard/farm Offices in association with the existing agricultural operations.	Certificate Granted	15.10.2025
20250787	Application for the approval of condition 8 (Soft	Approval of	24.09.2025

	Landscaping Scheme) attached to planning reference number 20240091.	details	
20250351	Application for approval of condition 5 and 7 attached to planning permission reference number 20240091 relating to external lighting and details shall be provided of the Electric Vehicle (EV) charging points and passive provision.	Approval of details	04.07.2025
20250115	Application for the part approval of condition 4 attached to planning reference number 20240091 for archaeological field evaluation and safeguarding measures to ensure preservation.	Approval of details	17.02.2025
20250053	Erection of a rear and side extension and refurbishment of the Golden Lion pub including landscaping, parking and associated works.	Permitted	31.03.2025
20240996	Application for approval of condition 4 attached to planning permission reference number 20240091 relating to the implementation of archaeological field evaluation works in accordance with a Written Scheme of Investigation and timetable and any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation, recording, reporting and dissemination of the results.	Approval of details	18.12.2024
20240091	Engineering works to construct a formal car parking area for Vineyard Farms Ltd office, winery and vineyard workers, and other users of Brookers Farm.	Permitted	05.04.2024
20240039	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 an agricultural building to a flexible use as offices and off licence (Use Class E).	Refused	02.04.2024
20240021	Prior notification under Class B of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the addition of 9 additional fermentation tanks to existing 41 already in place.	Prior Approval Not Required	09.02.2024
20231252	Prior notification under Part 3 Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of an Agricultural Cellar Door to sell wine and farm produce from the Silverhand Estate.	Withdrawn	16.01.2024
20231145	Prior notification under Part 3 Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of 9 additional Wine Fermentation and Storage Tanks.	Refused	03.01.2024
20231116	Retrospective application for the necessary engineering operational works to construct a track to service an associated compost/storage area.	Permission	11.01.2024
20231110	Engineering works to construct a formal car parking area for Vineyard Farms Ltd office, and winery and vineyard workers; and other users of Brookers Farm.	Refused	22.12.2023
20230454	Application for retrospective temporary consent for the erection of 41 wine fermentation and storage tanks	Temporary permission	22.06.2023
20230181	Engineering works to construct a formal car parking area for Vineyard Farms Ltd office, and winery and vineyard workers.	Refused	24.05.2023

20210607	Retrospective application for erection of two storage/fermentation tanks.	Temporary permission	23.07.2021
19880177	Erection of two agricultural buildings to form grain store, workshop/general purposes building.	Permission	23.05.1988
19500058	Alteration of existing and erection of new farm buildings	Permission	08.05.1950

Officer's Analysis

This application seeks determination pursuant to Article 3, Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) in respect of the proposed installation of a surfaced pathway for agricultural use at Brookers Farm, Luddesdown. There are no applicable Article 4 Directions on the site.

Proposed Site Plan:



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 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.

Permitted Development

Class A of Part 6 of Schedule 2 of The Town and Country (General Permitted Development) (England) Order 2015 (as amended) (GPDO) relates to agricultural development on units of 5 hectares or more, and specifically:

A. The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of—

(a) works for the erection, extension or alteration of a building; or

(b) any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within that unit.

In this case, the development would fall to be considered under (b). In the first instance, in order to comply with the above, it is necessary to consider whether the development is reasonably necessary for the purposes of agriculture. The submitted covering letter includes supporting evidence put forward with the application to demonstrate that this site is used for the purposes of agriculture, and that the development is reasonably necessary for those purposes:

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

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.

The Millington Court of Appeal Case (1999) referred to by the applicant established that the selling of wine grown on the premises, including public visits and tastings, were ancillary agricultural activities which did not need planning permission.

As has been found with previous applications at the Brookers Farm site, it is accepted that the development proposed (engineering operations to provide a path) would be incidental and agricultural.

The operations do not fall under any of the development listed as not permitted by Class A.

The proposed operations, which are reasonably necessary for the purposes of agriculture within land being used for the purposes of agriculture (in an agricultural unit of 5 hectares or more), are permitted by Class A of Part 6 of Schedule 2 to the GPDO. The development is permitted subject to the conditions set out in A.2. This includes a determination as to whether the prior approval of the Authority will be required as to the siting and means of construction of the private way.

Siting and Means of Construction of Private Way

Paragraph 135 of the NPPF 2024 seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well-designed and respects the character and appearance of the surrounding area.

Paragraph 187 of the NPPF 2024 aims for development to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. The site lies within the Kent Downs National Landscape. Reflective of paragraph 189 of the NPPF 2024, Policy SD2 of the Management Plan 2021-2026 recognises the need to conserve and enhance the local character, qualities, distinctiveness and natural resources of the National Landscape. Principle SD8 seeks to ensure that proposals do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the AONB.

The site is located within the West Kent Downs Landscape Character Area of the Kent Downs Landscape Character Assessment (LCA) Update 2020 and within the Luddesdown Sub-Area. Summary characteristics of this Character Area include the dip-slop landform of dry valleys running north-south, interspersed with broad, undulating ridges and plateaux; extensive blocks of woodland, as well as strips on valley sides with the topography and woodland restricting views in much of the area, but with occasional long views along valleys. One of the Landscape Management Recommendations within the LCA includes protecting the deeply rural character of the area, resisting development which gives it a more urbanised character.

The site is also located in the Luddesdown Downs Landscape Character Area within the Gravesham Landscape Character Assessment 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 LCA will be taken into account in determining applications. The LCA states the area is defined by very undulating topography with arable farmland and pasture, irregular field patterns, fields divided by native hedgerows and areas of native woodland that all contribute to the rural character of the area. The condition of the landscape is generally good, its sensitivity high. The guidelines for the area focus on conserving the distinctive features that are found in the area to protect and maintain its character and quality, including conserving hedgerows.

The proposed path will be located parallel to the southern Brookers Farm yard boundary. The path will extend from the car park serving Brookers Farm and continue up towards the east, connecting to public right of way (PROW) footpath NS239 and Cutter Ridge Road. The proposed path will not encroach over the existing public footpath (an informative can be added to remind the applicant of the need to protect the PROW). The development will be contained close to the farmyard boundary and will therefore be visually associated with it. The materials (crushed stone) would be appropriate for the construction of a path in this rural location. Overall, the National Landscape and Landscape Character Area setting will not be negatively affected by such a proposal.

On this basis, no objection is raised to the proposed siting and means of construction of the path under paragraphs 135, 187 and 189 of the NPPF 2024 and Policies CS12 and CS19 of the Core Strategy 2014.

Conclusion

The application meets the criteria set out in Class A of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and in considering that

criteria, the proposal is considered to be permitted development and acceptable with regard to the siting and means of construction of the private way. On this basis, no objection is raised under Paragraphs 135, 187 and 189 of the NPPF 2024 and Policies CS02, CS11, CS12 and CS19 of the Core Strategy 2014, and saved Policy T1 of the Local Plan 1994. Prior approval is therefore granted subject to the relevant conditions set out at paragraph A.2.

Recommendation

Prior approval granted.

(For detailed conditions and informatives, see draft Decision.)

Case Officer:	Mrs Katherine Parkin	Team Leader:	Richard Hart
Signed:	<i>K. Parkin</i>	Signed:	<i>R Hart</i>
Dated:	9th December 2025	Dated:	10th December 2025