

Application for a Certificate of Lawfulness of Proposed Development

Land north of Luddesdown Road, Luddesdown

Supporting Statement

August 2026



1 INTRODUCTION

- 1.1.1 This Statement has been prepared on behalf of Vineyard Farms Ltd and submitted in support of an application for a Certificate of Lawfulness of Proposed Development in relation to the surfacing of an existing farm track on land north of Luddesdown Road, Luddesdown.
- 1.1.2 This application seeks confirmation from Gravesham Borough Council (GBC) that the proposed works are permitted development in accordance with Class 9 Part E of the General Permitted Development Order (GPDO) 2015 (as amended) and do not require planning consent from GBC.
- 1.1.3 This application is accompanied by the following plans and supporting documents:

Reference	Document	Author
-	Application Form	TPS Planning
-	Supporting Statement	TPS Planning
-	Site Location Plan	DHA Design
-	Existing Site Layout Plan	DHA Design
-	Proposed Site Layout Plan	DHA Design

2 SITE DESCRIPTION

2.1 OVERVIEW

- 2.1.1 The route of the existing farm track runs broadly adjacent to Luddesdown village hall north of and parallel to Luddesdown Road as far west as its junction with Dean Road and Oakenden Road. The farm track provides vehicle access to the vineyards located within the fields the tracks are located and beyond. The tracks are well used and essential to the viticulture operations but do not have a formal hard surface which means the track becomes difficult to use in wet conditions. The existing track is c.3m wide.
- 2.1.2 Figure 1 below provides an aerial view of the site and the route of the track. Figures 2 and 3 are typical images of the track along its route.
- 2.1.3 The land and existing farm track are located in the Kent Downs National Landscape. The linear array of trees/woodland south of the site are not designated as ancient woodland. There are no Scheduled Monuments, World Heritage Sites or other known designated heritage assets or designated nature conservation sites in proximity to the site.

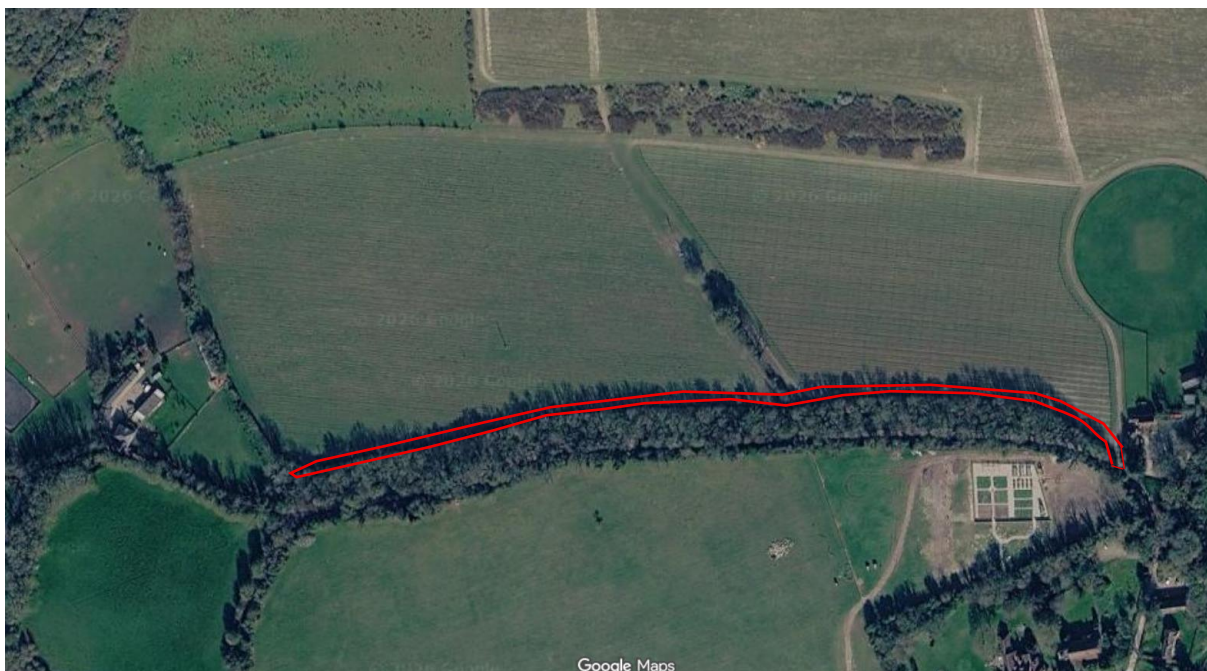


Figure 1: Location and route of existing farm track north of Luddesdown Road (red line indicative)



Figure 2: Typical image of farm track at Luddesdown Road



Figure 3: Typical image of farm track at Luddesdown Road.

2.2 PLANNING HISTORY

- 2.2.1 There is no recent and/or relevant planning history recorded for the site on GBC's online planning register.

3 PROPOSED DEVELOPMENT

- 3.1.1 Vineyard Farms Ltd wish to install a crushed stone and fine road planings surface to the track to make it useable and suitable for wet weather conditions.
- 3.1.2 To do this it is intended to apply the material to a depth of 200mm to the track to create a durable surface for vehicles in wet conditions. This will allow tractors and 4x4's with trailers to access the land during wet conditions.
- 3.1.3 No works are required outside the existing track footprint.
- 3.1.4 Farm tracks such as this are ubiquitous across all farming types and locations across the country.



Figure 4: Example image of crushed stone material to be used.

3.2 PERMITTED DEVELOPMENT

- 3.2.1 Part 6 Class A 'agricultural development on units of 5 hectares or more' permits the 'the formation or alteration of a private way' subject to the applying to the local planning authority for a determination as to whether prior approval is required.
- 3.2.2 Part 9 Class E allows 'The carrying out on land within the boundaries of an unadopted street or private way of works required for the maintenance or improvement of the street or way.'
- 3.2.3 Part 9 Class E allows the maintenance or improvement of an existing private way as permitted development not requiring planning permission or prior approval.

- 3.2.4 Deciding whether works are ‘improvement’ does not involve assessing whether they would be works of ‘alteration’ in Part 6. The definitions are not mutually exclusive. Works are generally considered ‘improvement’ if they do not result in a track of a materially different character in accordance with *Cowen v Secretary of State for the Environment* (1999) 3 PLR 108.
- 3.2.5 In this case, an Inspector had determined that changes to form a hard-surfaced way in place of what had been a rutted track were not “improvements” under Part 9 of the GPDO 1995 but were akin to “alterations” under Part 6 of the GPDO 1995. The Court of Appeal said this was a false dichotomy; the two Parts are not mutually exclusive. The meaning of “improvements” is limited to changes which do not materially alter the basic character of the thing which is improved without reference to other Parts of the GPDO.
- 3.2.6 It is in this position of this application, and Vineyard Farms Ltd, that the laying of a crushed stone surface onto the existing farm track constitutes improvement in accordance with Part 9 Class E of the GPDO and does not alter the basic character of the track. As stated, crushed stone farm tracks are ubiquitous across all farming types and locations across the country and indeed, the chalk subsoil of the farm means that the existing tracks appear similar in colour and form during dryer months in any event as can be seen in Figure 2 of this Statement.

4 CONCLUSION

- 4.1.1 It is considered that the laying of a crushed stone surface to the farm track on land north of Luddesdown Road constitutes “improvement” of an existing farm track in accordance with Part 9 Class E of the GPDO.
- 4.1.2 It is not therefore considered that planning permission is required for the works.
- 4.1.3 It is kindly requested that a Certificate of Lawfulness is issued by GBC to confirm this.