



Delegated Report

Full Planning Application

Planning Application No:	20240091
Location:	Brookers Farm, Luddesdown Road, Luddesdown, Gravesend
Description:	Engineering works to construct a formal car parking area for Vineyard Farms Ltd office, winery and vineyard workers, and other users of Brookers Farm.
Applicant:	Mr Steve Chappell, Vineyard Farms Ltd
Site Visit Date:	Previous Officer Site Visit

Submitted Documents/Plans

Application form
Drawing no. G-01 (Site Location Plan)
Drawing no. G-02 (Ecological and Landscaping Plan)
Drawing no. H-01 Rev. P5 (Proposed Access Design and Parking Layout)
Planning Statement (dated 26/01/2024)
Preliminary Ecological Appraisal (ref. 2023/01/12 dated 27 January 2023)
MDCV UK/Vineyard Farms Ltd – Applicant Statement
Silverhand Estate Map of Track and Paths
Silverhand Estate Map of Buildings and Welfare Units
Silverhand Estate Map of Natural Environment and Vines
Silverhand Estate Map of Vine Blocks

Relevant Planning History

Reference	Description	Decision	Decision Date
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).	Prior Approval 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
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

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS07 – Economy, Employment and Skills
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development and Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- T1 – Impact of Development on the Highway Network
- T5 – Access to the identified Highway Network
- P3 – Vehicle Parking Standards

Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- 2 – Achieving sustainable development
- 6 – Building a strong, competitive economy
- 9 – Promoting sustainable transport
- 12 – Achieving well-designed and beautiful places
- 13 – Protecting Green Belt Land
- 15 – Conserving and enhancing the natural environment
- 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- SPG4 – KCC Parking Standards (2006)
- Gravesham Landscape Character Assessment (2009)

- Kent Downs AONB Management Plan 2021-2026
- Landscape Character Assessment Update 2020

Consultations, Publicity and Representations

External Consultees

Dickens' Country Protection Society

The Society has no objection to the proposal in principle but is concerned that the car park is relatively large and is described as being for the use of workers and visitors. The Society would be concerned if the proposed resulted in a significant increase in visitor traffic on narrow rural roads which could impact on the tranquillity of the area of outstanding natural beauty.

Environment Agency

We have assessed this application as having a low environmental risk. We therefore have no comments to make.

Non planning consents

Although we have no comments on this planning application, the applicant may be required to apply for other consents directly from us. The term 'consent' covers consents, permissions or licences for different activities (such as water abstraction or discharging to a stream), and we have a regulatory role in issuing and monitoring them.

The applicant should contact 03708 506 506 or consult our website (<https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit>) to establish whether a consent will be required.

Drainage may be restricted in a Source Protection Zone or over an aquifer where groundwater is at shallow depths. Foul drainage should be discharged to mains sewers where possible. Developers should check <https://www.gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h> for Binding Rules information for small scale non mains discharges.

KCC Biodiversity

We advise that additional information may be required prior to determination.

We have reviewed the ecological information and we advise that we are satisfied with the conclusions of the report that the site has potential for GCN, foraging/commuting bats, reptiles, dormouse, hedgehogs and breeding birds to be present.

As the site is largely arable fields we are satisfied with the conclusion that, with the exception of GCN, the impact can be avoided through avoidance of suitable habitat or precautionary mitigation measures.

The report has detailed that if the land take is greater than 0.5ha then a great crested newt survey of Pond 2 should be undertaken to assess if an impact is likely or the application should join the district level licencing scheme. No GCN survey/mitigation strategy or Impact Assessment and Conservation Payment Certificate (to demonstrate that the scheme has been accepted on to the DLL scheme) has been submitted as part of this application.

We advise that if the site is larger than 0.5ha the results of the GCN survey and, if required, mitigation strategy or a signed Impact Assessment and Conservation Payment Certificate must be submitted prior to determination of this planning application. If the GCN surveys have not been carried out the survey season

is about to commence and it runs approx. Feb to June. An Impact Assessment and Conservation Payment Certificate can be obtained at any time of the year.

If the site is less than 0.5ha we advise that the following precautionary mitigation conditions included:

Prior to and during construction works the precautionary ecological mitigation within the Preliminary Ecological Appraisal (KB Ecology; January 2023) must be implemented as detailed.

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) 2023, biodiversity should be maintained and enhanced through the planning system. The ecological and landscaping plan has confirmed that planting will be carried out within the site and bug hotels, bat and bird boxes and log piles will be erected within the site and wider area. We recommend that the planting is all native.

KCC Heritage

The site lies within an area of multi-period archaeological potential with a record on the Kent Historic Environment Record of the site of possible later prehistoric and/or Romano-British activity in the form of crop marks c.80m to the east of the site. The proposed works would be likely to impact on any below-ground archaeological remains at the site and I recommend that if planning permission is granted the following condition is applied to any forthcoming consent:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

- i. archaeological field evaluation works in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority; and
- ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation, recording, reporting and dissemination of the results, in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of the development proposals and the subsequent avoidance or mitigation of adverse impacts through preservation in situ or by record and further dissemination of new knowledge about the archaeology of the site for public benefit in accordance with relevant local and national planning policy.

I recommend that the first stage of field evaluation would comprise a geophysical survey to limit physical impacts to the site. The detail of subsequent work would then depend on the extent and depth of groundworks. Following the geophysical survey it might then require either field evaluation trial trenching and/or mitigation by strip, map and sample archaeological excavation.

KCC Highways

Thank you for your consultation in relation to the above planning application. I note that in highway terms the proposals do not differ materially from those presented under the previous planning applications for this site, which were considered acceptable by us. As previously noted electric minibuses will be provided, to transport workers to and from the vineyards. With this in mind, it is considered that the parking provision is acceptable for the additional staff associated with the site.

Consequently, I can confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

1 Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1.05 metres above carriageway level within the splays, prior to the use of the site commencing.

2 Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.

3 A minimum of 10% of the parking spaces shall be provided and retained with active EV charging points plus a minimum of a further 10% of the parking spaces shall be provided with passive (ducting / cabling only) provision.

4 Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.

5 Provision of measures to prevent the discharge of surface water onto the highway.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

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 have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Kent Downs National Landscape

On 22 November 2023, all designated Areas of Outstanding Beauty (AONBs) in England and Wales were renamed 'National Landscapes' (NLs). Accordingly, the Kent Downs AONB is now the Kent Downs National Landscape. Its legal designation and policy status remain the same.

Also of note is the changes introduced through the Levelling-Up and Regeneration Act 2023, which came

into force on 26/December 2023. The Act amends the Countryside and Rights of Way Act, which is the primary legislation relating to AONBs and replaces the previous Duty of Regard to AONBs set out at S85 with a new, strengthened requirement that:

‘In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty’.
(Part 12 - Miscellaneous; Section 245. Protected Landscapes; paras (5) - (10).

This clearly places a much stronger duty on relevant authorities, which includes local authorities, to ensure that their actions and decisions seek to conserve and enhance AONBs, marking a significant change to the legal context of AONB policy.

National Planning Policy - The application site lies within the Kent Downs National Landscape. The application therefore needs to be tested against the purpose of the designation, to conserve and enhance natural beauty and the way that this purpose is represented in national and local policy. Section 85 of the Countryside and Rights of Way Act 2000, as amended by the Levelling Up and Regeneration Act, requires that local authorities ‘must seek to further the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty’ in making decisions that affect the designated area.

The National Planning Policy Framework (NPPF) paragraph 182 requires great weight to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas. The scale and extent of development within these designated areas should be limited.

NPPF paragraph 11 explains the presumption in favour of sustainable development. For decision-making this means that proposals in accordance with the development plan should be approved. Part d says that where there are no relevant development plan policies or the relevant ones are out of date (for instance in applications involving new housing where there are housing supply or delivery deficits) then permission should be granted unless:

“i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

Areas of Outstanding Natural Beauty are listed in footnote 7 and the most relevant policy in the Framework is paragraph 182. A court of appeal case¹ confirms that, if a proposal causes harm to an AONB sufficient to refuse planning permission if there were no other considerations, then the presumption in favour (or ‘tilted balance’ expressed in ii) above should be disengaged. The decision-maker should therefore conduct a normal planning balancing exercise, applying appropriate weight to each consideration, to come to a decision. This will of course include giving great weight to the AONB as required by NPPF paragraph 182.

The national PPG revised in 2019 provides additional guidance on new development in National Parks and AONBs (Paragraph: 041 Reference ID: 8-041-20190721). This specifies that ‘all development within nationally protected landscapes needs to be located and designed in a way that reflects their status as landscapes of the highest quality’.

Major Development - In the event that the decision-maker concludes that development is ‘major’ in terms of its impact on the AONB, paragraph 183 of the NPPF states that “Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some

other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Footnote 64 states: “For the purposes of paragraphs 182 and 183, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined”.

Local Planning Policy - Adopted Gravesham Local Plan Core Strategy policy CS12 seeks to conserve, restore and enhance the landscape character of the Borough and requires that the greatest weight is given to the conservation and enhancement of the landscape and natural beauty of the Kent Downs AONB and its setting.

Kent Downs AONB Management Plan - Under the Countryside and Rights of Way Act, local authorities are required to prepare an AONB Management Plan which must “formulate the policies for the management of the AONB and for carrying out their functions in relation to it”. The Kent Downs National Landscape Unit produces a Management Plan on behalf of the local authorities within the National Landscape. The Kent Downs Management Plan, Third Revision 2021 to 2026 has been adopted by all the local authorities in the Kent Downs, including Gravesham Borough Council. The Management Plan sets out the policy for the conservation, enhancement and management of the National Landscape in a series of aims, actions and Principles.

The national Planning Policy Guidance, 2019, confirms that Management Plans can be a material consideration when assessing planning applications (Paragraph: 040 Reference ID: 8-040-20190721) and this view is confirmed in previous appeal decisions, including APP/U2235/W/19/3232201, Cossington Fields Farm North, Bell Lane, Boxley, Maidstone where at paragraph 5 of the Inspectorate’s decision letter it is stated that “I am mindful of the policies contained within the Kent Downs AONB Management Plan (2014-2019) requiring development to conserve and enhance natural beauty of AONB to which I attach substantial weight.” The decision can be downloaded at:

<https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3232201>

The following principles from the Management Plan are considered to be of particular relevance to the application:

MMP2 The Kent Downs AONB is a material consideration in plan making and decision taking, and so local authorities will give a high priority to the AONB Management Plan vision, aims, principles and actions in Local Plans, development management decisions, planning enforcement cases and in taking forward their other relevant functions.

SD1 Ensure that policies, plans, projects and net gain investments affecting the Kent Downs AONB take a landscape led approach are long term, framed by the Sustainable Development Goals appropriate to the Kent Downs, cross cutting and recurrent themes, the vision, aims and principles of the AONB Management Plan.

SD2 The local character, qualities, distinctiveness and natural resources of the Kent Downs AONB will be conserved and enhanced in the design, scale, siting, landscaping and materials of new development, redevelopment and infrastructure and will be pursued through the application of appropriate design guidance and position statements.

SD3 Ensure that development and changes to land use and land management cumulatively conserve and enhance the character and qualities of the Kent Downs AONB rather than detracting from it.

SD7 New projects, proposals and programmes shall conserve and enhance tranquillity and where possible dark night skies.

LLC1 The protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued.

Landscape Character - The site is located within the West Kent Downs Landscape Character Area of the Kent Downs 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. In respect of the Luddesdown sub area it is stated that 'this is a tranquil, complex and distinctive landscape, with a peaceful remote feel, strong sense of place and few detracting features. It has a strong sense of time-depth, and the structure of the landscape has remained largely unchanged since the late nineteenth century'.

Landscape Management Recommendations within the LCA include:

- Protect the deeply rural character of the area, resisting development which gives it a more urbanised character
- Protect the enclosed landscapes of the dry valleys formed by the steep valley sides and numerous woodland blocks
- Manage the extensive new vineyard areas to maximise the potential to enhance landscape and biodiversity
- Ensure that any new development around historic villages respects the scale, layout, massing and materials of existing buildings, and also their relationship with the landform. Landscape proposals should reflect local character, using appropriate form, structure and species.

The application site and its immediate environs are considered to be largely reflective of these identified characteristics and to make a positive contribution to the landscape and scenic beauty of the Kent Downs AONB.

Impacts on the Kent Downs National Landscape

The Kent Downs National Landscape Team has previously provided responses to similar applications 20231110 (27th November 2023) and 20230181 (29th March 2023).

In our previous response (27th November 2023) we advised that:

The site is located on the bottom of a dry valley and as such is in a particularly sensitive location, as dry valleys were one of the main targets of the AONB designation and are noted specifically as being one of the components of the 'dramatic landform and views' special qualities of the Kent Downs AONB. The applicant has sought to moderate the effects of the proposal and has incorporated additional landscaping from the previous scheme. Nevertheless, the proposal would still introduce a relatively urbanising feature into this highly sensitive and rural landscape that would impact on the landscape and scenic beauty of the Kent Downs AONB.

If the Council is minded to accept the principle of the proposal, should permission be forthcoming we would recommend imposing conditions restricting any external lighting to ensure the dark night skies and tranquillity of the AONB are maintained, in accordance with Principle SD7 of the Management Plan. We would also request that the trees proposed in the central landscaped area and within the hedgerow around the perimeter of the parking area are varieties that have the potential to form large crowns to ensure impacts are minimised as far as possible.

Since we commented on the earlier applications, the legislative context in which the Council must determine the application has changed, as set out on the front page and in Appendix 2 of this letter, with the introduction of the new Duty to Further. Should the Council be minded to support the principle of the proposal, it is considered essential that the scheme is developed further to ensure compliance with the new Duty to Further requirements introduced in the Levelling Up and Regeneration Act and that measures are

incorporated to both mitigate the impacts and ensure the purposes of AONB designation i.e. the conservation and enhancement of natural beauty, are furthered. In line with the advice from Natural England on the new Duty (see Appendix 2) the measures should explore what is possible in addition to avoiding and mitigating the effects of the development and should be appropriate and proportionate to the type and scale of the development and its implications for the area and should align with and help to deliver the aims and objectives of the Kent Downs Management Plan. Within the context of this application, such measures could include much more substantive tree planting around and within the car park along with additional landscape enhancements across the wider estate.

Natural England

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Protected Landscapes – Kent Downs AONB

Landscape Advice - The proposed development is for a site within or close to a nationally designated landscape Kent Downs National Landscape (defined in legislation as an Area of Outstanding Natural Beauty).

Natural England has concluded that impacts on the nationally designated landscape and the delivery of its statutory purpose to conserve and enhance the area's natural beauty can be determined locally by the local planning authority, with advice from its landscape or planning officers, and from the relevant National Landscape Partnership or Conservation Board.

Natural England is not confirming that there would not be a significant adverse effect on landscape or visual resources or on the statutory purpose of the area, only that there are no landscape issues which, based on the information received, necessitate Natural England's involvement.

We advise that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below. Your decision should be guided by paragraph 182 and 183 of the National Planning Policy Framework, which requires great weight to be given to conserving and enhancing landscape and scenic beauty within National Landscapes, National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering this proposal.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant National Landscape Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the area's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the National Landscape is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose.

Furthermore, Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities (which includes local authorities) in exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or an Area of Outstanding Natural Beauty

in England, to seek to further the statutory purposes of the area. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The relevant National Landscape body (Conservation Board or Partnership) may be able to offer advice in relation to the duty, including on how the proposed development aligns with and contributes to delivering the aims and objectives of the area's statutory management plan.

Sites of Special Scientific Interest Impact Risk Zones - The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Internal Consultees

GBC Highways

I have no highway objections to the proposal but would suggest a condition that limits the use of the car park to parking associated with the business of Brookers Farm. This gives the Council the opportunity to consider any other use of the site such as a car boot fair or similar.

GBC Economic Development Officer

Vineyard Farms Ltd is a relatively large rural employer, that is already an important contributor to the growing food and drink sector, as well as resurgent land-based activities, characterised by an existing partnership with Plumpton College.

110 full time equivalent employees are currently based at Brookers Farm, including a mix of office-based commercial teams (sales, marketing, finance and so on) and a diverse staffing mix engaged in viticulture, land stewardship, conservation and estate management.

Apprentices are currently employed at the site and the economic development lead has recently met with their HR Director, to discuss current and potential local employment and training initiatives – working with Colleges, Higher Education training providers and Armed Forces leavers.

This commitment to the development of a local workforce, is valued highly and looking forward, could be expected to create new career paths in a sustainable, land-based industry.

As an established and growing wine producer, we understand that Vineyard Farms' Silverhand brand is already sold by M&S, Hilton Hotels, IHG Hotel Group and Tesco (from Spring 2024), which is reflective of the quality of its product and is consistent with the vineyard's intention of reaching full production in 2024.

The stated ambition is for the 'Silverhand Estate' (as it's described) to become the largest single vineyard site in the UK and the leading producer of sparkling and still wines. This is an exciting prospect for the economic development of the Borough, given the rapid recent growth of the UK and global market for English wines.

The applicant tells us that investment across the Estate totals £40m to date, which would make it one of the largest programmes of investment in a Gravesham-based business in recent years.

Investment has included ecological and landscape improvements such as hedgerow / tree planting, wildlife cultivation and measures to improve biodiversity which is very encouraging from an environmental and sustainability point of view.

Regenerative farming practices to restore soil health and support organic methods, help in the pursuit of sustainable growth and will contribute to the skills and knowledge of the local workforce.

Staff Car Park - With regard to the proposal itself, to construct a formal staff car park, the economic development team recognises the pressing operational need to secure this formalisation – to reduce pressure on narrow surrounding rural roads which lack formalised parking and to improve staff and vehicular safety, as well as general amenity for a growing workforce.

The location of the proposed car park, adjacent to the main operational hub at Brookers Farm, is sensible and supports relocation of office-based staff from nearby Luddesdown Court, with the additional benefit of bringing staff parking into a central location, to simplify vehicular movements and encourage car-sharing.

Providing a formal car parking area will help to attract and retain staff while supporting good neighbour principles by reducing the impact of business activities on the surrounding area.

We also note that the design and detailing of the car park are based upon the National Trust car park at Ightham Mote, incorporating environmentally sensitive and sympathetically chosen materials, planting and layout.

The location, design and moderate size of the proposed car park strike us as being entirely consistent with the planned growth and quality / environmental commitments of this rural business.

The Council's emerging Economic Development, Industrial, Jobs & Skills Strategy emphasises the need for a balanced economy across rural and urban locations within the Borough and encourages a focus on high quality job and training opportunities.

In summary, we support the ambition for the Silverhand Estate and would emphasise that this application to formalise high quality parking, is an urgent operational need which is essential to securing much-needed employment and wider economic benefits within the Borough's rural economy.

Neighbouring properties

The application has been advertised by individual neighbour letters to 10 properties and on site. A site notice was placed nearby the site on 21st February 2024. The overall consultation period expired on 15th March 2024.

one letters of support and one letter of objection has been received from neighbouring properties. Summaries of the comments received are included below:

Objection

- This application assumes that the Temporary Planning Permission for many tanks and heavy plant based at the factory on Luddesdown Road, will become permanent when the limited license expires. Should future applications to extend the temporary consent be refused (On OANB and Green Belt Harm), the new car park would no longer be necessary.
- In recent years the roads have been significantly more dangerous. Accidents have included; Unlicensed tractor driver crashing into a sports car, HGV hitting house, Road signs x 3 being destroyed and a Mini digger being towed crashing.

Support

- The farm owners have usually provided additional parking areas for local social events held at the village hall, in particular the Luddesdown May Fair which attracts several hundreds of people from surrounding villages. Without this new parking facility Vineyard Farms may not be able to offer the

necessary additional parking for the May Fair in future years.

- Increased activity at Vineyard Farms means that more off-road facilities are needed to avoid regular parking on the local verges and passing places.

The Local Ward Councillors were also consulted, and no responses were received.

Officer's Analysis

Proposal

This application seeks full planning permission for engineering works to construct a formal car parking area for Vineyard Farms Ltd office, winery and vineyard workers and other users of Brookers Farm.

The application is a resubmission of application 20230181 and 20231110, with additional information in terms of a 'very special circumstances' case, including;

- 1) The unique business requirements of Vineyard Farms Ltd and the subsequent operational/logistical requirements, including the current lack of central parking area and current issue of employees being forced to park on grass verges and along what are relatively narrow rural lanes;
- 2) The fact that uncontrolled parking of agricultural workers can take place in the field, and has indeed been undertaken without landscaping or biodiversity benefits;
- 3) The clear need to accommodate a large and growing estate workforce which includes 110 currently based in Luddesdown and in due course will be expected to be around 300;
- 4) The viticulture use has and will continue to provide very important rural employment, training and development programmes and apprenticeships, as well as a very significant local economic contribution;
- 5) Reducing local resident/business conflict as a result of parking on verges and on the road, removing 'on highway' parking and random parking on verges and within the local fields;
- 6) Supporting a significant local employer, and supporting the continued growth of a local rural business which will provide an ongoing substantial tourism boost to the Gravesham economy;
- 7) Substantial ecological and landscaping enhancements, in the form of a zero carbon organic operation, new hedgerow planting and gapping up, native tree planting, bug hotels, bird and bat boxes and log piles.

The grazing field is already used informally for parking for workers but ground conditions during winter are poor when the ground is saturated, muddy, frozen and rutted. The application therefore proposes a formal parking area, ancillary to the viticultural activities of Vineyard Farms Ltd. The scheme and intended layout is based on a scheme at the National Trust's Ightham Mote.

The applicant intends to move all office-based staff to Brookers Farm, by increasing office space provision here. Brookers Farm lies relatively centrally to the vineyard and as such is stated as being the appropriate base for the office and vineyard workers. In the previous application it was stated that there were 70 staff and this would increase to over 100, and within another season up to 300 persons. Currently the information provided advises that there are 146 employees which indicated that staff numbers have grown as expected. It is noted in the planning statement that 110 of the current 146 staff members are based in Luddesdown but this would increase to 120 this summer and then 150 in the next season. The intent is to increase staff members to 300 within 4 years. The role of Brookers Farm as a main base for vineyard works will not alter. As a consequence, and notwithstanding use of company vans and best efforts for car sharing, it is inevitable that a car park would be needed to properly service farming operations.

The car park is shown for 56 spaces, reduced from the 60 spaces proposed under the first application. The spaces will include EV charging spaces and disabled provision will be provided in the current car park which is closer to the building. The main access into the car park will be tarmac but the main car park area would use a crushed stone material. The extent of tarmac has been reduced from the previous applications.

A bound surface is essential at the entrance point of the car park due to the slope of the land, the underlying soil, and the amount of traffic, but the details and colour of this could be reserved by condition. The disabled spaces are to be relocated to the main Brookers farmyard in front of the existing office spaces, which reduces the need for the use of a tarmac finish.

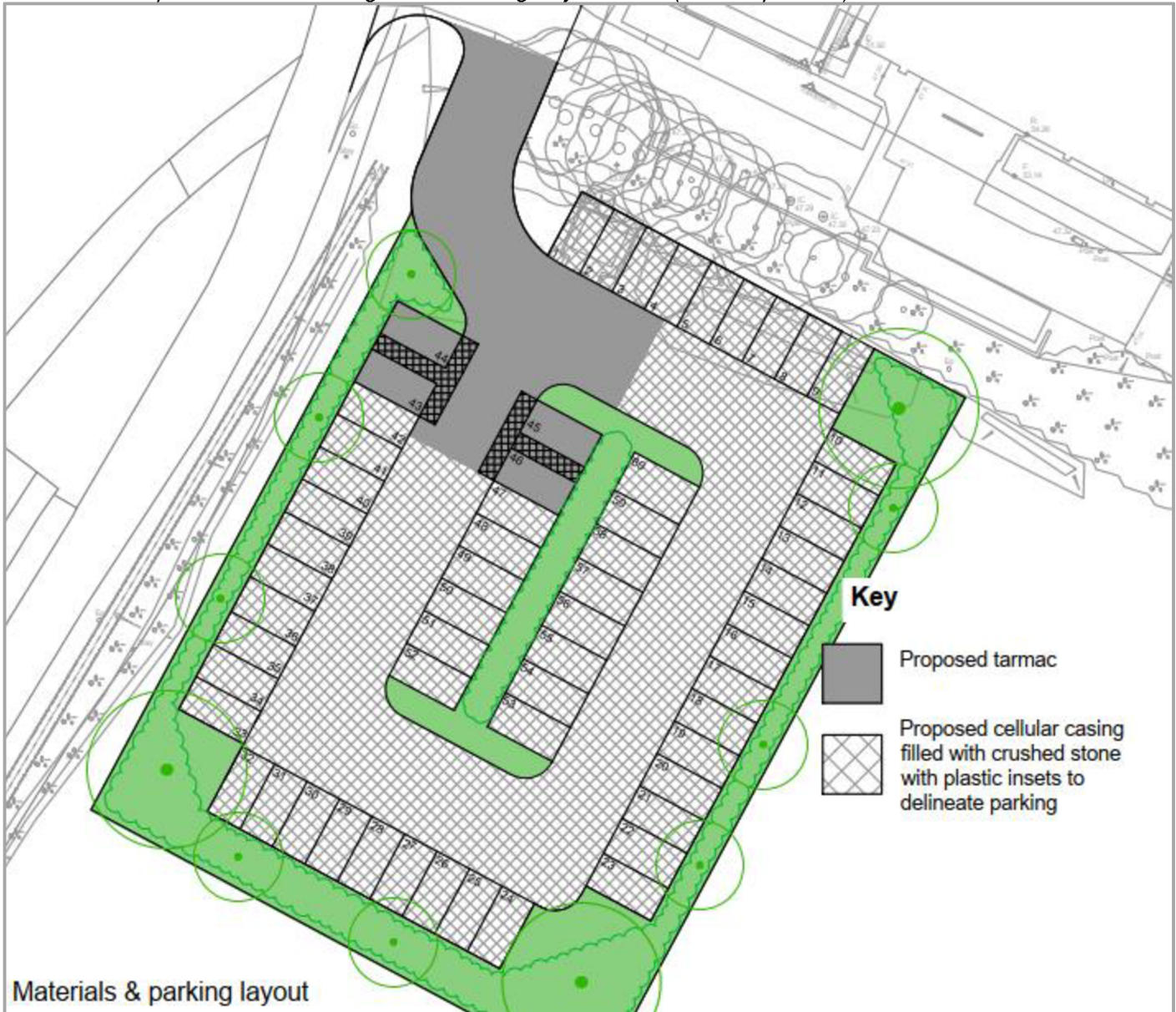
Increased landscaping, ecological enhancements and a substantial amount of planting is intended, including double staggered hedgerows comprising hawthorn, field maple and mixed black thorn. Bird and bat nesting boxes are proposed, and bug hotel and log piles will be located around the car park. Existing hedgerows will be managed to encourage more nesting birds and pollinators.

Lighting details have not been provided by could be reserved by condition.

Extract from Proposed Access Design and Parking Layout Plan



20230181 Proposed Access Design and Parking Layout Plan (for comparison)



The proposals under application 20231110 were refused for the following reasons:

1. *The proposed extent and spread of parking across this open field would result in an inappropriate development that would adversely impact on the openness of this site in the Green Belt and would encroach into the countryside. The very special circumstances put forward to justify the proposal are not considered to outweigh this harm. As such, the proposal would fail to comply with the requirements of Policies CS02, CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 142, 143, 152, 153 and 155 of the National Planning Policy Framework 2023.*
2. *The proposed expanse of parking would incongruously urbanise the site and would fail to conserve or enhance the rural landscape and scenic beauty of this site within the Kent Downs Area of Outstanding Natural Beauty and the Luddesdown Downs Landscape Character Area. As such, the proposal would fail to comply with the guidelines and principles of the Gravesham Landscape Character Assessment (2009), Kent Downs AONB Management Plan 2021-2026 and Landscape Character Assessment Update 2020, and the requirements of Policies CS02, CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 135, 180 and 182 of the National Planning Policy Framework 2023.*

The current application has been submitted in an attempt to overcome the above refusal grounds with the

addition of further considerations for very special circumstances.

Principle Issues

Paragraphs 88 and 89 of the NPPF 2023 relate to supporting a prosperous rural economy. The development and diversification of agricultural rural businesses should be enabled, and it should be recognised that proposals to meet local business needs may be required in such areas, in locations that are not well served by public transport. It will be important, however, to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).

Policy CS07 of the Core Strategy 2014 also supports proposals that promote the appropriate expansion and diversification of the rural area economy. Policy CS02 supports development outside rural settlements, including proposals to diversify and maintain the rural economy, where it is compatible with national policies for protecting the Green Belt and policies in this plan.

This proposal is located in the countryside, outside any rural settlement, and in the Green Belt. The site relates to the business of Vineyard Farms Ltd, which is an organic vineyard with over 1600 acres of vineyards, woodland and pastureland. The company is seeking to become the UK's largest producer of English sparkling and still wines. Space is required for workers to park at the site, and rather than continue with the current informal parking arrangement in the field and on the rural lane, the applicant is seeking to formalise a parking area with a rural design approach.

National and local policy is generally supportive of such rural business development and expansion, subject to compatibility with policies for protecting the Green Belt and other policies in the development plan.

As residential amenity, highways and parking and ecological issues were previously considered acceptable under application 20230181 and 20231110, in line with the refusal grounds of that case, the main issues for consideration in the determination of this application are as follows:

- Appropriateness of development in the Green Belt
- Impact on openness
- Landscape and visual effects.

Whether the proposal is inappropriate development in the Green Belt

Paragraph 142 of the NPPF 2023 highlights the importance of the Green Belt and its role in preventing urban sprawl and keeping land permanently open. As the site lies in the Green Belt there is a need to establish whether the proposal amounts to inappropriate development.

As before, the submitted Planning Statement asserts that cars already park in the field that is the subject of the application, and that the proposal does not amount to a change of use as the parking is by persons employed in agriculture and as such is incidental to the agricultural operation of the site as a vineyard. The proposal is to effectively formalise the use of an agricultural field for the parking of vehicles associated with the agricultural business activities of Vineyard Farms Ltd.

It is recognised that the proposed use would be for the farm and on farm land, and that there is a current informal use of part of the field for parking. Further to an appeal that was dismissed for a nearby new winery building and associated development on land south of Bush Road, near Cuxton, which falls under Medway Council's jurisdiction, it is noted that regardless of the scale of the development proposed, the appeal proposal was considered to fall within the definition of an agricultural use, and the proposed use would therefore benefit from the agricultural exception under paragraph 155 of the NPPF 2023 (see Appendix 1 for Bush Road appeal decision).

Under the previous application 20230181 the view was taken that the proposed car parking use would be

materially different from the current use as an agricultural field given the scale of the development involved, which comprised a large increase in the size of the current informal parking area. However, it was ascertained under the second submitted application 20231110 that considering the recent Bush Road winery development appeal decision, it is accepted that regardless of its scale, the planning use of the proposed car park for the vineyard would also be incidental and agricultural, and would not therefore fall to be considered under paragraph 155 (e) of the NPPF 2023, relating to material changes in the use of land.

The application form states that the number of 'existing spaces' is 25; whereas 56 parking spaces are proposed within an area of approximately 38m by 52m. This will double the size of the informal arrangement and formalising a car park of this size, involving losing such a large part of the field, is considered to involve an engineering operation, which falls to be considered under paragraph 155 (b) of the NPPF 2023. Engineering operations as a form of development in the Green Belt are not inappropriate provided the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. This will be assessed below.

Harm to openness and the purposes of including land within the Green Belt

As set out in paragraph 155 (b) of the NPPF 2023, it is necessary to consider the level of harm to openness from the proposal that would result from engineering operations for the creation of a formal car parking area on this site. It needs to be borne in mind that the Courts have held that the impact on openness has both a spatial and visual dimension and it is a matter of planning judgement as to whether the proposal will result in (any) harm to openness.

As stated above, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence. Paragraph 001 of the Planning Practice Guidance 2019 on Green Belts looks to assess the impact of a proposal on the openness of the Green Belt by taking into account the spatial and visual aspects of a development, its duration and remediability, and the activity levels generated.

The site comprises a field immediately adjacent the farm buildings, slightly to the south-west. Existing farm tracks run along the western and northern boundaries of the site. The land slopes up to the east. The proposed car park would be on the lower part of the field, where the land is more level.





It is recognised that the informal parking of cars already occurs on the site, and could continue to do so unchecked, and this already has an impact the openness of the site in this location, as the cars spread along the existing farm accesses in the field and (more obviously) along the road.

It is also accepted that under the current application, the number of proposed parking spaces has been reduced and the amount of planting and landscaping has been increased.

There are open views of the site from the surrounding roads and nearby footpaths, and the existing ad-hoc car parking does negatively impact on the current views. There is existing boundary screening that limits views into the site to an extent, but this is not substantial enough to screen it completely.

Despite the 56 parking spaces proposed compared to the previous 60 spaces, the proposed formal car parking arrangement would still involve a much larger number cars across a much larger parking area than is currently used, extending into what is now an open field. The proposed car park surface would still spread across a large part of the field, with hard tarmac surfacing at the opening (albeit reduced in area compared to the previous scheme). This would still have the effect of urbanising the site, and whilst additional planting in and around the site would assist in lessening the visual impact to an extent, this in itself would impact on the openness of the field. There would also certainly be a difference in activity levels related to the increase in the numbers of cars than already exists.

Altogether, the proposed extent and spread of parking across the open field would impact on the openness of the site and would encroach into the countryside, contrary to the purpose of the Green Belt designation. The proposed engineering works for the car park fail to preserve the openness of the Green Belt and conflict with the purpose of it. The proposed engineering operations involved are therefore considered to be inappropriate development in the Green Belt. Such development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Under this resubmission application, such circumstances have been put forward to be considered as part of the application submission.

Very Special Circumstances

The very special circumstances (VSC) case that has been put together includes the following main points, as taken from the submitted Planning Statement:

- 1) The unique business requirements of Vineyard Farms Ltd and the subsequent operational/logistical requirements, including the current lack of central parking area and current issue of employees being forced to park on grass verges and along what are relatively narrow rural lanes;
- 2) The fact that uncontrolled parking of agricultural workers can take place in the field, and has indeed been undertaken without landscaping or biodiversity benefits;
- 3) The clear need to accommodate a large and growing estate workforce which includes 110 currently based in Luddesdown and in due course will be expected to be around 300;
- 4) The viticulture use has and will continue to provide very important rural employment, training and development programmes and apprenticeships, as well as a very significant local economic contribution;
- 5) Reducing local resident/business conflict as a result of parking on verges and on the road, removing 'on highway' parking and random parking on verges and within the local fields;
- 6) Supporting a significant local employer, and supporting the continued growth of a local rural business which will provide an ongoing substantial tourism boost to the Gravesham economy;
- 7) Substantial ecological and landscaping enhancements, in the form of a zero carbon organic operation, new hedgerow planting and gapping up, native tree planting, bug hotels, bird and bat boxes and log piles.

These factors can be narrowed down to 4 themes for assessment purposes:

- Need
- Employment and Economy
- Parking and Highway Safety
- Ecology and Landscape

Need

The additional information provided details a clear increase in employment numbers and the need for adequate on-site parking provision to accommodate the existing and future employees. This is further evidenced by on street parking and informal parking on the field in question.

Relevant caselaw identifies that to tip the balance in favour of development which would not harm the Green Belt, a need for such development must be presented. In the case of *Brodrick Vs Wychavon* (2012), (Appeal Reference APP/H1840/A/11/2162708), permission was sought for a 202 berth canal boat marina basin, an administration and shower block, a service quay and 101 car parking spaces on green belt land near Worcester. The Inspector in this case considered that the development would be a form of encroachment, as it would introduce buildings and significant engineering operations onto rural land currently free from development, and so would have considerable impact on the openness of the green belt. The inspector recognised the benefits of the proposal in respect of farm diversification, the local economy, access to the countryside, biodiversity and a small alleviation in flood risk. Overall, however, he concluded that the key ingredient of 'need' that was necessary to tip the balance decisively, was missing.

Given the substantial increase in employment numbers since the previous application submitted in 2023 and determined at the beginning of 2024, the evidence of significant progress in training and apprenticeship programmes and photographs taken during the most recent site visit which shows ongoing parking on the site, identifying there is a clear need for this development.

Employment and Economy

Case put forward for exceptional circumstances:

The submitted Planning Statement and Estate Plans sets out the size, requirements and aims of the vineyard business and estate. The Silverhand Estate covers 632 hectares of land, of which 217 hectares is under vine and a further 161 hectares will be planted in the next two years. This would make Vineyard Farms the largest organic wine producer in the country. Staff requirements would inevitably increase concurrently.

The rest of the estate is comprised of chalk downland habitats such as SSSI, broadleaved woodlands,

grazing and species rich meadows and hedgerows to be managed from next year under the High Tier Stewardship Scheme which will last at least 10 years.

The applicant's aim is to increase the vineyard's productivity by putting emphasis in nurturing and restoring soil health while maximising the benefits for biodiversity and minimising their carbon footprint.

Currently, there are 110 permanent employees based in Luddesdown and Upper Bush (with nearly 40 at other sites) and this number increases with the arrival of seasonal workers. This year the employees will increase up to 120 people and this is likely to increase next year due to the growth in grape productions. At full production, the number of full-time employees is expected to reach 300. The Statement asserts that this is a very significant figure for agriculture and the rural employment benefits should be afforded very significant weight.

Despite the existing, and indeed projected, employee numbers the business is operating without a designated, centrally positioned parking area. The statement advises that many employee's do in fact car share on their way to work, but they have to park along the narrow lanes, which can at times impede normal traffic flow. This can be particularly problematic when agricultural/large vehicles meet on the roads. On many occasions, workers have to park in field margins. This is an unsustainable practice as it has a detrimental effect on hedgerow health due to soil compaction.

The problem is made even worse during winter months when the field tracks, which are mostly chalk, become almost impassable and there are then more vehicles required to use the road. In effect, not having a centrally located area in the estate to park is resulting in the problem being spread across the estate. The Planning Statement submits that this is negatively affecting not only the business, but also the local highway network and local residents. The field which is the subject of the application is already regularly and informally used for employee parking; however during the winter months the ground varies between being saturated and muddy, and frozen and rutted, neither of which present ideal parking situations.

For the reasons and context stated above, the applicants wish to provide a high-quality car park area in a centralised location. The future intention is to move all employees into an office at Brookers Farm from the existing offices at Court Lodge, providing further justification for the location of the car park.

It should also be noted that the applicant's currently assist Luddesdown Village Hall with extra parking on the fields, and the car park will be available to these users when suitable, for events such as community fairs.

It should be noted that whilst Vineyard Farms are currently looking at future 'winery' locations following a dismissal at appeal of the winery in Cuxton, it is inevitable that Brookers Farm will continue to require the level of parking being applied for under this application.

Relevant Caselaw:

In the case of Omega St Helens Ltd and TJ Morris Ltd Vs St Helens (2021), (Appeal Reference APP/H45315/V/20/3265899), that an unmet need for sites to provide job opportunities gave the very special circumstances required to justify allowing a large development in the Merseyside green belt. The application site consisted of around 75 hectares of predominantly arable farmland close to a motorway junction and an existing strategic logistics and manufacturing park. The hybrid proposal sought detailed planning permission for an 81,570 square metre class B8 logistics building and outline consent for 123,930 square metres of B2 manufacturing and B8 logistics space to meet the distribution requirements of an established discount retailer that could not be accommodated on the adjacent employment park. The secretary of state agreed with his Inspector that the borough's main town had fallen behind in employment opportunities and deprivation scores and that a major shift was needed to address a shortage of attractive employment sites and that relying on previously developed land alone would not deliver this wider regeneration, he found. In this context, that harm to the green belt and heritage assets and loss of agricultural land were outweighed by the benefits of an increased supply of employment land.

In another case, Parkside Regeneration LLP vs St Helens (2021), (Appeal Reference APP/H4315/V/20/3253194) Economic benefits also enabled green belt protection policies to be set aside in a decision to allow a major commercial development at a former colliery on Merseyside. The scheme comprised up to 92,900 square metres of class B8 warehousing close to a motorway junction and the secretary of state agreed with his inspectors that the development would encroach into an open area causing moderate harm to green belt openness. However, he noted that the adopted core strategy indicated a willingness to accept some harm to the green belt in exchange for regeneration of the site and that an emerging local plan (to which limited weight could be accorded) proposed to remove it from the green belt and allocate it for employment uses. He also saw technical evidence demonstrating a need for and short supply of class B8 land as a significant consideration, since without it investment and business would go elsewhere and exacerbate high local unemployment. It was agreed that the development could not be accommodated on a preferable site in a nearby town, indicating that loss of spatial and visual openness and associated landscape harm would be an inevitable consequence of any major warehousing development in the borough. He concluded that the proposal's economic and other benefits collectively outweighed harm to the green belt, raising special circumstances that justified permitting the development.

And yet another case, which demonstrates substantial weight should be attributed to employment and economic benefits is shown in the case of Young Vs Bolton (2021), (Appeal Reference APP/N4205/V/20/3253244). In this case, the provision of up to 2,500 direct and indirect jobs and enhanced skills in the local workforce carried substantial weight in the planning balance, which enabled the Secretary of State to grant consent for a range of class B1(c), B2 and B8 space, together with education and training facilities and food and drink uses. Although the proposals would conflict with green belt policy, the benefits of the scheme, for which there was a substantial need and no alternative sites of sufficient size to accommodate the proposal, outweighed harm to the green belt and justified the granting of permission.

Analysis

In terms of increased employment opportunities, and the expansive training and apprenticeship programmes on offer by the business, it is considered that these would coincide with council aims under paragraph 5.1.4 of the Local Plan Core Strategy (2014):

- *make Gravesham a place where enterprise can thrive in a sustainable and responsible way;*
 - *build on its strengths to increase economic diversity so that the local economy is more adaptable and resilient to change; and*
 - *facilitate the provision of education and skills training to enable local people to prosper*
- Gravesham Local Plan Core Strategy Adopted September 2014 by taking advantage of the employment opportunities that arise.*

Policy CS07 specifically states:

5.1.37 The Council will support proposals that promote the appropriate expansion and diversification of the rural area economy. Support will be given to the conversion of rural buildings to employment use/live-work units where it is compatible with national policies for protecting the Green Belt and where it accords with policies in this plan, in particular relating to Green Infrastructure.

In terms of the business requirements, it is recognised that national and local policy is supportive of rural business development and expansion. As the business aims of Vineyard Farms Ltd come to fruition, this will undoubtedly be beneficial to the rural economy generally, and this matter should be afforded some weight. However, as set out in Policy CS02 of the Core Strategy 2014, rural business expansion is subject to compatibility with policies for protecting the Green Belt and other policies in the development plan.

It has been demonstrated by the submitted information that the development would have substantial benefits in terms of local economy and employment. As such, these benefits are applied substantial weight.

Parking and Highway Safety

Case put forward for exceptional circumstances:

The submitted Planning Statement states that the parking would be for the employees working in the office, in addition to winery and vineyard workers and other users of Brookers Farm. It states a future intention to move all employees from the existing offices at Court Farm (which has 12 parking spaces), which lies approximately 400m to the south-west of the application site, to an office at Brookers Farm.

The planning statement relays that the unique business requirements of Vineyard Farms Ltd and the subsequent operational/logistical requirements, including the current lack of central parking area and current issue of employees of the winery, vineyard workers and office staff and management being forced to park on grass verges and along what are relatively narrow rural lanes and that uncontrolled parking of agricultural workers can take place in the field, and has indeed been undertaken without landscaping or biodiversity benefits. It is also noted that the applicants have stated that from the stite at Darenth Grande, electric minibuses, provided by the company will transport those 30 employees to and from the vineyards once a day.

Analysis

Paragraph 115 of the NPPF (2023), states that;

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

The KCC Highways Officers have raised no concerns regarding highway safety and have provided their support subject to the inclusion of planning conditions on any permission. Based on the support from the relevant consultee and the evidence of on road and on field parking without appropriate site accessed, it is considered that there would be an improvement in highways safety from the development. There is considered to be a moderate benefit in terms of highways safety improvement.

Ecology and Landscape

Case put forward for exceptional circumstances:

The Planning Statement also sets out the applicants' good credentials in relation to their biodiversity efforts across the estate:

- Over the last 2 years around 21,000 mixed species native hedgerows have been planted across the estate, increasing habitat connectivity and enabling species movement across the landscape.
- Around 12 kilometres of historic hedgerows are managed with biodiversity in mind - cut on a 3-year rotation.
- Approximately 150 new trees (broadleaf) have been planted as a woodland shaw to reconnect two woodlands.
- A woodland management plan for the 41 hectares of woodland in the estate is being drawn up. Biodiversity conservation and enhancement is the main driver for the plan.
- The condition of 17ha of species rich meadows are being improved and managed through conservation grazing with ancient sheep breeds.
- in 2022 another 1.5ha of species rich grassland that was in decline was restored.
- Key verges around the estate are being managed specifically for wild orchids and their extent and condition are being monitored.
- Nesting habitat for predator birds, bats and various protected invertebrates will be improved by constructing 5 Wildlife Towers, recently approved by Gravesham Borough Council and Medway Council.
- Vineyard Farms are also working on entering the estate into the High Tier Countryside Scheme and as part of it, several of the pasture fields will be re-seeded with species rich grassland plant species and more set aside areas created within some of the vine blocks.

The Planning Statement considers that this development should not be seen in isolation, but rather with consideration of the overall activities and objectives of Vineyard Farms Ltd. The business plan is clear:

Vineyard Farms Ltd are expected to become the largest organic wine producer in the country. The Statement asserts that from a rural economy perspective this should be seen as a huge boost. The economic benefits in the form of increased jobs and wine tourism are very significant.

It is stated that Vineyard Farms Ltd lack the current infrastructure to continue to meet the requirements of their projected growth. Whilst recognising the sensitivity of the local area, it is hoped that the Council can see the benefits of the business locally and the clear context that explains their requirements. In addition, it is highlighted that the current proposal has reduced the number of parking spaces and increased the extent of landscaping and ecological enhancement. Altogether, these factors are sought to be considered as the very special circumstances required to justify the proposed development.

Analysis

The site currently incorporates arable fields, with an approximate site area of 2,205m² (0.2205 Hectares). It is also noted that as part of the wider site, substantial efforts have been made to improve the biodiversity and ecology of the vineyard as evidenced in the provided masterplans. Condition would be required for furthering of on-site specific ecology and landscape enhancements. However, the biodiversity benefits of the proposal and, indeed, the wider enhancements taking place across the estate, are supported and add substantial weight to the advantages of the scheme.

Conclusion on Very Special Circumstances

Before a judgment can be made on the planning balance of the proposed development, it must be concluded whether or not exceptional circumstances apply which would overcome the harm which the development would have on the openness of the Green Belt. Without the conclusion that exceptional circumstances apply, the development would fail to comply with paragraph 152 of the NPPF (2023), which states:

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

In this case, however, the central consideration with regards to development in the Green Belt is that substantial weight should be given to any harm caused to it, and very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm resulting from the proposal, is outweighed by the other considerations.

It has been found that the increase in the size, spread and surfacing of the proposed car park together with the increase in the activity levels on the site will impact on openness and encroach into the countryside and therefore, is inappropriate and harmful. In accordance with paragraph 153 of the NPPF (2023), this is given substantial weight.

The benefits of the scheme as previously mentioned, include the need for the development, the employment and economy benefit to the local area, parking and highway safety improvements and ecology enhancements. Cumulatively, the benefits of the scheme, would outweigh the harm to the openness of the Green Belt. Particular regard has been given to the employment and economy enhancements, which would improve the rural economy, in line with Core Policy CS07 of the Local Plan Core Strategy (2014). The scheme would therefore comply with paragraph 152, and very special circumstances are considered to have been met.

Landscape and Visual Amenity

Paragraph 135 of the NPPF 2023 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 180 of the NPPF 2023 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 National Landscape (Previously called AONB). Reflective of paragraph 182 of the NPPF 2023, 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. Policy 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 National Landscape.

The site is located within the West Kent Downs Landscape Character Area of the Kent Downs Landscape Character Assessment (LCA) Updated in 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 located at the bottom of a dry valley, and in their advice on the proposal, the Kent Downs National Landscape Unit has noted that the site is in a particularly sensitive location, as dry valleys were one of the main targets of the National Landscape designation and are noted specifically as being one of the components of the 'dramatic landform and views' special qualities of the National Landscape. The site is therefore particularly visible from the wider landscape, including from Luddesdown Road, Cutter Ridge Road and from Public footpath NS255 to the west and Public Footpath NS239 to the east.

The application 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 revisions to the original submission made in the most recent application sought to moderate the effects of the proposal and incorporate additional landscaping. However, the officer in that assessment considered that the elevated nature of views of the site from the east and west, despite the additional planting the proposed car park surface would be entirely different to the current grassed field and would still introduce an urbanising feature into this highly sensitive and rural landscape. They concluded that this would impact on the landscape and scenic beauty of the Kent Downs National Landscape and Luddesdown Downs LCA would also be adversely impacted. It is recognised that the proposed surfacing has been sensitively considered, but the change in surfacing would regardless urbanise the site and the additional planting would be incongruous with its current open agricultural appearance.

Since the previous application it is noted that legislation has changed, introducing a Duty to Further, within the Levelling Up and Regeneration Act, and measures that are incorporated to both mitigate the impacts and ensure the purposes of the National Landscape are furthered. The National Landscape Unit have advised that this could include much more substantive tree planting around and within the car park along with additional enhancements across the wider estate. Soft Landscaping details could be reserved by condition as a method to seek further enhancements as suggested.

However, additional information as to the wider landscaping benefits have been provided in this application. The Estate Maps provided shows extensive Landscape Enhancements, the Planning Statement provides further context for the enhancements on the wider estate and they state:

- Over the last 2 years VFL planted around 21,000 mixed species native hedgerows across the estate. This is part of increasing habitat connectivity and enabling species movement across the landscape.
- VFL also have around 12 kilometres of historic hedgerows managed with biodiversity in mind, cut on a 3-year rotation.
- Approximately 150 new trees (broadleaf) have been planted as a woodland shaw to reconnect two woodlands.
- A woodland management plan for the 41 hectares of woodland in the estate is being drawn up. Biodiversity conservation and enhancement is the main driver for the plan.
- VFL are currently improving the condition of 17ha of species rich meadows and managing this through conservation grazing with ancient sheep breeds.
- Late in 2022 VFL restored another 1.5ha of species rich grassland that was in decline.
- VFL are managing key verges around the estate specifically for wild orchids and monitor their extent and condition.
- VFL will be improving nesting habitat for predator birds, bats and various protected invertebrates by constructing 5 Wildlife Towers.
- VFL are also working on entering the estate into the High Tier Countryside Scheme and as part of it, several of the pasture fields will be re-seeded with species rich grassland plant species and more set aside areas created within some of the vine blocks.

Whilst this scheme would create an urbanising feature that would be harmful, when considered against the backdrop of significant wider landscaping improvements, which would have ongoing benefits in terms of landscape management, the benefits outweigh the harm in this instance. Therefore, the development would comply with Principles SD2, SD3 and SD8 of the Management Plan, which generally seek to conserve and enhance the character and qualities of the Kent Downs AONB, rather than detract from it. The proposal would also meet the guidelines in the Kent Downs Landscape Character Assessment (LCA) Update 2020 and the Gravesham Landscape Character Assessment 2009. Overall, the proposal would conserve and enhance these valued landscapes and would conflict with the aims of Policies CS12 and CS19 of the Core Strategy 2014, and paragraphs 135, 180 and 182 of the NPPF 2023.

Ecology and Biodiversity

The Council's KCC Biodiversity Officer advises that the conclusions of the submitted Preliminary Ecological Appraisal report that the site has potential for Great Crested Newts (GCN), foraging/commuting bats, reptiles, dormouse, hedgehogs and breeding birds to be present are satisfactory.

As the site is largely arable fields, the conclusion that, with the exception of GCN, the impact can be avoided through avoidance of suitable habitat or precautionary mitigation measures is also satisfactory.

The report has detailed that if the land take is greater than 0.5ha then a great crested newt survey of Pond 2 should be undertaken to assess if an impact is likely, or the application should join the district level licencing scheme.

No GCN survey/mitigation strategy or Impact Assessment and Conservation Payment Certificate (to demonstrate that the scheme has been accepted on to the DLL scheme) has been submitted as part of this application. It is noted that this site has an area of less than 0.5ha and so the GCN survey would not be required in this instance.

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 180 and 186 of the NPPF 2023, biodiversity should be maintained and enhanced through the planning system. The ecological and landscaping plan has confirmed that planting will be carried out within the site and bug hotels, bat and bird boxes and log piles will be erected within the site and wider area. It is recommended that the planting is all native.

Conclusion and Recommendation

On balance, it is considered that there are very special circumstances which would overcome the harm to the Green Belt and its Openness. These include, local employment and economy benefits, Parking and Highway Safety and Landscape and Biodiversity Enhancement of the wider site. Cumulatively these substantial benefits would outweigh the harm to the Green Belt.

The proposed development has adequately addressed the concerns raised under the previously refused application by providing further justification in terms of very special circumstances for the scheme in terms of the functional need of the business for parking and the biodiversity benefits of the proposals and wider estate in general. On this basis, the application is acceptable, subject to details reserved by condition.

Case Officer:	Mrs Lisa Fisher	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	2 nd April 2024	Dated:	05 April 2024