

Delegated Report

Prior Approval

Application No:	20230844
Location:	Land At Court Lodge Farm, Luddesdown Road, Luddesdown, Gravesend, Kent, DA13 0XE
Description:	Application to determine if prior approval is required for a proposed new agricultural barn for general agricultural storage.
Applicant:	Mr Steve Chappell
Site Visit:	N/A Desktop Assessment

Submitted Documents/Plans

- Application Form - dated 07/08/2023;
- Planning Statement by DHA - dated 08/2023;
- Unnumbered Site Plan - Ordnance Survey Plan (scale 1:732);
- Unnumbered Site Plan - Google Earth Imposed Plan (scale 1:732);
- Drawing no. 23-20940 - Proposed Elevations and Roof Plan.

Relevant Planning History

No relevant planning history.

Development Plan

The application is made under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) Schedule 2 Part 6. The test as to whether prior approval is required falls under the criteria in this part. The development plan policies are not relevant.

The site is subject to a historic Article 4 Direction but this does not apply to this application (Legal confirmed on 23 March 2023).

This application is made under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) Schedule 2 Part 6 and the tests are whether or not prior approval is required as to the siting, design and external appearance of the buildings and, in the first instance, whether the buildings as proposed are in any event permitted development or whether planning permission is required.

The site is within the Green Belt, but Green Belt policy in the NPPF (2021) indicates that one of the exceptions to inappropriate development is new buildings for agriculture and forestry. The site is also within the Kent Downs Area of Outstanding Natural Beauty.

The application relates to a holding of 250 hectares of land which is used for the planting of vines to grow grapes, as well as traditional farming such as arable and livestock rearing, which is an agricultural use.

The first test is whether the buildings would fall within the provisions of Article 3 of and Part 6 of schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015, as amended.

Consultations, Publicity and Representations

None.

Officer's Analysis

Proposal

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) as to whether Prior Approval is required in respect of the erection of two agricultural storage barns.

The barn will be approx. 7.6m high, 12m wide and 24m deep. The barn would be constructed using concrete panels and Yorkshire timber boarding on the gable ends, with a natural grey fibre cement roof.

The following constraints are applicable to the site:

- Metropolitan Green Belt
- Kent Downs Area of Outstanding Natural Beauty
- Archaeological Notification Area
- Luddesdown Downs Landscape Character Area

Assessment

Class A of Part 6 of Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) permits development consisting of 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.*

which are reasonably necessary for the purposes of agriculture within that unit.

Reasonably necessary for agriculture?

The proposed barn will provide a suitable building to meet the needs of modern agriculture. The following reasons have been provided in the planning statement:

- The existing barns on site (5) are open to the elements making them unsuitable for the storage dry materials such as hay and straw.
- A number of the existing barns (3) are occupied with storage of material for the vineyard and the additional space is required as the enterprise continues to expand.
- The existing barns are limited in height, meaning that a tractor with a bucket cannot get into the buildings.
- The existing barns have drainage issues with cement sheet walls and leaking roofs.

The barn would be used for the following uses:

- Storage of animal hard feed in secure boxes
- Secure storage of vehicles - ATVs and tractor together with associated farming equipment.
- Storage of farm tools and animal handling equipment.
- Storage of hay and straw (usually a minimum of 20 tons through the season and more as the flock/herd grows).

- Storage of animal medical equipment and medication including freezer and secured storage boxes.
- General storage of poles, harvest boxes and farm equipment.

The applicants advise that the proposal falls within Class A of Part 6 of the GPDO as being a development on a unit of 5 hectares or more and would fall within Class A as being (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. Therefore, the development is reasonably necessary.

Development not permitted

A.1 Development is not permitted by Class A if—

(a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area	The site is over 1ha
(b) it would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 of this Schedule) where development under Class Q or S of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which development under Class A(a) begins	There is no planning history on the site
(c) it would consist of, or include, the erection, extension or alteration of a dwelling	The proposal does not involve a dwelling
(d) it would involve the provision of a building, structure or works not designed for agricultural purposes	The building is for agricultural purposes
(e) the ground area which would be covered by; (i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations; or (ii) any building erected or extended or altered by virtue of Class A would exceed 1,000 square metres, calculated as described in paragraph D.1(2)(a) of this Part	(i) No (ii) The ground area will be under 1,000m² (288m²)
(f) the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres	The site is not within 3km of an aerodrome
(g) the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres	N/A
(h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road	No - the development is over 200m away from a metalled road
(i) it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building	The proposed building would not to be used for livestock or slurry storage

(j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming	The buildings will not be used for fish farming
(k) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system— (i) would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit; or (ii) is or would be within 400 metres of the curtilage of a protected building.	The building is not to be used in relation to a biomass boiler or anaerobic digestion system

Conditions

A.2— (1) Development is permitted by Class A subject to the following conditions—

(a) where development is carried out within 400 metres of the curtilage of a protected building, any building, structure, excavation or works resulting from the development are not used for the accommodation of livestock except in the circumstances described in paragraph D.1(3) of this Part or for the storage of slurry or sewage sludge, for housing a biomass boiler or an anaerobic digestion system, for storage of fuel or waste from that boiler or system, or for housing a hydro-turbine	The building is not proposed for these uses
(b) where the development involves— (i) the extraction of any mineral from the land (including removal from any disused railway embankment); or (ii) the removal of any mineral from a mineral-working deposit, the mineral is not moved off the unit	The building is not to be used for these uses
(c) waste materials are not brought on to the land from elsewhere for deposit except for use in works described in Class A(a) or in the provision of a hard surface and any materials so brought are incorporated forthwith into the building or works in question	No waste is proposed to be brought onto the site

A.2 - (2) *Subject to sub-paragraph (3), development consisting of—*

- (a) the erection, extension or alteration of a building;*
- (b) the formation or alteration of a private way;*
- (c) the carrying out of excavations or the deposit of waste material (where the relevant area, as defined in paragraph D.1(4) of this Part, exceeds 0.5 hectares); or*
- (d) the placing or assembly of a tank in any waters, is permitted by Class A subject to the following conditions—*

(i) the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be;

(ii) the application must be accompanied by a written description of the proposed development and of the materials to be used and a plan indicating the site together with any fee required to be paid;
(iii) the development must not begin before the occurrence of one of the following— (aa) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required; (bb) where the local planning authority give the applicant notice within 28 days following the date of receiving the applicant's application of their determination that such prior approval is required, the giving of such approval; or (cc) the expiry of 28 days following the date on which the application under sub-paragraph (2)(ii) was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;
(iv) where the local planning authority give the applicant notice that such prior approval is required, the applicant must— (aa) display a site notice by site display on or near the land on which the proposed development is to be carried out, leaving the notice in position for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant; and (bb) where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in sub-paragraph (iv)(aa) has elapsed, the applicant is treated as having complied with the requirements of that sub-paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;
(v) the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out— (aa) where prior approval is required, in accordance with the details approved; (bb) where prior approval is not required, in accordance with the details submitted with the application; and
(vi) the development must be carried out— (aa) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given; (bb) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (d)(ii).

The applicant has provided the relevant information.

A.2 - (3) The conditions in sub-paragraph (2) do not apply to the extension or alteration of a building if the building is not on article 2(4) land except in the case of a significant extension or a significant alteration.

The development is not an extension or alteration.

A.2 - (4) Development consisting of the significant extension or the significant alteration of a building may

only be carried out once by virtue of Class A(a).

N/A.

A.2 - (5) Where development consists of works for the erection, significant extension or significant alteration of a building and—

- (a) the use of the building or extension for the purposes of agriculture within the unit permanently ceases within 10 years from the date on which the development was substantially completed; and*
- (b) planning permission has not been granted on an application, or has not been deemed to be granted under Part 3 of the Act, for development for purposes other than agriculture, within 3 years from the date on which the use of the building or extension for the purposes of agriculture within the unit permanently ceased, then, unless the local planning authority have otherwise agreed in writing, the building or, in the case of development consisting of an extension, the extension, must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing between the local planning authority and the developer.*

There is no acknowledgement of these requirements from the applicant, however would be conditions if prior approval were granted.

A.2 - (6) Where an appeal has been made, under the Act, in relation to an application for development described in sub-paragraph (5)(b), within the period described in that paragraph, that period is extended until the appeal is finally determined or withdrawn.

No acknowledgement, but refers to an outcome and so not directly relevant here.

A.2 - (7) Where development is permitted by Class A(a), within 7 days of the date on which the development is substantially completed, the developer must notify the local planning authority in writing of that fact.

There is no acknowledgement of this requirements from the applicant, however would be conditions if prior approval were granted.

Siting and Appearance

The proposed tower/building would be sited at in a field to the east of trees. The Local Plan shows this whole area as being within the Green Belt, the Kent Downs Area of Outstanding Natural Beauty (AONB) and Landscape Character Area.

New buildings for agricultural purposes are not inappropriate in the green belt and in this location is it not considered that the proposal would harm the overriding open rural character or natural beauty of the landscape. In these circumstances no objections are raised to the proposed siting and it would be set close to existing barns.

Conclusions and Reason for Decision

The development is considered to be permitted development and the developer has applied for a determination as to whether prior approval will be required as to the siting, design and external appearance of the building. The proposed development has a traditional style of design and materials, and the siting is considered acceptable.

Recommendation

Prior Approval is not required.

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	5 th September 2023	Dated:	5 th September 2023