

Delegated Report

Prior Notification Application

Planning Application No: 20240021

Location: Brookers Farm, Luddesdown Road, Luddesdown, Gravesend

Description: 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.

Applicant: Mr Steven Chappell, Vineyard Farms Limited

Site Visit Date: Desktop assessment

Submitted Documents/Plans

Application form
'Luddesdown Winery' Location Plan
Drawing 'External Layout of Tanks South-East of the Winery'

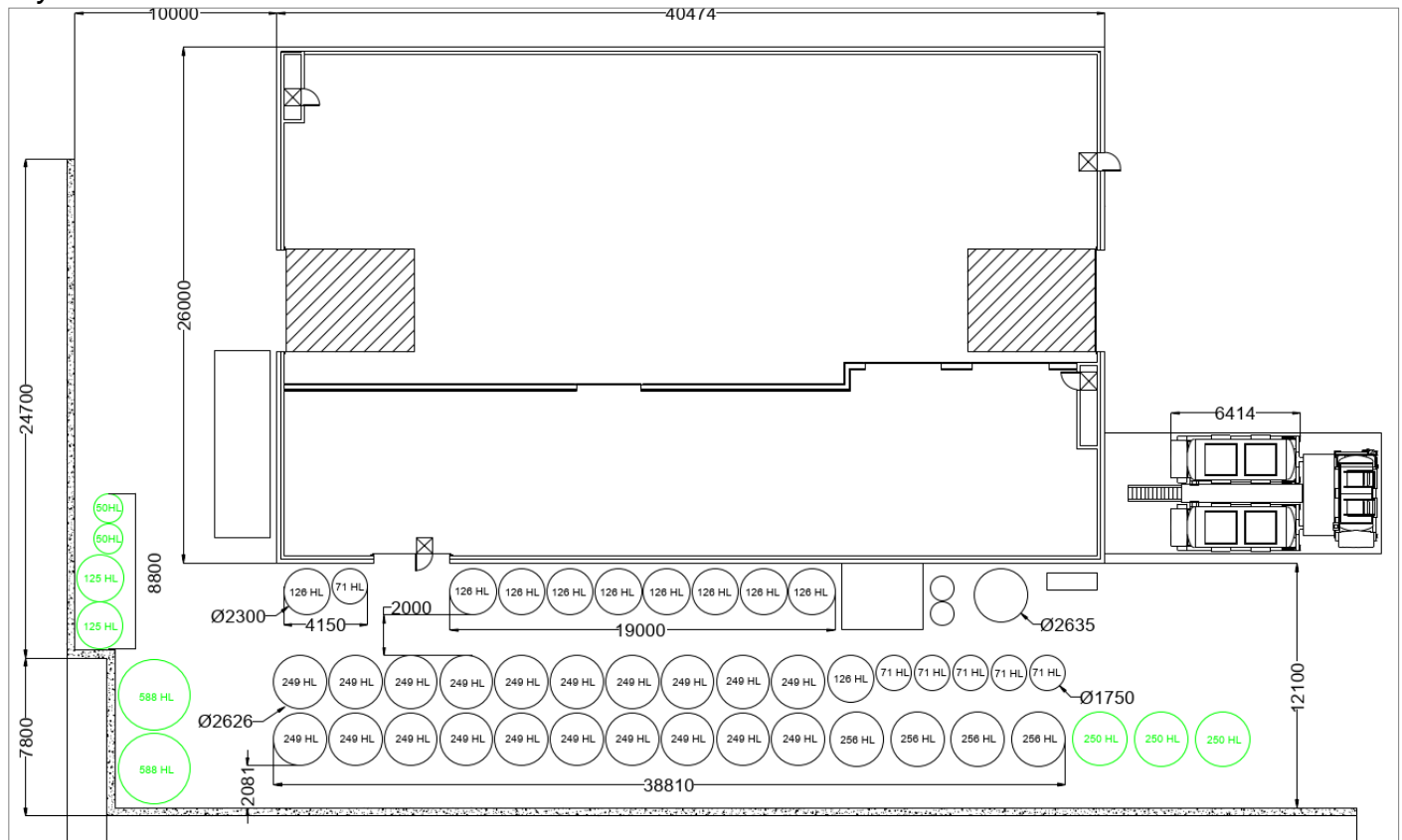
Relevant Planning History

Reference	Description	Decision	Decision Date
20231145	Prior notification under Part 3 Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of 9 additional Wine Fermentation and Storage Tanks.	Refused	03.01.2024
20231116	Retrospective application for the necessary engineering operational works to construct a track to service an associated compost/storage area.	Permission	11.01.2024
20231110	Engineering works to construct a formal car parking area for Vineyard Farms Ltd office, and winery and vineyard workers; and other users of Brookers Farm.	Refused	22.12.2023
20230454	Application for retrospective temporary consent for the erection of 41 wine fermentation and storage tanks	Temporary permission	22.06.2023
20230181	Engineering works to construct a formal car parking area for Vineyard Farms Ltd office, and winery and vineyard workers.	Refused	24.05.2023
20210607	Retrospective application for erection of two storage/fermentation tanks.	Temporary permission	23.07.2021
19880177	Erection of two agricultural buildings to form grain store, workshop/general purposes building.	Permission	23.05.1988
19500058	Alteration of existing and erection of new farm buildings	Permission	08.05.1950

Officer's Analysis

This application seeks determination pursuant to Article 3, Schedule 2, Part 6, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) in respect of the installation of 9 additional wine fermentation and storage tanks. The additional storage tanks will be located adjacent a large number of existing tanks recently granted temporary planning permission. All the tanks are to the rear of an existing farm building.

Layout of Tanks



Permitted Development

Class B of Part 6 of Schedule 2 of The Town and Country (General Permitted Development) (England) Order 2015 (as amended) relates to agricultural development on units of less than 5 hectares and permits development consisting of:

The carrying out on agricultural land comprised in an agricultural unit, of not less than 0.4 but less than 5 hectares in area, of development consisting of—

- (a) the extension or alteration of an agricultural building;*
- (b) the installation of additional or replacement plant or machinery;*
- (c) the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus;*
- (d) the provision, rearrangement or replacement of a private way;*
- (e) the provision of a hard surface;*
- (f) the deposit of waste; or*
- (g) the carrying out of any of the following operations in connection with fish farming, namely, repairing ponds and raceways; the installation of grading machinery, aeration equipment or flow meters and any associated channel; the dredging of ponds; and the replacement of tanks and nets, where the development is reasonably necessary for the purposes of agriculture within the unit.*

In this case, the development would fall to be considered under (b) as the proposed additional wine fermentation and storage tanks would be considered as 'plant', as they form 'apparatus' or equipment

required to operate a business (as defined on [Plant and machinery - Oxford Reference](#)).

Development not permitted

B.1 Development is not permitted by Class B if-

- (a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 0.4 hectares in area;*

The site is more than 0.4 ha (approximately 0.45 ha).

- (b) the external appearance of the premises would be materially affected;*

No – the 9 additional tanks would be located alongside the existing 43 tanks behind an existing agricultural building.

- (c) 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 in excess of 60m from the nearest road (Luddesdown Road (C-road)).

- (d) it would consist of, or involve, the carrying out of any works to a building or structure used or to be used for the accommodation of livestock or the storage of slurry or sewage sludge where the building or structure is within 400 metres of the curtilage of a protected building;*

Not applicable.

- (e) it would relate to fish farming and would involve the placing or assembly of a tank on land or in any waters or the construction of a pond in which fish may be kept or an increase (otherwise than by the removal of silt) in the size of any tank or pond in which fish may be kept; or*

Not applicable.

- (f) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit.*

Not applicable.

B.2 Development is not permitted by Class B(a) if-

- (a) the height of any building would be increased;*
(b) the cubic content of the original building would be increased by more than 20%;
(c) any part of any new building would be more than 30 metres from the original building;
(d) it would consist of the extension or provision of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 (changes of use) 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 B(a) begins;
(e) the development would involve the extension, alteration or provision of a dwelling;
(f) any part of the development would be carried out within 5 metres of any boundary of the unit; or
(g) the ground area of any building extended by virtue of Class B(a) would exceed 1,000 square metres.

Class B(a) is not applicable to the development.

B.3 Development is not permitted by Class B(b) if-

(a) the height of any additional plant or machinery within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;

Not applicable (the site is not near an aerodrome).

(b) the height of any additional plant or machinery not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;

Not applicable.

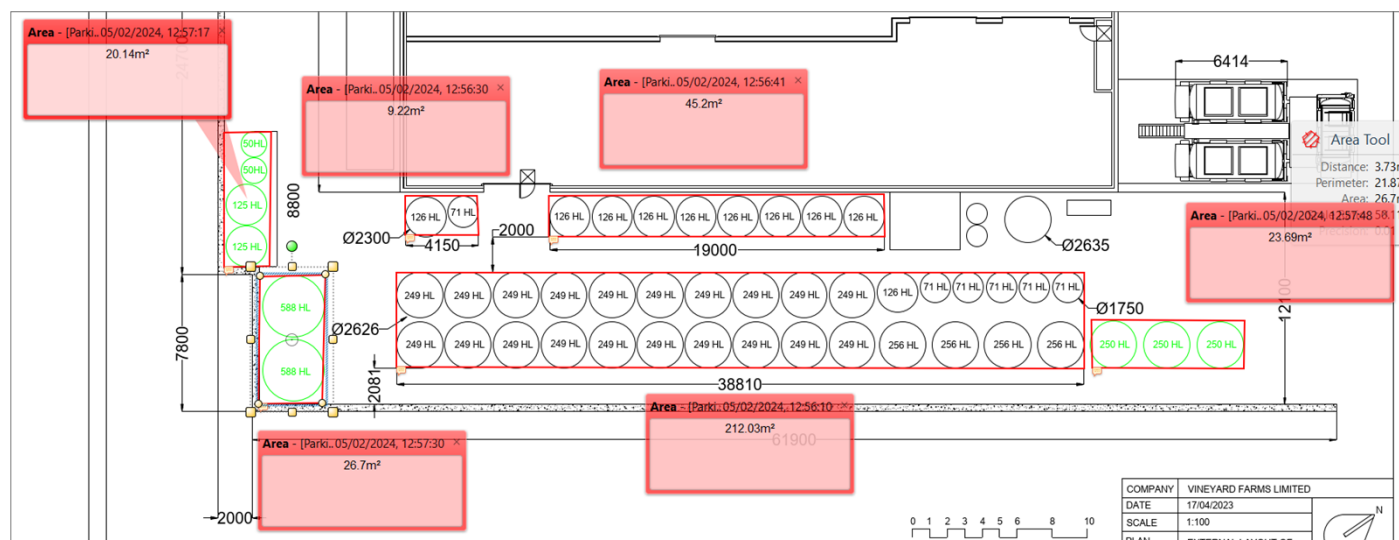
(c) the height of any replacement plant or machinery would exceed that of the plant or machinery being replaced; or

Not applicable (the development is not replacement plant).

(d) the area to be covered by the development would exceed 1,000 square metres calculated as described in paragraph D.1(2)(a) of this Part.

[D.1 (2) For the purposes of Classes A, B and C—

(a) an area “calculated as described in paragraph D.1(2)(a)” comprises the ground area which would be covered by the proposed development, together with the ground area of any building (other than a dwelling), or any structure, works, plant, machinery, ponds or tanks within the same unit which are being provided or have been provided within the preceding 2 years and any part of which would be within 90 metres of the proposed development;]



The area covered by the tanks (including the 41 allowed within the last 2 years) is less than 1000 square meters (it equates to approximately 337 square metres).

B.4 Development is not permitted by Class B(e) if the area to be covered by the development would exceed 1,000 square metres calculated as described in paragraph D.1(2)(a) of this Part.

B.4 is not applicable to the development.

Conditions

The conditions set out under B.5 for Class B permitted development are set out below but are not directly applicable to the type of development as proposed and therefore do not need to be applied to the decision in this case:

B.5

- (1) Development permitted by Class B and carried out within 400 metres of the curtilage of a protected building is subject to the condition that any building which is extended or altered, or any works resulting from the development, is 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.
- (2) Development consisting of the extension or alteration of a building situated on article 2(4) land or the provision, rearrangement or replacement of a private way on such land is permitted subject to—
 - (a) the condition that 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 as extended or altered or the siting and means of construction of the private way; and
 - (b) the conditions set out in paragraphs A.2(2)(ii) to (vi) of this Part.
- (3) Development is permitted by Class B(f) subject to the following conditions—
 - (a) that waste materials are not brought on to the land from elsewhere for deposit unless they are for use in works described in Class B(a), (d) or (e) and are incorporated forthwith into the building or works in question; and
 - (b) that the height of the surface of the land will not be materially increased by the deposit.
- (4) Development is permitted by Class B(a) subject to the following conditions—
 - (a) where development consists of works for the significant extension or significant alteration of a building and—
 - i. 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
 - ii. 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 extension, in the case of development consisting of an 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;
 - (b) where an appeal has been made, under the Act, in relation to an application for development described in paragraph (a)(ii), within the period described in that paragraph, that period is extended until the appeal is finally determined or withdrawn.
- (5) Where development is permitted by Class B(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.

Conclusion and Recommendation

On the basis of the above criteria, the proposed development is permitted by virtue of Class B(b) of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which relates to agricultural development. Therefore, prior approval is not required.

See draft Decision.

Case Officer:	Mrs Katherine Parkin	Team Leader:	Miss Faye Hobbs
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Signed:	K. Parkin	Signed:	
Dated:	5th February 2024	Dated:	08 February 2024