



Delegated Report

Prior approval

Planning Application No: 20240020

Location: New Green Farm Lower Road Shorne Gravesend

Description: Determination as to whether prior approval is required for the erection of a cold store.

Applicant: Mr R Goatham, AC Goatham & Son

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Application Form
ACG&S-NGF-900 – Location Plan
ACG&S-NGF-901 – Existing Block Plan
ACG&S-NGF-902 – Proposed Block Plan
ACG&S-NGF-903 – Proposed Floor Plan and Elevations
Supporting Planning Statement

Relevant Planning History

Reference	Description	Decision	Decision Date
20221334	Construction of agricultural worker dwelling, including the provision of all associated landscaping, biodiversity enhancements and drainage infrastructure	Refused	13.02.2023
20210970	Erection of a 4 bedroom detached dwelling to provide accommodation for the farm manager and their family, with associated landscaping, biodiversity enhancements and drainage infrastructure.	Refused (Appeal pending consideration)	26.09.2022
20210275	Application for change of use of land for the over winter storage of caravans and the provision of associated operational development following the approval of the Certificate of Lawfulness 20200457.	Permitted	14.05.2021
20200457	Application for a Lawful Development Certificate in respect of the proposal of six caravans for seasonal agricultural workers	Certificate Granted	22.07.2020
20190164	Construction of an aggregate access track and upgrading of the existing access to create a concrete bell mouth, with associated gates and fencing.	Permitted	10.04.2019
20181247	Determination as to whether prior approval is required for the erection of a new agricultural building to provide storage for machinery and farm equipment.	Prior Approval Not Required	02.01.2019

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.

Consultations, Publicity and Representations

Consultees

Ward Councillors:

No comments received.

Shorne Parish Council:

The Parish Council OBJECTS to this proposal as we consider that a full planning application is needed, with the following reasons and comments:

Published plans/documents; Land ownership:

- The Planning Statement point 1.8 references that four plans have been submitted but only the site location plan has been published on the GBC website.
- The 16-page Supporting Planning Statement contains information that is not confined to matters relating only to the proposal.
- The site location plan shows the land of the proposed building outlined in red and the area of the “agricultural unit” outlined in blue however we understand, and the Applicant seems to confirm this in point 1.5, that the land subject to this application (south of Footpath NS156) is not owned by the Applicant but is to be used through a farm tenancy agreement.
- We are uncertain whether leased land can be considered part of an agricultural unit and consider that it may be regarded as a separate parcel of land under the planning regulations.
- No access track is shown to the proposed new building or associated vehicle parking and turning area.
- The Supporting Planning Statement refers in several places to there being a “farmyard” however there is no existing or previous farmstead in this location.

Existing and proposed buildings and built forms; hardstanding:

- The Applicant has already built a barn measuring 45.5m by 19.0m giving a floor area of 855sqm.
- In addition to the barn, a large hardstanding area was built and also a large circular structure understood to be for water storage.
- The Applicant has permission to site 6 agricultural workers caravans, each 10m by 3.8m which would together cover 228sqm.
- The proposed chiller unit will measure 26.25m by 33.88m by 12m ridge height, and with projections for an electricity substation 10.38sqm, large electrical control room 35.66sqm and chiller unit occupying a further 21sqm of land. A total of 956sqm.
- We are uncertain whether a chiller unit is classified as an agricultural building “designed for agricultural purposes” or Industrial, in which case different size limits may apply.
- In point 5.5 it is stated that “no additional hardstanding is required as the existing access and yard area will provide adequate access to the building in all weathers”. This will not be the case as the buildings are significantly (90m) separated. It seems highly likely that an access road and hardstanding will be needed and subsequently installed.

Impact on public footpath; Lack of landscaping; visual impact:

- Public Footpath NS156 runs diagonally (SW to NE) between the existing buildings and the proposed

coldstore.

- The proposed coldstore will therefore have visual and amenity impacts for footpath users and there are potential safety conflicts arising through large vehicles having to cross the footpath to access the coldstore.
- The Applicant states in point 5.4 that they do not propose any landscaping however this is needed as is fencing off for safety purposes. The cold store will not be screened by other vegetation as it is 8.95m high at the eaves and 12m high at the ridge.
- The location is in the Green Belt and the Higham Arable Farmland Landscape Areas, where the introduction and then proliferation of built forms will impact on openness and adversely impact the views from nearby residential properties.

Other comments/suggested Conditions:

- Sustainability: In point 1.2 the Applicant suggests that having a local cold store improves sustainability however carbon emissions might be better minimised by seeking economies of scale through using the centralised facilities that already exist at Flanders Farm.
- Noise concerns: The chiller unit and reversing vehicles could give rise to noise nuisance for footpath users and nearby residents due to the characteristics of sound propagation in the area.
- External lighting: This is not mentioned in the Supporting Planning Statement and we do not have access to the full set of plans however if not mentioned/shown then exterior lighting is not permitted. We note in that context that exterior lighting, on continuously/all night has been placed on the existing barn.
- Security: The proposed cold store is separated from the worker caravans, if occupied.
- Applicant's other intentions: In Supporting Statements for their other planning applications the applicant has stated that they intend to install a second cold store and a packing facility so the possible further expansion of built forms on the site should be taken into account with this application. It is noted that a triangular area of land is left unoccupied to the north of the proposed cold store and there is other space around it.
- Need for a full planning application: The Parish Council considers that a full planning application is needed for this proposal so that, if to be permitted, Conditions can be attached regarding various matters including:
 - o Siting, design and external appearance as well as landscaping.
 - o External lighting intensity and controls
 - o Width and safety fencing for public footpath NS156 – KCC Rights of Way should be asked to provide input on these aspects.
 - o Hours of operation of the entire agricultural unit and associated vehicle movements
 - o Vehicle numbers, sizes and permitted access routes.
 - o Signage and advertising banners.
 - o Removal of permitted development rights in order to prevent further proliferation of built forms and hardstanding on the site.

Dickens Country Protection Society:

The Society notes the proposed site is in the Green Belt. A location plan has been provided with a planning statement but no details of the proposed building. As such its impact is difficult to assess. In these circumstances the Society considers it should be called in to obtain the details in order that an informed decision may be made.

Officer Note: Full existing and proposed elevations have been provided with the application from the point of validation and are as listed in the Submitted Documents/Plans as listed at the start of this report.

Officer's Analysis

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 at paragraph 154 in the NPPF indicates that that one of the exceptions to inappropriate development is if new buildings are for agriculture and forestry. It is also noted that the building is in the Higham Arable Farmlands Landscape Character Area.

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.

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 building would provide 5 cooler storage units with associated refrigeration/plant room, electrical control room, chiller unit and substation with concrete pad. It would store 3175 apple bins. The planning statement suggests that this is a suitable building to meet the needs of modern agriculture. The following reasons have been provided in the planning statement:

- The provision of the facilities on site would improve sustainability.
- The cold store building is required to store apples in controlled atmospheric condition for long term storage ensuring continuity throughout the year.

The planning statement advises that the business dealt with 150,000 bins of top fruit in the previous year, and this is expected to rise to 174,000 bins by 2025. It appears that the proposed building would not provide enough bin storage for all of the apple bins produced on the farm. However, it can be assumed that the stored apples would be sold and removed from storage creating space for freshly harvested fruit. No details have been provided on the number and frequency of collections which would take place. The planning statement advises that the harvest season commences in June and ends in November. Given that there would an expected extra 24,0000 bins by 2025, the 3175 bins storage would comfortably accommodate the extra stock of apples with 7-8 collections being necessary within the 6-month harvest period. Whilst the information provided does not detail this, it is likely that the cooler barn is necessary to accommodate the additional stock as 54-55 collections would be required to hold all of the stock in the 7-month period, which would be substantial. It would, therefore, be considered that the cooler storage would be reasonably necessary for agricultural purposes in this instance, given the expected increase in production.

The requirements of Part 6, Schedule 2, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), is detailed and assessed in the table below.

A.1	Development is not permitted by Class A if –	Y/N
(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;	N

(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;	N
(c)	it would consist of, or include, the erection, extension or alteration of a dwelling;	N
(d)	it would involve the provision of a building, structure or works not designed for agricultural purposes;	N
(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; Paragraph D.1(2)(a) is as follows: 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;	N Agricultural Barn approved under 20181247 is 57m from proposed building. The ground area covered by that building was 995.6m² and it appears to be in use still today. The proposed building, with chiller and substation would have a floor space of 956.04m². The total floors space erected by virtue of class A would, if allowed be 1951.64m², which would exceed the 1000 square metre allowance. However, the previously approved scheme was carried out in excess of 2 years previously and so cannot be included in the calculation. The increased ground coverall of 956.04m², would comply with the requirements of this paragraph.
(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;	N/A
(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;	N
(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	N

	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;	
(j)	it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or	N
(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.	N/A
A.2	(1) Development is permitted by Class A subject to the following conditions—	Y/N
(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;	N
(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,	N
(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.	N
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—	As below
2(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;	See Assessment below.
2(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;	Y
2(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	To be noted by the applicant.

	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;	
2(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;	To be noted by the applicant.
2(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, in accordance with the details approved; required (bb)where prior approval is not required, in accordance with the details submitted with the application; and	To be noted by the applicant.
2(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).	To be noted by the applicant.
(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.	N/A
(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
(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	To be noted by the applicant.

	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.	
(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.	To be noted by the applicant.
(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.	To be noted by the applicant.

Siting and Appearance

Notwithstanding the above and if it were accepted that the tests in the GPDO (Article 3, Part 6, Class A and Class A.1 (a) to (k) of Schedule 2 were met under Class A.2 (2) (i) it is still down to the Local Planning Authority to judge whether prior approval is required of the siting, design and external appearance of the agricultural building.

The application site is located in the Green Belt, and the Higham Arable Farmlands Landscape Character Area and thus in a very sensitive location. The Gravesham Landscape Character Assessment (2009) describes the key characteristics of the Higham Arable Farmland as including very gently undulating topography of open arable farmland, which rises from north to south, minor clumps of native woodland and clusters of properties and farmsteads. The condition of the landscape is highlighted as poor with moderate sensitivity, and it recommends restoring field boundary hedgerows and planting and linking isolated woodland and orchards.

Whilst the location of the building would be on currently undeveloped land, it would be closely located to other built form, making it the most appropriate area for the development. The building would be 33.88m in length and 26.25m in breadth with height of 12m and eave height of 8.95m. It would use a green profile metal sheeting to the walls and grey profile metal sheeting to the roof. It would have a small number of openings, reasonably necessary for convenient access and would be without windows, as would be expected for an agricultural storage building.

New buildings for agricultural purposes are not inappropriate in the Green Belt and in this location it is not considered that the proposal would harm the overriding open rural character or natural beauty of the landscape, by virtue of the positioning of the building, the proposed materials and its design and appearance. In these circumstances no objections are raised to the proposed siting.

Conclusion & Recommendation

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 low form simple design, with metal materials which are common on agricultural buildings (Although a more traditional design would be preferred), and the siting is considered acceptable, in a location set away from the road sufficiently to limit its visibility from the road. (For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Ms Lisa Williams	Team Leader:	
Signed:		Signed:	
Dated:	25th January 2024	Dated:	