

# Delegated Report

## *Change of Use Planning Application*

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**Planning Application No:** 20240099

**Location:** Oakleigh Farm Buckland Road Higham Rochester

**Description:** Change of use of an agricultural building to a light industrial use under use Class E(g).

**Applicant:** Mr James Worley

**Site Visit Date:** 3<sup>rd</sup> June 2024

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### Submitted Documents/Plans

Planning Application Form;  
Drawing No. 010 Rev B – Site Location Plan;  
Drawing No. 020 Rev B – Existing Block Plan;  
Drawing No. 030 Rev B – Proposed Block Plan;  
Drawing No. 040 Rev A – Existing Floor Plans;  
Drawing No. 050 Rev A – Existing Elevations; and  
Supporting Planning Statement.

### Relevant Planning History

The application site as a whole has extensive history, however in no relevant planning permission for what is within the submitted red line plan.

### Development Plan

#### Gravesham Local Plan Core Strategy (September 2014):

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

#### Gravesham Local Plan: First Review (1994)

- T1 – Impact of Development on the Highway Network
- T2 – Channel Traffic to the Primary and District Distributer Network
- T3 – Development Not Well Related to the Primary and District Distributer Network
- T4 – Development Outside the Built-Up Area
- T5 – New Access onto 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 (2023), the Council will also seek to replace these.

#### National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 6 – Building a strong, competitive economy
- Section 9 – Promoting sustainable transport
- Section 12 – Achieving well-designed and beautiful places
- Section 13 – Protecting Green Belt land
- Section 15 – Conserving and enhancing the natural environment

#### Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006); and
- Gravesham Landscape Character Assessment (2009).

### **Consultations, Publicity and Representations**

#### Consultees

##### Higham Parish Council

As a Parish Council, we feel it is in the best interest of our village and fellow residents to provide comments to the planning application that has been submitted for the above premises for the 'change of use of an agricultural building to a light industrial use under use Class E(g).'

Our councillors would like to request Gravesham Borough Council take careful consideration of resident's objections as well as the history of these units when deciding on this planning application.

##### GBC – Environmental Protection Team

As planning will no doubt be aware, Environmental Protection has received several complaints relating to noisy commercial/industrial activities taking place at Oakleigh Farm. We are also aware that industrial activity by way of boiler repair and servicing has been taking place within the application building and this has allegedly included vehicles attending out of normal business hours and movement of heavy machinery as well as the repair/servicing work within the building.

The building subject of this application is very close to 2 dwellings – 1 of which is within a metre or so of the building to the southeast and appear (from photos submitted by the owner) to be overlooked by 2 windows which don't show on the submitted plan (it may be that they are covered internally?). The proximity of these dwellings does give rise to concerns regarding the impact any activities taking place within the building may have. This is mainly due to noise but may also include odour/fumes depending on the business using the building.

As agricultural buildings, there is the potential for there to be noise etc associated with this use, so if this use continues, noise could occur regardless which may be difficult to control. It's also appreciated that use Class E(g) covers uses which can be carried out in a residential area without detriment to amenity. If planning is minded to grant this application, it will be important to ensure appropriate conditions are placed on any permission to ensure that the light industrial use does not impact on the nearby dwellings.

To address this the following conditions are recommended:

#### **Plant/Equipment Noise Control**

Prior to any use commencing, a noise impact assessment shall be carried out and submitted to the LPA for approval demonstrating that:

- The rating noise from fixed building services/mechanical plant/equipment associated with the development shall be at least 10dB below the existing LA90 background level at the nearest noise sensitive receptors (i.e. dwellings) when measured and assessed in accordance with BS4142:2014
- Details of how noise will be attenuated together with a maintenance schedule for the future operation of that equipment must be submitted to and approved in writing by the local planning authority.

The use hereby permitted shall not take place other than in accordance with these approved details.

### **Deliveries and Collections**

Deliveries and collections to and from the site shall only be undertaken between:

- Monday to Fridays between 0800 hours and 1700 hours
- Saturdays between 0800 hours and 1300 hours
- Not at any time on Sundays and Bank Holidays

### **Opening/Operating Hours**

The use shall only take place inside the building and at no point outside (apart from loading and unloading) between the following hours:

- Monday to Fridays between 0800 hours and 1700 hours
- Saturdays between 0800 hours and 1300 hours
- Not at any time on Sundays and Bank Holidays

### **Odour/fumes**

Prior to any use commencing, full details of all equipment to be installed for the extraction, control and filtration to atmosphere of fumes, odours and aerosols associated with any industrial activity taking place inside the premises, shall be submitted together with a maintenance schedule for the future operation of that equipment. The installation of plant and equipment and control measures shall be undertaken by competent persons.

### **Neighbouring properties**

Consultation was by way of the displaying a site notice and individual letters sent to six surrounding properties, with an overall expiry date of 1<sup>st</sup> May 2024. A number of objections have been received from two local residents, which have been summarised below:

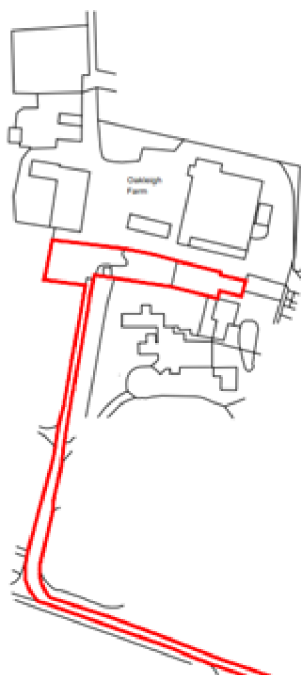
- Residential property within 1m
- Noise would impact directly
- Incorrect floor plans – ground floor windows directly overlook rear garden and rear elevation
- Loss of privacy
- Operating hours are not significantly outside those stated, including late nights and weekends. Website states it is a 24/7 company
- Planning conditions won't be complied with
- Heavy goods vehicles using access road – impact on maintaining and repairing – not suitable
- Highway safety – high speeds of traffic
- Impact on wildlife and horse owners on the farm
- Inaccuracies in the planning application to how site is used
- Proposal not in accordance with local and national planning policies
- Access to the site is unsafe and unsuitable due to intensification of use
- Detrimental impact on neighbouring amenity

- The development does not reflect Use Class E(g) and should be for a change of use to Class B2
- Fire risk

## Officer's Analysis

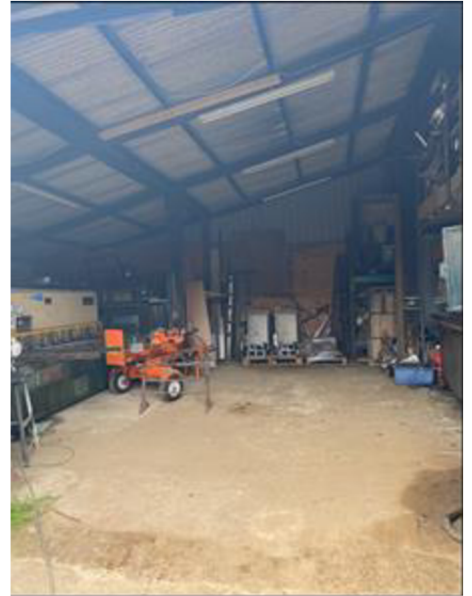
### Site Description and Procedural Matters

The application site is an existing agricultural building set within the larger site of Oakleigh Farm as can be seen from the following submitted site plan and satellite images and officer site photographs:



### *Main Application Buildings and Access*

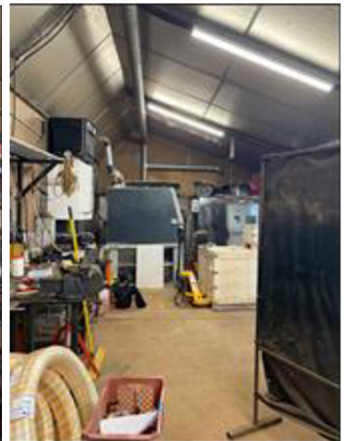




*Yard Area to the North (outside red line area)*



*Building to the North (outside red line area)*



*Access Road*



The application site is defined on the Core Strategy Policies Map as lying within the Green Belt and Higham Arable Farmlands Landscape Character Area.

This application seeks retrospective planning permission for the change of use of the site from an agricultural building to a light industrial use under use Class E(g).

No details have been provided of any ancillary development or works that maybe required such as vehicle washing facilities, lighting, surface water drainage and pollution control details etc.

The building itself as can be seen from the above photographs. It does not benefit from good or direct access routes other than a single track road some of which is not properly laid and is only surfaced by gravel, and is used to access the Oakleigh Farm Nursery and local residential properties which also sit within close proximity to the access road and the site itself.

Whilst the submitted site location plan (red line plan) and supporting documents and plans relate to the building and access only, it was evident from the officer site visit that the existing use extended to the yard areas and roadway directly in front of the building and the buildings located to the north which sit outside of the red line plan.

It is therefore evident that the use that is being applied for extends beyond the building that forms part of this application.

The main planning considerations relating to this application are:

1. Green Belt;
2. Landscape Character;
3. Neighbour Amenity
4. Highways and Parking;
5. Noise;
6. Very Special Circumstances.

### Green Belt

In the consideration of this proposal the starting point is to determine whether the proposal is appropriate development in the Green Belt and if not whether there are any very special circumstances that would clearly outweigh the harm caused to the Green Belt and any other harm that the proposal may cause.

Core Strategy Policy CS02 (Scale and Distribution of Development) sets out the Council's development strategy which prioritises focussing new development in the urban area and rural settlements inset from the

Green Belt. Within the rural area development is supported outside settlements inset from the Green Belt where it is compatible with national policies for protecting the Green Belt and other policies in the Core Strategy.

The Council supports the diversification of the rural economy (Core Strategy policy CS07) but this focuses on retaining and refurbishing existing employment space rather than allocating new land for employment. In line with development proposals in general in the rural area, employment proposals need to comply with national policies for protecting the Green Belt and other policies in the Core Strategy, in particular in relation to Green Infrastructure.

National policies for protecting the Green Belt are set out in Section 13 of the NPPF 2023. Paragraphs 152 and 153 are particularly relevant in the consideration of planning applications within the Green Belt:

152. *Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*
153. *When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

Any development is inappropriate in the Green Belt unless it falls within one of the exceptions set out in paragraphs 154 and 155 of the NPPF.

Paragraph 154 relates to the construction of new buildings and as such is not applicable to the current application.

Paragraph 155 lists other forms of development which are not inappropriate development in the Green Belt, "provided they preserve its openness and do not conflict with the purposes of including land within it". This list includes "engineering operations" and "the re-use of buildings provided that the buildings are of permanent and substantial construction".

Paragraph 142 of the NPPF emphasises the importance that the Government attaches to Green Belts:

*The Government attaches great importance to Green Belts. 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 their permanence.*

The five purposes of the Green Belt are set out in paragraph 143 of the NPPF. They are as follows:

- a) *to check the unrestricted sprawl of large built-up areas;*
- b) *to prevent neighbouring towns merging into one another;*
- c) *to assist in safeguarding the countryside from encroachment;*
- d) *to preserve the setting and special character of historic towns; and*
- e) *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

The application site is agricultural use and most of the buildings are associated with the Oakleigh Farm Nursery. Various other uses have started encroaching within the site which are not the subject of this current application. However, collectively they are eroding the agricultural use of the site which has not only a detrimental impact on the neighbouring amenities due to the industrial use which increases noise, pollution and traffic movements, but has a detrimental impact on the surrounding area from the movements of heavy goods vehicles and is more of a commercial use better suited for urban industrial sites.

The proposed development will inevitably reduce the openness of the Green Belt by introducing more vehicles in terms of parking and movements of heavy goods and commercial vehicles along narrow lanes

within the countryside. Whilst the proposal is for the change of use of an existing building, the intensification and type of use from agricultural to which the site is characterised, to industrial in itself is harmful. This would represent encroachment into the countryside contrary to one of the purposes of the Green Belt listed in paragraph 143 of the NPPF. As such, the principle of the proposed change of use of an agricultural building, including the introduction of plant and heavy goods vehicles, is considered to be inappropriate development in the Green Belt.

Consequently, the proposal would not accord with the aims of Core Strategy policies CS02 or CS07 which support development in the rural area, including employment proposals, where they are compatible with national policies for protecting the Green Belt.

In view of this, it will be necessary to set out what very special circumstances exist to clearly outweigh the harm to the Green Belt and any other harm that the proposal may cause. The issue of very special circumstances is assessed later in this report.

### Landscape Character

The site lies within the Higham Arable Farmlands Landscape Character Area. It is characterised by very gently undulating topography, open arable farmland and isolated farmstead, scattered properties with locally distinct styles and materials, and pockets of orchards and garden nurseries. The proposed development would introduce a change of agricultural use to industrial that would have an intensification of use, outside of normal operating hours, as evidenced by local residents, together with the type of use that would have an increase in noise and pollution. This together with commercial and heavy goods vehicles being present on site and using the narrow access road would introduce urban features which would be harmful to the landscape and would detract from the rural landscape character of the area. This is contrary to the aims of Core Strategy CS12 which seeks to ensure that development proposals conserve, restore and enhance landscape character and valued landscapes in the Borough and Section 15 of the National Planning Policy Framework 2023.

### Neighbour Amenity

The application site and means of access is adjacent to a number of residential dwellings, in particular Oakleigh Coach House and Oakleigh Manorhouse, which sit directly to the south of the site.

Representations from neighbours have provided evidence that vehicles movements and heavy goods vehicles travelling along the access road at various hours of the day and night/early mornings which have disturbed residents, waking them at early hours of the morning which is having a detrimental impact. This also indicates that the site is operational outside of what is being suggested in the supporting statement. This is further evidenced on the company website stating they provide a 24/7 service.

This is contrary to the aims of Core Strategy CS19 and paragraph 135f of the National Planning Policy Framework 2023.

### Highways and Parking

The site is accessed by narrow road and access tracks from Buckland Road. Concern is raised with this application particularly in terms of access for lorries and large and heavy goods vehicles being able to access and exit the site without having a detrimental impact on the road network.

With respect to parking, there is no formal parking on site, with various commercial vehicles and lorries parking in the yard areas and travelling up the narrow track to the application building.

In view of the limited information submitted with the planning application relating to the highway impacts of the proposal, this issue forms one of the reasons for refusal.

### Noise

The GBC Environmental Protection have advised that the rating level of the noise emitted from plant and equipment associated with this application shall be no greater than existing background (LA90) as measured at the nearest residential premises. They considered that if permission were to be granted, this issue could be dealt with by planning condition. However, whilst conditions could be used to control noise from plant equipment, this would not over the 24/7 use that is currently being exercised for both the light industrial and other general uses of the site. As such it is considered the proposal due to noise generated would be contrary to the aims of Core Strategy CS19 and paragraph 135 of the National Planning Policy Framework 2023.

### Very Special Circumstances

As set out above, the proposed development is considered to be inappropriate development in the Green Belt. In accordance with paragraph 152 of the NPPF 2023 such development should not be approved except in very special circumstances. Paragraph 153 advises that very special circumstances will not exist “unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.

The supporting planning statement has not put forward any very special circumstances.

### **Conclusion**

In conclusion it is considered that this proposal is not appropriate in planning terms. For the reasons set out in this report. It would constitute inappropriate development within the Green Belt and would cause harm to the rural landscape character of the site and have a detrimental impact on neighbour amenity. Insufficient information has been submitted to demonstrate that the development would be acceptable in terms of highway safety and parking has been provided.

No very special circumstances have been put forward and as such it is recommended that this application be refused.

### **Recommendation:**

Refuse planning permission

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

|                      |                                                                                     |                     |                                                                                      |
|----------------------|-------------------------------------------------------------------------------------|---------------------|--------------------------------------------------------------------------------------|
| <b>Case Officer:</b> | Ms Amanda Cue                                                                       | <b>Team Leader:</b> | Richard Hart                                                                         |
| <b>Signed:</b>       |  | <b>Signed:</b>      |  |
| <b>Dated:</b>        | 18th July 2024                                                                      | <b>Dated:</b>       | 19 <sup>th</sup> July 2024                                                           |