



Delegated Report

Full Planning Application

Planning Application No: 20240668

Location: Craft Works Joinery Limited Unit 2 Queens Farm Queens Farm Road

Description: Retrospective application for the change of use of an existing agricultural building to a joinery workshop (Use Class E).

Applicant: Sinead Granville, Evesham Properties Ltd

Site Visit Date: 20th August 2024

Submitted Documents/Plans

Planning Application Form;
Drawing No. 240412-L-001 – Location Plan;
Drawing No. 240412-E-001 – Existing Plans and Elevations;
Drawing No. 240412-E-002 – Existing Plans and Section;
Drawing No. 240412-P-001 – Proposed Plans and Elevations;
Drawing No. 240412-P-002 – Proposed Plans and Section;
Drawing No. 240412-SE-001 – Existing Site Plan;
Drawing No. 240412-SP-001 – Proposed Site Plan; and
Planning Statement.

Relevant Planning History

The application site as a whole has extensive history, however only the relevant planning history has been included below:

Reference	Description	Decision	Decision Date
20181303	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 agriculture to B1 (Business use).	Prior Approval Granted	19.02.2019

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

External

KCC – Minerals and Waste

The County Council has no land-won minerals or waste management capacity safeguarding objections or comments to make regarding this matter.

KCC – Heritage Conservation

The site lies within an area of multi-period archaeological potential. However, based on existing Historic Environment Record data for the area and the past development of the site, I consider it unlikely that these proposals would have had a significant archaeological impact and have no further comments to make in this case.

KCC – Highways and Transportation

It would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

It is important to note that Local Planning Authority (LPA) 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 LPA planning permission has been granted.

For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees, 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 and near the highway 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 pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

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. Further details on this are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb/dropped-kerb-contractor-information>

Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, 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.

Shorne Parish Council

This a retrospective application as the business has extended by 50% into the southern neighbouring part of the barn.

We also note that the aerial view shows the presence of structures on the forecourt which may be associated, and need investigation.

The original change of use relates to application ref 20181303.

While pleased for the business that they are thriving and therefore needing to expand, the Parish Council continues to have concerns as originally expressed in our January 2019 response to 20181303 regarding traffic increases, days and hours of work, noise generation (as previous agricultural buildings, the barns lack noise insulation), HGV and large vehicle access routes, drainage and sewerage, and potential environmental pollution.

We would be grateful if the above issues could be reviewed and at least the same Conditions as previously could be attached.

GBC – Environmental Protection Team

No objection to this application which just represents a small extension to the original (permitted) joinery workshop. We have not received any noise complaints regarding the use of the premises.

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 20th September 2024. No comments have been received.

Officer's Analysis

Background

As the planning history shows, Prior Approval was obtained in 2019 (application reference 20181303) under Part 3 Class R of the General Permitted Development Order for the change of use of part of the agricultural building to a flexible B1 (Business use). This consent was implemented, and the unit subsequently occupied by Craftworks Joinery. However, as stated within the supporting Planning Statement, the business extended into the end bay of the unit and it has recently become apparent to the applicant that approval was not in place to operate from this additional space. This application therefore seeks to regularise the use of the additional space as a joinery workshop.

Site Description and Procedural Matters

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

Site Plan



Satellite Image



Queens Farm Road and Access to Site (view North to South)

View to Application Building from Access



Stables to North of Site



Application Building



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.

The building itself as can be seen from the above photographs. It benefits from good access from Queens Farm Road and within the actual site which has been hard paved.

The site itself is well maintained, clean and at the time of the officer site visit (approx. 15:30 on a Tuesday), was very quiet. The Use does not extend behind the red line boundary which clearly shows on Drawing No. 240412-SP-001 – Proposed Site Plan the building and ancillary containers. Whilst vehicles were parked to the east of the building near the container storage, this would not have an overall detrimental impact and it would be usual for staff parking to be within the site.

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 majority of the application site are agricultural use and most of the buildings appear to be associated with Queen’s Farm. Half of the barn which forms part of this application was given Prior Approval under Application Reference 20181303 (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 agriculture to B1 (Business use)). Part of the building has been occupied by Craft Works Joinery Limited. This application seeks to regularise the retrospective use to the southern part of the building.

The use has not extended beyond the confines of the existing building and there has been no recorded issues of noise or disturbance or detrimental impacts in terms of vehicle movements, storage or waste that would have a detrimental impact on the character of the area. The use therefore not reduced the openness of the Green Belt of the countryside. The proposal would fall within paragraph 155 of the NPPF (2023) and is considered acceptable in this instance and does not represent encroachment into the countryside in accordance with paragraph 143 of the NPPF (2023). As such, the retrospective application for the the change of use of an existing agricultural building to a joinery workshop (Use Class E), is considered to be an appropriate development in the Green Belt.

The proposal would accord with the aims of Core Strategy Policies CS02 and CS07 which support development in the rural area, including employment proposals, where they are compatible with national policies for protecting the Green Belt.

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, however the use has existing conditions of operating hours, which would be imposed on any forthcoming permission, and the use has not encroached outside of the application building. There haven no reports of noise complaints, as stated by the GBC Environmental Protection Officer and therefore the use has not had a detrimental impact. As such, it is considered that the development is not harmful to the landscape and does not detract from the rural landscape character of the area, in accordance with 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 NPPF (2023).

Neighbour Amenity

The application site and means of access is adjacent to a number of residential dwellings, the closest being The Coach House and Greendales, which are directly east of the site.

The GBC Environmental Protection Officer has stated that there have been no records of noise complaints from the site and there are no Planning Enforcement cases for the site. In addition no comments have been received from any of the surrounding properties, in response to the consultation letters or site notice.

The existing operating hours approved under the prior approval are 08.00 and 18.00 on Monday to Friday only, and at no time at weekends or Bank or Public Holidays (Condition 5 of Planning Permission 20181303) will also be imposed on this current application to protect the amenities of the local residents. As this is an extension of this use the same hours of use will be appropriately conditioned.

The development is in accordance with the aims of Core Strategy CS19 and paragraph 135f of the NPPF (2023).

Highways and Parking

The site is accessed by Queen's Farm Road which is a tarmacked adopted road which benefits from good sightlines. The access is generous with the gates being sufficiently set back from the road. Parking is within the site.

In view of the above there are no objections or concerned in terms of parking or highway safety, or the use of the road network. As such, the development is in accordance with Policy CS11 of the Core Strategy and T1 of the Gravesham Local Plan: First Review (1994).

Noise

The GBC Environmental Protection have advised that no complaints have been received relating to the use of the site. The prior approval decision included a condition relating to the noise level emitting from the site. This condition will also be imposed on this current application. As such it is considered the development is in accordance with the aims of Core Strategy CS19 and paragraph 135 of the NPPF (2023).

Biodiversity Net Gain

Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

The proposed development would not affect 25m² of onsite habitat and does not impact an onsite priority habitat and therefore is a de-minimis exception.

Very Special Circumstances

The supporting planning statement has not put forward any very special circumstances. However, as set

out above, the proposed development has not resulted in a detrimental impact on the Green Belt, and the development would fall within paragraphs 155 of the NPPF (2023). As such, it will not be necessary to assess if there are any very special circumstances.

Conclusion

In conclusion it is considered that this proposal is appropriate in planning terms. For the reasons set out in this report, it has not constituted appropriate development within the Green Belt and has not caused harm to the rural landscape character of the site and, neither has it had a detrimental impact on neighbour amenity. The site is well maintained with sufficient parking for commercial and staff vehicles..

Recommendation:

Permission

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

Case Officer:	Ms Amanda Cue	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	13 th September 2024	Dated:	18th September 2024