

Delegated Report

Prior Approval Application

Planning Application No: 20230967

Location: Land At Jeskyns Farm Jeskyns Road Cobham Gravesend

Description: Determination as to whether prior approval is required for the erection of a purpose-built facility to support the operational forestry work of Forestry England in managing this site and surrounding parts of the forest estate.

Applicant: Mr Duncan Slade

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Application Form
Location Plan
Site Plan
Floor Plan – Proposed
Elevations – Proposed
Window and Door Details
Planning Statement

Relevant Planning History

No relevant planning history

Consultations, Publicity and Representations

Consultees

Dickens Protection Society:

Noting the location in the Green Belt, in the Society's view prior approval should be required, but planning consent cannot reasonably be withheld.

Planning Policies

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.

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 in the NPPF (2023) indicates that one of the exceptions to inappropriate development is if new buildings are for agriculture and forestry.

The application relates to a holding of over 3000 hectares of land known as the Thames Chase Beat as identified in the Planning Statement provided, which is used for commercial production of sustainable timber products 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.

Reasonably necessary for the purposes of agriculture within that unit.

The most relevant section 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 would be Class E Forestry developments. The relevant sections are included below for reference.

Class E – forestry developments

Permitted development

E. The carrying out on land used for the purposes of forestry, including afforestation, of development reasonably necessary for those purposes consisting of—

- (a) works for the erection, extension or alteration of a building;*
- (b) the formation, alteration or maintenance of private ways;*
- (c) operations on that land, or on land held or occupied with that land, to obtain the materials required for the formation, alteration or maintenance of such ways;*
- (d) other operations (not including engineering or mining operations).*

Development not permitted

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

- (a) it would consist of or include the provision or alteration of a dwelling;*
- (b) the height of any building or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres in height;*
- (c) any part of the development would be within 25 metres of the metalled portion of a trunk road or classified road; or*
- (d) 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 which is occupied together with that building for the purposes of forestry.*

Whilst the proposal to erect a building for operational development related to forestry use may fall under class E (a), for it to be permitted under this legislation it would require compliance also with the requirements under E.1 (a,b,c & d). The development would comply with a, b and d based on the information supplied. Jeskyns Road which is located to the south of the site is a C classified , metalled road. Although, the building and silos are located over 25 metres away. No development including hardsurfacing can be undertaken within 25 metres of that road and be compliant. However, the hard surfacing would be located to the parking areas only and not the existing drive and so would comply with this requirement. The development would therefore be permitted subject to compliance with the Condition under E.2 as follows.

Conditions

E.2—(1) Subject to sub-paragraph (3), development consisting of the erection of a building or the extension or alteration of a building or the formation or alteration of a private way is permitted by Class E subject to the following conditions—

- (a) 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 or, as the case may be, the siting and means of construction of the private way;
- (b) the application must be accompanied by a written description of the proposed development, the materials to be used and a plan indicating the site together with any fee required to be paid;
- (c) the development must not begin before the occurrence of one of the following—
 - (i) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
 - (ii) 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;
 - (iii) the expiry of 28 days following the date on which the application under sub-paragraph (1)(b) 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;
- (d) where the local planning authority give the applicant notice that such prior approval is required, the applicant must—
 - (i) 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;
 - (ii) 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 paragraph (d)(i) 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;
- (e) the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—
 - (i) where prior approval is required, in accordance with the details approved;
 - (ii) where prior approval is not required, in accordance with the details submitted with the application; and
- (f) the development must be carried out—
 - (i) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given,
 - (ii) 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 (b).

(2) In the case of development consisting of the significant extension or the significant alteration of the building such development may be carried out only once.

(3) Sub-paragraph (1) does not preclude 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.

This application falls under the requirement of condition E.2(a). An assessment is therefore required as to whether Prior Approval would be required as to the siting, design and external appearance of the building.

Siting

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. In these circumstances no objections are raised to the proposed siting, it would be set away from the woodland. From the main public viewpoints from Jeskyns Road and Henhurst Road, there appears to be limited visibility of the site as a result of nearby dwellings and planting interrupting the view.

Design and External Appearance of the building

The proposed building is well design to fit in with the landscape, using pre-constructed units clas with thermawood timber and steel composite sheeting to the roof with a pv system. The openings would be upvc double glazed with steel powder coated doors. Whilst timber framed windows, single glazed are preferred

in rural areas, the site is set away from the street with limited visibility and there is evidence of upvc windows on nearby buildings in the area.

It is considered that the design and materials would sit well within this setting and would not be harmful.

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 traditional style of design and materials for the external walls, and the siting is considered acceptable, in a set back position with limited visibility from the wider street perspective.

The recommendation is that Prior Approval is not Required.

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

Case Officer:	Ms Lisa Williams	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	3rd October 2023	Dated:	13 October 2023