

STATEMENT OF CASE

REF:
DHA/36373

DATE:
October 2025

SITE:
**FARM SHOP AND OFFICE, BROOKERS FARM, LUDESDOWN ROAD,
LUDESDOWN, GRAVESEND, KENT, DA13 OXE**

CLIENT:
Vineyard Farms Ltd

1.1 INTRODUCTION

- 1.1.1 This Statement is submitted in support of an application for a Lawful Development Certificate ('LDC') on behalf of Vineyard Farms Ltd in respect of the wine shop and offices at Brookers Farm, Luddesdown Road, Luddesdown, Gravesend.
- 1.1.2 This application follows a previous application for an LDC approved in October 2025 (Ref: 20250839), which confirmed that the use of part of the agricultural building as a small wine shop ("Cellar Door") and vineyard/ farm offices in association with the existing agricultural operations at Brookers Farm is lawful and did not represent a material change in planning use.
- 1.1.3 This LDC application seeks confirmation that further proposed internal extensions associated with the wine shop and offices, would also be lawful as a) the scale of the change would still mean that the activities therein are such that they remain ancillary to the agricultural operation and b) they do not constitute a change of planning use.
- 1.1.4 This application is accompanied by the following plans and supporting documents, and referenced within this Statement:

REFERENCE	DOCUMENT	AUTHOR
-	Application Form	
DHA/36373	Statement of Case (this document)	DHA Planning
DHA/35449/200	Site Location Plan	DHA Urban Design
DHA/35449/201	Block Plan	
DHA/35449/202	Existing Ground Floor Plan	
DHA/35449/203	Existing First Floor Plan	
DHA/35449/204	Existing Elevations	
DHA/35449/205	Proposed Ground Floor Plan	
DHA/35449/206	Proposed First Floor Plan	
DHA/35449/207	Proposed Elevations	

TABLE 1.1: SUBMITTED DOCUMENTS

1.2 SITE OVERVIEW

- 1.2.1 The site is situated in the hamlet of Luddesdown which is within the Kent Downs National Landscape (formerly AONB) and the Green Belt. The site lies to the southeast of The Lion pub and north of Luddesdown Court, located in the countryside between Cuxton, Meopham and Cobham.
- 1.2.2 Vineyard Farms Ltd have operated the winery at Brookers Farm, Luddesdown since 2018 and is the Applicant's only site for wine making within the agricultural holding.
- 1.2.3 The farm offices within the agricultural building have been in use since February 2020, providing ancillary office space to support the operations of the farming estate. An extension to the office floor space within the building was added in July 2025 to accommodate the growing business and staff requirements.
- 1.2.4 The conversion of part of the agricultural building into the 'Cellar Door', to enable the sale of wine and other farm produce at Brookers Farm began on 13 March 2024, with the shop opening on 20 May 2024.
- 1.2.5 Figure 1.1 shows the location of the application site, while Figure 1.2 identifies the buildings at Brookers Farm that form part of the existing viticulture operation. Figure 1.3 shows the site in the wider context of the farming estate under the applicant's ownership.
- 1.2.6 As set out above, the Council have confirmed that the above uses are lawful and do not constitute development as no material change of planning use has occurred as the activities remain ancillary to the main agricultural (viticulture) business.



FIGURE 1.1 SITE LOCATION (DRAWING REF: DHA/35449/200)

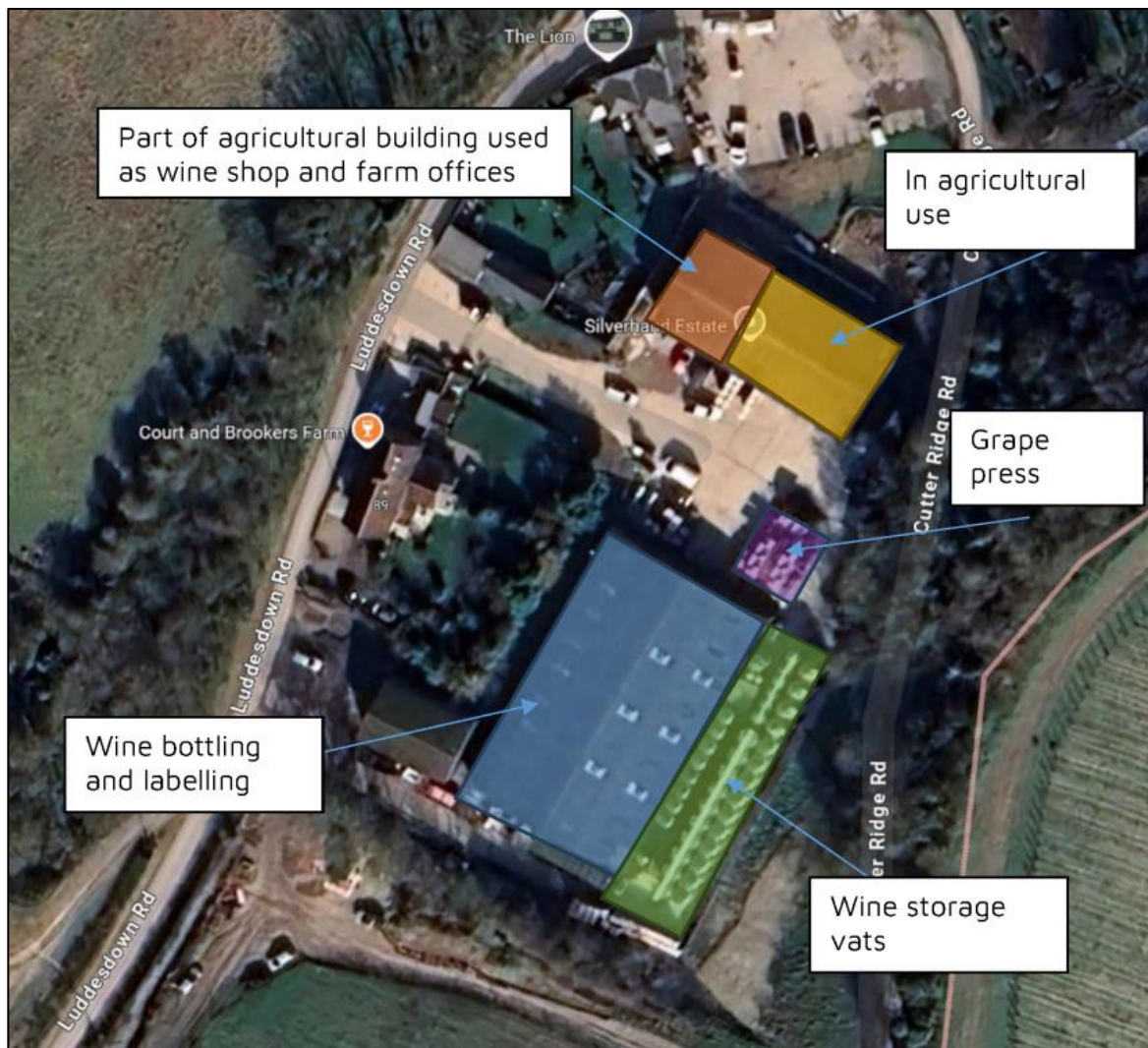


FIGURE 1.2. ILLUSTRATIVE PLAN OF THE WINE SHOP AND OFFICES IN THE CONTEXT OF THE FARMS WINE MAKING FACILITIES

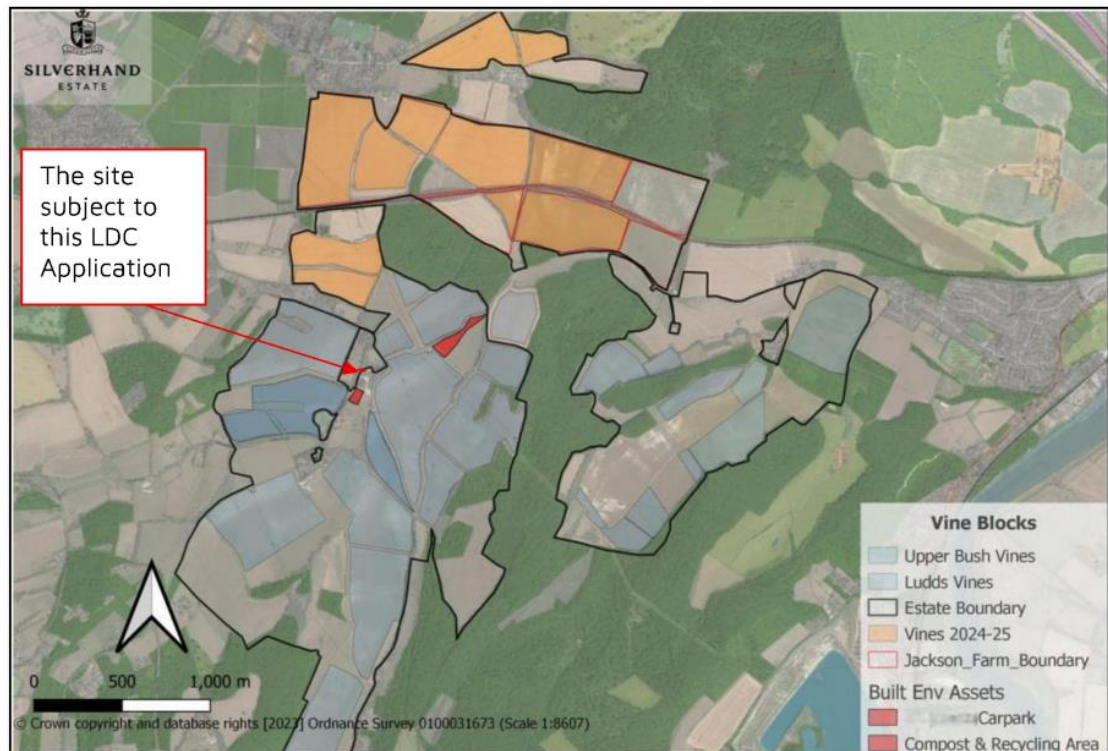


FIGURE 1.3. PLAN SHOWING THE WINE SHOP AND OFFICES IN THE CONTEXT OF THE APPLICANTS VINEYARD AND FARMING ESTATE

1.3 PLANNING HISTORY

- 1.3.1 According to GBC's online planning history records, the application site at Brookers Farm has an extensive planning history, reflecting its long-standing agricultural and viticultural use and associated development.
- 1.3.2 For the purposes of this LDC application (Ref:20250839), the most relevant planning permission is the LDC application submitted to the Council for the existing wine shop and farm offices which the Council confirmed is lawful.

1.4 THE CERTIFICATE PROPOSAL

- 1.4.1 This application seeks to confirm that the addition of small amount of further floorspace within the building associated with the existing shop and office functions therein does not result in a material change of use or intensification that requires planning consent.

Proposed Internal Layout and Alterations

1.4.2 The proposed internal alterations are modest in scale. The works are intended to improve the functionality and efficiency of the operation of the farm shop and offices.

1.4.3 To achieve this the following is proposed:

Ground Floor

- The creation of 13.4sqm of additional ground floor space to create a new storage area for the wine shop;
- Conversion of the existing staff room into an additional storage/wine tasting room;
- Creating internal doorways connecting the wine shop with the adjacent tasting rooms;
- Reconfiguring and replacing the ground floor toilets;
- Installation of new external windows on the side elevation associated with reconfiguring the toilets.

First Floor

- The creation of 17.5sqm of additional first floor mezzanine floor space to create a new wine tasting room.

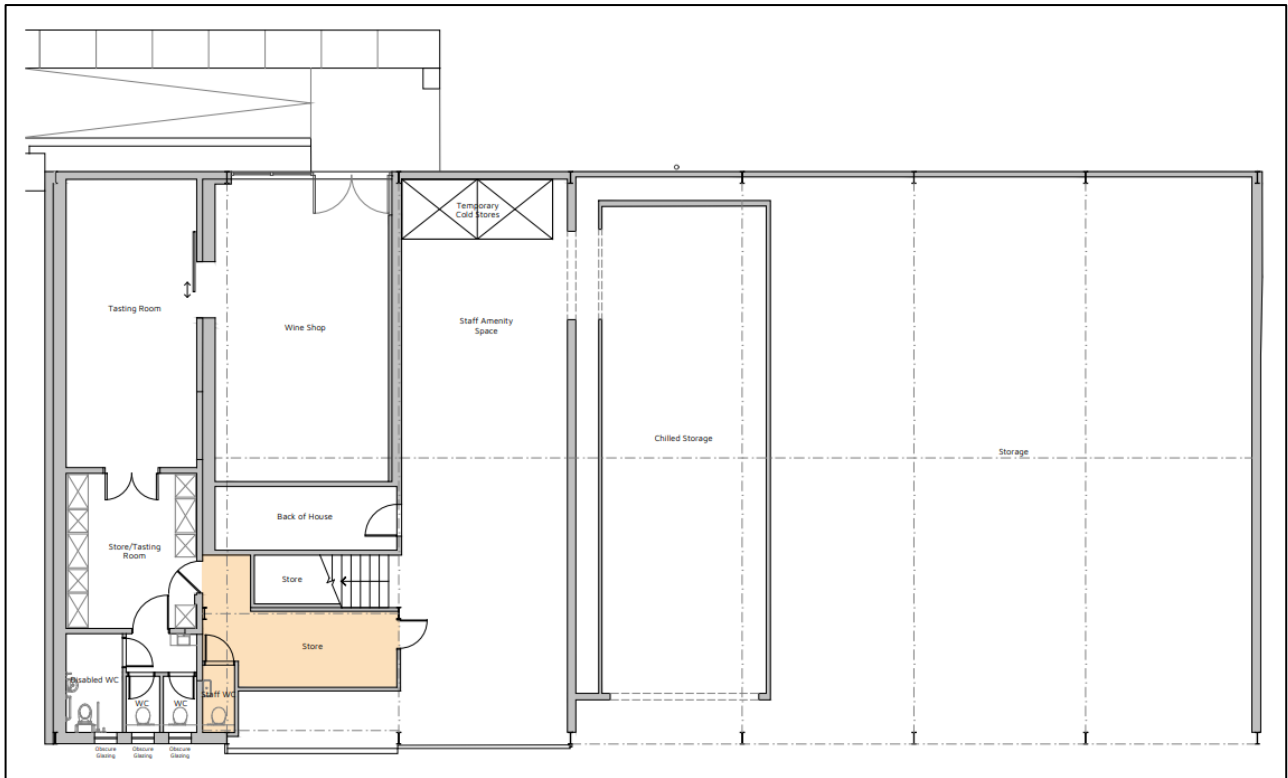


FIGURE 1.4 PROPOSED GROUND FLOOR PLAN (DRAWING REF: DHA/35449/205)

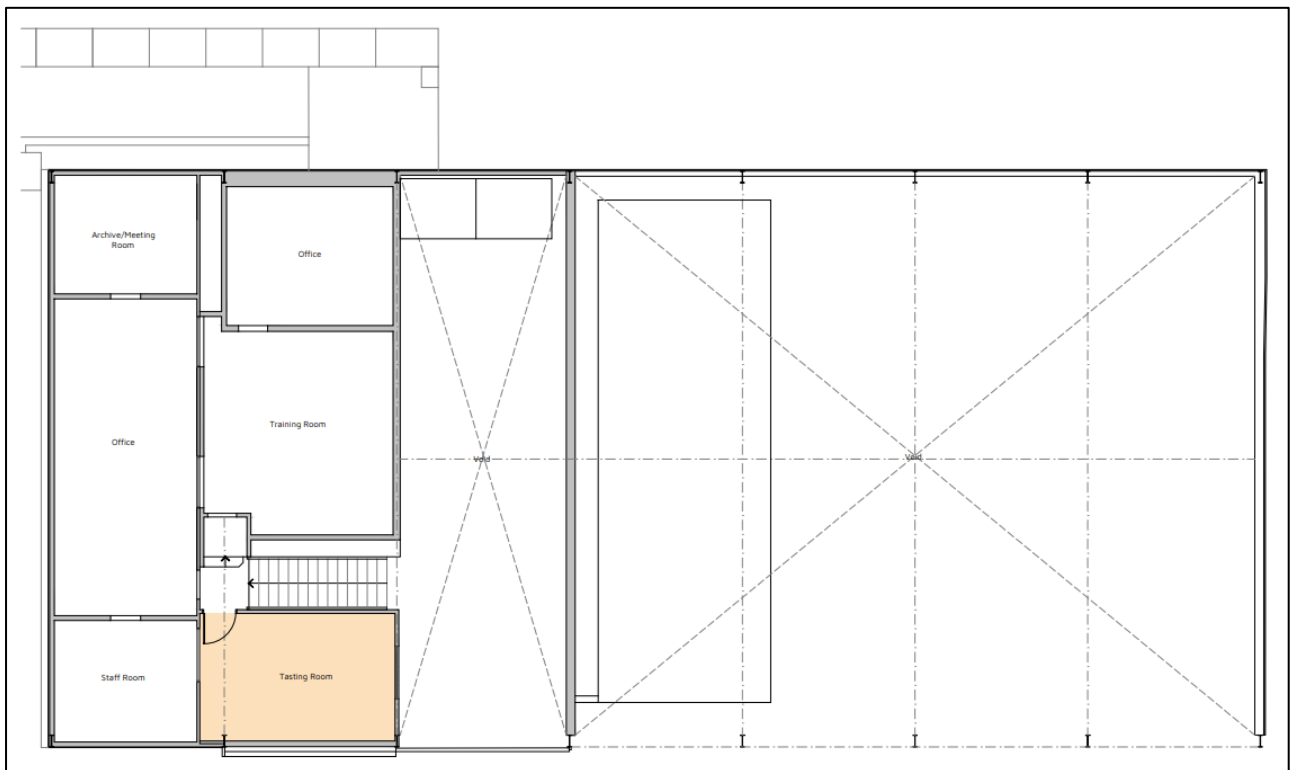


FIGURE 1.5 PROPOSED FIRST FLOOR PLAN (DRAWING REF: DHA/35449/206)

Established Legal Basis Precedent for the Site

- 1.4.4 The definition of “agriculture” in the Town and Country Planning Act 1990, states:
- ““agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly”*
- 1.4.5 Agriculture operations are expressly stated as not constituting development under Paragraph (e) of S55(2) Town and Country Planning Act 1990:
- “The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land”... “The use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used”.
- 1.4.6 With reference to *Millington v Secretary of State for the Environment, Transport and the Regions 1999* it is considered that the shop and the sale of produce from the associated farming estate does not represent a material change of use. In essence the processing of farm produce so as to produce an identifiably different product for sale is considered consequential to the agricultural operation of producing goods. This being so, the shop is an agricultural use of an agricultural building occupied together with the farming use of the estate.
- 1.4.7 The Millington case established the following approach when considering whether an activity, having regard to ordinary and reasonable practice, can be:
1. regarded as ordinarily incidental to the growing of grapes;
 2. included in the general term agriculture;
 3. be regarded as ancillary to normal farming activities;
 4. be regarded as reasonably necessary to make the product marketable or disposable to profit; or
 5. be said to have come to the stage where the operations cannot reasonably be consequential on the agricultural operations of producing the crop.
- 1.4.8 As established in the previous LDC application (Ref: 20250839), the existing farm shop and offices are lawful and meet the tests set out in the Millington case. There has been no change of use of the agricultural building, and the proposed additional floor space constitutes a modest extension that remains small in scale and ancillary in nature. Accordingly, the proposal is considered to meet criterion 5, as it remains

ancillary to the main agricultural operation and does not result in a material change of use. The proposal is therefore regarded as lawful.

1.5 CONCLUSION

- 1.5.1 This Statement is submitted in support of an LDC application on behalf of Vineyard Farms Ltd in respect of small internal extensions to, and reconfiguration of, the existing lawful shop and farm office located in part of an agricultural barn at Brookers Farm, Luddesdown Road, Luddesdown.
- 1.5.2 Confirmation is sought from GBC that the proposed internal alterations to the existing building would remain ancillary to agricultural operation, do not represent a material change of planning use and are therefore lawful.