

planning
transport
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**PLANNING APPLICATION FOR A TEMPORARY PLANNING
PERMISSION FOR ERECTION OF WINE FERMENTATION TANKS
ASSOCIATED WITH WINERY (RETROSPECTIVE) FOR VINEYARD
FARMS LTD, LUDDSDOWN.**

COURT AND BROOKERS FARM, LUDDSDOWN

MAY 2023

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1 Introduction

1.1 Overview

- 1.1.1 This planning statement has been produced by DHA Planning to support a retrospective planning application for temporary planning permission for the erection of a number of tanks to support the Applicant's enterprise in growing grapes and producing and selling wine.
- 1.1.2 In making this application we make reference to the 'Millington' case where it was established that work and activity relating to the production of wine from grapes grown on a farm near Shrewsbury amounted to 'agriculture'. On that basis, we conclude that the tanks subject of this application are therefore 'agricultural' in nature.
- 1.1.3 In any event, it is considered that the erection of the fermentation tanks could have been applied for under agricultural permitted development rights afforded through the Town and Country Planning (General Permitted Development) (England) Order 2015. While we note that is an Article 4 direction on the land dated the 18th January 1983 (Gravesham Borough Council (Court and Brookers Farms, Luddesdown) Article 4 Direction 1983), we consider the prior approval route could have been used if such an application had been made prior to the installation of the tanks.
- 1.1.4 Vineyard Farms Ltd are based in Luddesdown, Kent, and are the largest organic vineyard and the largest single vineyard site in the UK, with some 1600 acres of vineyards, woodland and pastureland.
- 1.1.5 Vineyard Farms vision is to become to UK's largest producer of English sparkling and still wines. In order to do this they have invested significant sums in infrastructure vineyards and people. At the heart of their vision is operating in the right way, and this means that they farm organically, sustainably and create the right environment for their people and workforce.
- 1.1.6 The Applicant intends, as part of a 'Brexit good news story', to improve the English economy by creating jobs, providing investment and putting Kent on the map for the fast growing industry of English wine. In doing so, they look to do so in an environmentally friendly way, enhancing ecology and biodiversity, wherever possible.

2 The site

2.1 Application Site

- 2.1.1 The site is located within Luddesdown Village, located in the Brookers Farmyard.
- 2.1.2 The tanks and infrastructure subject to this application are located behind the existing agricultural buildings, such that there is limited visibility of the tanks other than from the public highway to the north-west. We note that from that public vantage point, the tanks are seen against the backdrop of the existing farm buildings, with views down toward the tanks.
- 2.1.3 From that higher vantage point the tanks are seen against the backdrop of the large agricultural buildings, and as part of a busy 'agricultural' site.

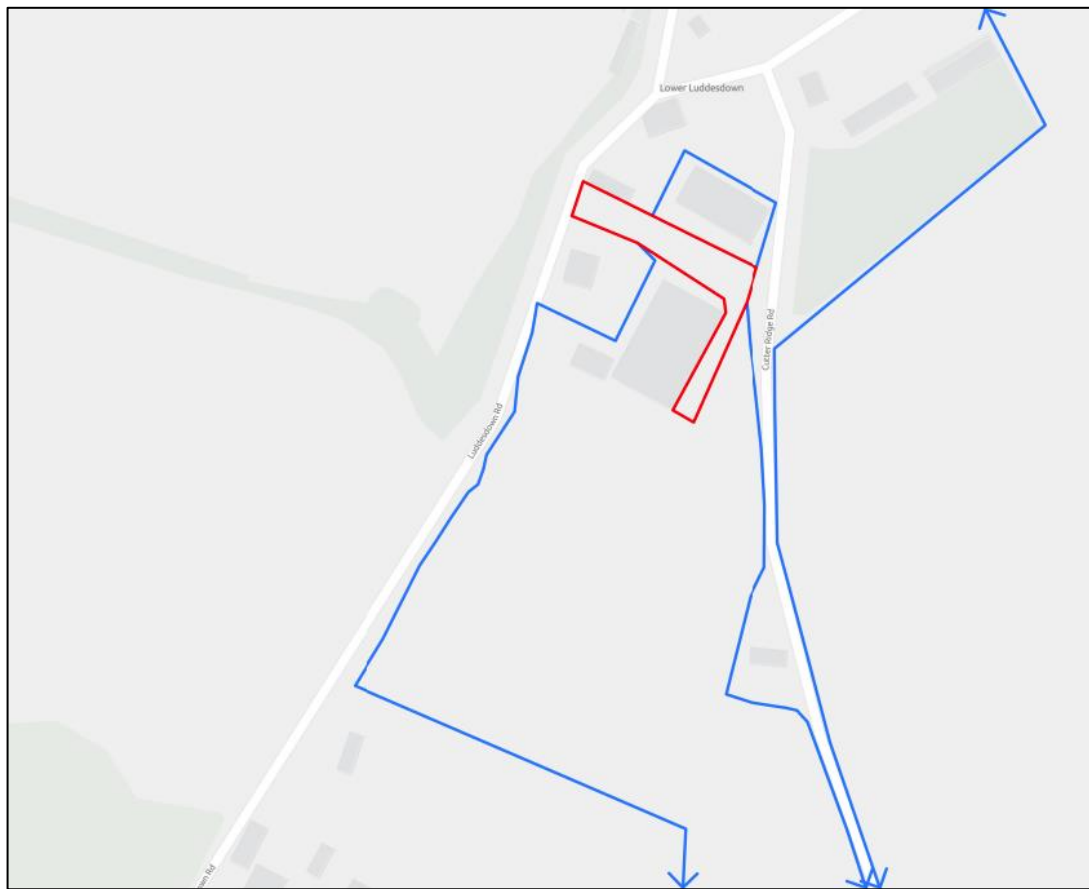


Figure 1: Site Location Plan.

- 2.1.4 There is a Grade II listed building 'Brookers Farm' located nearby to the north of the site, beyond the Brookers Farm buildings but a combination of distance and intervening buildings and topography of the land mean that the proposal will have no material intervisibility to the heritage asset.
- 2.1.5 The site is located within the Kent Downs AONB, and within the Green Belt.
- 2.1.6 As noted, the site is covered by an Article 4 direction relating to 'Court and Brookers Farms'.

2.2 Planning History

- 2.2.1 There is no planning history associated with the application site.
- 2.2.2 An application has recently submitted nearby to the site for the engineering works to construct a formal car parking area (Ref: 20230181), associated with the Brookers Farmyard site. That car park is for vinicultural workers (therefore agricultural).

2.3 Application documents

- 2.3.1 The application has been submitted with the following documents

Reference	Title	Author
Documents		
JAC/OR/17381	Planning Statement	DHA Planning
Plans		
17381	Site Location Plan	DHA Planning
059-2022-01	VINEYARD FARM_01 – (126HL)	GIMAR
059-2022-02	VINEYARD FARM_02 – (71HL)	GIMAR
059-2022-03	VINEYARD FARM_03 – (249HL)	GIMAR
DIS.012-2020 Rev3_MPD.M8	VINEYARD FARM_04 – (256HL)	Sirio Aliberti
-	VINEYARD FARM_05 – (Tank Layout)	Vineyard Farms Ltd

3 Proposed development

3.1 Proposed Development

- 3.1.1 This proposal seeks retrospective planning permission for the installation of 41 stainless steel tanks. A temporary permission is requested for a three year period initially.

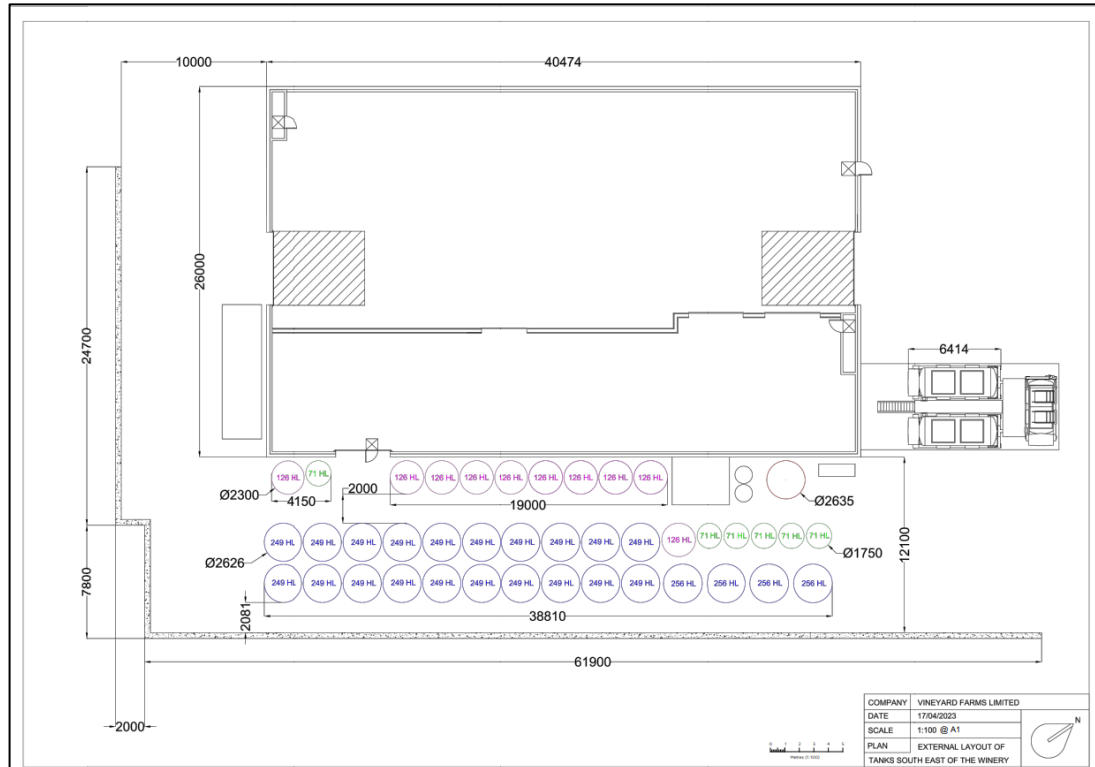


Figure 2: Site Plan.

- 3.1.2 There are 4 different types of tanks, and plans are provided of each individual tank type split by their volume (ranging from between 71 Hectolitres to 256 Hectolitres).
- 3.1.3 The tanks are used to ferment and store the wine before being bottled.

4 Planning Policy Framework

4.1 Policy Overview

- 4.1.1 Section 70 of the Town and Country Planning Act and Sections 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the statutory development plan, unless material considerations indicate otherwise.
- 4.1.2 For the purpose of this planning application, the development plan comprises of policies from Gravesham Local Plan (2014), Saved Policies (2014). There are some “saved policies in the 1994 Local Plan, but that document is now such an age that they are considered of limited weight. In any event policy related to the AONB and GB is set out in the Core Strategy and NPPF.
- 4.1.3 The Council are also in the process of preparing a Site Allocations and Development Management Policies Plan, and ran a consultation at Regulation 18 (Stage 2) during October – December 2020. Given the Development Plan is at a relatively early stage of production, limited weight is afforded to it.
- 4.1.4 In addition to the development plan, the Government’s updated National Planning Policy Framework (‘NPPF’ or ‘the Framework’) was published in July 2021. The NPPF sets out the Government’s requirements and policies for planning in England and must be treated as an important material consideration. Other material considerations include relevant adopted Supplementary Planning Documents.
- 4.1.5 This chapter therefore highlights the aspects of the NPPF and Development Plan that are relevant to this application.

4.2 Local Plan Core Strategy (2014)

- 4.2.1 The following policies are deemed relevant for the application.
- **Policy CS01 – Sustainable development.** Planning applications that accord with the policies in the development plan for Gravesham will be approved without delay, unless material considerations indicate otherwise. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and in this Core Strategy. It will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
 - **Policy CS02 – Scale and distribution of development.** In the rural area, development will be supported within those rural settlements inset from the Green Belt and defined on the Policies Map. Development outside those settlements, including affordable housing and proposals to maintain and diversify the rural economy, will be supported where it is compatible with national policies for protecting the Green Belt and policies in this plan. The extent of the Green Belt is defined on the Policies Map.

- **Policy CS07 – Economy, employment and skills.** The Council will support proposals that promote the appropriate expansion and diversification of the rural area economy.
- **Policy CS09 – Culture and Tourism.** The Council will seek to maximise opportunities for expansion in culture and tourism activity derived from its rich and diverse heritage and green infrastructure assets, its diversity as a multi-cultural community and from regeneration and growth in the area.
- **Policy CS12 – Green Infrastructure.** The overall landscape character and valued landscapes will be conserved, restored and enhanced. The greatest weight will be given to the conservation and enhancement of the landscape and natural beauty of the Kent Downs Area of Outstanding Natural Beauty and its setting. Proposals will take account of the Kent Downs Area of Outstanding Natural Beauty Management Plan, the Gravesham Landscape Character Assessment, and the Cluster Studies where relevant.
- **Policy CS20 – Heritage and the Historic Environment.** The Council will accord a high priority towards the preservation, protection and enhancement of its heritage and historic environment as a non-renewable resource.

4.3 Supplementary guidance

4.3.1 The following documents have been adopted by the Council as Supplementary Planning Guidance.

- Kent Design Guide
- Kent Downs AONB Management Plan

4.4 National Planning Policy Framework (2021)

Presumption in Favour of Sustainable Development

- 4.4.1 Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 4.4.2 Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): Economic, social and environmental.
- 4.4.3 Paragraph 11 states that plans, and decisions should apply a presumption in favour of sustainable development. For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay.

Building a strong, competitive economy

- 4.4.4 Paragraph 81 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

- 4.4.5 Paragraph 83 states that planning policies and decisions should recognise and address the specific locational requirements of different sectors.

Supporting a prosperous rural economy

- 4.4.6 The NPPF objectives seek to support the development of rural business, paragraph 84 states that, planning policies and decisions should enable:

- a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) The development and diversification of agricultural and other land-based rural businesses;
- c) Sustainable rural tourism and leisure developments which respect the character of the countryside;
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

- 4.4.7 Paragraph 85 is clear that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Promoting sustainable transport

- 4.4.8 Section 9 is clear that transport issues should be considered from the earliest stages of development proposals, including assessing the potential impacts of development on transport networks and addressing the patterns of streets and parking in order to contribute to high quality places.

- 4.4.9 Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Proposals affecting the Green Belt

- 4.4.10 Paragraph 147 is clear that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.

- 4.4.11 Paragraph 149 is clear that buildings for agriculture is not inappropriate development in the Green Belt and is an exception.

Conserving and enhancing the natural environment

- 4.4.12 Planning policies and decisions should contribute to and enhance the natural and local environment (Paragraph 174).
- 4.4.13 Paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

5 Planning considerations

5.1 Principle of Development

- 5.1.1 The proposal is seeking retrospective permission for the installation of storage and fermentation tanks associated with the agricultural business activities of Vineyard Farms Ltd. The estate comprises of some 650+ hectares of vineyards, including the largest planted organic vineyard in the UK. This sits within an overall estate of some 1600 acres of farmland and woodland.
- 5.1.2 The tanks that have been installed are strictly ancillary to the wider vineyard, and used for the storage and processing of grapes grown on the land.
- 5.1.3 As already stated, the tanks are used to ferment and store the wine before being bottled.
- 5.1.4 Vineyard Farms Ltd are expecting 700 tonnes of grapes this year from the Silverhand Estate, which will produce approximately one million bottles of wine. There is therefore a clear need for the tank space to ferment and store wine before being bottled.
- 5.1.5 The vines planted are now 3 years old and are coming into maturation.
- 5.1.6 As we have set out, the “Millington” case makes it clear that such activities are Agriculture. Vineyards and wine-making have long been considered an agricultural use. Indeed, as clarified in the Case of ‘Millington vs Secretary of State for the Environment, Transport and the regions’ in 1999, it is clear that vineyards, wine-making, wine tasting on site, vineyard tours and cellar door sales, all fall within the definition of an agricultural use. The installation of the tanks associated with the vineyard activities can therefore be considered an extension of this and clearly lies within agricultural use.
- 5.1.7 It is the position of the Applicant that the installed tanks could have been considered as agricultural permitted development had the ‘prior approval’ system been utilised. That is despite the fact an Article 4 direction is in place. An application has been submitted to enable the Council to consider the matter, however it remains the case that the erected tanks are for agricultural use and an expected feature of the countryside.
- 5.1.8 As has already been stated, Vineyard Farms Ltd are based in Luddesdown, Kent, and are the largest organic vineyard and the largest single vineyard site, with over 1600 acres of vineyards, woodland and pastureland.
- 5.1.9 As the applicant seeks to become the UK’s largest producer of English sparkling and still wines, increased storage and processing space is required.
- 5.1.10 Policy CS02 is clear that development outside settlements, including proposals to maintain and diversify the rural economy, will be supported where it is compatible with national policies for protecting the Green Belt and policies in this plan, while Policy CS07 is clear that the Council will support proposals that promote the appropriate expansion and diversification of the rural area economy.

- 5.1.11 In addition, Policy CS09 is clear that the Council will seek to maximise opportunities for expansion in cultural and tourism activity, including to support sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors where it is compatible with national policies for protecting the Green Belt and where it accords with policies in this plan.
- 5.1.12 As is evident from the above, local policy is clear that there is support for the growth of rural businesses, subject to according with national green belt policy and other policies in the plan. The tanks will enable the continued growth of the Vineyard Farms Ltd operation.
- 5.1.13 With regards to national policy on development in the Green Belt, paragraph 149 (a) of the NPPF states that buildings for agricultural uses are regarded as an appropriate building in the Green Belt. The tanks are therefore an appropriate form of development in the Green Belt.
- 5.1.14 On the basis of the above, the installation of the tanks to enable the growth of the business, is clearly supported by policy. The suitable expansion and growth of rural businesses and the rural economy is similarly supported by the Council's and national policy and the development will allow Vineyard Farms Ltd to continue growing.

5.2 Impact on the character and appearance of the wider landscape

- 5.2.1 It is noted that Policy CS12 has regard to the protection of valued landscapes, with the greatest weight given to the conservation and enhancement of the Kent Downs AONB and its settings.
- 5.2.2 Under the Countryside and Rights of Way Act 2000 (CROW Act) the relevant local authority, must make sure that all decisions have regard for the purpose of conserving and enhancing the natural beauty of the AONB.
- 5.2.3 In 1991 the Countryside Commission made a statement with regards to the purpose of an AONB designation, restated in 2006. In this statement it highlighted: *"In pursuing the primary purpose of designation, account should be taken of the needs of agriculture, forestry, and other rural industries and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment"*.
- 5.2.4 This is important for the consideration of the application, especially when considering the final aspect of the statement that highlights 'paying regard to sustainable development that in themselves conserve and enhance the environment'. The Applicant, by the nature of their business, through the growing and management of vines, substantially enhances the setting of the AONB. The works subject to this proposal will only serve to facilitate this work and should be seen as paramount to ensuring the continued operation of Vineyard Farms Ltd. The ongoing management and maintenance of the Silverhand Estate is intrinsically linked to the farmyard operations.
- 5.2.5 Indeed, it is noted in the Kent Downs Area of Outstanding Natural Beauty Management Plan that the increase in vineyards can 'add to this ordered character' which can enhance the rise and fall of the land.

- 5.2.6 In terms of the design and siting of the tanks, the location has been chosen such that the visibility has been limited to the wider setting. Placed behind the existing farm building, the tanks are well screened. In addition, there is an immediate level change to the east of the tanks such that they remain hidden from the wider landscape in this direction.
- 5.2.7 As we have noted, the tanks have been carefully sited behind the existing building in order to shield them from wider visibility. Nonetheless, a landscape impact assessment has been carried out to demonstrate this clearly.
- 5.2.8 The following figure is an extract of nearby Public Right of Way's (PROW's)

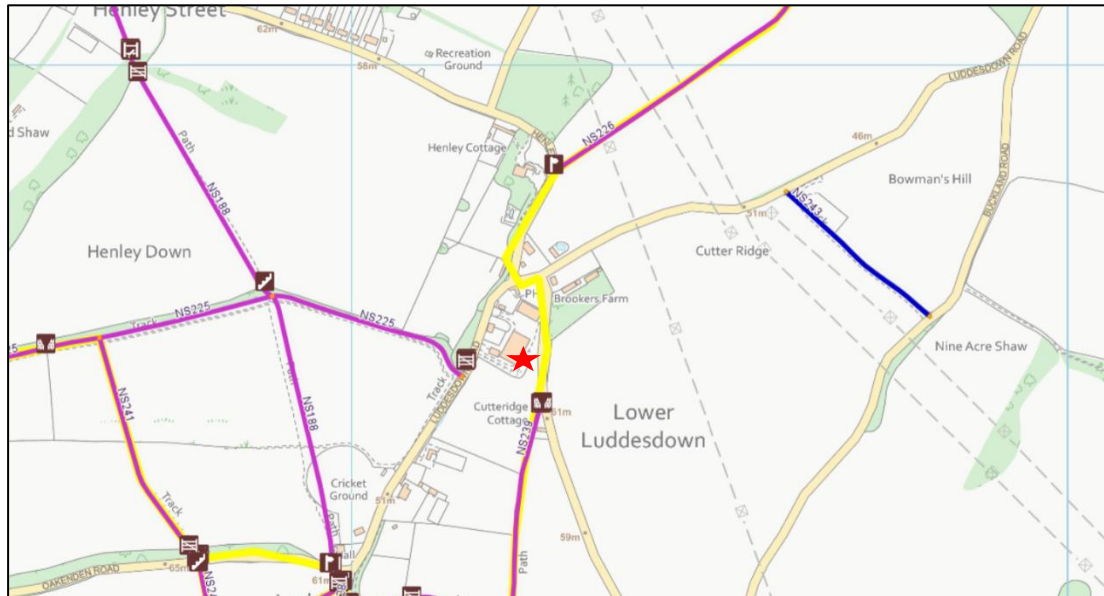


Figure 3: PROWs in relation to site.

- 5.2.9 The area marked by yellow is not a PROW, however it forms part of the 'Luddesdown Trek' walking route.
- 5.2.10 The NS225 is located to the west of the site, and the NS239 is located to the south of the site.
- 5.2.11 As mapped out in the below image, a walking visual assessment was carried out in the nearby area. Photos have been taken from key public viewpoints in the vicinity.



Figure 4: Site walkover plan.

A. View from site entrance

- 5.2.12 In terms of the view from the site entrance, the visibility of the tanks is limited owing to their placement behind the building.
- 5.2.13 Image 4 and 5 demonstrate that visibility from this view is low. Depending on the angle, a glimpse may be available of the furthest north tank, however this is seen in the context of the farmyard in operation.



Image 1: View from A.



Image 2: View from A.

B. View from Brookers Farmhouse

- 5.2.14 In terms of the view from listed building Brookers Farmhouse, there is limited visibility of the tanks as seen in image 6.
- 5.2.15 The visible setting of the listed building is more impacted by the rear of the existing agricultural building, and the glimpse of the tanks that is visible is seen in that context.
- 5.2.16 In addition to the partial visibility, we note that Brookers Farmhouse is intrinsically linked to Court and Brookers Farms. It is therefore accepted that the building's setting is historically defined by the association. Agricultural uses on the farm are therefore not harmful to the setting of the building.
- 5.2.17 In addition, more notable from the listed building is the large car park directly in front of it.



Image 3: View from B.

C. View from Cutter Ridge Road

- 5.2.18 From Cutter Ridge Road, there is visibility of the tanks from the road. It is important to note however that the tanks from this perspective are seen in the context of the existing Brookers Farm area.
- 5.2.19 The tanks are smaller than the building that they are next to, and therefore the impact is limited on the landscape. That is, because the tanks do not extend above the ridge height of the existing building and therefore do not reduce any visibility of the wider landscape.
- 5.2.20 Furthermore, in the absence of the tanks, the view of Cutter Ridge is not necessarily enhanced when presented with the rear of the agricultural building and the associated paraphernalia of the farmyard. In the absence of tanks, the area has previously been used for general storage purposes in association with the farmyard. This would similarly be visible from Cutter Ridge road.



Image 4: View from C.



Image 5: View from C.



Image 6: View from C.

D. View from NS239

- 5.2.21 From the PROW NS239, there is a low visibility of the top of the tanks. This view significantly reduces as one travels further south on the PROW.
- 5.2.22 Owing to the topography and that the tanks and farmyard are set further into the ground, the end result is that the tanks from this viewpoint blend well into the context of the farm.



Image 7: View from D.



Image 8: View from D.

E. View from Luddesdown Road

- 5.2.23 From Luddesdown Road, the tanks are well screened by existing vegetation and tree coverage on the site and adjacent field. The impact from this position is considered to be minimal.
- 5.2.24 Any views of the tanks as you travel further south along Luddesdown Road will be fleeting, and seen through dense vegetation.



Image 9: View from E.

F. View from NS225

- 5.2.25 With regards to the footpath NS225, there is a brief glimpse from the section close to Luddesdown Road at the foot of the hill. However, this view is limited and only seen through vegetation.
- 5.2.26 As one travels along the footpath to the top of the hill, there is no view of the tanks owing to the vegetation and tree canopies, in addition to the existing building presence on the farm which screens the tanks.



Image 10: View from F (View from NS225 nr. Luddesdown Road).



Image 11: View from F.

Concluding remarks on landscape

- 5.2.27 It should be recognised that the tanks are very similar in appearance to silos that are often seen within farmyards. Also, whilst visible, the tanks are largely viewed against the backdrop of the building and farmyard area. This context serves to reduce any visual impact. The tanks should be seen in the context of that in which they appear.
- 5.2.28 With the backdrop of the existing farm area and the fact that the tanks do not encroach on wider views of the landscape, any harm is negligible.
- 5.2.29 Other than when on site, the only 'prominent' view of the tanks is when viewed from Cutter Ridge Road. While it is not disputed that this view is clear, it is noted that the tanks do not impede any wider views into the landscape. Furthermore, in the absence of the tanks, the view of the rear of the agricultural building and any associated stored paraphernalia would not be a betterment on the situation.

- 5.2.30 At this point consideration should be given to the Countryside Commission statement, which highlights that regard should be taken of the needs of agriculture.
- 5.2.31 To this point, features of agriculture should not be seen as unexpected in the landscape.
- 5.2.32 Separately to the tanks, a holistic approach should be taken to the benefits to the landscape and biodiversity measures that Vineyard Farms Ltd are providing. Some of these are set out as bullet points below:
- Over the last 2 years VFL planted around 21,000 mixed species native hedgerows across the estate. This is part of increasing habitat connectivity across the estate and enabling species movement across the landscape. This is notable when visiting the area.
 - VFL also have around 12 kilometres of historic hedgerows managed with biodiversity in mind - cut on a 3-year rotation.
 - Approximately 150 new trees (broadleaf) have been planted as a woodland shaw to reconnect two woodlands.
 - A woodland management plan for the 41 hectares of woodland in the estate is being drawn up. Biodiversity conservation and enhancement is the main driver for the plan.
 - VFL are currently improving the condition of 17ha of species rich meadows and managing this through conservation grazing with ancient sheep breeds.
 - Late last year VFL restored another 1.5ha of species rich grassland that was in decline.
 - VFL are managing key verges around the estate specifically for wild orchids and monitor their extent and condition.
 - This year VFL will be improving nesting habitat for predator birds, bats and various protected invertebrates by constructing 5 Wildlife Towers, recently approved by Gravesham Borough Council.
 - VFL are also working on entering the estate into High Tier Countryside Scheme and as part of it, several of the pasture fields will be re-seeded with species rich grassland plant species and more set aside areas created within the some of the vine blocks.
- 5.2.33 Visually, these works will provide significant improvements to the setting and management of the AONB, and go way beyond what can typically be expected of a landowner. Nonetheless, this is part of the commitment Vineyard Farms Ltd have made to the ongoing management of the Silverhand Estate.
- 5.2.34 This work is clearly dependent on the success of the Estate. The tanks subject of this application will enable the applicant to continue with the ongoing management of the land.

5.3 Ecology

- 5.3.1 The tanks have been installed on existing hardstanding, within a working farmyard.

5.3.2 Given the nature of the tanks and their location, no ecological concerns are raised.

6 Conclusion

6.1 Summary

- 6.1.1 This Planning Statement has been produced by DHA Planning, on behalf of the applicant, Vineyard Farms Ltd. The statement has been produced to support a retrospective application for temporary permission for the erection of a number of stainless steel tanks required in order to support the ongoing works of Vineyard Farms Ltd.
- 6.1.2 It is well established that vineyards and associated wine making activities are recognised as being covered by an agricultural use, and therefore no change of use is required. The tanks subject of this application are entirely covered under an agricultural use.
- 6.1.3 While it is noted there is visibility of the tanks from the road to the rear of the tanks, its impact is limited and seen in the context of the existing farm.
- 6.1.4 Nonetheless, consideration should be given to the wider operations of Vineyard Farms on the Silverhand Estate, for which the proposed tanks will enable the continued maintenance and management.
- 6.1.5 On the basis of the above, it is therefore respectfully requested that planning permission is therefore granted.