

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20251092
Location	Brookers Farm, Luddesdown Road Luddesdown Gravesend
Proposal:	Application for a Proposed Lawful Development Certificate; to create additional ground floor space within existing building for new storage area for wine shop; conversion of existing staff room into storage/wine tasting room; creating internal doorways connecting the wine shop with the adjacent tasting rooms; reconfiguring and replacing ground floor toilets with installation of new external windows on side elevation. Creation of first floor mezzanine floor space for new wine tasting room.
Applicant:	Vineyard Farms Ltd
Site Visit	N/A Desktop Assessment

Plans & Documents

Application form
 Statement of Case
 Drawing no. DHA/35449/200 (Site Location Plan)
 Drawing no. DHA/35449/201 (block plan)
 Drawing no. DHA/35449/202 (existing ground floor plan)
 Drawing no. DHA/35449/203 (existing first floor plan)
 Drawing no. DHA/35449/204 (existing elevations)
 Drawing no. DHA/35449/205 (proposed ground floor plan)
 Drawing no. DHA/35449/206 (proposed first floor plan)
 Drawing no. DHA/35449/207 (proposed elevations)

Property Type

The property comprises an agricultural barn within a yard where wine is produced and meets the definition of 'agriculture'.

Material Consideration

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Relevant Planning History

20250839	Application for an Existing Lawful Development Certificate for the continued use of part of the	Certificate Granted	21.10.2025
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agricultural building as a small wine shop (Cellar Door) and vineyard/farm Offices in association with the existing agricultural operations.

20240039	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 an agricultural building to a flexible use as offices and off licence (Use Class E).	Refused	02.04.2024
19880177	Erection of two agricultural buildings to form grain store, workshop/general purposes building.	Permitted	23.05.1988

Consultations

As this is an application for a proposed lawful development certificates consultations are not undertaken however a number of responses have been received:

Kent Police Designing out Crime

We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

We recommend SBD guidance is utilised to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. The points below identify my recommendations for the layout and design of this scheme.

1. CCTV is advised for all areas, especially at entry points, till areas, and other areas with limited natural surveillance or storage areas containing high-value equipment. Please ensure the CCTV supports the lighting plan.
2. We strongly recommend alarms, with an auto-dial function, be installed on all external doors, including emergency exits.
3. If new external doorsets are proposed (a doorset is the door, fabrication, hinges, frame, installation, and locks) we recommend these to meet PAS 24: 2022 UKAS certified standard, STS 201 (certified to PAS

24:2022) or LPS 2081 Issue 1 Security Rating B+. Please note PAS 24 is a minimum-security standard, and communal doors may require a higher standard, such as STS or LPS.

4. If new windows are proposed on the ground floor, we recommend these to meet PAS 24: 2022 UKAS certified standard, STS 204 (certified to PAS 24:2022) or LPS 2081 Issue 1 Security Rating A, STS 222 Issue 4 Burglar Resistance, LPS 1175 Issue 8 Security Rating A1, STS 202 Issue 12 Burglar Resistance BR1 or LPS 1673 Issue 1 Attack Rating AR.A60. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.

5. Lighting - Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the Institution of Lighting Professionals), particularly where a lighting condition is imposed, to help avoid conflict and light pollution.

6. Access control. Adequate access control is required for entrances used by staff only such as storage rooms and other restricted areas.

7. Parking - Where unavoidable, the car parking area must be covered by natural surveillance from an "active" window e.g. reception and sufficient lighting. In addition, we recommend CCTV and appropriate signage for visitor bays to avoid conflict and misuse.

8. Waste bins should be kept in a secure enclosure, ideally away from the building as bins can become a climbing aid or even an arson hazard.

9. Any Shutters should be as close to the building line as possible and must avoid the creation of a recess. Shutters must be certificated to LPS 1175: Issue 7, SR2; STS 202: Issue 3, BR2; Sold Secure Gold or PAS 68:2013.

If approved, site security is required for the construction phase. There is a duty for the principle contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

We welcome a discussion with the applicant/agent about site specific designing out crime. If the points above are not addressed, they can affect the development and local policing.

This information is provided by Kent Police DOCO's and refers to situational crime prevention. This advice focuses on CPTED and Community Safety with regard to this specific planning application.

Dickens' Country Protection Society

The Society does not object to the proposed works which are mainly internal but considers the change of use should be subject of planning consent and conditions. The site is in an area to which Green Belt Policies apply and the North Downs National Landscape Area where it is desirable that development remains under the control of the Local Planning Authority in order that development can be controlled and these policies maintained.

Three neighbours have objected. Their comments are summarised below:

- Repeated applications therefore cumulative impact
- The barn is agricultural and the application is not for agricultural use
- The application is for a visitor attraction and wine bar/commercial and leisure uses
- This needs a planning application so that impacts on North Kent Downs National Landscape, traffic, noise and parking can be properly assessed
- Permitted development rights are intended to support genuine agricultural activity, not enable commercial enterprises
- Noise and light pollution during construction
- Increased traffic
- Increased lighting
- The rejection of a visitor centre in Medway is now being permitted by stealth

- Traffic impact needs to be considered, no public transport in Luddesdown
- Designed to attract visitors, not the residents of Luddesdown
- Increasing reports of dangerous driving/drunk driving
- Impact on the environment

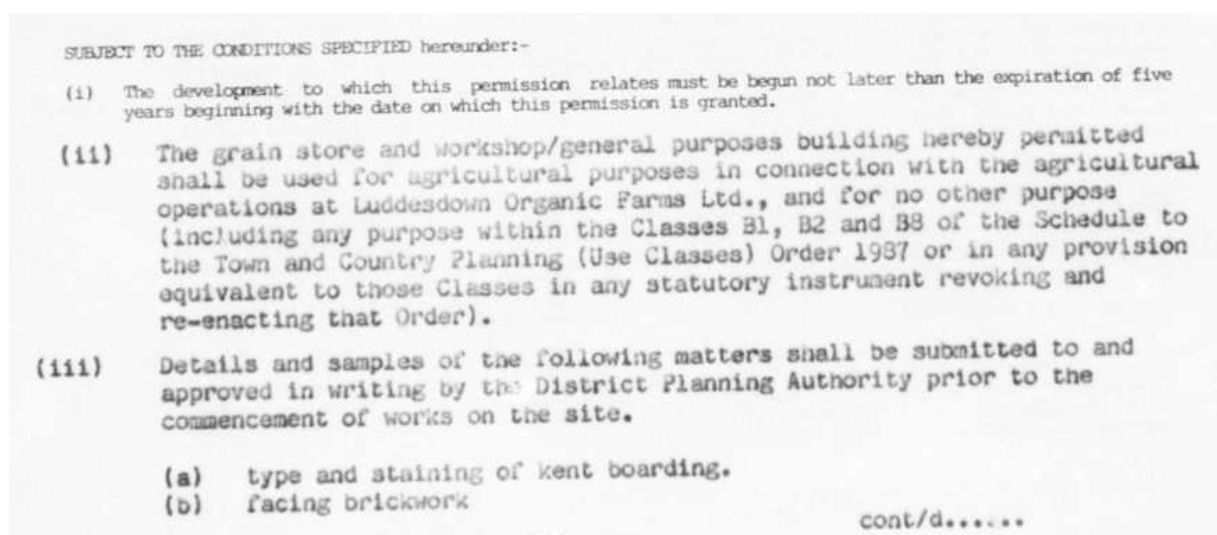
Officer Assessment

Procedural Note

Whilst it is accepted that objectors have raised concerns about the cumulative impact of smaller applications being submitted, the applicant has the right to apply for these applications and for them to be considered on a case-by-case basis taking into account planning legislation and adopted local and national policies. There is no mechanism to prevent multiple applications unless they are very similar and have been refused permission or dismissed on appeal within the last two years. In most cases, therefore, the council have a duty to process a valid application and issue a formal decision.

Background

Planning application reference 19880177 granted permission for the two barns on the site and imposed the following conditions:



Planning application 20240039 sought 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 an agricultural building to a flexible use as offices and off licence (Use Class E). This was refused on the basis that the above permission for the barn removed permitted development rights and therefore a change of use would require planning permission.

An application for a lawful development certificate was submitted under reference 20250839 which showed a smaller mezzanine and less office space at first floor. The ground floor showed a similar level of accommodation compared to the prior application. The applicants sought a certificate to confirm that the proposed shop and offices are ancillary to the barns legal use as agriculture and this was granted on 15 October 2025.

The main differences between the granted LDC and this proposed LDC are shown below:

Existing LDC 20250839:	Proposed LDC 20251092:
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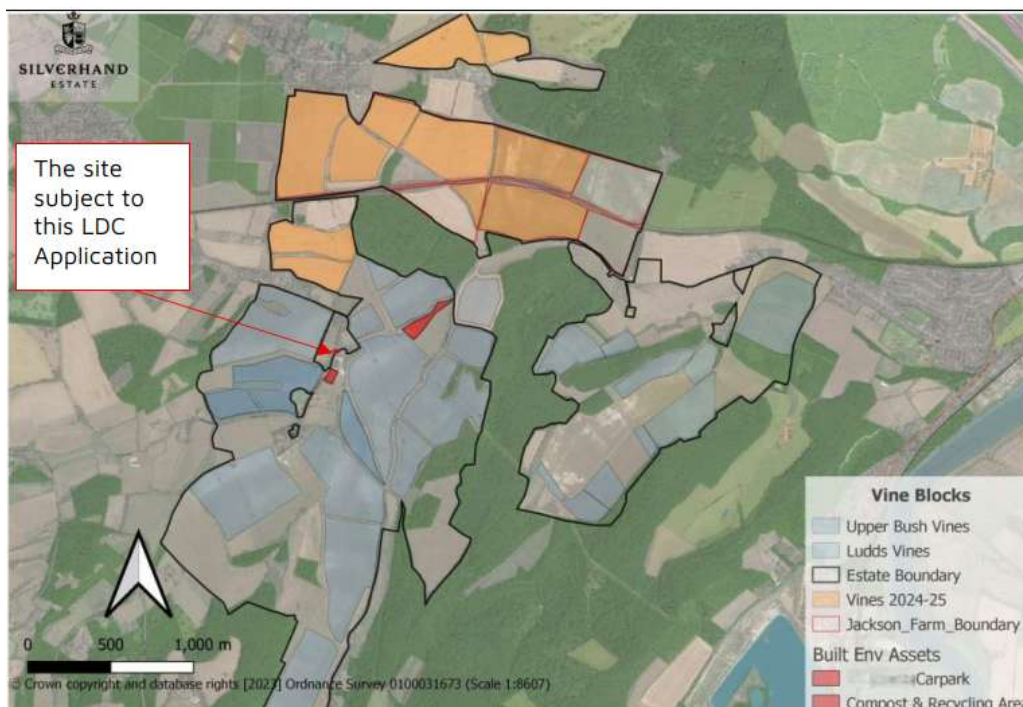
Ground floor:	Ground floor:
First floor:	First Floor:
Elevations:	Proposed elevations:

As can be seen from the drawings above the additional space proposed at ground floor is a store and additional WC and at first floor a tasting room. The only elevational change is the side that fronts on to the yard where three windows fitted with obscure glass are proposed to serve the existing WCs. The addition of the store and WC results in the loss of a small proportion of the staff amenity space and the tasting room will be constructed where there is currently a void.

The site is located within Luddesdown which is within the Kent Downs National Landscape and the Green Belt. The Lion public house is located to the west of the site. The site layout is shown below:



The whole site/estate is shown below:



In terms of a lawful use it has already been established under planning reference 20250839 that the use of the land is agricultural and that the offices and farm shop are ancillary to this. It was discussed within that application that offices are reasonably expected at farms and the amount proposed under that application was not excessive. This proposal would see a slight reduction in office space and therefore no concerns are raised.

In terms of the farm shop, the Millington case is relevant. This established that 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.

As discussed above, 20250839 established that the existing farm shop and offices are lawful and meet these tests.

This lawful development certificate seeks approval for approx. 13sqm of storage space (and WC) and a tasting room of approx. 17sqm. The additional floor space is around 5% of the existing building and is not considered significant. Neither of the proposed additions compromise the existing use of the site for agriculture/viticulture. The storeroom is unlikely to result in any intensification of the use of the site however the additional tasting room does have the potential to attract more visitors, albeit at an area of approx. 17sqm it is not significant enough to be considered a change of use to the building.

The existing LDC shows:

A tasting room
Wine shop
Amenity area
2 x WCs
Back of House
Store
Meeting/archive room
2 x offices
Training room
2 x staff rooms

This proposed LDC shows:

Tasting room
Wine shop
Amenity area
Store/tasting area
4 x WCs
Back of House
2 x stores
Meeting/archive room
2 x offices
Training room
Staff room
Tasting room

Overall there is one less office and one more tasting room. No other changes are proposed. On balance, the additional 30sqm floor space formed internally is not considered significant enough to change the use of the building and is therefore considered ancillary to the operations of this agricultural farm.

Recommendation: Grant Lawful Development Certificate

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	9th December 2025	Dated:	9th December 2025