

10 July 2024

Gravesham Borough Council
Civic Centre
Windmill Street
Gravesend
DA12 1AU



FAO: Mr E Bonthron

Dear Mr Bonthron

**Re: Land at Cobham House Vineyard, Gold Street,
Cobham, Gravesend, Kent, DA12 3AA
Objection to application ref: 20240544**

I have been instructed by [REDACTED]
[REDACTED] ("my Clients") to review the revised prior notification
application being considered by the Council at the above site and, if there are material
planning grounds justifying the same, prepare and submit an objection on their behalf. My
clients [REDACTED]
[REDACTED]

Having now reviewed the application documentation and taken independent expert advice in
relation to technical noise and landscape matters, I set out below an objection to the
application and recommend that prior approval should be refused.

My letter provides a description of the application site in relation to my Clients' properties,
reviews the application proposal and then undertakes an assessment of the proposal, taking
into account the independent advice obtained in relation to noise and landscape matters.

The site

The application site (shown in the aerial image below) comprises a pair of substantial
parcels of land extending in total to an area of approximately 11.51ha. Principally the site is
surrounded by open fields in the countryside, save for the very north western corner, which
immediately adjoins the properties at Mulberry House and Hevers Cottage with Danes Place
and The Briars being set a little further to the north.



The building proposed in this first revised application was located close to the junction between Batts Road and Gold Street.

The Council's reason for refusal sets out that although the proposed building was reasonably necessary for agricultural purposes, approval would be required for the siting and external appearance of the proposed building given its location in a very sensitive location within the Kent Downs National Landscape, the Green Belt and the Istead Arable Farmlands Landscape Character Area.

The reason for refusal continued, *“On the basis of the information submitted, prior approval is refused for the siting and external appearance of the proposed agricultural building. This is because the proposed building would stand within an open field, isolated and divorced from any other agricultural building or structures, and by virtue of its size and visually prominent siting would be a highly intrusive and visually dominant development in an otherwise open and rural area.”*

The proposal

The application form describes a development comprising the erection of a winery building (extending to 40.48m in length, 15.71m in breadth and standing to 5.12m to its eaves and 9.3m to its ridge) and hardstanding.

The submitted Proposed Block Plan (no. 10600 rev.03) shows the proposed building to be located towards the north of the western parcel of land within the application site, approximately 12m from the boundary with Hevers Cottage and approximately 19m from the boundary with Mulberry House.

It is immediately notable that the location of the proposed building is more or less identical to that which was proposed under reference 20231258.

The objection

Schedule 2, Part 6 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the GPDO”) allows the erection of a building reasonably necessary for the purposes of agriculture within that unit. This permitted development is subject to various exclusions and conditions at subsections A.1 and A.2.

Subsection A.2(2) sets out that the erection of a building is permitted by Class A subject to 6 conditions. Condition (i) sets out that a developer must apply for determination as to whether prior approval is required as to the siting, design and external appearance of the building. In previous cases at the subject site, the Council determined that prior approval is required for these matters.

When considering the matters of siting, design and external appearance, the Council's assessment of siting in the Delegated Report for application 20231258 was notably narrow and assessed only the impact of the building on the Kent Downs National Landscape. There was no consideration given to the fact that the proposed building would have been sited within close proximity of sensitive residential boundaries.



The only reference to the nearby residential properties on Gold Street in the Delegated Report was as follows: *“The proposed materials being black timber weatherboard cladding on the walls and profile metal roof, are appropriate for the rural context and the dark colour would serve to screen the building against the backdrop of trees behind properties that front Gold Street”*. The Delegated Report went on to conclude that *“the more appropriate materials and screening hereby proposed are considered to have overcome previous concerns in the refusal application”*. Whether or not the existing trees serve as acceptable screening of the development is a matter on its own and one which my Clients would have made representations on, had they been consulted but the point of concern in relation to the assessment of siting and location is that there was no consideration, whatsoever, of alternative locations for the agricultural building.

It is important here to note that when dealing with “siting” in the context of any detailed planning application for the development of land, a local authority will consider not only the position of the proposed building on a site but also the relationship with and impact on neighbours arising from that proposed siting. There is nothing in the Order which stipulates that a more restricted interpretation of siting should be used. It is logical that a broader view of siting should be taken in cases such as this one, otherwise those farming land could locate potentially disruptive and unneighbourly uses adjacent to sensitive boundaries without any potential planning control over hours of operation or noise, amongst other matters.

In the subsequent application (ref: 20240375), the Council considered a building located to the east, close to the junction between Gold Street and Batts Road. The Delegated Report sets out that the proposed building would be visible from the public right of way running across the site as well as from the highway on Gold Street. The Report further explains that the elevated location of the building would increase visibility from the surrounding area, harmful to its rural character and the natural beauty of the landscape.

Officers further set out that surrounding trees and vines would not successfully mitigate the impact of the building, which would stand within an open field, isolated and divorced from any other agricultural buildings and structures.

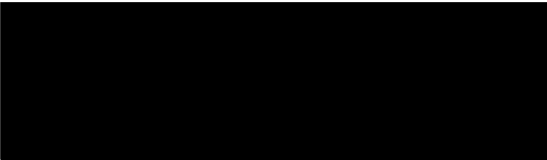
The exact same criticisms would continue to apply in this case. The proposed building would be isolated and divorced from any other agricultural buildings, but unlike the most recently refused application, would be located in close proximity to sensitive residential boundaries with significant impacts on neighbour amenity.

Flowing from this planning history, my Clients continue to have 2 principal grounds for objection to this proposed development. First, in relation to the very significant impact the proposed development would have on their residential amenity and enjoyment of their gardens due to the significant material change to the noise environment; and second that the development would have an unacceptable impact on the landscape.

Unacceptable noise impact

This objection is supported by a Noise Impact Assessment (“NIA”) by Lustre Consulting, which reaches a notably different conclusion to that set out in the Assessment undertaken by Chris Wood Acoustics.

First, the NIA observes at paragraph 2.4 that the applicant’s baseline noise survey was affected by adverse weather conditions across 5 of the 7 testing days, meaning their results



on background noise levels cannot be relied upon. Moreover, the Lustre review of the applicant's NIA reveals that there are significant sources of noise which are omitted from the assessment (including from bottling and operational transport), further rendering the submitted NIA unreliable.

Given concerns about the reliability of the applicant's noise evidence, Lustre undertook a noise survey from within the rear garden at Hevers Cottage. The survey was carried out across a 5 day period, unaffected by adverse weather conditions. The Lustre survey shows that although nighttime noise levels are comparable to those in the applicant's NIA, the daytime levels the applicant relies upon are significantly more favourable to their case than the levels Lustre recorded.

The conclusion of the Lustre NIA is that the siting proposed for the winery building *"...is, from a noise perspective, probably the worst possible location, being proposed directly adjacent to noise sensitive receptors."*

Turning to the application drawings, the submitted floor plans do not detail the location and extent of the proposed hardstanding, but my clients note that the west elevation of the proposed building includes large roller shutter doors, which will provide access to a tractor and equipment store, the principal press and crusher area and bottling facility within the building.

The Planning Statement, at paragraphs 3.20 – 3.28 discusses the impact of the proposed building upon *"the residents who live proximate to the site"* and seeks to reassure the Council that detailed consideration has been given to the proposed siting. However, it fails to address the long-standing question of why the building needs to be sited in such close proximity to sensitive residential boundaries. The application site extends to an area in excess of 11ha and it is entirely unclear what other locations have been considered for the proposed building and why they have been discounted.

The Statement seeks to justify the proposal on the basis that the size of the proposed building *"is much reduced from theoretical levels"* but in the absence of any extant approval for any larger building on the site, such theoretical alternative buildings are, of course, nothing more than anecdote, which cannot carry weight in the assessment of the application.

At paragraph 3.25, the Statement acknowledges that the design of the development *"does, of necessity, involve some inevitable trade-offs"*, but these are not articulated. However, the Statement goes on to explain that the resultant impacts on neighbours should be *"weighed in the balance against the key benefits of the development, mainly that of rural economic diversification."* The GPDO does not make any provision for the consideration of the suggested wider benefits arising from the development of agricultural buildings.

Furthermore, it is notable that the Planning Statement does not detail any way in which the proposed use would be managed, controlled, or limited in order to avoid any adverse impact on neighbours.

Apart from the evident impact on neighbouring residents' amenities, the introduction of a significant noise making use into a tranquil rural setting will have the effect of harming the area's character, undermining one of the key qualities which contributes to the National Landscape designation.

Contrary to the suggestion in the Planning Statement and the applicant's unreliable NIA, it is my Clients' case that due to its siting in close proximity to sensitive residential boundaries,



the proposed development will give rise to materially harmful impacts on the residential amenity of existing and future occupants at Mulberry House, Danes Place and Hevers Cottage. It is also argued that the development will unacceptably impact on the character of the rural setting. These opinions are based on the reliable noise evidence provided by Lustre Consulting following a visit to the site and continuous noise recording across a 5 day period which was unaffected by adverse weather conditions.

Unacceptable landscape impacts

My clients have commissioned a Landscape Statement (“LS”) by Louise Hooper Landscape Architect. The LS sets out a detailed assessment of the local landscape context and significance and then goes on to assess the landscape baseline at Section 3. Here it identifies 4 key viewpoints from which the landscape impact of the proposed building has been assessed:

1. From Cobhambury Farm (Viewpoint 1), it is explained that there will be a discernible view of the building from the edge of the Cobham Conservation Area.
2. From Batt’s Road (Viewpoint 2), the proposed building would be visible against the skyline as a large element, noticeable in the view and fundamentally changing its character and components.
3. Likewise from junction of Batts Road and Gold Street, the building would be visible, affecting the character of the view and altering the balance of its components.
4. From the junction of Sole Street and Gold Street (Viewpoint 4), the development would be seen against the skyline with a particularly noticeable impact affecting the rural character of the view.

At Section 5, the LS sets out a summary of the effect of the proposed development on the landscape. It concludes that the development would be out of scale with the local landform and landscape pattern with a moderate adverse impact on the landscape. In terms of visual effects, the LS concludes that the building would be sited extremely close to existing residents, resulting in a noticeable deterioration in their outlook, which the LS characterises as a major adverse impact.

Due to the proposed siting at an elevated part of the application site, the LS concludes that the proposed building would have a major adverse impact on several vantage points along Gold Street and Batts Road, which are highly sensitive to change.

Due to the significant adverse impacts identified in the LS, it sets out a robust conclusion that the application should be refused.

The evidenced findings of the LS make clear that the application is poorly conceived in relation to the proposed siting of the building and its adverse impact on a National Landscape which is highly sensitive to change. Accordingly, I endorse these conclusions.

Summary and conclusion

It is clear from the site’s history that the siting of a substantial winery building in such close proximity to sensitive residential boundaries is unacceptable and fails to meet the conditions at Schedule 2, Part 6 Class A of the GPDO.



Based on the above and the evidence set out in the accompanying NIA and ES, it is concluded that the siting of the proposed winery building is very clearly unacceptable, giving rise to significant adverse residential amenity and landscape impacts.

It is, therefore, concluded that prior approval should be refused for this proposed development.

Yours sincerely,

