

20230181 Field Adjacent To Brookers Farmyard, Luddesdown Road, Luddesdown

29 March 2023 Kent Downs

Thank you for consulting the AONB Unit on the above application.

We are unable to provide a detailed response to planning application consultations at the moment. This does not indicate that the AONB Unit considers the proposal would not impact on the statutory purposes of AONB designation and it is the responsibility of the Council to decide whether the application meets legislative and policy requirements in respect of AONBs.

The local planning authority has a legal duty to take account of the purposes of AONB designation in determining the application i.e. the conservation and enhancement of the area's natural beauty. In addition to consideration of the proposal against the local authority's development plan, account should be taken of paragraphs 176 and 177 of the NPPF and the principles and objectives of the [Kent Downs AONB Management Plan, Third Revision](#) 2021 to 2026. The Management Plan is adopted by all the local authorities in Kent as their policy for the management of the AONB and for the carrying out of their functions in relation to it. The national [PPG](#) confirms that AONB Management Plans can be a material consideration in determining planning applications.

The site is located within the [West Kent Downs Landscape Character Area of the Kent Downs LCA Update](#) 2020 and within the Luddesdown Sub Area. Summary characteristics of this Character Area include the dip-slop landform of dry valleys running north-south, interspersed with broad, undulating ridges and plateaux; extensive blocks of woodland, as well as strips on valley sides with the topography and woodland restricting views in much of the area, but with occasional long views along valleys. In respect of the Luddesdown sub area it is stated that *'this is a tranquil, complex and distinctive landscape, with a peaceful remote feel, strong sense of place and few detracting features. It has a strong sense of time-depth, and the structure of the landscape has remained largely unchanged since the late nineteenth century'*.

Landscape Management Recommendations within the LCA include:

- Protect the deeply rural character of the area, resisting development which gives it a more urbanised character
- Protect the enclosed landscapes of the dry valleys formed by the steep valley sides and numerous woodland blocks
- Manage the extensive new vineyard areas to maximise the potential to enhance landscape and biodiversity
- Ensure that any new development around historic villages respects the scale, layout, massing and materials of existing buildings, and also their relationship with the landform. Landscape proposals should reflect local character, using appropriate form, structure and species.

The site is located on the bottom of a dry valley and as such is in a particularly sensitive location, as dry valleys were one of the main targets of the AONB designation and are noted specifically as being one of the components of the 'dramatic landform and views' special qualities of the Kent Downs AONB. While the applicant has sought to moderate the effects of the proposal to an extent, the proposal would nevertheless introduce a relatively urbanising feature into this highly sensitive and rural landscape that would impact on the landscape and scenic beauty of the Kent Downs AONB.

If the Council is minded to accept the principle of the proposal, it is considered that further mitigation should be incorporated to help reduce the impacts. This is considered particularly important in view of the visibility of the site from the wider AONB landscape, including from Luddesdown Road, Cutter Ridge Road and from Public footpath NS255 to the west and Public Footpath NS239 to the east.

Mitigation should take the form of additional planting to that shown around the boundaries of the site, particularly the eastern boundary, which appears to be limited to a single row hedge. This should include substantial additional tree planting appropriate to landscape character. This would be in accordance with Principles SD2 and SD3 of the Management Plan.

However, in view of the elevated nature of views from the east and west, boundary planting would only be of limited effectiveness as views over the boundary planting are likely to be possible. It is therefore considered that additional planting should also be incorporated within the main body of the car parking area. While we note that planting is indicated within the central area of the carpark, in view of the sensitivities of the site it is considered that it should be specified that this will incorporate tree planting, which would help break up the expanse of hard surfacing when viewed from the higher topography of the valley sides to the east and west of the site.

In view of the rural location, should permission be forthcoming we would also recommend imposing conditions restricting any external lighting to ensure the dark night skies and tranquillity of the AONB are maintained, in accordance with Principle SD7 of the Management Plan.

As a final point, we note various references to the 'Millington case' used as justification for a winery use being accepted as a considered to fall within the definition of an agricultural use. The judgement in the Supreme Court Case referred to was in connection with a scale of enterprise that was very different from that being considered under the current application. The Judgement states '*the making of wine or cider or apple juice **on the scale with which we are concerned** is a perfectly normal activity for a farmer engaged in growing wine grapes or apples*'. The scale of the enterprise considered in this case related to the production of wine from grapes grown on a holding of just 3 ha so is of a clearly different scale to that which is being considered here.

