



Delegated Report

Prior Approval

Planning Application No: 20240622

Location: Harvel Hill Farm Harvel Street Meopham Gravesend

Description: Determination as to whether prior approval is required for the open fronted agricultural building for Hay, straw and machinery storage.

Applicant: Mr Andrew Carslaw

Site Visit Date: 15th August 2024

Submitted Documents/Plans

Application Form
Location Plan
Site Plan
24-26280 – Elevation and Roof Plan
Planning, Design and Access Statement

Relevant Planning History

Reference	Description	Decision	Decision Date
20010349	Demolition of existing conservatory and erection of part two storey and part single storey extension on the south elevation to form new entrance hall, w.c. and porch with stairs to new landing at first floor level.	Permitted	20.06.2001
20181308	Erection of a two storey side extension.	Permitted	02.05.2019
19980408	the erection of a replacement agricultural storage building.	Prior Approval not Required	09.07.1998
19810076	Use of agricultural outbuildings for craft workshops	Refused	09.03.1981

Development Plan

The application is made under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) Schedule 2 Part 6. The test as to whether prior approval is required falls under the criteria in this part. The development plan policies are not relevant.

Consultations, Publicity and Representations

Consultees

N/A

Neighbouring properties

N/A

Officer's Analysis

This application is made under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) Schedule 2 Part 6 and the tests are whether or not prior approval is required as to the siting, design and external appearance of the buildings and in the first instance whether the buildings as proposed are in any event permitted development or whether planning permission is required.

The site is within the Green Belt, but Green Belt policy at paragraph 154 in the NPPF indicates that that one of the exceptions to inappropriate development is if new buildings are for agriculture and forestry. It is also noted that the building is in Harvel Wooded Downs Landscape Character Area. Finally the site is also within the Kent Downs National Landscape (referred to as Area of Outstanding Natural Beauty in the National Planning Policy Framework (NPPF) (2023).

The area in which the building would be located is shown in the image below taken on 15.08.24:



The first test is whether the buildings would fall within the provisions of Article 3 of and Part 6 of schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015, as amended.

Class A of Part 6 of Schedule 2 of the Town and Country (General Permitted Development) (England)

Order 2015 (as amended) permits development consisting of the carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of -

- (a) works for the erection, extension or alteration of a building; or
- (b) any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within that unit.

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Reasonably necessary for agriculture?

The proposed building would be open fronted and would provide 7 storage bays. It would store approximately 261 tonnes of hay and 27.5 Tonnes of Straw, with a storage volume requirement of 2031m³. This farm business is related to arable crop production, and hay-making for the equestrian market. As indicated in the Planning, Design and Access Statement, this would equate to 5 bays of the building, with 2 bays reserved for the storage of farm machinery and implements

The planning statement suggests that this is a suitable building to meet the needs of agriculture on the farm. The following reasons have been provided in the planning statement:

- Over previous decades, the farm has changed the use of the buildings to commercial lets, this led to hay and straw being sold from the field as there are no longer storage facilities available for this purpose on the farm. This limits ability to sell the products unless the buyer is able to transport and store in large quantities.
- Storage of farm machinery outside results in greater wear and increase need for repairs.

It is considered that the reasons given provide adequate justification that the building is reasonably necessary for agricultural purposes in this instance. As such the next stage of the assessment would be to assess the compliance of the scheme with Part 6, Schedule 2, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Development not permitted

The requirements of Part 6, Schedule 2, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), is detailed and assessed in the table below.

A.1	Development is not permitted by Class A if –	Y/N
(a)	The development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area;	N The Site is over 1Ha.
(b)	It would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 of this Schedule) where development under Class Q or S of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which development under Class A(a) begins;	N There is no planning history on the site relevant to (b).
(c)	it would consist of, or include, the erection, extension or alteration of a dwelling;	N The proposal does not involve a dwelling.
(d)	it would involve the provision of a building, structure or works not designed for agricultural purposes;	N The building is for agricultural purposes as explained above.
(e)	the ground area would be covered by—	N The area of the

	(i)any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations; or (ii)any building erected or extended or altered by virtue of Class A, would exceed 1,000 square metres, calculated as described in paragraph D.1(2)(a) of this Part; Paragraph D.1(2)(a) is as follows: an area “calculated as described in paragraph D.1(2)(a)” comprises the ground area which would be covered by the proposed development, together with the ground area of any building (other than a dwelling), or any structure, works, plant, machinery, ponds or tanks within the same unit which are being provided or have been provided within the preceding 2 years and any part of which would be within 90 metres of the proposed development;	proposed building is 650.32m². Whilst there are nearby buildings, none appear to have been provided within the preceding 2 years.
(f)	the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;	N/A The site is not within 3km of an aerodrome.
(g)	the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;	N/A
(h)	any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;	N The development is over 25m from the highway (Harvel Street and Dean Lane)
(i)	it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building;	N The proposed building would not to be used for livestock or slurry storage.
(j)	it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or	N The buildings will not be used for fish farming, and is not within article 2(4) land.
(k)	any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system— (i)would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit; or (ii)is or would be within 400 metres of the curtilage of a protected building.	N/A The building is not to be used in relation to a biomass boiler or anaerobic digestion system.
A.2	(1) Development is permitted by Class A subject to the following conditions—	Y/N
(a)	where development is carried out within 400 metres of the curtilage of a protected building, any building, structure, excavation or works resulting from the development are not used for the accommodation of livestock except in the circumstances described in paragraph D.1(3) of this Part or for the storage of slurry or sewage sludge, for housing a biomass boiler or an anaerobic digestion system, for storage of fuel or waste from that	N The building is not proposed for these uses

	boiler or system, or for housing a hydro-turbine;	
(b)	where the development involves— (i)the extraction of any mineral from the land (including removal from any disused railway embankment); or (ii)the removal of any mineral from a mineral-working deposit,	N The building is not proposed for these uses
(c)	waste materials are not brought on to the land from elsewhere for deposit except for use in works described in Class A(a) or in the provision of a hard surface and any materials so brought are incorporated forthwith into the building or works in question.	N No waste is proposed to be brought onto the site
A.2	(2) Subject to sub-paragraph (3), development consisting of— (a)the erection, extension or alteration of a building; (b)the formation or alteration of a private way; (c)the carrying out of excavations or the deposit of waste material (where the relevant area, as defined in paragraph D.1(4) of this Part, exceeds 0.5 hectares); or (d)the placing or assembly of a tank in any waters, is permitted by Class A subject to the following conditions—	As below
2(i)	the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be;	See Assessment below.
2(ii)	the application must be accompanied by a written description of the proposed development and of the materials to be used and a plan indicating the site together with any fee required to be paid;	Y
2(iii)	the development must not begin before the occurrence of one of the following— (aa)the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required; (bb)where the local planning authority give the applicant notice within 28 days following the date of receiving the applicant's application of their determination that such prior approval is required, the giving of such approval; or (cc)the expiry of 28 days following the date on which the application under sub-paragraph (2)(ii) was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;	To be noted by the applicant.
2(iv)	where the local planning authority give the applicant notice that such prior approval is required, the applicant must— (aa)display a site notice by site display on or near the land on which the proposed development is to be carried out, leaving the notice in position for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant; and	N/A Prior approval not required.

	(bb)where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in sub-paragraph (iv)(aa) has elapsed, the applicant is treated as having complied with the requirements of that sub-paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;	
2(v)	the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out— (aa)where prior approval is, in accordance with the details approved; required (bb)where prior approval is not required, in accordance with the details submitted with the application; and	To be noted by the applicant.
2(vi)	the development must be carried out— (aa)where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given; (bb)in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (d)(ii).	To be noted by the applicant.
(3)	The conditions in sub-paragraph (2) do not apply to the extension or alteration of a building if the building is not on article 2(4) land except in the case of a significant extension or a significant alteration.	N/A
(4)	Development consisting of the significant extension or the significant alteration of a building may only be carried out once by virtue of Class A(a).	N/A
(5)	Where development consists of works for the erection, significant extension or significant alteration of a building and— (a)the use of the building or extension for the purposes of agriculture within the unit permanently ceases within 10 years from the date on which the development was substantially completed; and (b)planning permission has not been granted on an application, or has not been deemed to be granted under Part 3 of the Act, for development for purposes other than agriculture, within 3 years from the date on which the use of the building or extension for the purposes of agriculture within the unit permanently ceased, then, unless the local planning authority have otherwise agreed in writing, the building or, in the case of development consisting of an extension, the extension, must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing between the local planning authority and the developer.	To be noted by the applicant.
(6)	Where an appeal has been made, under the Act, in relation to an application for development described in sub-paragraph (5)(b), within the period described in that paragraph, that period is extended until the appeal is finally determined or withdrawn.	To be noted by the applicant.
(7)	Where development is permitted by Class A(a), within 7 days of the date on which the development is substantially completed, the developer must notify the local planning authority in writing of that fact.	To be noted by the applicant.

Siting and Appearance

Notwithstanding the above and if it were accepted that the tests in the GPDO (Article 3, Part 6, Class A and Class A.1 (a) to (k) of Schedule 2 were met under Class A.2 (2) (i) it is still down to the Local Planning Authority to judge whether prior approval is required of the siting, design and external appearance of the agricultural building.

The application site is located in the Green Belt, Kent Downs National Landscape (previously AONB) and the Harvel Wooded Downs Landscape Character Area and thus in a very sensitive location. The Gravesham Landscape Character Assessment (2009) describes the key characteristics of the Harvel Wooded downs as a very enclosed landscape of low visually sensitivity with a high capacity for the landscape to absorb inconsistencies within its woodland, and the existing variety in styles and materials. Awareness of the undulating landform is reduced as a result of the high proportion of woodland cover. The landscape is assessed as having a moderate sensitivity overall. The assessment recommends the following measures:

- Conserve and manage woodland.
- Conserve and maintain characteristic narrow lanes.
- Conserve and maintain traditional and distinct buildings, materials and elements.
- Assess development proposals throughout the area to modify variety in building styles and materials.
- Create design standards for new developments in the area.
- Resist proposals that introduce inappropriate designs and materials.
- Improve and soften new development using characteristic landscape elements such as woodland blocks and hedgerows.
- Conserve enclosure of settlements within wooded areas.
- Conserve wooded edges to arable plateau.

Whilst the location of the building would be on currently undeveloped land, it would be closely located to other built form and the wider farmstead arrangement of the site, making it the most appropriate area for the development. The building would be 43m in length and 15m in breadth with height of 12m and eave height of 7.1m. It would use concrete grey pre-cast concrete panel and juniper or olive green metal sheeting to the walls and grey cement fibre sheet to the roof. It would have no doors or windows as the structure would be open fronted and small rooflights across the roof would allow for additional light into the space for practical reasons. The appearance is, as would be expected for an agricultural storage building.

New buildings for agricultural purposes are not inappropriate in the Green Belt and in this location is it not considered that the proposal would harm the overriding open rural character or natural beauty of the landscape, by virtue of the positioning of the building, the proposed materials and its design and appearance. In these circumstances no objections are raised to the proposed siting.

Conclusion & Recommendation

The development is considered to be reasonably necessary for the purposes of agriculture and the developer has applied for a determination as to whether prior approval will be required as to the siting, design and external appearance of the building. The proposed development has a low form simple design, with metal materials which are common on agricultural buildings, and the siting is considered acceptable, in a location set away from the road sufficiently to limit its visibility from the road and impact of residential properties. For these reasons, it is considered that Prior Approval is not required for the development proposed by this application.

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Lisa Fisher	Team Leader:	Miss Faye Hobbs
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Signed:		Signed:	
Dated:	15 th August 2024	Dated:	16 August 2024