



Delegated Report

Full Planning Application

Planning Application No: 20231110

Location: Land at Brookers Farm, Luddesdown Road, Luddesdown, Gravesend

Description: Engineering works to construct a formal car parking area for Vineyard Farms Ltd office, and winery and vineyard workers; and other users of Brookers Farm.

Applicant: Mr Steve Chappell

Site Visit Date: Desktop assessment (site visit undertaken previously)

Submitted Documents/Plans

Application form
Drawing no. G-01 (Site Location Plan)
Drawing no. G-02 (Ecological and Landscaping Plan)
Drawing no. H-01 Rev. P5 (Proposed Access Design and Parking Layout)
Planning Statement (dated 31/10/2023)
Transport Statement (ref. PL/RS/19020 dated February 2023)
Preliminary Ecological Appraisal (ref. 2023/01/12 dated 27 January 2023)
MDCV UK/Vineyard Farms Ltd – Applicant Statement
Silverhand Estate Map of Track and Paths
Silverhand Estate Map of Building and Welfare Units
Silverhand Estate Map of Natural Environment and Vines
Silverhand Estate Map of Vine Blocks

Relevant Planning History

Reference	Description	Decision	Decision Date
20230541	Retrospective application for the necessary engineering operational works to construct a track to service an associated storage area.	Refused	17.07.2023
20230181	Engineering works to construct a formal car parking area for Vineyard Farms Ltd office, and winery and vineyard workers.	Refused	24.05.2023
20210607	Retrospective application for erection of two storage/fermentation tanks.	Temporary permission	23.07.2021
19880177	Erection of two agricultural buildings to form grain store, workshop/general purposes building.	Permission	23.05.1988
19500058	Alteration of existing and erection of new farm buildings	Permission	08.05.1950

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS07 – Economy, Employment and Skills
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development and Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- T1 – Impact of Development on the Highway Network
- T5 – Access to the identified Highway Network
- P3 – Vehicle Parking Standards

Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- 2 – Achieving sustainable development
- 6 – Building a strong, competitive economy
- 9 – Promoting sustainable transport
- 12 – Achieving well-designed and beautiful places
- 13 – Protecting Green Belt Land
- 15 – Conserving and enhancing the natural environment
- 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- SPG4 - KCC Parking Standards (2006)
- Gravesham Landscape Character Assessment (2009)
- Kent Downs AONB Management Plan 2021-2026
- Landscape Character Assessment Update 2020

Consultations, Publicity and Representations

External Consultees

Dickens' Country Protection Society

The Society notes the site is in an area within which Green Belt Policies apply and the North Downs Area of Outstanding Natural Beauty on the east side of Luddesdown Road south of the existing farm complex. It is noted in the Applicant's Statement reference is made to 60 permanent workers (it does not state if these are part time or full time. It is further noted that the description does not make reference to visitors.

The previous application for a car park made under reference 20230181 did refer to visitors in paragraph 1.4.1 of the Planning Statement. The Society is concerned in general that only traffic essential to the operation of the Vineyard and Winder should visit the site.

One of the attributes of an Area of Outstanding Natural Beauty should be tranquillity. In an attempt to maintain this and as far as is reasonably practicable reduce traffic on narrow rural roads to a minimum any expansion or diversity on the site should be controlled.

The Society notes that the details of proposed car park include landscaping. There may be some value in adding to this.

In general it appears that the car park is required for operation of the enterprise. In these circumstances the Society does not consider it would be justified in lodging an objection but the Society is anxious to ensure as far as is reasonably practicable that the impact of the operation is contained. At this stage the Society considers that conditions should be imposed to require consent for any change of use or expansion.

Environment Agency

We do not have any comments to make as per our response to application 20230181.

KCC Biodiversity

We advise that additional information is required prior to determination.

We have reviewed the ecological information and we advise that we are satisfied with the conclusions of the report that the site has potential for GCN, foraging/commuting bats, reptiles, dormouse, hedgehogs and breeding birds to be present.

As the site is largely arable fields we are satisfied with the conclusion that, with the exception of GCN, the impact can be avoided through avoidance of suitable habitat or precautionary mitigation measures.

The report has detailed that if the land take is greater than 0.5ha then a great crested newt survey of Pond 2 should be undertaken to assess if an impact is likely or the application should join the district level licencing scheme.

No GCN survey/mitigation strategy or Impact Assessment and Conservation Payment Certificate (to demonstrate that the scheme has been accepted on to the DLL scheme) has been submitted as part of this application.

We advise that the results of the GCN survey and, if required, mitigation strategy or a signed Impact Assessment and Conservation Payment Certificate must be submitted prior to determination of this planning application. If the GCN surveys have not been carried out they cannot commence until at least February next year however an Impact Assessment and Conservation Payment Certificate can be obtained at any time of the year.

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) 2023, biodiversity should be maintained and enhanced through the planning system. The ecological and landscaping plan has confirmed that planting will be carried out within the site and bug hotels, bat and bird boxes and log piles will be erected within the site and wider area. We recommend that the planting is all native.

KCC Heritage

The site lies within an area of multi-period archaeological potential with a record of the site of possible later prehistoric or Romano-British activity in the form of crop marks c.80m to the east of the site. The proposed works would be likely to impact on any below-ground archaeological remains at the site and I recommend that if planning permission is granted the following condition is applied to any forthcoming consent:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of i. archaeological field evaluation works in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority; and ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

I recommend that the field evaluation could comprise a geophysical survey in the first instance to limit physical impacts to the site. The detail of the approach would depend on the extent and depth of groundworks and I would be happy to discuss any of the above further and provide the applicant with a brief for the work on request.

KCC Highways

I note that in highway terms the proposals do not differ materially from those presented under the previous planning application, reference GB/20230181, which were considered acceptable by us. It is noted from the Planning Statement that electric minibuses will be provided, to transport workers to and from the vineyards. With this in mind, it is considered that the parking provision is acceptable for the additional staff associated with the site.

Consequently, I can confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

1. Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1.05 metres above carriageway level within the splays, prior to the use of the site commencing.
2. Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
3. A minimum of 10% of the parking spaces shall be provided and retained with active EV charging points plus a minimum of a further 10% of the parking spaces shall be provided with passive (ducting / cabling only) provision.
4. Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
5. Provision of measures to prevent the discharge of surface water onto the highway.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Kent Downs AONB Unit

The Kent Downs AONB Unit is currently experiencing unprecedented levels of major planning related work and is therefore unable to provide a detailed response on the application. 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 AONB Unit provided a consultation response to a previous similar application (20230181) on the 29/03/2023. The application varies from the refused one by a minor reduction in number of spaces and the incorporation of an indicated number of two trees in the central landscape belt.

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. The applicant has sought to moderate the effects of the proposal and has incorporated additional landscaping from the previous scheme.

Nevertheless, the proposal would still 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, should permission be forthcoming we would 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. We would also request that the trees proposed in the central landscaped area and within the hedgerow around the perimeter of the parking area are varieties that have the potential to form large crowns to ensure impacts are minimised as far as possible.

Environment Agency

We have no comments to make on the application.

Natural England

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Protected Landscapes – Kent Downs AONB

Landscape Advice

The proposed development is for a site within or close to a nationally designated landscape namely Kent Downs AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 177 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local

Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Internal Consultees

GBC Highways

I have no objections, to the proposed car park, although given the anticipated scale of the growth of the workforce it may quickly become insufficient to meet the needs of the vineyard.

The applicant will also need to ensure that no surface water reaches the public highway during periods of heavy and/or prolonged rainfall or thawing of snow and ice. In the interests of highway safety.

Given the anticipated scale of the vineyard operation, it is suggested the applicant should submit a combined Car Parking Management/Travel Plan, which demonstrates the adequacy of the proposed arrangements. It is noted the applicant already intends to use electric buses to transport employees from a residential block to site, so it would appear measures are already in place to form the substance of any Travel Plan.

Neighbouring properties

The application has been advertised by individual neighbour letters to 10 properties, in the press and on site. The overall consultation period expired on 13 December 2023.

Four letters of representation have been received from neighbouring properties, including four letters of objection with the following comments:

- The area already suffers from floodwater issues and runoff from land, which results in water and mud on the highway which currently is not maintained safely.
- It is noted that EV charging points are suggested by KCC Highways; the local electrical supply infrastructure would require major upgrades to cope with this demand, and if it were to stay as it is this could lead to power problems for local residents.
- The application is the same as previously applied for.
- The stated 'other users' of the car park indicate a change of use may be applied for at a later date, bearing in mind the dismissed Visitor Centre at Cuxton.

The representations include one letter of support for the car park, which would offer additional parking for social events such as the Luddesdown May Fair. The increased activity at Vineyard Farms means that

more off-road parking facilities are needed to avoid regular parking on the local verges and passing places.

The Local Ward Councillors were also consulted, and no responses were received.

Officer's Analysis

Proposal

This application seeks full planning permission for engineering works to construct a formal car parking area for Vineyard Farms Ltd office, winery and vineyard workers and other users of Brookers Farm.

The application is a resubmission of application 20230181, with additional information in terms of a 'very special circumstances' case, including the business requirements and support to the rural economy, reducing resident/business conflicts, and ecological and landscaping enhancements.

The grazing field is already used informally for parking for workers but ground conditions during winter are poor when the ground is saturated, muddy, frozen and rutted. The application therefore proposes a formal parking area, ancillary to the viticultural activities of Vineyard Farms Ltd. The scheme and intended layout is based on a scheme at the National Trust's Ightham Mote.

The applicant intends to move all office-based staff to Brookers Farm, by increasing office space provision here. Brookers Farm lies relatively centrally to the vineyard and as such is stated as being the appropriate base for the office and vineyard workers. At present, there are around 70 staff but by next summer this will increase to over 100, and within another season up to 300 persons. The role of Brookers Farm as a main base for vineyard works will not alter. As a consequence, and notwithstanding use of company vans and best efforts for car sharing, it is inevitable that a car park will be needed to properly service farming operations.

The proposed size of the car park is reflective of this intention. The aim is to provide adequate, well screened parking facilities so that staff can access the site and then be transported to the vineyards to undertake work, or undertake work at the winery at Brookers Farm. The car park will be used strictly for employees and customers of Vineyard Farms.

The car park is shown for 56 spaces, reduced from the 60 spaces proposed under the previous application. The spaces will include EV charging spaces and provision for disabled users. The main access into the car park will be tarmac, with the bulk of the car parks surface being finished with a crushed stone material rolled in to ensure a rural appearance, with plastic insets to delineate parking. The extent of tarmac has been reduced from the previous application.

A bound surface is essential at the entrance point of the car park due to the slope of the land, the underlying soil, and the amount of traffic, but the details and colour of this could be fixed later, though a grey finish has been suggested. The disabled spaces are to be relocated to the main Brookers farmyard in front of the existing office spaces, which reduces the need for the use of a tarmac finish.

Increased landscaping, ecological enhancements and a substantial amount of planting is intended, including double staggered hedgerows comprising hawthorn, field maple and mixed black thorn. Bird and bat nesting boxes are proposed, and bug hotel and log piles will be located around the car park. Existing hedgerows will be managed to encourage more nesting birds and pollinators.

Lighting is currently being investigated and further details would be provided if it is to be installed.

Extract from Proposed Access Design and Parking Layout Plan



20230181 Proposed Access Design and Parking Layout Plan (for comparison)



The proposals under application 20230181 were refused for the following reasons:

1. The proposal, by virtue of the extent and spread of parking across the open field, would result in inappropriate development that would adversely impact on the openness of this site in the Green Belt and would encroach into the countryside. No special circumstances have been demonstrated to exist. As such, the proposal would fail to comply with the requirements of Policies CS02, CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 137, 138, 147, 148 and 150 of the National Planning Policy Framework 2021.
2. The proposal, by virtue of the extent and spread of parking across the open field, would fail to conserve or enhance the rural landscape and scenic beauty of this site within the Kent Downs Area of Outstanding Natural Beauty and the Luddesdown Downs Landscape Character Area. As such, the proposal would fail to comply with the guidelines and principles of the Gravesham Landscape Character Assessment (2009), Kent Downs AONB Management Plan 2021-2026 and Landscape Character Assessment Update 2020, and the requirements of Policies CS02, CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 130, 174 and 176 of the National Planning Policy Framework 2021.

The current application has been submitted in an attempt to overcome the above refusal grounds with the addition of very special circumstances considerations.

Principle Issues

Paragraphs 88 and 89 of the NPPF 2023 relate to supporting a prosperous rural economy. The development and diversification of agricultural rural businesses should be enabled, and it should be recognised that proposals to meet local business needs may be required in such areas, in locations that are not well served by public transport. It will be important, however, 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).

Policy CS07 of the Core Strategy 2014 also supports proposals that promote the appropriate expansion and diversification of the rural area economy. Policy CS02 supports development outside rural settlements, including proposals to diversify and maintain the rural economy, where it is compatible with national policies for protecting the Green Belt and policies in this plan.

This proposal is located in the countryside, outside any rural settlement, and in the Green Belt. The site relates to the business of Vineyard Farms Ltd, which is an organic vineyard with over 1600 acres of vineyards, woodland and pastureland. The company is seeking to become the UK's largest producer of English sparkling and still wines. Space is required for workers to park at the site, and rather than continue with the current informal parking arrangement in the field and on the rural lane, the applicant is seeking to formalise a parking area with a rural design approach.

National and local policy is generally supportive of such rural business development and expansion, subject to compatibility with policies for protecting the Green Belt and other policies in the development plan.

As residential amenity, highways and parking and ecological issues were previously considered acceptable under application 20230181, in line with the refusal grounds of that case, the main issues for consideration in the determination of this application are as follows:

- Appropriateness of development in the Green Belt
- Impact on openness
- Landscape and visual effects.

Whether the proposal is inappropriate development in the Green Belt

Paragraph 142 of the NPPF 2023 highlights the importance of the Green Belt and its role in preventing urban sprawl and keeping land permanently open. As the site lies in the Green Belt there is a need to establish whether the proposal amounts to inappropriate development.

As before, the submitted Planning Statement asserts that cars already park in the field that is the subject of the application, and that the proposal does not amount to a change of use as the parking is by persons employed in agriculture and as such is incidental to the agricultural operation of the site as a vineyard. The proposal is to effectively formalise the use of an agricultural field for the parking of vehicles associated with the agricultural business activities of Vineyard Farms Ltd.

It is recognised that the proposed use would be for the farm and on farm land, and that there is a current informal use of part of the field for parking. Further to an appeal that was dismissed for a nearby new winery building and associated development on land south of Bush Road, near Cuxton, which falls under Medway Council's jurisdiction, it is noted that regardless of the scale of the development proposed, the appeal proposal was considered to fall within the definition of an agricultural use, and the proposed use would therefore benefit from the agricultural exception under paragraph 155 of the NPPF 2023 (see Appendix 1 for Bush Road appeal decision).

Under the previous application 20230181 the view was taken that the proposed car parking use would be materially different from the current use as an agricultural field given the scale of the development involved, which comprised a large increase in the size of the current informal parking area. However, considering the recent Bush Road winery development appeal decision, it is accepted that regardless of its scale, the planning use of the proposed car park for the vineyard would also be incidental and agricultural, and would not therefore fall to be considered under paragraph 155 (e) of the NPPF 2023, relating to material changes in the use of land.

The application form states that the number of 'existing spaces' is 25; whereas 56 parking spaces are proposed within an area of approximately 38m by 52m. This will double the size of the informal arrangement and formalising a car park of this size, involving losing such a large part of the field, is considered to involve an engineering operation, which falls to be considered under paragraph 155 (b) of the NPPF 2023. Engineering operations as a form of development in the Green Belt are not inappropriate provided the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. This will be assessed below.

Harm to openness and the purposes of including land within the Green Belt

As set out in paragraph 155 (b) of the NPPF 2023, it is necessary to consider the level of harm to openness from the proposal that would result from engineering operations for the creation of a formal car parking area on this site. It needs to be borne in mind that the Courts have held that the impact on openness has both a spatial and visual dimension and it is a matter of planning judgement as to whether the proposal will result in (any) harm to openness.

As stated above, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence. Paragraph 001 of the Planning Practice Guidance 2019 on Green Belts looks to assess the impact of a proposal on the openness of the Green Belt by taking into account the spatial and visual aspects of a development, its duration and remediability, and the activity levels generated.

The site comprises a field immediately adjacent the farm buildings, slightly to the south-west. Existing farm tracks run along the western and northern boundaries of the site. The land slopes up to the east. The proposed car park would be on the lower part of the field, where the land is more level.





It is recognised that the informal parking of cars already occurs on the site, and could continue to do so unchecked, and this already has an impact the openness of the site in this location, as the cars spread along the existing farm accesses in the field and (more obviously) along the road.

It is also accepted that under the current application, the number of proposed parking spaces has been reduced and the amount of planting and landscaping has increased.

There are open views of the site from the surrounding roads and nearby footpaths, and the existing ad-hoc car parking does negatively impact on the current views. There is existing boundary screening that limits views into the site to an extent, but this is not substantial enough to screen it completely.

Despite 56 parking spaces proposed, compared to the previous 60 spaces, the proposed formal car parking arrangement would still involve a much larger number cars across a much larger parking area than is currently used, extending into what is now an open field. The proposed car park surface would still spread across a large part of the field, with hard tarmac surfacing at the opening (albeit reduced in area compared to the previous scheme). This would still have the effect of urbanising the site, and whilst additional planting in and around the site would assist in lessening the visual impact to an extent, this in itself would impact on the openness of the field. There would also certainly be a difference in activity levels related to the increase in the numbers of cars than already exists.

Altogether, the proposed extent and spread of parking across the open field would impact on the openness of the site and would encroach into the countryside, contrary to the purpose of the Green Belt designation. The proposed engineering works for the car park fail to preserve the openness of the Green Belt and conflict with the purpose of it. The proposed engineering operations involved are therefore considered to be inappropriate development in the Green Belt. Such development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Under this resubmission application, such circumstances have been put forward to be considered as part of the application submission.

Very Special Circumstances

The very special circumstances (VSC) case that has been put together includes the following main points, as taken from the submitted Planning Statement:

- 1) The unique business requirements of Vineyard Farms Ltd and the subsequent operational/logistical requirements, including the current lack of central parking area and current issue of employees being forced to park on grass verges and along what are relatively narrow rural lanes;
- 2) The fact that uncontrolled parking of agricultural workers can take place in the field, and has indeed been undertaken without landscaping or biodiversity benefits;

- 3) The clear need to accommodate a large and growing estate workforce which will exceed 100 next year and in due course will be expected to be around 300;
- 4) The viticulture use has and will continue to provide very important rural employment as well as a very significant economic contribution;
- 5) Reducing local resident/business conflict as a result of parking on verges and on the road, removing 'on highway' parking and random parking on verges and within the local fields;
- 6) Supporting a significant local employer, and supporting the continued growth of a local rural business which will provide an ongoing substantial tourism boost to the Gravesham economy;
- 7) Substantial ecological and landscaping enhancements, in the form of a zero carbon organic operation, new hedgerow planting and gapping up, native tree planting, bug hotels, bird and bat boxes and log piles.

1) Business requirements

The submitted Planning Statement and Masterplan sets out the size, requirements and aims of the vineyard business and estate. The Silverhand Estate covers 632 hectares of land, of which 217 hectares is under vine and a further 161 hectares will be planted in the next two years. This will make Vineyard Farms the largest organic wine producer in the country. Staff requirements will inevitably increase concurrently.

The rest of the estate is comprised of chalk downland habitats such as SSSI, broadleaved woodlands, grazing and species rich meadows and hedgerows to be managed from next year under the High Tier Stewardship Scheme which will last at least 10 years.

The applicant's aim is to increase the vineyard's productivity by putting emphasis in nurturing and restoring soil health, while maximising the benefits for biodiversity and minimising their carbon footprint.

Currently, there are 65 permanent employees based in Luddesdown and Upper Bush (with 40 at other sites) and this number increases with the arrival of seasonal workers. This year the employees will increase up to 100 people and this is likely to increase next year due to the growth in grape productions. At full production, the number of full-time employees is expected to reach 300. The Statement asserts that this is a very significant figure for agriculture and the rural employment benefits should be afforded very significant weight.

Despite the existing, and indeed projected, employee numbers the business is operating without a designated, centrally positioned parking area. Despite many employees car sharing on their way to work, they have to park along the narrow lanes, which can at times impede normal traffic flow. This can be particularly problematic when agricultural/large vehicles meet on the roads. On many occasions, workers have to park in field margins. This is an unsustainable practice as it has a detrimental effect on hedgerow health due to soil compaction.

The problem is made even worse during winter months when the field tracks, which are mostly chalk, become almost impassable and there are then more vehicles required to use the road. In effect, not having a centrally located area in the estate to park is resulting in the problem being spread across the estate. The Planning Statement submits that this is negatively affecting not only the business, but also the local highway network and local residents. The field the subject of the application is already regularly and informally used for employee parking; however during the winter months the ground varies between being saturated and muddy, and frozen and rutted, neither of which present ideal parking situations.

For the reasons and context stated above, the applicants wish to provide a high-quality car park area in a centralised location. The future intention is to move all employees into an office at Brookers Farm from the existing offices at Court Lodge, providing further justification for the location of the car park.

It should also be noted that the applicant's currently help Luddesdown Village Hall with extra parking on the fields, and the car park will be available to these users when suitable, for events such as community fairs.

It should be noted that whilst Vineyard Farms are currently looking at future 'winery' locations following a

dismissal at appeal of the winery in Cuxton, it is inevitable that Brookers Farm will continue to require the level of parking being applied for under this application.

2) Ecological and Biodiversity Enhancements

The Planning Statement also sets out the applicants' good credentials in relation to their biodiversity efforts across the estate:

- Over the last 2 years around 21,000 mixed species native hedgerows have been planted across the estate, increasing habitat connectivity and enabling species movement across the landscape.
- Around 12 kilometres of historic hedgerows are 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.
- The condition of 17ha of species rich meadows are being improved and managed through conservation grazing with ancient sheep breeds.
- Late last year another 1.5ha of species rich grassland that was in decline was restored.
- Key verges around the estate are being managed specifically for wild orchids and their extent and condition are being monitored.
- Nesting habitat for predator birds, bats and various protected invertebrates will be improved by constructing 5 Wildlife Towers, recently approved by Gravesham Borough Council and Medway Council.
- Vineyard Farms are also working on entering the estate into the 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 some of the vine blocks.

The continued success of Vineyard Farms will only continue to ensure that the estate is carefully and sensitively managed.

The Planning Statement considers that this development should not be seen in isolation, but rather with consideration of the overall activities and objectives of Vineyard Farms Ltd. The business plan is clear: Vineyard Farms Ltd are expected to become the largest organic wine producer in the country. The Statement asserts that from a rural economy perspective this should be seen as a huge boost. The economic benefits in the form of increased jobs and wine tourism are very significant.

It is stated that Vineyard Farms Ltd lack the current infrastructure to continue to meet the requirements of their projected growth. Whilst recognising the sensitivity of the local area, it is hoped that the Council can see the benefits of the business locally and the clear context that explains their requirements. In addition, it is highlighted that the current proposal has reduced the number of parking spaces and increased the extent of landscaping and ecological enhancement. Altogether, these factors are sought to be considered as the very special circumstances required to justify the proposed development.

Conclusion on VSC

Having established that the proposal would be inappropriate in the Green Belt, it is necessary to consider whether the factors that have been put forward to be considered as the very special circumstances required to justify the proposal, outweigh the harm to the Green Belt, as required under paragraph 153 of the NPPF 2023.

In terms of the business requirements, it is recognised that national and local policy is supportive of rural business development and expansion. As the business aims of Vineyard Farms Ltd come to fruition, this will undoubtedly be beneficial to the rural economy generally, and this matter should be afforded some weight. However, as set out in Policy CS02 of the Core Strategy 2014, rural business expansion is subject to compatibility with policies for protecting the Green Belt and other policies in the development plan.

Furthermore, whilst the business aims of the company are applaudable, the need for the proposed development in the context of the specific benefits to the local economy has not been made. In the Bush Road winery appeal, the Inspector was also not convinced by this argument. It is not clear how many of the existing and future employees would be local, or what percentage of the workforce is/would be seasonal, what mode of transport they use/would use, how many car parking spaces are required for the adjacent Brookers Farm, how many car parking spaces are required for seasonal workers, or how such workers would be transported from this central parking location to the remainder of the estate.

The submitted Planning Statement states that the parking would be for the employees working in the office, in addition to winery and vineyard workers and other users of Brookers Farm. It states a future intention to move all employees from the existing offices at Court Farm (which has 12 parking spaces), which lies approximately 400m to the south-west of the application site, to an office at Brookers Farm. However, no planning applications relating to such a move have been made, either in relation to a new use for Court Farm, or indeed for an office use at Brookers Farm, and there is no guarantee this will happen. A proposal for a significantly larger car park than would currently appear to be required, would seem at this stage to be particularly premature.

The biodiversity benefits of the proposal and, indeed, the wider enhancements taking place across the estate, are supported and add weight to the advantages of the scheme.

In this case, however, the central consideration with regards to development in the Green Belt is that substantial weight should be given to any harm caused to it, and very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm resulting from the proposal, is outweighed by the other considerations. It has been found that the increase in the size, spread and surfacing of the proposed car park together with the increase in the activity levels on the site will impact on openness and encroach into the countryside and therefore, is inappropriate and harmful. In accordance with paragraph 153 of the NPPF 2023, this is given substantial weight. The biodiversity and business benefits are not considered to outweigh this consideration, particularly as other harm resulting from the proposal in terms of landscape and visual impacts is also a concern. This is assessed below.

Landscape and Visual Effects

Paragraph 135 of the NPPF 2023 seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well-designed and respects the character and appearance of the surrounding area.

Paragraph 180 of the NPPF 2023 aims for development to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. The site lies within the Kent Downs Area of Outstanding Natural Beauty (AONB). Reflective of paragraph 182 of the NPPF 2023, Policy SD2 of the Management Plan 2021-2026 recognises the need to conserve and enhance the local character, qualities, distinctiveness and natural resources of the AONB. Principle SD8 seeks to ensure that proposals do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the AONB.

The site is located within the West Kent Downs Landscape Character Area of the Kent Downs Landscape Character Assessment (LCA) Update 2020 and within the Luddesdown Sub Area. Summary characteristics of this Character Area include the dip-sloped 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. One of the Landscape Management Recommendations within the LCA includes protecting the deeply rural character of the area, resisting development which gives it a more urbanised character.

The site is located at the bottom of a dry valley, and in their advice on the proposal, the Kent Downs AONB Unit has noted that the site 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. The site is therefore particularly visible 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.

The application site is also located in the Luddesdown Downs Landscape Character Area within the Gravesham Landscape Character Assessment and as such, Policy CS12 of the Core Strategy 2014 is also relevant. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham LCA will be taken into account in determining applications. The LCA states the area is defined by very undulating topography with arable farmland and pasture, irregular field patterns, fields divided by native hedgerows and areas of native woodland that all contribute to the rural character of the area. The condition of the landscape is generally good, its sensitivity high. The guidelines for the area focus on conserving the distinctive features that are found in the area to protect and maintain its character and quality, including conserving hedgerows.

The revisions to the original submission seek to moderate the effects of the proposal and incorporate additional landscaping. However, considering the elevated nature of views of the site from the east and west, despite the additional planting the proposed car park surface would be entirely different to the current grassed field and would still introduce an urbanising feature into this highly sensitive and rural landscape. This would impact on the landscape and scenic beauty of the Kent Downs AONB and Luddesdown Downs LCA would also be adversely impacted.

The dismissed Bush Road winery appeal site has the same landscape designations as the application site. Specifically in relation to the proposed car park for the development, which involved 107 spaces, the Inspector noted that though the car park would be located in a dip in the landscape and additional landscaping and planting was proposed, it would introduce significant areas of hardstanding and would require ground levelling. These features were considered to be at variance with the gently folding landscape in this part of the AONB and reflected the degree of urbanisation which the scheme would introduce. The Inspector concluded that the scheme would result in significant landscape harm to the qualities of the AONB. In terms of visual effects, although mitigation planting was proposed around the car park, this was considered to be insufficient to moderate the degree of harm arising and would lead to significant adverse landscape and visual effects, which countered policy aims to conserve the natural beauty of the AONB. Despite beneficial impacts on matters such as nature conservation arising from the additional planting, this was considered to be outweighed overall by the adverse landscape and visual impacts on features which define the AONB.

The proposed car park under the current application is smaller than that proposed under the Bush Road winery appeal and would be positioned adjacent to the existing Brookers Farm site so would visually be better linked to an existing farmyard. It is also recognised that the removal of the informal, ad-hoc parking would improve the appearance of the site.

However, in the same way as the car park proposed under the Bush Road appeal, it would introduce an expanse of hardstanding into a currently open field and would require ground levelling, which would be at odds with the gently undulating landscape of the site. It is recognised that the proposed surfacing has been sensitively considered, but the change in surfacing would regardless urbanise the site and the additional planting would be incongruous with its current open agricultural appearance.

The proposal would therefore remain contrary to Principles SD2, SD3 and SD8 of the Management Plan, which generally seek to conserve and enhance the character and qualities of the Kent Downs AONB, rather than detract from it. The proposal would also fail to meet the guidelines in the Kent Downs Landscape Character Assessment (LCA) Update 2020 and the Gravesham Landscape Character Assessment 2009. Overall, the proposal fails to conserve and enhance these valued landscapes and would conflict with the aims of Policies CS12 and CS19 of the Core Strategy 2014, and paragraphs 135, 180 and 182 of the NPPF 2023.

Any Other Material Considerations

Biodiversity

The Council's KCC Biodiversity Officer advises that the conclusions of the submitted Preliminary Ecological Appraisal report that the site has potential for Great Crested Newts (GCN), foraging/commuting bats, reptiles, dormouse, hedgehogs and breeding birds to be present are satisfactory.

As the site is largely arable fields, the conclusion that, with the exception of GCN, the impact can be avoided through avoidance of suitable habitat or precautionary mitigation measures is also satisfactory.

The report has detailed that if the land take is greater than 0.5ha then a great crested newt survey of Pond 2 should be undertaken to assess if an impact is likely, or the application should join the district level licencing scheme.

No GCN survey/mitigation strategy or Impact Assessment and Conservation Payment Certificate (to demonstrate that the scheme has been accepted on to the DLL scheme) has been submitted as part of this application.

The Biodiversity Officer advised that the results of the GCN survey and, if required, mitigation strategy or a signed Impact Assessment and Conservation Payment Certificate should be submitted prior to determination. If the GCN surveys have not been carried out they cannot commence until at least February 2024; however, an Impact Assessment and Conservation Payment Certificate can be obtained at any time of the year. This matter was not previously raised as an issue and therefore it is considered appropriate to add an informative to the planning decision to let the applicant know this should be addressed.

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 180 and 186 of the NPPF 2023, biodiversity should be maintained and enhanced through the planning system. The ecological and landscaping plan has confirmed that planting will be carried out within the site and bug hotels, bat and bird boxes and log piles will be erected within the site and wider area. It is recommended that the planting is all native.

Conclusion and Recommendation

The proposed development has sought to address the concerns raised under the previously refused application by providing further justification for the scheme in terms of the functional need of the business for parking and the biodiversity benefits of the proposals and wider estate in general. However, whilst it is recognised that the proposal would provide biodiversity benefits and contribute to the rural economy, that would go some way towards weighing in favour of the scheme, there remains clear conflict with other policies in the Core Strategy and NPPF. Substantial weight is given to the harm caused to the Green Belt, and together with the adverse AONB and landscape impacts of the proposal, the very special circumstances put forward to justify the proposal would not outweigh this harm. On this basis, the application is unacceptable for the following reasons:

1. The proposed extent and spread of parking across this open field would result in an inappropriate development that would adversely impact on the openness of this site in the Green Belt and would encroach into the countryside. The very special circumstances put forward to justify the proposal are not considered to outweigh this harm. As such, the proposal would fail to comply with the requirements of Policies CS02, CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 142, 143, 152, 153 and 155 of the National Planning Policy Framework 2023.
2. The proposed expanse of parking would incongruously urbanise the site and would fail to conserve or enhance the rural landscape and scenic beauty of this site within the Kent Downs Area of Outstanding Natural Beauty and the Luddesdown Downs Landscape Character Area. As such, the proposal would fail to comply with the guidelines and principles of the Gravesham Landscape Character Assessment (2009), Kent Downs AONB Management Plan 2021-2026 and Landscape Character Assessment

Update 2020, and the requirements of Policies CS02, CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 135, 180 and 182 of the National Planning Policy Framework 2023.

(See draft Decision.)

Case Officer:	Mrs Katherine Parkin	Team Leader:	Mr Shazad Ghani
Signed:	<i>K. Parkin</i>	Signed:	<i>S.Ghani</i>
Dated:	20 December 2023	Dated:	21 December 2023