

Delegated Report

Prior Approval

Planning Application No: 20230643

Location: Land At Harvel Road, Meopham, Gravesend DA13 0UA

Description: Application for a determination as to whether prior approval is required for the erection of 2 no. agricultural storage buildings.

Applicant: Mr Steve Jones, A B Jones & Partners

Submitted Documents/Plans

Application form
Site location plan
Existing site plan
Proposed site plan
Proposed plans
Planning Statement

Relevant Planning History

None

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.

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 in the NPPF (2021) indicates that one of the exceptions to inappropriate development is new buildings for agriculture and forestry. The site is also within the North Downs Area of Outstanding Natural Beauty.

The application relates to a holding of 202 hectares of land which is used for arable crop production and livestock rearing which is an agricultural use.

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.

Consultations, Publicity and Representations

Consultees

None

Officer's Analysis

Proposal

This application seeks determination pursuant to Article 3, Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as to whether Prior Approval is required in respect of the erection of two agricultural storage barns.

The barns will be approx. 6.6m high, 13.8m wide and 30.85m deep. The buildings will be constructed of a steel frame with pre-cast concrete panel lower elevations and profile metal sheet upper elevations beneath a pitched fibre cement sheet roof.

The agricultural need for the buildings arises due to the loss of the buildings at Harvel House Farm. The new buildings are required as a new base of operations with the priority requirement being for storage of agricultural machinery and implements.

There is a significant amount of machinery stored in the buildings that will be lost as well as machinery stored outside. Fertiliser needs to be stored inside for legal reasons. Grain is stored inside until it can be sold at a suitable price. As such the proposed buildings would benefit from concrete walls.

Whilst the Planning Statement says that the site is free of a number of constraints this is incorrect. The following constraints are applicable:

- Metropolitan Green Belt
- Archaeological Notification Area
- Vigo Scarptop Woodlands Landscape Character Area and Harvel Wooded Downs Landscape Character Area (it straddles both)

Assessment

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.

Reasonably necessary for the purposes of agriculture within that unit.

The farm business has traditionally been a tenant farm with an Agricultural Holdings Act 1986 tenancy over the holding known as Harvel House Farm. An application was made and granted for an agricultural storage building located on the freehold land within the farm's ownership to address the farm business continuing to lose rented buildings to development and alternative uses.

The sole reasoning for the location of this farm building was that it was located within the only freehold land available to the business. The farming business has recently had the opportunity to purchase much of the tenanted farm known as Harvel House Farm, but as part of the agreement to purchase the farm, it lost the tenancy of the buildings and farmhouse at Harvel House Farm. As a direct result of this, the farm has lost the existing farm building complex and is now seeking to provide new buildings to continue its farming operations, with the ability to grow the farm business on its own freehold property.

The proposed farm buildings will provide a new base of operations for the farm business, following the loss

of the farm buildings at Harvel House Farm. The immediate concern is storage space for machinery and tractors, fertilizer and sprays, as well as day-to day implement and tool storage. This application seeks to secure permission to establish the new buildings within a suitable location, with access to main roads and being within sight of residential property, whilst utilising existing trackways for access.

The applicants advise that the proposal falls within Class A of Part 6 of the GPDO as being a development on a unit of 5 hectares or more and would fall within Class A as being (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.

Development not permitted

A.1 Development is not permitted by Class A if—

(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	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	There is no planning history on the site
c) it would consist of, or include, the erection, extension or alteration of a dwelling	The proposal does not involve a dwelling
(d) it would involve the provision of a building, structure or works not designed for agricultural purposes;	The building is for agricultural purposes
(e) the ground area which would be covered by; (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	(i) No (ii) The ground area will be under 1,000 square metres
(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	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	No, the development is over 150m away from a metalled road
(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	There is a listed building within 400m of the site (Swanswood Farm) however the proposed buildings are 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	The buildings will not be used for fish farming
(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	The building is not to be used in relation to a biomass boiler or anaerobic digestion system

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.	
--	--

Conditions

A.2— (1) Development is permitted by Class A subject to the following conditions—

(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 boiler or system, or for housing a hydro-turbine	The buildings are not proposed for these uses
(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, the mineral is not moved off the unit;	The buildings are not to be used 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	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—

(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;
(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
(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;
(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

(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;

(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 required, in accordance with the details approved;

(bb) where prior approval is not required, in accordance with the details submitted with the application

(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).

The applicant has provided the relevant information.

A.2 - (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.

The development is not an extension or alteration.

A.2 - (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.

A.2 - (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.

The applicant has acknowledged these requirements.

A.2 - (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.

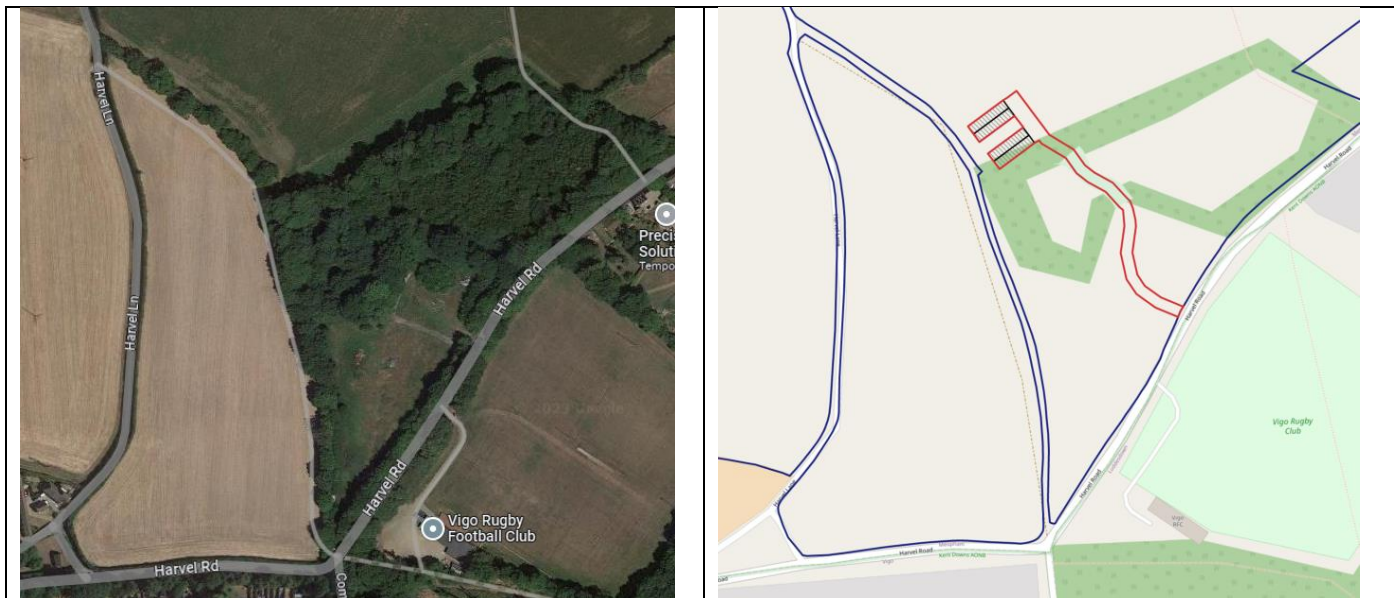
The applicant notes this.

A.2 - (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.

The applicant notes this.

Siting

The proposed buildings will be located over 150m from the main Harvel Road:



The site is located in the Green Belt, adjacent to a Local Wildlife Site.

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. In these circumstances no objections are raised to the proposed siting, it would be set away from the woodland but within the open landscape would be generally seen against the backdrop of the much taller trees in this area.

Design and External Appearance of the building

The proposed buildings are well designed to fit in with the landscape, using steel sheeting and concrete walls which are typical of agricultural buildings. It is considered that the design and materials would sit well within this setting and would not be harmful.

Conclusions and Reasons for Decision

The development is considered to be permitted development 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 traditional style of design and materials, and the siting is considered acceptable, in a ploughed area away from the woodland but against its backdrop from open, more distant views.

Recommendation:

Prior Approval Not required.

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

Case Officer:	Mrs Alison Webster	Team Leader:	Miss Faye Hobbs
----------------------	--------------------	---------------------	-----------------

Signed:		Signed:	
Dated:	27 June 2023	Dated:	28 June 2023