

Planning Statement

**Warren Farm Swillers Lane Shorne
Kent DA12 3ED**

S73 Application for a minor material amendment to planning permission 20230274 (Demolition of existing barn and erection of a new barn for storage including three stables and a tack room) to allow a change in external materials and a revised internal layout

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Project reference: PR4611

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1 Introduction

- 1.1 This Planning Statement has been submitted in support of an application for the following development at Warren Farm Swillers Lane Shorne Kent DA12 3ED (hereafter referred to as 'the Site'):

S73 Application for a minor material amendment to planning permission 20230274 (Demolition of existing barn and erection of a new barn for storage including three stables and a tack room) to allow a change in external materials and a revised internal layout

- 1.2 The proposed development affects the following Land Registry title(s):

Title Number	Description	Owner
K307641	Warren Farm Swillers Lane Shorne DA12 3ED	The applicant

- 1.3 The application is accompanied by the following plans and documents:

- Application Form
- Planning Statement
- Drawing nos.
 - 4611.01 Site Location and Existing Block Plan
 - 4611.02 Existing Floor Plan
 - 4611.03 Existing Elevations
 - 4611.04 Proposed Block
 - 4611.05 Proposed Floor Plan and Elevations

2 Site Context

- 2.1 Warren Farm is located approximately 160m east of the junction of Swillers Lane and Tanyard Hill/The Street. The application site is located to the east of the developed area of Shorne Village that is inset from the Green Belt. The farm itself is within the Green Belt and also part of a larger Local Wildlife Site.
- 2.2 The land within the farm rises towards the north from Swillers Lane to a point approximately 86m AOD. Swillers Lane falls gently eastwards towards the A226 Gravesend Road. The southern boundary of the application site is marked by a steep wooded embankment along Swillers Lane. At the eastern boundary of the applicant's land, Swillers Lane become Public Footpath NS159 connecting to Gravesend Road just west of Higham. The land's eastern boundary adjoins Public

Footpath NS156, which connects Shorne Ridgeway northwards to the A226 Gravesend Road east of the Shorne Crossroads.

- 2.3 Within the farm itself, the land north of the steep embankment along Swillers Lane is in the form of a relatively level plateau between approximately 60 and 65m AOD. The Warren Farm holding extends to approximately 6.3ha overall. The applicant has a small flock of five llamas and a larger flock of around 25 sheep on the land. Some of the farm is rented out for horse grazing

3 Relevant History

- 3.1 The following records are understood to be relevant to the Site:
- 3.2 Previous planning history relating to the site relates to the conversion of a barn on the western side of the holding close to the main farm access to provide a dwelling via a prior notification procedure, the dwelling is occupied. Applications 20150470 and 20150925 refer.
- 3.3 Other applications are as follows
- 20140706 : Determination as to whether prior approval is required for the erection of a replacement agricultural barn: PRIOR APPROVAL NOT REQUIRED (not implemented)
 - 20150989 : Temporary stationing of caravan on the land: APPROVED TEMPORARY (Expired 30/05/2017)
 - 20160159 : Consultation for use of land as a caravan club site: NO OBJECTIONS
 - 20171312 : Application for determination as to whether prior approval is required for the proposed change of use of an agricultural building for the storage of agricultural vehicles to a three bedroom single dwellinghouse under Class Q(a) and (b) with associated building operations of the Town and Country Planning (General Permitted Development) (Order) 2015: PRIOR APPROVAL REQUIRED AND REFUSED
 - 20211422 : Application for determination as to whether prior approval is required for the proposed change of use of the agricultural barn to a dwelling with associated building operations under Class Q (a) and (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015: PRIOR APPROVAL REQUIRED AND REFUSED
 - 20230017: Construction of sand school.: Application Permitted
 - 20230274: Demolition of existing barn and erection of a new barn for storage including three stables and a tack room: Application Permitted

4 Proposed Development

- 4.1 The application seeks approval for the following Minor Material Amendments to the approved building.
- Part concrete panels on lower wall and vertical timber cladding on upper wall section, in-lieu of full height metal sheet cladding as approved, and;
 - A re-arranged interior layout whilst maintaining storage, three stables and tack room;
 - Minor changes to the fenestration and openings
- 4.2 The barn will be sited in the same location as the previously approved replacement building allowed under planning application 20230274.
- 4.3 It will continue to incorporate a storage area as well as 3 stables and a tack-room. Constructed from a steel frame it would be clad in concrete panels on the lower walls and timber cladding on upper walls and continued use of metal sheeting on the roof.

5 Planning Policy

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Court of Appeal has clarified that for a decision maker this means establishing whether a proposal is in accordance with the development plan as a whole. The question of compliance with one policy should not dictate the outcome of a proposal in the absence of considering compliance with all other relevant policies. Decision makers are therefore tasked with identifying and understanding all relevant policies and material considerations in order to reach a properly informed planning judgment on a proposal, and to avoid an irrational or vulnerable decision that may be subject to criticism in a public law challenge.
- 5.2 Paragraph 2 of the National Planning Policy Framework ('the Framework') reiterates what is said in Section 38(6), whilst paragraph 12 of the Framework is clear that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

- 5.3 Paragraph 39 of the Framework encourages local planning authorities to approach decisions on proposed development in a positive and creative way. It also encourages working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, adding that decision-makers should seek to approve applications for sustainable development where possible.
- 5.4 Annex 1 of the Framework confirms that for the purposes of decision-taking, the policies in the plan should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. It adds that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, with greater weight being given to those policies that are closer to the policies in the Framework.

Development Plan

- 5.5 It is understood that the Development Plan for the area within which the Site is located comprises the following documents:
- Adopted Core Strategy 2014 (CS)
 - Saved Policies of the Local Plan First Review 1994 (LP)
 - Kent Minerals and Waste Local Plan 2024
 - Kent Minerals Sites Plan 2020

There are no implications for the proposed development arising from either the Kent Minerals and Waste Local Plan 2024 or the Minerals Sites Plan 2020 as the Site is not safeguarded or subject to an allocation.

- 5.6 In the remaining parts of the Development Plan, the following policies are considered most relevant in the determination of this application:

Core Strategy

CS01 Sustainable Development
CS02 Scale and Location of New Development
CS12 Green Infrastructure
CS13 Green Space, Sport and Recreation
CS18 Climate Change
CS19 Development and Design Principles

Local Plan 1994

C17 Horse-riding and Stables
T1 Impact of development on the highway network
P3 Vehicle Parking Standards

Other Material Considerations

The Framework NPPF 2024 as updated February 2025

- 5.7 In summary, the following paragraphs are considered most relevant as additional material considerations in the determination of this application:
- | | |
|-----------------------|---|
| 7-8 | Achieving sustainable development |
| 11-12 | Decision making & presumption in favour |
| 39 | Positive and creative decision making |
| 88-89 | Supporting a prosperous rural economy |
| 103, 105 | Open space and recreation |
| 131, 135 & 139 | Design |
| 142-143, 153-154 | Green Belt |
| 187, 189-190, 192-193 | Natural Environment and Biodiversity |
- 5.8 The Government is currently consulting on proposed changes to the Framework.
- 5.9 Proposed Policy E4 covers rural business development and emphasises that in applying policy E2, the sustainable growth of businesses in rural areas should be supported, including through:
- 'b. The development and diversification of agricultural and other land-based businesses;*
- c. Facilities to support rural leisure and tourism and measures to retain and expand accessible local shops and services;'*

6 Planning Assessment

Key Issues

- 6.1 The following are considered to be the key issues in the assessment of this application:
- Is a s73 application appropriate?
 - Have there been any material changes to the planning considerations relating to the site since the previous approval?
 - Are the proposed changes acceptable?
 - Biodiversity Net Gain
- Is a s73 application appropriate?
- 6.2 The substitution of the revised plan and the changes for which permission is sought, do not affect the purposes and terms of the original application and its

description. They are also contained within the red-line area of the original application and apply to the same overall planning unit.

- 6.3 It is considered therefore that the submission of a s73 application in this case is appropriate taking into account relevant case law.

Any Material Changes to Planning Considerations?

- 6.3 The Development Plan for the area has not changed since the original planning permission was granted and neither have any of the landscape designations that apply to the site.
- 6.4 The Framework was revised in December 2024/February 2025 (and consultation is currently under way on proposed further changes).
- 6.5 The December 2024 changes introduced the concept of Grey Belt Land. Grey Belt is defined as follows;

Grey belt: *For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.*

- 6.6 The Site cannot be considered as previously developed land, given that is agricultural land. The site is however, not affected by any of the areas or assets listed at Footnote 7 of the Framework.
- 6.7 Given the size of the area of land and its location and taking into account the advice and guidance on how to assess Grey Belt Land in the National Planning Practice Guidance (see link) <https://www.gov.uk/guidance/green-belt#assessing-green-belt-to-identify-grey-belt-land>, it can be argued that the site does not strongly contribute to purposes 'a', 'b' and 'd', as outlined above and that it may be appropriate to consider the site to be Grey Belt land.
- 6.8 The applicant is not however, seeking to justify the development on the basis of Framework paragraph 155.
- 6.9 It remains the case that the proposed development is required to support both the agriculture and open air recreational use taking place within the applicant's landholding. Both of these uses can be considered as appropriate development

in the Green Belt under the exceptions provided for within paragraph 154 of the Framework.

- 6.10 The Council has considered and accepted the justification for and also the impact of the building on the openness of the Green Belt in relation to the previous permission that was granted. These considerations are not changed by the currently proposed barn which is located in the same position on the site and is of similar proportions with very minimal change (refer to paragraph 4.1 earlier in the Statement).
- 6.11 There have been no change in the circumstances of the site that would warrant re-consideration of the principle of the proposals.

Are the proposed changes acceptable

- 6.12 The external changes are considered to be acceptable and will not harm the character and appearance of the surrounding area. Timber cladding on upper parts of walls and with lower walls formed by concrete panels are commonly found on rural buildings. The revised door locations and openings are also considered acceptable.
- 6.13 The internal changes will have no impact on the surrounding area.
- 6.14 The proposed building is to be located in the same area of the site as the approved building and it is considered will not adversely affect the occupiers of the nearby dwelling as was previously accepted by the Council.

Biodiversity Net Gain

- 6.15 As an amendment to a planning permission granted prior to the commencement of the statutory Biodiversity Net Gain requirements, the project is exempt from the need to provide the minimum 10% BNG uplift.

7 Conclusions

- 7.1 The proposed changes to the building are considered to be appropriate minor changes to an extant planning permission which will not be contrary to Development Plan Policy or NPPF advice. There have been no changes to the circumstances of the site that would warrant an objection to the principle of the development now being raised.
- 7.2 In consideration of all relevant development plan policies and material considerations, this application should be viewed positively by the authority and it is respectfully requested that this submission is approved.