



Delegated Report

Prior Approval Application

Application no: 20211059

Location: Lomer Farm Estate Wrotham Road Meopham Gravesend

Description: Application for a determination as to whether prior approval is required for the proposed erection of a general purpose agricultural barn, 42.30 m length, 8.7 m height and 18.50m width (783m²) for the storage of straw, hay, equipment and machinery as well as creation of 205m² hardstanding.

Applicant: Mrs Laura Hicken, Hawkspare Ltd

Site Visit Date: 15 September 2021

Submitted Documents/Plans

Application form for prior approval for proposed building for agricultural use;
Red/blue line site boundary plan (1:7500);
Drawing no. H-06 Rev. P5 Proposed site plan;
Drawing no. H-07 Rev. P6 Proposed layout and roof plan;
Drawing no. 15558-H-08 Rev. P6 Proposed elevations;
Letter dated 20 August 2021 from DHA Planning; and
2 emails dated 31 August 2021 from DHA Planning.

It is noted that the red/blue line boundaries shown on the 1:7500 OS plan are not consistent with those shown on drawing no. H-06 Rev. P5. The applicant was given several opportunities to ensure that the red/blue line boundaries shown on the submitted plans were correct and consistent. However, despite this problem, the application can be effectively assessed.

Relevant Planning History

<u>Application No.</u>	<u>Description</u>	<u>Status</u>	<u>Decision</u>
20191208 (Barn 2, Lomer Farm Estate)	Application for approval of condition 2 of planning permission reference number 20180733 relating to details of the soft landscaping scheme.	Approved	06.01.2020
20180733 (Barn 2, Lomer Farm Estate)	Application for the continued use of the land west of No. 2 The Barn for parking and the use of an external movement sensor located on the western flank wall of No. 2 the Barn.	Granted	18.10.2019

20180093 (Barn 1, Lomer Farm Estate)	Application for Lawful Development Certificate for the continued use of no. 1 The Barn as a residential dwelling.	Granted	14.10.2019
20171382 (Barns 1 and 2, Lomer Farm Estate)	Application for Lawful Development Certificate for the continued use of the area of land to the rear of No.1 and No.2 The Barn as domestic garden land.	Granted	14.10.2019
20170999	Conversion of existing commercial buildings and other existing buildings and stables to 10 no. commercial units in a flexible B1/B8 use and 4 no. residential dwellings with associated access and parking arrangements.	Permitted	22.02.2019
20160884	Conversion of existing stables to 2 no. residential dwellings with associated parking.	Withdrawn	23.05.2017
20150843	Prior notification for the proposed change of use of units D1 (upper and lower), D2 And B2 (lower) to form 3no. residential dwellings under Class O, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015.	Refused	09.10.2015
20110352	**REVISED PLANS/REVISED DESCRIPTION** Erection of infill extension and conversion of existing light industrial and agricultural units to form 978 square metres B1 commercial space with ancillary B8; three live/work units and one residential unit; conversion of stables into two residential units; internal and external alterations to Lomer Farm Barn and alterations to parking and access arrangements.	Permitted	23.10.2013
20040681	Conversion of existing two storey building into eight live/work units.	Refused	17.09.2004
20020433	Conversion of redundant farm building into part live/work unit and part industrial unit involving external alterations and refurbishment.	Permitted	12.03.2003
19960760	Application for the approval of alterations to buildings, refuse storage area, treatment and drainage of parking and circulation areas and landscaping as required by conditions (viii), (xii), (xvi) and (xix) of planning permission ref no. GR/95/564W.	Approved	27.02.1997

19950564	Demolition of semi-derelict farm buildings and change of use of part of group of existing farm buildings to 6no.workshops for class B1 use. Laying out of van & car parking spaces and alteration to existing vehicular access onto Wrotham Road.	Permitted	22.03.1996
19960554	Application for the approval of access, gradients, surfacing and visibility splays; renewal of chestnut paling fence and replacement of existing farm gate as required by conditions (xvii) and (xviii) of planning permission ref. no. GR/95/564W.	Approved	30.09.1996

It should be noted that although application reference 20110352 was granted planning permission, it has not been implemented and as such, it has now expired.

Development Plan and other Relevant Planning Policies and Guidance

The application stands to be assessed under the terms of Article 3, Part 6, Class A of Schedule 2 to the Town and Country (General Permitted Development) (England) Order 2015 (as amended) to determine whether the siting, design and external appearance of the proposed building requires prior approval and if so, whether prior approval is given or refused.

In this determination, the Local Planning Authority shall have regard to the following development plan and national planning policies, which are relevant to the subject matter of the prior approval:

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 - Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- T1 - Impact of Development on Highway Network
- P3 – Vehicle Parking Standards

Paragraph 33 of the NPPF (2021) 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 (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- Section 2 - Achieving sustainable development
- Section 9 - Promoting sustainable transport
- Section 12 - Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 15 - Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006)

Other Documents

- Gravesham Landscape Character Assessment, May 2009

Consultation, Publicity and Representations

Publicity and Representations

There is no statutory requirement for the Local Planning Authority to publicise a prior approval application by neighbour notification.

However, notwithstanding this, a representation has been received from the Dickens' Country Protection Society as follows:

The Society notes that a number of buildings on the holding have been converted to residential use. The Society is concerned that the proposed building could impact on the openness of the Green Belt.

Consultations

There is no statutory requirement for the Local Planning Authority to consult upon a prior approval application. However, in determining whether the siting, design and external appearance of the proposed building requires prior approval, the following consultation responses will be taken into account:

GBC Agricultural Advisor (Rural Planning Ltd)

I refer to your request for advice regarding the planning notification submitted under the provisions of the GPDO on behalf of Mrs Laura Hicken of Hawkspare Ltd. regarding the proposed erection of a general purpose agricultural barn, approx. 42.3m x 18.5m, 6.8m to eaves, plus 205m² of hardstanding, for storage of straw, hay, equipment and machinery.

The submissions explain that the proposal relates to an area of farmland and woodland extending to some 134.4 ha.

The current cropping comprises some 28 ha barley, 38 ha wheat, 19 ha grass for hay, 25.7 ha pasture and 23.7 ha woodland. It has not been stated how the pasture is managed, in terms of grazing livestock.

The land was previously associated with a range of older farm buildings, to the east, off Wrotham Road, but as I recall from earlier applications these were all previously regarded as redundant to agriculture and have been changed to non-agricultural uses (commercial or residential), some probably for at least 20 years.

This begs the question of how the 134 ha area of land has continued to be managed productively with no associated farm buildings on site, and why these arrangements cannot continue.

This has not been explained in the current application submissions, however it is common for relatively smaller areas of arable land, and grassland, to be managed by letting out to local farmers, or having contract farming arrangements, whereby there may be no particular requirement for immediate on-site farm storage buildings, since produce can be stored elsewhere and machinery brought to the site for husbandry operations as and when required.

Figures have been presented to justify the size of the proposed building which would have a volume to eaves of some 5,321m³. Much of this is assumed to be for storing some 2,500 "standard" bales of hay (out of up to 8,000 to be grown), requiring 3,400m³ space; however this is based on the bales being 1.36m³, which is an error, being the assumed volume for larger, round bales, whereas standard bales are about 0.18m³. The available land for hay could not yield 2,500 large round bales.

The design of the proposed building would be wholly enclosed with steel sheeting, and accessed on the north side via three roller shutter doors. The building has more of a commercial/ industrial appearance than one designed for storage of hay and straw. Typically such a building would have at least one open side for

ease of access for handling, stacking, and removing large bales, as well as for good ventilation.

The design also includes a hardstanding in front of the north side, and on the east side where the position of the hardstanding would appear to require the removal of hedging that currently separates the agricultural land from the commercial premises. The northern hardstanding is shown as only about 3.5m wide maximum. Whilst presumably kept this narrow to avoid exceeding the overall GPDO ground area limit of 1000m², this width would be inadequate for the purpose of properly accessing the building, particularly year-round with heavy farm equipment or HGVs.

Based on the proposed site plan, the access to the proposed building would be shared with the existing way that leads into the commercial /residential premises, and further facilitated by the hedge removal referred to above. Under this arrangement the proposed position of the east end of the building would be only about 10m from the west end of the nearest of the older converted farm buildings (referred to above). Given the prevailing wind, I would have thought it inadvisable in terms of fire risk to have a farm building stacked with hay and straw so close to these converted buildings.

It may also be considered less than ideal to have farming traffic and activity closely sharing commercial or residential traffic and activity in this way.

In summary, from the above I am not convinced that the proposed development has been shown to be reasonably necessary for the purposes of agriculture on this unit, in accordance with the relevant GPDO provisions, nor suitably designed and located for those purposes.

GBC Highways Development Management Officer

In general there would be no objections to the proposal. Farm vehicles have to be stored somewhere and hay/straw storage is primarily a seasonal trade. Vehicle movements will also be on the network somewhere. So it is a matter of the adequacy of the access, this should permit vehicles to pass at the entrance and at appropriate intervals along it, unless its width is sufficient to accommodate two vehicles along its entire length.

I would recommend that the access track should be a minimum of 7.3 metres wide until the access to the adjacent trade park is passed, when the width may reduce to 3 metres, with passing places every 30 metres (45m max.) thereafter if and as required.

GBC Regulatory Services (Environmental Protection)

Contaminated Land:

The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

Code of Practice on Construction and Demolition:

To reduce the risk of nuisance from the construction please apply as a condition.

Drainage:

The application does not mention drainage or the need for a foul waste drainage system. The nature the barn will be used for would not require foul water drainage, however this should be confirmed with the applicant. If they intend to install foul water drainage then we would wish to see details for the system proposed before planning approval is granted.

Heating:

The barn should not require heating, however this needs to be confirmed with the applicant. Should they intend to use a solid fuel heating system then we would wish to see details of the system before planning approval is granted.

Environment Agency

Due to the scale, nature and setting of this proposal and the supporting information submitted, we have assessed this proposal as low risk. We therefore do not have any specific comments to add. This location is SPZ3.

Please note that although this proposal is considered as low risk, we would still need to be re-consulted if:

- The proposal is in SPZ1/2 and will include infiltration of surface water other than clean rainwater
- The proposal is in SPZ1/2 and will include infiltration of surface water that involves deep borehole soakaways
- The proposal will use a non-mains connection for foul drainage
- During development, contamination not previously identified is found to be present at the site. This will be subject to a remediation strategy.

Failing to inform us on any of the above, the development is at risk of contributing to unacceptable levels of water pollution caused by mobilised contaminants. Ensuring the protection of water pollution is in line with paragraph 174 of the National Planning Policy Framework.

Advice to applicant

If you would like to receive site specific advice or discuss documents in further details with us, we are able to do so under our charged planning advice. Please contact us on kslplanning@environment-agency.gov.uk for further details.

We would like to refer the applicant/enquirer to our groundwater position statements in 'The Environment Agency's approach to groundwater protection', available from gov.uk. This publication sets out our position for a wide range of activities and developments, including the following:

- Waste management
- Discharge of liquid effluents
- Land contamination
- Ground source heat pumps
- Cemetery developments
- Drainage

Informatives:

Contamination

If there is a reason to believe contamination could be an issue, applicants should provide proportionate but sufficient site investigation information (a risk assessment) prepared by a competent person to determine the existence or otherwise of contamination, its nature and extent, the risks it may pose and to whom/what (the 'receptors') so that these risks can be assessed and satisfactorily reduced to an acceptable level. The National Quality Mark Scheme (NQMS) accredits competent persons with regard to assessing and reporting land contamination issues.

Sustainable Surface Water Drainage

Sustainable surface water drainage systems are endorsed and encouraged by the Environment Agency as the collection and dispersal of clean surface water to ground allows recharge aquifer units. It also can help to prevent localised flooding in heavy rainfall events. Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal. As part of this hierarchy the first option is for the disposal of surface water via SUDS, which encourage infiltration such as soakaways or infiltration trenches. An appraisal of SUD options must be undertaken to ensure feasibility and/or suitability and it must be proven that they can be properly maintained and would not lead to any other environmental problems. The use of soakaways will always require a site specific investigation and risk assessment to assess suitability. There must be no discharge to land which is impacted by contamination and there must be no direct discharge to groundwater. As a rule of thumb we would accept roof drainage going to soakaway, but other surface drainage may need to go through treatment systems or to foul main, for instance vehicle parking. However discharge into the ground from car parking for less than 20 private cars is normally acceptable, provided there are suitable pollution prevention measures in the system prior to the discharge point and the groundwater is greater than 10 metres below final discharge level. We would not accept any vehicle parking drainage going to ground in an SPZ1.

Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

The detailed design at any site can be negotiated on a site specific basis dependant on environmental setting and drainage design proposals. The following website is helpful in planning drainage design.

<http://www.bgs.ac.uk/products/hydrogeology/infiltrationSuds.html>

Unexpected Contamination

Any unexpected contamination encountered should be reported to the EHO in accordance with Building

regulations approved Doc C.

Please note that our advice is applicable for the information made available to us at this point. If, at any stage, this information changes, we will need to be informed and re-consulted.

Meopham Parish Council

Objection on the grounds of the size of the barn and its potential impact on the openness in the Green Belt. There is no justification given to justify a barn of this size and in the past agricultural buildings have been converted to residential and office space on grounds that the agricultural buildings were no longer needed. The plans do not show what other agricultural buildings remain on the site or even the farm buildings themselves.

Kent Highways Services

No response received.

Officer Analysis

Permitted Development Rights Restrictions

Article 2 (3) Land (AONB, Listed Building Conservation Area)	No
Article 4 Direction	No
Agricultural Permitted Development Rights Removed/Restricted	No

Does the proposed development benefit from permitted development rights?

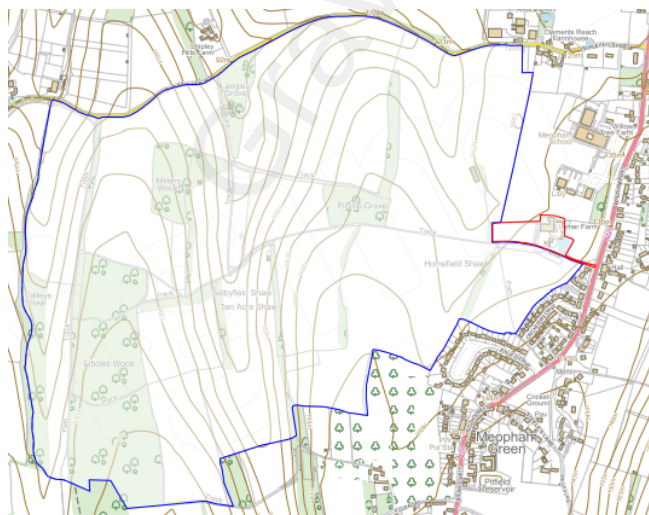
This application is not a planning application but an application as to whether prior approval is required for the siting, design and external appearance of the proposed building. However, before undertaking such as assessment, it is appropriate and essential to consider whether the proposal actually benefits from the relevant permitted development rights (Article 3, Part 6, Class A of Schedule 2 to the Town and Country (General Permitted Development) (England) Order 2015 (as amended) (thereafter referred to as the 'GPDO'), such that a prior approval application can legitimately be made.

The first key tests are as follows:

- Article 3, Part 6, Class A of Schedule 2 to the GPDO states that the proposed development must be carried out on agricultural land, in an agricultural unit with an area in excess of 5 hectares.
- The development must also be reasonably necessary for the purposes of agriculture within that unit.

Note: The definition of agricultural land is provided in paragraph D.1 of Part 6 of the GPDO, which states 'land which, before development permitted by this Part is carried out, is land in use for agriculture and which is so used for the purposes of a trade or business, and excludes any dwellinghouse or garden'.

The application site (bounded in red) and the agricultural unit/other land owned by the applicant (bounded in blue) is shown in the following image;



The application site has an area of some 1.5 hectares (when measured from the submitted plan), whilst the agricultural unit has an area of some 134 hectares (according to the applicant's submission). However it is noted that much of the application site is not used for agricultural purposes. Specifically, the land and buildings on the eastern side of the site are used commercially and for residential purposes. As the following annotated sketch illustrates;



Annotated sketch from site visit



Photograph of existing access track to existing buildings

Furthermore the non-agricultural part of the application site is separated from the parcel of land on which the building is proposed to be located by a fence/hedge and gate (as shown on the right in the image above). When these factors are taken into account, the part of the application site which is used solely for agriculture has an area of some 0.7 hectares (when measured from the submitted plan). As such, it is considered that the application site is not entirely comprised of land used for agricultural purposes and has not been identified accurately on the submitted plans.

According to the GBC Agricultural Advisor, the proposed development has not been shown to be reasonably necessary for the purposes of agriculture on this agricultural unit. In this regard he questions why the current farming approach (managed productively with no associated farm buildings on site) cannot continue. He suggests that it is common for relatively small areas of arable land and grassland, to be managed by letting out to local farmers or having contract farming arrangements, whereby there may be no particular requirement for immediate on-site farm storage buildings, since produce can be stored elsewhere and machinery brought to the site for husbandry operations as and when required. He also queries the size of the proposed building, highlighting that the available land for hay could not yield 2,500 large round bales (the amount that the applicant states as being accommodated in the proposed building).

Therefore it is considered that the proposed development would not meet the definition of development set out in Article 3, Part 6, Class A of Schedule 2 to the GPDO and planning permission would be required.

Notwithstanding the above, in respect of the various limitations set out at paragraph A.1 of Article 3, Part 6, Class A of Schedule 2 to the GPDO, it is acknowledged that the proposed building would not fall foul of sub-paragraphs A.1(b) to A.1(k). However in respect of sub-paragraph A.1(a), (where development would not be permitted by Class A if the development would be carried out on a separate parcel of land forming part of the unit which is less than one hectare in area), the part of the application site which is used solely for agriculture has an area of some 0.7 hectares (not the 1.5 hectares enclosed by the red line boundary). Therefore the proposed development would not meet be in line with the requirements of sub-paragraph A.1(a) of Article 3, Part 6, Class A of Schedule 2 to the GPDO and planning permission would be required.

Siting, Design and External Appearance

Notwithstanding the above and if it were accepted that the tests in Part 6, Class A and paragraphs A.1(a) to A.1(k) of the GPDO were met, it would be for the Local Planning Authority to judge whether prior approval would be required for the siting, design and external appearance of the proposed agricultural building.

The application site is located in the Green Belt, the Meopham Downs Landscape Character Area (LCA) and Groundwater Source Protection Zone 3 and thus is in a very sensitive location. As such, prior approval would be required for the siting, design and external appearance of the proposed agricultural building.

Policy CS02 of the Gravesham Local Plan Core Strategy (September 2014) sets out a general approach to development and in relation to development in the rural area, it states that development outside rural settlements (as is the case here) including proposals to maintain and diversify the rural economy, will be supported where it is compatible with the national policies for protecting the Green Belt and the other policies in the development plan.

Paragraph 149 of the National Planning Policy Framework (NPPF (2021)) sets out that the construction of new agricultural buildings are appropriate development in the Green Belt.

Policy CS12 of the Gravesham Local Plan Core Strategy (September 2014) policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham Landscape Character Assessment May 2009 will be taken into account in determining applications. The Gravesham Landscape Character Assessment describes the key characteristics of the Meopham Downs LCA as gently undulating topography with a mixture of arable and pasture farmland, neat patterns of small square fields in the south, broader irregular shaped fields in the north, narrow highways lined with hedgerows and three large settlements located along the A227. The condition of the landscape is highlighted as good with moderate sensitivity and it recommends conserving and reinforcing the key landscape elements. In particular, the landscape structure, the traditional character of the built environment (using traditional building materials and techniques) and agricultural land use.

Policy CS12 also sets out that there will be no net loss of biodiversity in the Borough and that opportunities to enhance, restore, re-create and maintain habitats will be sought within new development.

Paragraph 174 of the NPPF (2021) states that valued landscapes should be protected and enhanced and that planning decisions should recognise the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystems. In addition, it sets out that planning decisions should prevent new development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability and minimise impacts on, and provide net gains for, biodiversity.

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 requires new development to be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the local built, historic and natural environment and integrate well with the surrounding local area. In particular the design of new development should be derived from a robust analysis of local context and character and make a positive contribution to the street scene and the character of the area.

Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) also requires new development to be located, designed and constructed to not pose an unacceptable risk or harm to the water environment, including the quality and or quantity of ground waters and surface waters.

Policy CS18 of the Gravesham Local Plan Core Strategy (September 2014) seeks to minimise the impact of drainage from new development on waste water systems and in particular require that surface water run-off from new development has, as a minimum, no greater adverse impact than the existing use and require the use of Sustainable Drainage Systems on all developments where technically and financially feasible.

The application details indicate a proposed building with a length of 42.3 metres, a width of 18.5 metres and a maximum height of 8.7 metres, which would create a substantial building (783 square metres in area) that would be a prominent feature in the landscape. Furthermore the building would be surrounded by a hardstanding on the northern and eastern sides, with an area of some 205 square metres.

The application site is located in a rural location and is comprised of open land which is laid to grass with mature trees/vegetation on the site boundaries. It is noted that immediately to the east of the proposed building are a number of existing buildings which were previously used for agricultural purposes. As the following images show, these are brick built and relatively modest in terms of size. It is noted that they were converted away from agricultural use many years ago.



Nos. 1 and 2 The Barn



Some buildings on the Lomer Farm Estate

The location of the proposed building adjacent to these existing buildings would ensure that the proposal would not result in an isolated built development in the countryside and would reduce its adverse impacts on openness and rural character.

In terms of proposed construction materials, the submitted drawings indicate;

Walls - box profile PVC cladding in Moorland Green
Roof - metal profile sheeting in Moorland Green
Steel roller shutter doors in Moorland Green
PVC rainwater goods (no specified colour)

The proposed green colour would help the building to blend in with the surrounding fields but the materials are not traditional to the Meopham Downs Landscape Character Area and appear somewhat industrial. Furthermore they do not match with the existing buildings at Lomer Farm. Indeed the overall design would lead to a building that is industrial/commercial rather than agricultural in appearance. In this regard, it is noted that the GBC Agricultural Advisor has expressed this concern and also has stated that a building to be used for the storage of hay/straw typically would have at least one open side for ease of access for handling, stacking, and removing large bales, as well as for good ventilation. Therefore the proposed design would not be appropriate to the surroundings and would not be fit for its stated purpose.

The proposal also includes a hardstanding on the northern and eastern sides of the proposed building and on the eastern side, the position of the hardstanding would appear to require the removal of a significant amount of mature hedging (which currently separates the agricultural land from the adjacent commercial premises and is shown in the above access track image). No ecological assessment or details of any proposed soft landscaping have been provided and as such, it is likely that this loss of vegetation would be detrimental to biodiversity and rural character.

As indicated in the previous section, the proposed building would be larger than that required for its stated uses and would not be reasonably required for the purposes of agriculture within the agricultural unit at the application site. As such, it is considered that the location of the building has not been justified and that the proposed building would be inappropriate in terms of size and design. Therefore the proposed development would undermine the open, rural character of the surrounding area. Issues that are also highlighted by Meopham Parish Council.

The application site is located in Groundwater Source Protection Zone 3 and as such, the method for disposing of surface water from the proposed development should ensure that there are no adverse impacts to groundwater. The application details indicate a rainwater harvesting downpipe system which would direct run-off from the building to a barrel (to be used to water crops) but there are no details of the

proposed surface water drainage for the area of hardstanding. The Environment Agency have raised no objection to the proposal and encourage the use of Sustainable Drainage Systems (SUDS). Therefore it would be for the applicant to demonstrate whether the proposed building is required to be sited in this location and if so, how any adverse groundwater impacts from surface water run-off would be mitigated. In the absence of this, there may be adverse impacts to groundwater and the proposal would be contrary to Policies CS18 and CS19 of the Gravesham Local Plan Core Strategy September 2014.

In terms of the siting of the building, there are two other issues that also require consideration. The application site adjoins two Public Rights of Way (PROW). As such, it is necessary to consider the potential for the siting of the building to have adverse impacts to the line and/or use of the PROWs. Lastly, the appropriateness of the location in highway terms must be addressed.

The proposed building would be located some 110 metres to the east of PROW references NS258 (a footpath) and NS283 (a bridleway). Therefore due to this distance and to the fact that the access arrangements are existing, there would be no adverse impacts to the line and/or use of the PROWs.

The proposed building would be accessed via an existing track (within the site) and an access way from Wrotham Road (A227). The access way is surfaced with tarmac (although rutted and potholed) and is shared with two residential properties and a number of commercial properties. It is some 5 metres wide at the junction with the A227 and narrows to between 2.5 and 3 metres along the section that is shared. There are limited passing places.



Access way at junction with Wrotham Road



Access way at its narrowest point

The existing track within the site is unsurfaced and appears to provide a secondary access to buildings used for commercial purposes (as shown in the above access track image). There are limited passing places.

The GBC Highway Development Management Officer has not raised an objection to the proposal but has highlighted the need for the proposed access to permit vehicles to pass at the entrance and at appropriate intervals along it, unless its width is sufficient to accommodate two vehicles along its entire length. However no details of the proposed access have been provided and as the above images show, the existing access is relatively narrow with limited passing places.

The GBC Agricultural Advisor has stated that the width of the proposed northern hardstanding would be inadequate for accessing the building, particularly year-round with heavy farm equipment or HGVs.

It is noted that the access is existing and appears to have been used for agricultural and commercial purposes for many years. However it is not clear how many vehicle movements have been associated with these uses.

As such, it would be necessary for the applicant to demonstrate that the proposed building is required for the proposed use, in this location and that the proposed access arrangements would be appropriate. In the absence of this, there may be adverse highway safety impacts and the proposal would be contrary to Policy CS11 of the Gravesham Local Plan Core Strategy September 2014 and Policy T1 of the Gravesham Local Plan First Review November 1994.

Overall, as the applicant has not justified the need for the proposed building in this location, then it must be considered that the proposed development would be harmful to the openness and natural character of the surrounding Green Belt and Meopham Downs Landscape Character Area and contrary to Policies CS02 and CS12 of the Gravesham Local Plan Core Strategy September 2014 and to Paragraph 174 of the NPPF (2021). Furthermore the proposed development would have an inappropriate design and have the potential to be detrimental to highway safety, biodiversity and groundwater. As such, it would be contrary to Policies CS11, CS12, CS18 and CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Conclusion

The proposed development would not meet the definition of development set out in Article 3, Part 6, Class A of Schedule 2 to the GPDO because it has not been proven that the building would be reasonably necessary for the purposes of agriculture within the agricultural unit at the application site and because the application site is not entirely comprised of land used for agricultural purposes.

The proposed development would be contrary to sub-paragraph A.1(a) of Article 3, Part 6, Class A of Schedule 2 to the GPDO because the building would be sited on a parcel of land forming part of the agricultural unit which is less than one hectare in area.

As such, the proposal would not be permitted development and planning permission would be required. Furthermore an application for prior approval cannot be legitimately made.

Notwithstanding the above, if it were accepted that the proposed development would meet the definition and limitations for development set out in Article 3, Part 6, Class A of Schedule 2 to the GPDO, it is considered that prior approval would be required for the siting, design and external appearance of the proposed agricultural building because it would be located in a very sensitive location (within the Green Belt, the Meopham Downs Landscape Character Area and Groundwater Source Protection Zone 3).

On the basis of the information submitted, prior approval would be refused for the siting, design and external appearance of the proposed agricultural building. This is because the applicant has not justified the need for the proposed building in this location and because the proposed design would be inappropriate. As such, it is considered that the proposed development would be harmful to the openness and natural character of the surrounding Green Belt and Meopham Downs Landscape Character Area and contrary to Policies CS02 and CS12 of the Gravesham Local Plan Core Strategy September 2014 and Paragraph 174 of the NPPF. Furthermore the proposed development would have the potential to be detrimental to highway safety, biodiversity and groundwater and would be contrary to Policies CS11, CS12, CS18 and CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Recommendation

Prior Approval is Required and Refused on the following ground:

1. The proposed development would not meet the definition of development set out in Article 3, Part 6, Class A of Schedule 2 to the Town and Country (General Permitted Development) (England) Order 2015 (as amended) because it has not been proven that the building would be reasonably necessary for the purposes of agriculture within the agricultural unit at the application site and because the application site is not entirely comprised of land used for agricultural purposes.

The proposed development would be contrary to sub-paragraph A.1(a) of Article 3, Part 6, Class A of Schedule 2 to the Town and Country (General Permitted Development) (England) Order 2015 (as amended) because the building would be sited on a parcel of land forming part of the agricultural unit which is less than one hectare in area.

As such, the proposal would not be permitted development and planning permission would be required. Furthermore an application for prior approval cannot be legitimately made.

Notwithstanding the above, if it were accepted that the proposed development would meet the definition and limitations for development set out in Article 3, Part 6, Class A of Schedule 2 to the Town and Country (General Permitted Development) (England) Order 2015 (as amended), it is considered that prior approval would be required for the siting, design and external appearance of the proposed agricultural building because it would be located in a very sensitive location (within the

Green Belt, the Meopham Downs Landscape Character Area and Groundwater Source Protection Zone 3).

On the basis of the information submitted, prior approval would be refused for the siting, design and external appearance of the proposed agricultural building. This is because the applicant has not justified the need for the proposed building in this location and because the proposed design would be inappropriate. As such, it is considered that the proposed development would be harmful to the openness and natural character of the surrounding Green Belt and Meopham Downs Landscape Character Area and contrary to Policies CS02 and CS12 of the Gravesham Local Plan Core Strategy September 2014 and Paragraph 174 of the National Planning Policy Framework (2021). Furthermore the proposed development would have the potential to be detrimental to highway safety, biodiversity and groundwater and would be contrary to Policies CS11, CS12, CS18 and CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Informatives

1 DRAWINGS AND DOCUMENTS

For the avoidance of doubt the decision to refuse this application was taken in relation to the following plans and documents:

Application form for prior approval for proposed building for agricultural use;
Red/blue line site boundary plan (1:7500);
Drawing no. H-06 Rev. P5 Proposed site plan;
Drawing no. H-07 Rev. P6 Proposed layout and roof plan;
Drawing no. 15558-H-08 Rev. P6 Proposed elevations;
Letter dated 20 August 2021 from DHA Planning; and
2 emails dated 31 August 2021 from DHA Planning.

2 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

However, in this instance the application would not be in line with the requirements of Article 3, Part 6, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and has the potential to cause harm to this sensitive location within the Green Belt; to the landscape character of the Meopham Downs Landscape Character Area; and to highway safety biodiversity and groundwater.

Case Officer:	Mrs Kelly Joyce	Team Leader:	Richard Hart
Signed:	<i>K Joyce</i>	Signed:	<i>R Hart</i>
Dated:	16th September 2021	Dated:	16th September 2021