



Delegated Report

Prior Approval

Application No:	20240375
Location:	Land At Cobham House Vineyard, Gold Street Cobham Gravesend
Description:	Application to determine if prior approval is required for a proposed; Erection of a winery building and hardstanding for Agricultural or Forestry use of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 6.
Applicant:	Mr Sengupta
Site Visit:	8 May 2024

Submitted Documents/Plans

- Application Form – dated 23 April 2024;
- Planning Statement (ref. 0431);
- Supplementary Information – Noise Impact Assessment by Chris Wood Acoustics – dated 05 April 2024;
- Drawing no. 10000 – Rev. 02 – Site Location Plan (scale – 1:2500);
- Drawing no. 10600 – Rev. 02 – Proposed Block Plan (scale – 1:500);
- Drawing no. 20050 – Rev. 04 – Basement Floor Plan – Proposed;
- Drawing no. 20150 – Rev. 04 – Ground Floor Plan – Proposed;
- Drawing no. 20250 – Rev. 04 – Mezzanine Floor Plan – Proposed;
- Drawing no. 20350 – Rev. 04 – Roof Plan – Proposed;
- Drawing no. 50050 – Rev. 05 – North and West Elevations – Proposed.

Relevant Planning History

Reference	Description	Decision	Decision Date
20231258	Application for a determination as to whether prior approval is required for the erection of 1 no. winery building and hardstanding.	PRIOR GRANTED	03.01.2024
20230899	Application for a determination as to whether prior approval is required for the erection of 1 no. agricultural storage building.	PRIOR REFUSED	20.09.2023

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 (2023) indicates that one of the exceptions to inappropriate development is new buildings for agriculture and forestry. The site is also within the Kent Downs National Landscape (referred to as Area of Outstanding Natural Beauty in the National Planning Policy Framework (NPPF) (2023).

The application relates to a holding of 11.51 hectares of land which is used for the planting of vines to grow grapes, as well as traditional farming such as arable 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.

Relevant Local and National Planning Policies

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS19 – Development & Design Principles

National Planning Policy Framework (2023)

- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed and beautiful places
- Section 13 – Protecting Green Belt land
- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

External Consultees

Cobham Parish Council – No comment received.

Dickens Protection Society – The Society is concerned this is a large building in the countryside on relatively high ground. Whilst it is recognised the siting has been improved it will still have an impact on the openness of the Green Belt and local landscape. In view of the site's location in the Green Belt and the North Downs Area of Outstanding Natural Beauty, the Society would suggest that the application should be called in to agree the external finishes, landscaping requirements and condition the building use to that described in the application. The means of access to the building needs to be defined. Clear details of all elevations are also needed.

Internal Consultees

Local Ward Councillors – No comment received.

Neighbour responses

Article 3, Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), does not require any neighbour consultation to be carried out. However, there were 13 representations received from surrounding residents, all of which registered

objection to the development. It should be noted that one of the representations lodged was a duplicate. The representations raised the following concerns:

- Detrimental impact on the landscape / AONB
- Inappropriate location
- Impact on the openness of the landscape
- Impact on wildlife
- Out of character
- Building is too large / inappropriate scale
- Highly visible location, clear views from public footpath
- Eyesore – fails to blend or minimise impact on area
- Colour is not appropriate – should be green
- Light pollution
- Impact on neighbour amenity
- Noise impact – bottling plant in Luddesdown is an example of this impact
- Operating times need to be managed
- Industrial use not agricultural
- Future expansion – shop / tours
- Disruption
- Traffic impacts
- Highway network not suitable from HGV access
- Increased risk of collision on highway through intensification of access point on a narrow country lane
- Access not to standard for this use
- More employees would be required for a site of this size than the 2no. stated

In addition to the representations received from local residents, the Local Planning Authority have been notified of an online petition which has received 480 signatures in opposition to the development.

The concerns raised in the representations, although material considerations, do not all form considerations for the Local Planning Authority in this application as set out in Article 3, Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Therefore, the Local Planning Authority can only consider matters relevant to this part of the Order and as such most concerns raised will not be interrogated within this report.

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 barn will be approx. 9.3m high, 40.481m wide and 15.71m deep. The barn would be constructed using black profile metal cladding on the roof and black timber weatherboard cladding on the walls. There will be a number of doors into the building on the ground floor, with one large window and two smaller windows at the mezzanine floor level.

The following constraints are applicable to the site:

- Metropolitan Green Belt
- Kent Downs National Landscape
- Archaeological Notification Area
- Istead Arable Farmlands Landscape Character Area

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.*

which are reasonably necessary for the purposes of agriculture within that unit.

Reasonably necessary for agriculture?

The proposed barn will provide a suitable building to meet the needs of modern agriculture. The following reasons have been provided in the planning statement:

- The building will facilitate the expansion and improvement of agricultural activities on the site;
- The cellar area will be used for temperature stable area, which will reduce energy consumption and costs

The barn would be used for the following uses:

- Receival of grapes
- Winery tanks
- Ageing cellar
- Barrell cellar
- Bottling
- Production (post bottling)
- Riddling
- Storing of pallets ready for distribution
- Storing of dry goods
- Office/Lab

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. Therefore, the development is reasonably necessary.

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 as established by case law. See Millington v Sec. of State 1999.
(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 would exceed 1,000 square metres; or (ii) any building erected or extended or altered by virtue of Class A would exceed 1,500 square metres calculated as described in paragraph D.1(2)(a) of this Part	(i) No (ii) The ground area will be under 1,000m²
(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 25m away from the highway.
(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	The proposed building would not to be used for livestock or slurry storage.
(j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming	The buildings will not be used for fish farming, and is not within article 2(4) land.
(k) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system— (i) would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit; or (ii) is or would be within 400 metres of the curtilage of a protected building.	The building is not to be used in relation to a biomass boiler or anaerobic digestion system.
(l) the erection or extension of a building would be carried out on land or a building that is, or is within the curtilage of, a scheduled monument	The proposed building would not be on land, or within the curtilage of a scheduled monument.

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 building is 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 building is 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 site together with any fee required to be paid;
(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; and
(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.*

There is no acknowledgement of these requirements from the applicant, however would be conditions if prior approval were granted.

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.

No acknowledgement, but refers to an outcome and so not directly relevant here.

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.

There is no acknowledgement of this requirements from the applicant, however would be conditions if prior approval were granted.

Siting and Appearance

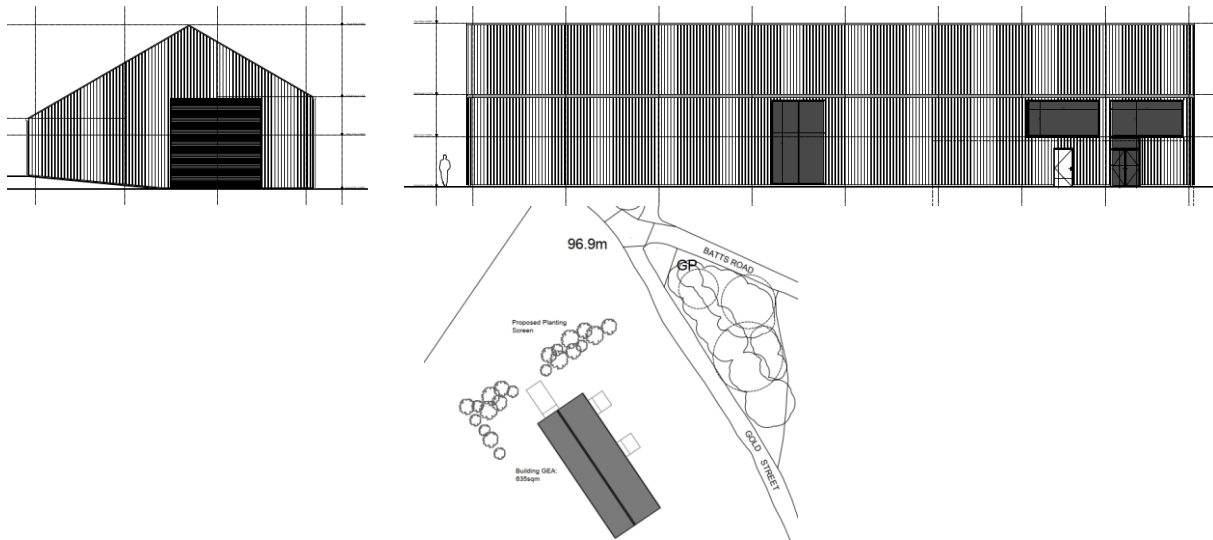
Notwithstanding the above and if it were accepted that the tests in the GPDO (Article 3, Part 6, Class A and Class A.1 (a) to (k) of Schedule 2 were met under Class A.2 (2) (i) it is still down to the Local Planning Authority to judge whether prior approval is required of the siting, design and external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

The application site is located in the Green Belt, the Kent Downs National Landscape and the Istead Arable Farmlands Landscape Character Area and thus in a very sensitive location. The Gravesham Landscape Character Assessment (2009) describes the key characteristics of the Istead Arable Farmland as including gently undulating topography of open arable farmland, minor clumps of native woodland and clusters of properties and farmsteads. The condition of the landscape is highlighted as poor with moderate sensitivity and it recommends restoring traditional field structures that are enclosed by native hedgerows and planting, as well as to remove detracting features from the landscape (such as electricity pylons).

In assessing the proposal, Policy CS12 (Green Infrastructure) of Gravesham's Local Plan Core Strategy (LPCS) (2014) seeks to protect the green infrastructure within the Borough and states at 5.7.26 the overall landscape character and valued landscapes will be conserved, restored and enhanced. The greatest weight will be given to the conservation and enhancement of the landscape and natural beauty of the Kent Downs Area of Outstanding Natural Beauty and its setting. Policy CS19 (Development and Design Principles) (LPCS) states that new development will be visually attractive and locally distinctive. It should also conserve and enhance the character of the local built and natural environment and integrate well with the surrounding area.

At a national policy level, Sections 12 and 15 of the National Planning Policy Framework (NPPF) (2023) state that new development should be of high-quality design and contribute positively to making places better, and seek to protect and enhance valued landscapes, and also recognise the intrinsic character and beauty of the countryside.

The proposal would introduce a substantial new building onto currently undeveloped open land in a rural location in the Kent Downs National Landscape which is wholly characteristic of the local landscape area within which it lies, comprising gently rolling open countryside. The proposed building would have a maximum ridge height of 9.3m (8.6m measured from highest land level adjacent to building), an eave height of 5.115m, an overall width of 40.481m and a depth of 15.71m. It would be positioned in the eastern side of the open field, near to the existing access gate and public right of way (NS190).



It should be noted that there are no objections to the general design of the building in its own right, which has the appearance of an agricultural barn. The proposed materials being black timber weatherboard cladding on the walls and profile metal roof, are appropriate for the rural context and the dark colour would serve to somewhat screen the building against the backdrop of trees that front Gold Street.



Key

- Proposed Building (approx. location)
- Public Right of Way

As demonstrated in the annotated image above, the building would experience direct views from the public right of way and would be visible from the highway travelling east on Gold St. The photographs below demonstrate the position of the building, where there is no planting. This location is at the apex of the hill and thus increases visibility from the public right of way and further down the valley.





Although new buildings for agricultural purposes are not inappropriate in the Green Belt, the scale of building in this isolated location within the landscape would have a negative and harmful impact on the overriding open rural character or natural beauty of the landscape. It would be in an exposed location and be seen from many long-distance views. The barn would be in an isolated position and not be part of a group of similar buildings or nestled within landscaping features that would enable its visual impact to be mitigated. It is noted that the building is not excessively tall for an agricultural building in its own right, a structure of 8.6m to the ridge, 5.115m to the eaves, but its location and clear visibility in an exposed part of the countryside would have a significant and harmful impact upon the openness of the area. Whilst there is some sporadic residential development to the west of the site, it (the road) leads through a generally undeveloped and very rural part of the Kent Downs National Landscape. The character of the surrounding area is generally not one of large roadside, agricultural buildings.

There are also concerns with the proposed glazing and light pollution emitting from the building, which would have a future impact on the siting and visibility of the development from wider views across the landscape.

The argument presented that the tree backdrop and vines would serve to mitigate the impact, and that the building would slot neatly onto the site are disputed in its isolated position and are not considered to be sufficient to overcome these siting concerns from direct and longer distance views. The building would stand within an open field, isolated and divorced from any other agricultural building or structures, and by virtue of its size and visually prominent siting would be a highly intrusive and visually dominant development in an otherwise open and rural area within the Green Belt and Kent Downs National Landscape.

Conclusions and Reason 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 an acceptable style of design and choice of materials, however the siting is considered unacceptable.

The building would stand within an open field, isolated and divorced from any other agricultural building or structures, and by virtue of its size and visually prominent siting would be a highly intrusive and visually dominant development in an otherwise open and rural area within the Green Belt and Kent Downs National Landscape. As such, it is considered that the proposed development would be harmful to the openness and natural character of the surrounding Kent Downs National Landscape, Green Belt and Istead Arable Landscape Character Area and contrary to Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (2014) and Sections 12 and 15 of the National Planning Policy Framework (2023).

Recommendation

Prior Approval is Required and Refused

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:	<i>Ethan Bonthron.</i>	Signed:	<i>R Hart</i>
Dated:	20 th May 2024	Dated:	20 th May 2024