

## REPORT SUMMARY

<b>REFERENCE NO - 18/500352/FULL</b>		
<b>APPLICATION PROPOSAL</b> Variation of condition (3) appended to planning permission 14/504784/FULL to permit the polytunnels to be covered between the 14th February and the 15th November (currently restricted to between the 1st March and the 31st October )		
<b>ADDRESS</b> Hill Farm Lenham Road Ulcombe Maidstone Kent ME17 1LT		
<b>RECOMMENDATION</b> Grant Planning Permission subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> It is considered the proposal is justified on agricultural grounds and will not result in any material change to the rural or landscape character of the area compared to the impact of the development already permitted under planning permission ref:14/504784.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Recommendation contrary to the views of Ulcombe Parish Council		
<b>WARD</b> Headcorn	<b>PARISH/TOWN</b> Ulcombe	<b>COUNCIL</b> <b>APPLICANT</b> Mr S Charlton <b>AGENT</b> DHA Planning
<b>DECISION DUE DATE</b> 20/04/18	<b>PUBLICITY EXPIRY DATE</b> 02/03/18	<b>OFFICER SITE VISIT DATE</b> 01/02/18

## MAIN REPORT

### 1.0 SITE DESCRIPTION

- 1.1 Hill Farm is located to the north east of Ulcombe on the south facing slope of the Greensand Ridge.
- 1.2 The application site is located on land at the northern end of the farm adjacent to Lenham Road and on the gently sloping land to the south and the northeast of Ulcombe village. The boundaries of the farm consist of hedgerows and trees which extend along the boundaries with Lenham Road and the western boundary of the village. The application site is generally characterised by a patchwork of enclosed arable fields. There are several areas of ancient woodland adjacent to the application site, including Marshalls wood located to the north east and smaller sections of woodland to the south west of the site.
- 1.3 The application site is not generally visible in the landscape from public highways due to existing landscape screening on the site boundaries. Part of the farm is visible from the residential property located on the top of Ulcombe Hill and from public footpaths running through the site.
- 1.4 Two public footpaths (PROW) cross the application site. PROW KH312 runs east to west and is located in the northern section of the site. PROW KH317 runs southwest to northeast and is located in the southern section of the site. Greensands Way runs to the south of the southern polytunnel field.

## 2.0 PROPOSAL

- 2.1 Planning permission was granted under ref: 14/504784 for a mixed development comprising the erection of polytunnels, general purpose agricultural storage building, hard surface yard area, water storage tanks, drainage works, balancing pond below ground pumping chamber, reservoir and landscaping. (Report attached as **APPENDIX 1**)
- 2.2 The plans relating to this development will be shown to Members at the meeting. In relation to the polytunnel element of the development which is the subject of this application, planning permission was granted for 20 ha (49 acres) of polytunnels to provide for strawberry production. Each polytunnel is constructed from hooped tubular steel frameworks, these are 7.8 metres in width and 3.75 metres high and covered in polythene sheeting. The polytunnels have a north/south alignment following land contours falling in a north to south direction.
- 2.3 The polytunnels are set back from the existing field and hedgerow boundaries to allow for maintenance and ecology enhancements.
- 2.4 Condition 3 appended to the planning permission ref: 14/504784 is worded as follows:

*The polytunnels hereby permitted shall only be covered with polythene between the 1st March and the 31st October.*

*Reason: In the interests of visual amenity.*

- 2.5 The proposal seeks to extend the period to cover the polytunnels to between the 14<sup>th</sup> February and the 15<sup>th</sup> November (a further two weeks at the beginning and end of the season amounting to a four additional weeks in total).
- 2.6 The following supporting information has been submitted:
- Now generally accepted that normal growing season is February to November.
  - Need to extend coverage to meet market demand and requirements of UK food retailers who are seeking greater output at lower prices.
  - If demand not met locally high risk applicant will lose market share having a negative impact on the business and local rural economy.
  - Given uncertainly associated with Brexit must prepare business for future requiring greater flexibility in use of resources.
  - Site relatively enclosed while in November many trees still partly in leaf helping to further screen the polytunnels for the period sought.

## 3.0 RELEVANT PLANNING HISTORY

- 3.1 **15/504174:** Submission of landscaping details pursuant to condition 8 appended to planning permission 14/504784.- **APPROVED** - The approved landscaping details will be shown at the meeting.

- 3.2 **14/504784:** Erection of polytunnels, general purpose agricultural storage building, hard surface yard area, water storage tanks, drainage works, balancing pond below ground pumping chamber, reservoir and landscaping – **APPROVED** subject to conditions.

#### 4.0 **POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan: SP17, DM30, DM36  
Supplementary Planning Documents: Maidstone Landscape Character Assessment

#### 5.0 **LOCAL REPRESENTATIONS**

- 5.1 188 neighbouring properties notified – 3 objections received which are summarised below:
- Polytunnels already clearly visible from surroundings - allowing extended coverage will increase their visual impact in a harmful manner.
  - Resulting additional production will result in further traffic and noise and activity from extended use of the polytunnels.
  - Allowing polytunnels to remain for longer will expose them to harsher weather which has already caused damage.
  - Already fail to comply with existing condition.
  - Will result in additional runoff.

#### 6.0 **CONSULTATIONS**

- 6.1 **Ulcombe PC:** Object as extending coverage period for a further 4 weeks will result in harm to visual amenity.
- 6.2 **MBC Landscape:** The landscape implications of the erection of polytunnels and associated works were considered fully when granting planning permission granted for application ref: 14/504784/FULL. Whilst increasing polytunnel coverage time will exacerbate the landscape impacts due to reduced screening provided by deciduous foliage this needs to be balanced against the agricultural need for the development.
- 6.3 **Agricultural Advisor:** Under 14/504784/FULL the Council approved the erection of 20 ha of polytunnels for soft fruit production on the applicants' rented 54 ha fruit holding, which is managed as part of a larger farm enterprise based at Rumwood Green Farm, Langley.

Condition 3 limits the period of cover with polythene to between 01 March and 31 October in any year. It is now proposed to extend this period to between 14 February and 15 November, adding a further month overall. The rationale for this is the need to extend the growing season to meet supermarket customers' demand and to enable the applicants business to remain competitive against other growers and maintain market share against foreign imports.

Consider the proposal can be regarded as necessary to agriculture.

6.4 **EHO:** No objection

## 7.0 **APPRAISAL**

7.1 The proposal has been 'screened' to assess whether it falls within the categories of development where an EIA is normally required. Given the nature of the proposal and that the site does not fall within an AONB, there is no requirement for the application to be accompanied by an EIA.

7.2 Moving onto consideration of the proposal, the NPPF seeks to promote a prosperous rural economy, by amongst other things, promoting the development and diversification of agricultural and other land-based rural businesses.

7.3 Policy SP17 states that proposals which accord with other policies in the plan and which do not harm the countryside will be permitted.

7.4 Though Policy DM30 sets out general design principles for development in the countryside specific requirements for agricultural buildings and structures are set out in policy DM36.

7.5 Policy DM36 states that proposals for new agricultural buildings or structures on land in use for an agricultural trade or business will be permitted subject to meeting certain criteria. In this case the criteria relevant to this proposal are (a) whether necessary for agriculture (b) will not have an adverse impact on the amenity of existing residents and in relation to polytunnel development how will surface water run-off will be dealt with and controlled and inclusion of a rotation programme for the covering/uncovering of the structures/frames, which explores the possibility of following the seasons.

7.6 As the proposal relates to committed polytunnel development where landscape issues were considered in detail (see report attached at **APPENDIX 1**) the key issues here are (a) whether there is an agricultural need for the proposed development and (b) visual amenity and landscape considerations.

### **Agricultural need:**

7.7 This is a significant local agricultural enterprise providing employment and as such can be seen to support the local rural economy. It is therefore important to ensure that in line with Government Guidance and the local plan, support is given to the business where a clear cut case of agricultural need is identified, unless other material considerations weigh against this.

7.8 The agricultural advisor accepts that to enable the business to remain competitive and maintain market share it is necessary to extend the soft fruit growing season by the means proposed.

7.9 Given this advice it is accepted there is an agricultural case for the development.

**Landscape Impacts:**

- 7.10 The Maidstone Character Land Assessment (LCA) identifies the majority of the application site as falling with the Sutton Valence Greensand Ridge with part in the Ulcombe Mixed Farmland, both areas falling within Special Landscape Areas as identified within the former local plan.
- 7.11 The current local plan now identifies these as Landscapes of Local Value to which the provisions of policy SP17 and DM30 apply.
- 7.12 When planning permission for the polytunnels was granted under ref: 14/504784 a key consideration was impact on the landscape (See report attached at **APPENDIX 1**). It acknowledged the polytunnels had the potential to have an adverse impact on the wider landscape. However when taking into account the lie of the land, existing tree cover and proposed landscaping it was accepted the landscape impacts could be sufficiently mitigated. Planning permission was granted on this basis along with restriction on the period of polytunnel coverage.
- 7.13 As such the polytunnels can currently be covered for up to 8 months in a year. The key issue is whether there will be any material increase in visual impact compared to what has already been permitted.
- 7.14 Much of the surrounding tree cover is deciduous – nevertheless it is already permitted to cover the polytunnels from the first of March when leaf cover is still minimal. Given this, allowing the polytunnels to be covered from two weeks earlier will not, it is considered, add significantly to their visual impact at the beginning of the year.
- 7.15 Removal of the polytunnels is currently required by the 31<sup>st</sup> October when leaf fall can already be taking place. Again extending coverage of the polytunnels by a further two weeks will not, it is considered, add significantly to the impact of the polytunnels on the landscape.

**Amenity:**

- 7.16 Only long range views over the site are available from houses in the locality. Loss of a view is not a material consideration as such. However given the landscape is protected in the wider public interest, and that the landscape impacts are not considered to be significant, no loss of amenity is identified.

**Other matters:**

- 7.17 Concerns has been raised that the proposal will permit additional traffic, noise and activity from use of the site which will be harmful to amenity. However as no increase in the number of polytunnels is proposed this will not be in excess of existing committed levels of daily activity.
- 7.18 Regarding additional runoff, again as no increase in the number of polytunnels are proposed there will be no change in anticipated run off.

## **8.0 CONCLUSION**

8.1 It is considered that an agricultural case for the proposed change has been made and in the absence of any identified harm to the rural character and wider landscape of the area it is recommended that planning permission is granted.

## **10.0 RECOMMENDATION – Grant Planning Permission subject to the following conditions:**

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission; Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) If the land is not used for soft fruit production for more than two years in a row the polytunnels, all related structures and coverings shall be removed from the site and the land restored to its former condition, Reason: Permission has been granted to meet the needs of agriculture and to avoid undue proliferation of built mass within the countryside
- (3) The polytunnels hereby permitted shall only be covered with polythene between the 14<sup>th</sup> February and the 15<sup>th</sup> November. Reason: In the interests of visual amenity.
- (4) The polytunnels shall at all times be located in such a manner to ensure a minimum clear width of 2 metres is achieved for all public footpaths crossing the application site. Reason: To ensure the Public Rights of Ways remain free and unobstructed.
- (5) No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior to first occupation/use of the site. Any external lighting that is installed shall accord with the details so approved. Reason: To satisfactorily protect the character and appearance of the area and the residential amenities of nearby occupiers.
- (6) The development hereby permitted shall continue to be carried out in accordance with the Flood Risk Assessment approved in connection with application ref: 14/504748 being (FRA) (09/01/15, 10409 FRA January 2015) and the following mitigation measures detailed within the FRA: 1. A 600mm green buffer will be provided between the poly tunnels which will be maintained as grassland to reduce the risk of soil erosion and the formation of drainage gullies exacerbating overland flow (paragraph 5.1.1). 2. The poly tunnels will not provide a barrier to any overland surface water flows, allowing water to flow freely under the polytunnels (paragraph 5.1.1). 3. Infiltration trenches will be constructed in the grass buffer strip on the South and West boundaries, as stated in paragraph 5.2.3, 5.2.4 and Appendix 7. 4. An infiltration basin will be constructed, as detailed in paragraph 5.2.7 to accommodate the contributing runoff for all return periods up to and including the 1:100 year + 30% for climate change. 5. rainwater from the roof of the agricultural storage building will be stored in the above ground tanks which will be used for irrigation throughout the year (paragraph 5.2.11). 6. An infiltration trench shall be constructed as detailed in Appendix 7 to allow for the drainage of the hard standing area and overflow from the above ground storage tanks. These mitigation measures

shall be fully implemented in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. Reason: To prevent an increase in flood risk downstream by managing the potential increase in overland flow associated with the poly tunnels and agricultural storage building.

- (7) Landscaping for the development shall as approved for application ref: 15/504174 Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development.
- (8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation; Reason: To ensure a satisfactory external appearance to the development.

**Informatives:**

1. Nothing may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of this office.
3. No hedging or shrubs should be planted within 1.0 metre of the edge of any Public Path.

**Case Officer: Graham Parkinson**

**NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.**