

APPLICATION: MA/10/0651 Date: 19 April 2010 Received: 16 June 2010

APPLICANT: F D Attwood & Partners

LOCATION: COURT LODGE FARM, COURT LODGE ROAD, HARRIETSHAM,  
MAIDSTONE, KENT, ME17 1AT

PARISH: Harrietsham

PROPOSAL: Erection of grain store with continuous flow grain dryer as shown on Drawing Nos WM/328/03 Sheets 1 and 2 , WM/0328/500, scale 1:1250 site location plan and Design and Access Statement received on 19 April 2010 and detailed in agents letter received on 16th June 2010

AGENDA DATE: 2nd September 2010

CASE OFFICER: Laura Gregory

The recommendation for this application is being reported to Committee for decision because:

- it is contrary to views expressed by the Parish Council

### **1. POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV28, ENV33, ENV34, ENV43  
Village Design Statement: N/A  
Government Policy: PPS1, PPS7, PPG24

### **1. HISTORY**

MA/09/2044 - Planning application for erection of 1 storage building including concrete apron to replace existing fire damaged buildings – APPROVED WITH CONDITIONS

### **2. CONSULTATIONS**

#### **3.1 Harrietsham Parish Council - Original Comments (received 24<sup>th</sup> May 2010)**

“Wish to see the above application **REFUSED** and request that the application is reported to the Planning Committee for the reasons set out below:

- Insufficient noise assessment.
- Insufficient transport / vehicle movement details.
- Insufficient justification for the size of the building.

- The application is within an AONB.”

Subsequent comments following reconsultation on details of hours of work and noise levels (received 08 July 2010)

“The Planning group of Harrietsham Parish Council have now had time to review the amendments to the above planning application.

This has not changed their response. To confirm, the Parish Council wish to see the above planning application **refused**, for the reasons previously stated, and requested that the application is reported to the Planning Committee”

**3.2 KCC Highways** - Raises no objections subject to restrictions on HGV movements from the farm.

**3.2 MBC Environmental Health Officer** - No objections raised subject to standard informatives and conditions relating to noise.

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**3.3 Rural Planning Ltd** - Confirms a reasonable need for the buildings

*“The buildings at Court Lodge Farm currently comprise*

- 1) 450m<sup>2</sup> portal-framed aged grain store with limited access and headroom, providing some 700 tonnes of short-term post-harvest grain storage,*
- 1) 438m<sup>2</sup> portal-framed former grain store with limited access and headroom,*
- 2) 178m<sup>2</sup> let workshop.*

*The Greenway Court holding includes three further agricultural buildings, but they offer relatively limited usable space and are close to Grade II listed buildings. They date from the 1960's and comprise a 389m<sup>2</sup> general store with a floor below the external ground level, with a low eaves height and in a poor state of repair, one 549m<sup>2</sup> general purpose store with concrete block construction walls, and one former dairy of brick construction.*

*I understand none of the Greenway Court buildings are now regarded as acceptable for grain storage under “farm assured” standards due to their size and poor condition*

*The proposed building would be designed to accommodate, to modern farm assured standards, some 2400 tonnes of grain plus temporary holding storage for “wet” grain. It would also provide modern drying/cleaning facilities for the farm’s grain production.*

*Given the extent of the farm enterprise here now, and the limitations of the existing buildings, I consider the proposed building would be reasonably necessary for agriculture”.*

### **3. REPRESENTATIONS**

**Two letters** of representation received to date raising the following objections:-

- The proposed building would be seen from the whole area and beyond and by virtue of scale would be visually intrusive;
- Noise disturbance would be caused to the residents of Court Lodge Road, from the continuous grain flow;
- Development would increase the number of lorry movements up and down Court Lodge Road which would be adversely impact on the residents and result in a hazard to highway safety;
- Proposed tree planting on the line of the new bund should be of mature standards, to improve the immediate screening effect both in terms of visual impact and possible noise impact.

### **4. CONSIDERATIONS**

#### **5.1 Site and Surroundings**

- 5.1.1 The application site is in open countryside approximately 0.5km north west of Harrietsham village within the Kent Downs Area of Outstanding Natural Beauty (AONB) and Special Landscape Area (SLA). It is located on an escarpment on the North Downs where the land rises from the south, before rising steeply towards the north and north west.
- 5.1.2 Located at the north end of Court Lodge Road, the site comprises Court Lodge Farm which comprises of some 135 ha of arable land. The crops grown are combinable crops comprising of Oil Seed Rape, Wheat, Barley, Lindseed and Harvest peas.
- 5.1.3 The farm has recently combined with adjoining farm Greenway Court Farm bringing the amount of arable land farmed to 875 acres (354 ha). Court Lodge’s farm buildings are grouped together, located some 300m from the entrance off Court Lodge Road. The farm buildings are utilitarian in appearance and comprise of five storage buildings and a workshop. One of the storage buildings, the one to the south east of the site is new building, permitted in 2009.
- 5.1.4 To the south west of the site, approximately 22m away is a pair of cottages, 7 and 8 Court Lodge Cottage. These cottages are in the

ownership of the farm. The nearest non agricultural dwellings are 1 -6 Court Lodge Cottages which are located some 300m to the south east of the site at the entrance to farm on Court Lodge road. These dwellings are also located where the public road stops and the road turns into private drive leading into the farmyard. The drive is also a public footpath and bridleway KH289. To the north east and south of the site along the boundary of the farm is a second bridleway KH290 and this is located approximately 315m from the site. This leads up to the second public right of KH152, also known as the Pilgrims Way, which cuts through the farmland to the north of the site and, is approximately 394m from the site.

## **5.2 Background**

5.2.1 The site is in agricultural use and in 2009, planning permission was granted under MA/09/2044 for a new building to replace a fire damaged building.

5.2.1 The building is now complete and is approximately 23m from the proposal site. It measures approximately 48m by 30m and has an eaves height of 8m and a ridge height of 11.3m. The building is constructed of concrete panels and slate blue sheeting under a grey cement sheeting roof to match the existing buildings. New tree planting is proposed to the northern and eastern sides of the building and along the south side of the lane and new hedge is proposed along the track. This is yet to be implemented. The building is required to store machinery and straw as part of the Court Lodge's amalgamation with Greenway Court Farm.

## **5.3 Proposal**

5.3.1 Planning permission is sought to replace two existing stores with a grain store with a continuous flow grain dryer inside. Measuring approximately 42m by 40m, the proposed building would have a ridge height of 11.5m and an eaves height of 7.9m on the west elevation and 5.7m on the east elevation. The proposed building would be constructed adjacent to the building permitted under MA/09/2044 and would be a steel framed structure with the walls clad in box profile plastisol cladding, slate blue in colour. The roof would be a fibre cement roof natural grey in colour. To the north of the building, tree planting comprising of three rows of Holly, Hornbeam, Ash, Field Maple. Guelder Rose and Dogwood, is proposed to join the planting permitted under MA/09/2044.

## **5.4 Principle of Development**

5.4.1 When considering new development in the rural area, Central Government and Development Plan policy dictate that new development in the rural area should be strictly controlled. There are exceptions and as Local Plan Policy

ENV43 states, agricultural development is one of these, provided that the building is deemed reasonably necessary for the purposes of agriculture.

- 5.4.2 The justification for the proposed development is that as a result of the amalgamation of Greenway Court Farm and Court Lodge Farm, there is a need for a grain store to dry, clean, cool and store grain for a period of up to 12 months. The existing stores at Court Lodge Farm only provide temporary storage and are too small with limited headroom. As such they are unable to store the amount of grain produced on the combined holding. The buildings at Greenway Court cannot be used for grain storage as they do not meet the required standards laid down by the Red Tractor Food Assurance Scheme and in addition, Greenway Court is within close proximity of several Grade II listed buildings and residential properties.
- 5.4.3 In view of the above, I consider that there is sufficient agricultural justification for the proposed building. Court Lodge Farm is a more appropriate site. It is over 300m from the nearest residential property (not owned by the farm) and there are no listed buildings nearby.
- 5.4.4 The Agricultural advisor has considered the proposal and is also satisfied that the proposal is justified given the extent of the farm's enterprise and the limitations of the existing buildings. He considers that the proposed building is reasonably necessary for the purposes of agriculture and therefore raised no objection.

## **5.5 Impact on Landscape**

- 5.5.1 The site is located within the Kent Downs AONB, a nationally designated and protected landscape. When considering proposals for development in this area significant weight is given under Policy ENV33 towards the conservation of the area's natural beauty. Policy ENV43 states that new agricultural development will only be permitted if the proposal is grouped with existing buildings, does not have an adverse visual impact, is accompanied by an integral landscaping scheme and is constructed of materials sympathetic the surrounding area.
- 5.5.2 The proposed building would be a large, modern structure which although located 394m away, would be visible from the Pilgrims Way to the north east and public footpath KH289 to the north west. However, from Court Lodge Road and public footpath KH290 which runs along the south east and north east boundary of the farm, approximately 315m from the site, the visibility of proposed building is significantly restricted, due to the form of the landscape.

- 5.5.3 The undulating land on which the farm is located comprises of an escarpment which rises from the south to the north. The farmyard is located in the centre of the escarpment where, the land dips slightly before rising again to the north and north west. When approaching the site from the south east on footpath KH290, the farmyard and farm buildings are not visible. Only the roof of new building is visible and it is only this building that one would see when using the footpath. Furthermore, as the building is located some 315m from the footpath, long distance, open views of the North Downs are maintained from this footpath.
- 5.5.4 From the north east on the Pilgrims Way, the farm yard is more visible but is obscured slightly by the rising foreground. The new building is the most prominent structure but, situated some 394m from the footpath and, located on land which is below the footpath, the building does not interrupt the skyline and is viewed against the backdrop of North Downs, and surrounding countryside.
- 5.5.5 With a ridge height of 11.5m, the proposed building would be taller than the building approved under MA/09/2044, by approximately 200mm. However, erected next to the new building and within the existing farmyard, it is considered that from the public footpaths, the proposed building would appear as an extension of the existing farm rather than a new, separate entity in the open countryside. It would be viewed in conjunction with the existing buildings on site and although it would be bigger than the stores it is intended to replace, visual intrusion of the development on the countryside would be eased by the proposed screen of trees and hedgerow on the northern boundary. Furthermore by constructing the building where the land naturally dips, the cumulative impact of the proposed is significantly reduced as the proposed building would be viewed against a backdrop of open countryside.
- 5.5.6 The proposed landscaping would adjoin the landscaping scheme approved under MA/09/2044. It would comprise of three rows of indigenous trees, Holly, Ash, Field Maple, Hornbeam, Guelder Rose, and Dogwood planted, with spacing of 3m between and a double staggered row hedgerow comprising of Hawthorn, Hazel, Dogwood, Holly & Field Maple is also proposed, with spacing 0.35m between. Given the details I recommend that a condition is imposed which requests that trees, of a nursery standard height of 2.75 -3m are planted. This would ensure that the development is softened by this landscape with immediate effect.
- 5.5.7 The use of native trees and hedgerow is acceptable as it is in accordance with the Council's adopted Landscape Character Assessments and Guidelines. Over time as the trees and hedgerow mature they will range in height from 8m to 20m and this will provide a dense, natural screen around

the farmyard, obscuring the new buildings from the footpath and the bridleways to the north east of the site.

- 5.5.8 The building would remain visible from the footpath to the west of the site, but I do not consider that significant visual harm would be caused given that it would be seen in conjunction with an existing group of large farm buildings. Furthermore, the proposed building would be finished using the same materials of the adjacent building and this is acceptable given their neutral colour which does not appear as harsh or stark against the skyline.
- 5.5.9 Grouping the building with existing buildings is in accordance with policy ENV43 as the proposal ensures that a cluster of farm buildings is continued rather than new development in an isolated position. Clusters of farm buildings are typical in the Kentish countryside and also the AONB and by placing the building with the existing buildings, long distance, open views of the North Downs and surrounding countryside are preserved and this in accordance with Policy ENV33. To conclude, the proposed location and design of the building ensures that the natural beauty of the AONB is preserved and as such I consider the development to be acceptable.
- 5.5.10 The Parish Council have raised concern over the size of the building. Whilst having a ridge height of 11.5m, when seen in the context of the existing buildings on site I do not consider it would appear overly prominent or out of character. The building is larger than the buildings it is intended to replace but it is needed for agricultural purposes which have already been addressed and which are considered to be justified I therefore do not consider the proposed size of the building to be unacceptable.

## **5.6 Impact on the Highway**

- 5.6.1 Most of the objections received on this application have raised concern over the impact the proposed development would have on the increase in lorry movements on Court Lodge Road.
- 5.6.2 Court Lodge Farm extends to 135 ha and is predominately arable and will produce approx 1,300 tonnes of combinable crops per annum which results in 45 lorry movements off the farm. Greenway Court extends to 222 ha, of which, 182 ha are arable and will produce approx 1,800 tonnes of combinable crops per annum resulting in 62 lorry movements off the farm. All the movement between the two farmsteads would take place using internal tracks. The only movements off Court Lodge Farm would be when the crop is sold which will be in equal quantities over the 9 months from October to June. This will be approximately 340 tonnes per month or 12 lorry loads. The applicant has confirmed that there will be no more than 4 lorry loads a day at a time, for three days per month.

- 5.6.3 The Highways Officer and is satisfied that the proposed development would not result in a significant increase in vehicle movements on and off Court Lodge Farm. The proposed grain store would reduce the overall intensity of farm traffic as without it, all the grain would have to leave the farm during the harvest period as the existing temporary stores cannot be used for long term storage under the Assured Combinable Crops Standards Scheme. Furthermore, with the farm utilising the internal tracks between the two farms to store grain, the Highways Officer is satisfied that the number of HGV on Court Lodge Road and the local highway network is sufficiently reduced.
- 5.6.4 In view of the submitted details, I am satisfied that the proposed development would not result in any significant or detrimental impact upon the highway and in particular Court Lodge Road. However, in view of the fact that there are dwellings on Court Lodge Road and that the proposed grain store would result in some HGV movements on this road, albeit only when the grain is sold, I do think it is necessary to impose a condition which restricts the hours of movement on this road, in order to preserve the residential amenity of the neighbouring occupiers. Aside from this, I consider the development is acceptable on highways grounds.

## **5.7 Noise Impact**

- 5.7.1 With regard to the noise produced from the proposed dryer the applicant has stated that the hours of operation during the harvest periods would take place between 7am and 9pm. For the remainder of the year the proposed hours of operation would be from 7am to 5pm. The noise output from a typical 30.0kW fan dryer (which is what would be used within the grain store) would be 88dBA at a 1m distance and 48dBA at a distance of 100m.
- 5.7.2 The Environmental Health Officer is satisfied with the proposed noise level from the dryer and raises no objection over noise produced from lorry movements on Court Lodge Road, as the number of movements are reasonable given the extent of the business operations on site.
- 5.7.3 Whilst it is recognised that the dryer equipment has the potential to cause a noise disturbance, given that the nearest non agricultural resident lives over 300 metres away, it is considered that the impact of noise on residents of Court Lodge Road is minimal. It is however advised that steps should be taken to adequately insulate the building to combat airborne and impact sound. Given that there are neighbouring dwellings in the vicinity, I do not consider this to be unreasonable and therefore I recommend a condition requesting that such to these details are submitted.



## **5.8 Ecology**

- 5.8.1 As the site is in agricultural use and the proposed development involves the replacement of redundant agricultural buildings, it is important to fully assess the implications of the development on biodiversity. No information has been provided to demonstrate that any protected species are located within the site and the stores which are to be replaced are not traditional farm buildings of timber frame construction. Furthermore, there is no local evidence of protected species within the vicinity of the application site and on my site visit I did not notice any evidence of bats within the buildings.
- 5.8.2 Natural England's standing advice is that, if the proposed development does not affect a traditional timber framed farm building and there is no evidence of protected species on site, a protected species survey is not required. In view of the circumstances, I am satisfied that an ecological survey is not necessary, especially as the proposed landscaping would to enhance the surrounding environment. However, given that the site is located within the rural area, I do consider it necessary to draw the applicant's attention to the Wildlife and Countryside Act 1981 and, recommend that bat boxes are implemented by way of an informative in order that biodiversity be enhancing by the proposal.

## **5.9 Conclusion**

- 5.9.1 In conclusion, it is considered that there is a reasonable agricultural need for the development. as a suitable landscaping scheme has been submitted the development would not be harmful to the character of the countryside or natural beauty of the AONB and therefore, for these reasons, I recommend that permission is granted subject to the following conditions.

## **5. 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. During the harvest period of July - September no deliveries shall be taken at or despatched from the site outside of the hours of 7am and 9pm Monday to Friday

and 7am - 1pm on Saturdays and not at any time on Sundays, Bank or Public Holidays. During the period of October - June no deliveries shall be taken at or despatched from the site outside the hours 7am - 5pm Monday to Friday and 7am and 1pm on Saturdays and not at any time on Sundays, Bank or Public Holidays;

Reason: To safeguard the enjoyment of their properties by residential occupiers in Court Lodge Road accordance with Policy ENV28 of the Maidstone Borough Wide Local Plan 2000 and advice contained within PPG24: Planning and Noise .

3. The materials to be used in the construction of the external surfaces of the building hereby permitted shall match those shown on Drawing No WM/328/02 received on 19 April 2010

Reason: To ensure a satisfactory appearance to the development in accordance with policies ENV33, ENV34 and, ENV43 of the Maidstone Borough Wide Local Plan 2000.

4. Prior to the commencement of the development, details of a scheme for the insulation of the buildings against the transmission of both airborne and impact sound shall be submitted to and approved in writing by the local planning authority and the development shall be undertaken in accordance with the approved details.

Reason: To safeguard the enjoyment of their properties by residential occupiers in Court Lodge Road accordance with Policy ENV28 of the Maidstone Borough Wide Local Plan 2000 and advice contained within PPG24: Planning and Noise .

5. The landscaping scheme hereby permitted shall consist of trees of not less than Nursery Standard size (8-10cm girth, 2.75-3m height), conforming to the specifications of BS 3936 Part I 'Nursery Stock', shall be planted during the tree planting season (October to February) following substantial completion of the building hereby permitted, and shall be maintained thereafter to the satisfaction of the local planning authority;

Reason: In the interests of amenity and in accordance with policies ENV28, ENV33 and ENV34 of the Maidstone Borough Wide Local Plan 2000.

6. All planting, comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development; 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 setting and external appearance to the

development in accordance with policies ENV28, ENV33 and ENV34 of the Maidstone Borough Wide Local Plan 2000

### **Informatives set out below**

Under the Wildlife and Countryside Act 1981 you are obliged to ensure that any local wildlife is protected. If during construction, evidence of any existing protected species is discovered, you must contact Natural England before progressing with the works. The Area Office address is Natural England, International House, Floor 9, Dover Place, Ashford, Kent, TN23 1HU

You are advised that although there is no evidence of bats using the site, the implementation of at least two bat boxes on the elevations of the building hereby permitted is recommended, to ensure enhance the biodiversity of the locality

You are reminded that the landscaping approved under MA/09/2044 is yet to be implemented. I strongly advise that this is implemented as soon as possible otherwise you will be liable to Enforcement action.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent.