

APPLICATION: MA/08/2399 Date: 8 December 2008 Received: 2 March 2009

APPLICANT: Mr Joseph Arnold

LOCATION: SPINDLEBUSH FARM, YALDING HILL, YALDING, MAIDSTONE, KENT, ME18 6AL

PROPOSAL: Erection of a barn for use as farm shop and store.

AGENDA DATE: 2nd July 2009

CASE OFFICER: Chris Hawkins

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

- it is contrary to views expressed by the Parish Council

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV28, ENV43, R12
South Eastern Plan 2009: CC1, CC4, C4
Kent & Medway Structure Plan 2006: SP1, SS8, QL1, EN1, EP8
Village Design Statement: N/A
Government Policy: PPS1, PPS7, PPG13

HISTORY

There is no planning history relevant to this planning application.

CONSULTATIONS

Rural Planning Ltd were notified and made the following comments:

'Spindlebush Farm was formed in 2002 from the purchase of part of a larger holding. It extends to some 13.9ha (34.25 acres), principally of well established and productive mixed orchards, lying with a favourable aspect on the Greensand Ridge south-west of Maidstone.

The orchards provide the main cropping area with dessert and cooking apples, pears and plums, however, Mr Arnold has been developing the growing and sale of a much wider range of produce with several acres of land now cropped with strawberries, raspberries, gooseberries, peas and beans, brassicas, potatoes, carrots, swedes, parsnips, courgettes, marrows, pumpkins, sweetcorn, rhubarb, leeks and onions etc. and salad crops.

The produce is packed on site as required for the wholesale (non-supermarket) trade and direct gate sales, with the latter utilising a mobile stall on an area of hardstanding just off the adjoining B2010 (Yalding Hill), located about 250m east of the working farmyard and buildings. It is this stall which Mr Arnold now wishes to replace with a permanent structure, 12m x 6.2m overall, with elevations of stained weatherboard above a brick base, and sheeted roof, and divided internally into about 45metres² of selling space, with the remainder taken up with a produce store (including cold store area) and a WC.

The direct sale of Mr Arnold's own grown produce from this site would be regarded as part of the agricultural use of the farm and in this respect I consider a sales and ancillary storage facility of the general sort proposed, and in this approximate location, would be reasonably necessary for the purposes of agriculture in accordance with Policy ENV43 of the Local Plan.

Mr Arnold is also seeking consent to sell up to 33% by value of produce and goods not originating on the holding, including not more than 10% of goods other than fresh agricultural produce. The sort of other goods envisaged included preserves, flowers, plants, dairy, bakery and meat items. Most bought-in produce and goods would be locally sourced, but it is proposed to include some foreign produce such as bananas and oranges and out-of-season salads.

This further diversification away from pure agricultural sales may be expected to assist the overall viability of the shop, and hence the farm, and the above-mentioned proposed proportions of bought-in produce, and other goods, appear to accord in principle with the advice in the pre-amble to Policy R12 (retail units in the countryside).'

Yalding Parish Council were consulted and objected to the proposal on the following grounds:

'Yalding Parish Council objects to the design of the building. It considers that it would also be detrimental to the setting of the group of traditional farm buildings immediately opposite.'

Kent County Council Highways Authority were consulted and raised no objections to the proposal as it would utilise an existing area of hardstanding and access.

Maidstone Borough Council Environmental Health Officer was consulted and raised no objections to the proposal as it is sited away from residential properties and there is no history of contamination within the site.

REPRESENTATIONS

CPRE Maidstone raised the following points:

- Generally supportive of the proposal to sell locally sourced produce;
- Concerns are raised about the design and scale of the building;
- The site is located within the open countryside;
- No farm diversification plan has been submitted with this application;
- The sale of additional goods for sale causes concern;
- The building does not appear 'rural' or 'barn-like' in character.

Neighbouring properties were notified and no letters of objection have been received.

CONSIDERATIONS

Site Description

The site is located within the open countryside, with no specific designation, to the north of the village of Yalding. The landscape here is not designated as being of particular value. At present within the site there is a significant area of hardstanding (approx 648metres²) which is triangular in shape, and runs adjacent to Yalding Hill. Within the north west corner of this hardstanding is a small timber stall which currently sells fruit from the farm directly to its customers.

To the north and west of the application site is a pear orchard, with trees set out within regular rows, and immediately to the south and east is Yalding Hill – the main link between Maidstone and Yalding (B2010). Spindlebush Farm, to which this building would be linked, has been described above by Rural Planning Ltd.

The front of the site (facing onto the road) is bounded by a wire fence and grass, with access into the site through a farm gate.

Proposal

The proposal is for the erection of a building to be used as a farm shop, with ancillary storage area (including cold store) within a plot of land to the north west of the existing Downs Farm complex. As stated, at present a small timber stall lies within the site, which is proposed to be replaced with a single storey, pitched roof structure which would measure 12metres wide, 6.2metres deep, and would have a maximum height of 3.55metres.

The building would have an internal sales area of approximately 45metres², with the remainder (23.8metres²) set aside for storage for goods for sale (with a small room to accommodate a WC).

The building would have a small brick plinth (of a height of 900mm) with the remainder of the elevations treated with dark stained weatherboarding. The roof material would be of plastic coated metal sheeting (colour yet to be determined). All windows and doors within the proposal would be timber frames (with the exception of the shutter doors to the storage room).

The area of hardstanding to the front of the building would remain as at present, with the exception of a small extension to the northern part, to allow for access into the proposed building.

Principle of Development

This proposal would see the erection of a building within the open countryside, which would allow for the further diversification of the existing farmstead. As such, in determining the application, one has to assess whether there is overriding justification for this proposal.

PPS7 acknowledges that agriculture plays an important and varied role, including the maintenance and management of the countryside, and as such, Local Authorities should recognise these roles and support development proposals that will enable farming and allow farmers to become more competitive and diversify into new agricultural opportunities.

Furthermore, policy EP8 of the Kent and Medway Structure Plan (2006) states that new small scale buildings for the purposes of agriculture, which ensure the continued viability of existing farmsteads will be permitted as long as they are of a suitable scale and design, appropriate to their rural surroundings. This policy requires that any proposal be accompanied by a farm plan, or business case which demonstrates the long term effective management of the farm.

Policy ENV43 of the Maidstone Borough-Wide Local Plan (2000) sets out that proposals for new agricultural buildings upon land in use for agricultural trade or business will be permitted provided that the proposals are reasonably necessary for the purposes of agriculture, subject to all other material planning considerations.

Policy R12 of the Local Plan is a policy that governs farm shops. It requires any new development outside of the urban confines of Maidstone to be selling produce at the point of production, on the basis that a significant proportion (based on annual turnover) of the range of goods proposed is fresh produce grown and sold on the farm holding in question.

The applicant has submitted information with this application setting out how the shop will enable the existing farm holding to sell its own produce, and what produce will be for sale within the shop. This demonstrates that at all times a minimum of 67%

(turnover) of the produce for sale within the shop will be grown within the farm, which will be predominantly fruit and vegetables not grown on site.

The Council has requested the advice of Rural Planning Ltd on this matter, with the advice being that the sale of the applicants own home-grown produce from this site would be regarded as part of the agricultural use of the farm, and as such, it is concluded that a sales area, and ancillary storage facility of this scale, and within this location would be reasonably necessary for the purposes of agriculture. The sale of other goods from outside the farm are at a level considered appropriate (being no more than 33%) to ensure that the proposal also meets the requirements of Policy R12.

It is therefore considered, that in principle, the erection of a shop of this scale, with the level of produce sold grown within the applicants land proposed, does accord with the objectives of both PPS7 and the policies within the Development Plan.

Impact upon the Open Countryside

As with most agricultural buildings, this proposal would be located within open land, outside of the built up area. Due to the agricultural nature of this proposal, the assessment of its visual impact should be made on the same basis as any other agricultural building within the countryside.

The site lies within an area of land to the north of the Yalding Hill, with a large cluster of buildings upon the opposite side of this road. The site is not particularly well screened, and as such has an open character, with orchards to the north, east and west. The erection of this building would clearly be more visible than the existing structure, and as such, one has to assess whether it is of an appropriate design and scale, within this rural context.

The proposed building would have a small brick plinth, with the majority of the building clad in dark stained weatherboarding. This, together with the use of metal sheeting upon the roof, would give the building a rural appearance, as one would expect within such a location. Furthermore, the shutter doors on the east elevation are as expected within this rural location (this are the type of doors frequently seen on barns/workshops on agricultural holdings). It is therefore considered that these rural characteristics would ensure that the building does not appear at odds with its setting, and its impact upon the countryside minimised.

One matter of potential concern is the low pitch of the roof (which is somewhat at odds with the surrounding rural development), however, due to the need to keep the impact of this building upon the surrounding area to a minimum it is considered appropriate in this instance.

As such, it is considered that the proposal would comply with the requirements of PPS7, and the policies within the Development Plan.

Landscaping

No specific landscaping proposals have been submitted as part of this application. However, the building would have a backdrop of a pear orchard, and to the front of the site is a small level of soft landscaping (high grass) already in place. As previously stated, the character of the area is relatively open, and as such, to introduce further landscaping would appear somewhat at odds with this location. Due to the set back of this building from the road frontage (it would be a minimum of 19metres from the highway) it would not appear dominant, and would not need to be screened, or softened significantly in order to be considered appropriate. It is considered appropriate however, to impose a condition requiring the submission of a landscaping plan, which addresses the long term management of the existing landscape features.

Highways

The proposal would result in the creation of no additional hardstanding, with the existing access utilised. With the further intensification of this site it is likely to generate an increase in vehicular movements, however, it is considered that the existing access, and visibility splays are of a sufficient standard, and as such there would be no detrimental impact upon highway safety. The Highways Authority have raised no objection to this proposal.

Due to the location of this site, outside of the urban confines, the question arises as to whether a proposal of this nature represents sustainable development. As with any farm diversification, or the expansion of farm facilities, there is a likelihood of additional vehicular movements to and from the site. However, due to the fact that the majority of the produce is to be grown upon the applicant's farm, any additional vehicle movements are likely to be concentrated to those buying produce, rather than it being delivered. The site is adjacent to the B2010, which runs from Maidstone to Yalding, which is a main route within the Borough, and as such would not result in additional movements along narrow lanes. Furthermore, the sale of produce grown on site would be likely to reduce lorry movements as this produce would not need to be transported elsewhere. As such, it is considered that this proposal broadly complies with the requirements of the Development Plan in this respect.

Residential Amenity

The proposed farm shop would not be located within close proximity to any residential property, and as such, it is not considered that it would give rise to an unacceptable impact upon any residential amenity. The nearest residential property is within Downs Farm opposite the site, but this development very much turns its back upon the road, and faces to the south. In any event, the proposed use is unlikely to give rise to any

significant noise and disturbance, by virtue of the use, however, it is considered appropriate to suggest hours of operation, and limiting hours of delivery.

Conclusion

It is therefore concluded that the proposal would allow for the continued use of this existing farm, whilst not detracting from the character and appearance of the locality, and as such, it is considered that this application is acceptable. It is therefore recommended that Members give this application favourable consideration and grant planning permission in this instance, subject to the imposition of the safeguarding conditions suggested below.

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. No development shall take place until written details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development in accordance with PPS1.

3. A minimum of 67% of the total annual sales turnover (ie volume of sales multiplied by unit price for the business year 1 April to 31 March) shall consist of fresh produce grown upon the planning unit and land owned or rented by the applicant within the administrative boundaries of Maidstone Borough and Local Authorities which adjoin Maidstone Borough.

Reason: In order to safeguard the retail hierarchy and in the general interests of sustainability whilst still aiding farm diversification in accordance with Policy R12 of the Maidstone Borough-Wide Local Plan 2000.

4. The amount of non-fresh produce sold at the application site, as a percentage of total annual sales turnover (ie volume of sales multiplied by unit price for the business year 1 April to 31 March), shall be limited to no more than 10%.

Reason: In order to safeguard the retail hierarchy and in the general interests of sustainability whilst still aiding farm diversification in accordance with Policy R12 of the Maidstone Borough-Wide Local Plan 2000.

5. No retail sales to the public shall be carried out outside of the hours of 0800-1800 Mondays to Saturdays and between 1000 and 1600 on Sundays, Bank or Public Holidays;

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan and policy QL1 of the Kent & Medway Structure Plan 2006.

6. Only the area outlined in red on the attached plan (1:1250 scale) shall be used for retail sales.

Reason: In the interests of visual amenity in accordance with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and policy EN1 of the Kent & Medway Structure Plan 2006.

7. No development shall take place until details of the colour of the external finish of the building has been submitted to and approved in writing by the Local Planning Authority. The approved colour scheme shall be fully implemented before the first occupation of the building and thereafter maintained;

Reason: In the interests of visual amenity in accordance with PPS1 and ENV48 of the Maidstone Borough-Wide Local Plan 2000.

8. At no time shall any obstruction of a height of more than 1metre be placed within a visibility splay of 2metres by 2metres on either side of the access of the development hereby permitted.

Reason: In the interests of highway safety in accordance with Policy QL1 of the Kent and Medway Structure Plan (2006) and PPG13.

Informatives set out below

The submitted plans show the erection and display of an advertisement at the front of the site. This permission does not purport to agree to this sign, with any advertisements proposed requiring the benefit of advertisement consent which shall be applied for (and granted) prior to its display.

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 Kent and Medway Structure Plan 2006) and there are no overriding material considerations to indicate a refusal of planning consent.