

APPLICATION: MA/09/0484 Date: 9 March 2009 Received: 30 June 2009

APPLICANT: Mr C Baxter, J L Baxter & Son

LOCATION: AMSBURY FARM, EAST STREET, HUNTON, MAIDSTONE, KENT, ME15 0QY

PROPOSAL: Erection of a steel framed, single skin (top fruit) storage building as shown on drawing nos. ICA-ENQ598-03-A, 05-A & Design and Access Statement received 23/03/2009 and as amended by drawing no. ICA-ENQ598-07 received 30/06/2009.

AGENDA DATE: 23rd July 2009

CASE OFFICER: Steve Clarke

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

- It is contrary to views expressed by Hunton Parish Council

### **POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, ENV43, T13, T23  
South East Plan 2009: SP2, CC1, CC4, T4, C4, AOSR7  
Village Design Statement: N/A  
Government Policy: PPS1, PPS7, PPG13

### **HISTORY**

Permissions relating to the land east of the current site

MA/09/0483: Erection of a steel frame, single skin clad fruit (berry) storage building: PERMITTED 02/07/2009

MA/07/0705: An application for the prior approval of the local planning authority for the erection of an extension to existing fruit store and packing building to allow for separate organic area and general increase of fruit production: GRANTED 17/07/2007

MA/00/0358: Extension to agricultural building: PERMITTED 02/05/2000

MA/99/0393: Extension to agricultural building for the storage of fruit: PERMITTED 23/06/1999

MA/95/0733: Erection of a new agricultural building: PERMITTED 12/07/1995

Permissions related to the oast complex to the east of the existing Packhouse/store

MA/00/0682: Conversion of oast buildings into four residential dwellings along with relocation and enlargement of existing packhouse building and erection of two detached four car garages: PERMITTED 23/10/2005

## **BACKGROUND**

Members will note from the planning history set out above that planning permission was granted on 2 July 2009 under application MA/09/0483 for a new Berry storage building at the farm.

The berry storage building would be located to the east of the current site immediately adjacent to (but west of) the existing packhouse/store that has been on the site for a number of years, and is designed to accommodate berries and other soft fruit produced on the holding. The handling/storage requirements of berries and soft fruit are different to the requirements for top fruit.

This application seeks permission for a building solely for top fruit storage for which, as will be seen later in the report, there is a need for further capacity on the farm due to increased production and crop levels.

## **CONSULTATIONS**

**Hunton Parish Council (01/05/2009):** Wish to see the application REFUSED for the following reasons:

'1. The Council are concerned that even allowing one of these buildings would have a detrimental impact on the open countryside and would be visually prominent from the Greensand Way which is one of Kent's most important footpaths in an area of Special Scientific/Landscape Interest. In addition to this taking the planned site of the buildings into consideration the buildings would be placed either side of a further footpath - KM157 - that crosses this land.

2. The Council believes this development would contravene Policy EP7 of the Kent & Medway Structure Plan 2006 that states "all development supported should have no unacceptably adverse impact on the local transport network, the environment or the Green Belt". With regard to the transport network, the Parish Council receives complaints on a regular basis from residents regarding the large lorries that visit this farm and the Council does not believe that the road infrastructure could cope with *any* increase in the volume of this type of traffic, however small. The Council believes this development would seriously impact on the environment as stated in (1) above.'

*Officer Comment: Any comments on the additional site level and cross-section details received on the 30 June will be reported to Members at the meeting.*

## **Rural Planning Ltd (12 /05/2009).**

'I refer to your letter of 28 April 2009 requesting agricultural advice on the planning application submitted on behalf of J L Baxter & Son for the erection of a new farm building (approx. 52.5m

x 24m x 6.6m to eaves) for the controlled atmosphere storage of some 730 tonnes of apples and pears grown on the applicants' farm, and additional fruit bin storage.

As advised regarding the concurrent planning application for a soft fruit store (MA/09/0483) Amsbury Farm, with Westerhill Farm 800m to the east, is a well established fruit farm that now extends to some 105 ha of land owned or rented on a long term basis. Cropping includes some 53 ha apples, 11 ha conventional pears, 24 ha organic pears, 10 ha plums, 5.5 ha cherries, 1.7 ha raspberries, and 1 ha apricots.

The main buildings at Amsbury Farm form a single relatively modern complex, approx. 60m x 40m (max.) which includes modern controlled atmosphere storage for some 1200 tonnes, a main packhouse for apples and pears, a smaller packhouse for soft fruit, and holding areas for incoming/outgoing fruit. A further 270 tonnes of cold storage is available at Westerhill Farm.

As production of apples and pears on the farm now amounts to about 2500 tonnes, there is a large deficit of storage capacity and some 1140 tonnes of storage is also rented locally. However these are old stores which are reaching the end of their useful life and expensive to operate, and can't cope with longer-term storage of modern varieties at low temperatures. The applicants wish to provide the new store, just west of the main open concreted yard, to help meet their own storage shortfall and provide better long-term storage facilities, as well as reduce the need for fruit to be transported off the farm for storage, only to be brought back again later in the season for packing.

In the light of the above, I confirm that I consider the proposed building to be necessary for the purposes of agriculture, in accordance with local plan policy ENV 43, to assist in the efficient storage and marketing of the apples and pears now grown on this farm.'

**Kent Highway Services (18/05/2009) and (21/05/2009):** No objections are raised. The following condition is recommended:

"No work shall commence on the development site until works to improve the highway signage to the site has been carried out in accordance with a design and specification to be approved in writing with the Local Planning Authority and to be fully implemented to the satisfaction of the Local Planning Authority."

**Kent County Council Public Rights of Way (02/06/2009):** Have advised that;  
'Public Right of Way KM157/1 may be affected by the application and I therefore enclose a copy of the Public Rights of Way network map showing the definitive line of this path for your information.

It is important to advise the applicants that a public right of way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the current width, at any time now or in future. This includes any building materials or waste generated during any of the construction phases. Please note that no furniture or fixtures may be erected on or across Public Rights of Way without the express consent of the Highways Authority.'

## **REPRESENTATIONS**

Two letters of objection have been received from the occupier of Old Savage Farmhouse (located approximately 315m south east of the proposed store) and on behalf of the management company for the oast development lying immediately to the east of the existing package shed some 110m east of the site of the proposed building.

Objections are raised on the following (summarised) grounds.

- The development will have a negative aesthetic impact on a historic orchard which has a prominent position on the side of Hunton Hill.
- The existing packhouse is already out of proportion to the nature of the surrounding countryside, the new building will make the situation worse. The site now resembles an industrial estate rather than a farm.
- The operations should be located on an industrial estate rather than in attractive countryside due to their scale and the level of activity.
- The increase in floorspace on the site together with that of related application MA/09/0483 will inevitably result in increased farm traffic, noise and disruption which will adversely affect the adjacent Oast complex.
- The increased capacity at the site will inevitably lead to further traffic on the surrounding road network, which is not suited to large HGV traffic and resulting in further damage to the road surface.

*Officer Comment: Any comments on the additional details recently received will be reported to Members at the meeting.*

## **CONSIDERATIONS**

### Site Location

The Amsbury Farm complex of buildings is located some 330m north of East Street Hunton. Access is gained from East Street by an access road that also serves as the access to a number of residential dwellings east and south east of the main farm building complex.

The site is located within open countryside on the scarp slope of the Greensand Ridge and lies within the designated Greensand Ridge Special Landscape Area. Public Footpath KM157 runs to the east of the site of the proposed building along a continuation of the main farm access track to the north of the site before joining footpath KM156 (designated as part of the Greensand Way) approximately 450m further up the hill to the north of the site.

The currently proposed site is open ground that is used for the open storage of bulk storage bins and immediately adjacent to an extensive area of covered poly-tunnels used for growing soft fruit.

To the east of the site and Public Footpath KM157 is situated an existing packhouse and store and the site of the proposed berry store permitted under application MA/09/0483. This area of the holding currently comprises a packhouse and store and extensive concrete hardstanding areas used for the open storage of bulk storage bins and palettes, for car parking and the manoeuvring of farm and delivery/despatch vehicles. Members will note from the planning history set out earlier that packhouse/store was erected following a planning permission granted in 1995 and has subsequently been extended. The berry store approved under application MA/09/0483 would be sited to the west of the existing packhouse adjacent to its main access road.

The holding extends to around 105ha (approx. 260 acres), all of which is intensively planted with a range of top and soft fruit. Production has expanded over the years with advances in plant husbandry and fruit management so much so that the current year's production amounted to 2,375tonnes of fruit compared to 1,650 tonnes in 1999.

#### Proposals

The application is a full application that seeks permission for the erection of a new fruit storage building for the storage of top fruit (apples and pears). The building would be 52.5m x 24m and approximately 6.6m to eaves and 10m to the ridge. The main section of the building would consist of 6 controlled atmosphere stores and an internal access area with an internal plant room. It would be clad in profiled steel cladding (Olive Green) and roofed with natural colour fibre cement sheeting.

Additional plans have been submitted indicating existing and proposed floor levels and cross-sections through the site. The finished floor level of the building is shown to be some 2.8m lower than the existing ground levels at the northern end of the building but approximately 2m above existing ground levels at its southern end. The proposals therefore involve an element of 'cut-and-fill' to provide a level floor for the building.

The main vehicular point of entry would be on the east side of the building directly from the existing farm track at the point where the level of the track equates to that of the proposed floor level.

The design and access statement indicates that the development is necessary due to the increased demand for English fruit and the applicant's on-going expansion plans as a result of the increased demand. It is therefore necessary to store fruit in an optimum state, which technological advances now facilitate.

Production forecasts show that cropping figures will continue to increase in the coming years

<b>Crop</b>	<b>2008</b>	<b>2009</b>	<b>2013</b>
<b>Apples</b>	1544 tonnes	1600 tonnes	2000 tonnes
<b>Pears</b>	602 tonnes	700 tonnes	850 tonnes

<b>Organic Pears</b>	158 tonnes	200 tonnes	200 tonnes
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They have also stated that the application will bring a number of benefits in traffic terms.

- Currently fruit has to be picked, stored (a considerable amount off-site) and then brought to Amsbury Farm to the packhouse.
- The centralisation of the stores would contribute to a significant reduction in inter-farm lorry movement. The applicants estimate a total of 33 movements would be eliminated
- There would be some increase in traffic as fruit production grows, but that impact reduced with centralised storage

In addition it is stated that the number of full-time workers employed at the farm has grown from 22 in 2000 to 48 currently, and that 6-10 further full-time jobs would be created as a result of this project, in addition there are a number of seasonal workers employed from May to October.

#### Planning issues

The application is for the erection of an agricultural building on a working and viable farm holding, that has seen a steady rise in production levels in recent years. Advice in PPS7 and the South East Plan generally encourage support for the agricultural industry on the basis that it enhances and supports the rural economy.

As a tool for the assessment of the application, Policy ENV43 of the Maidstone Borough-wide Local Plan 2000 provides a number of criteria against which the proposals should be judged. The presumption is that permission will be granted provided that the criteria are met.

#### **(1) THE PROPOSALS ARE REASONABLY NECESSARY FOR THE PURPOSES OF AGRICULTURE;**

The clear conclusion of the agricultural advisor is that the proposal is reasonably necessary for the purposes of agriculture, 'to assist in the efficient storage and marketing of the apples and pears now grown on this farm.' For Members' information this is expected to be about 2500 tonnes this year compared to 2304 tonnes last year and which is expected to rise to some 3050 tonnes by 2013 as can be seen from the table set-out earlier. I concur that the development is reasonably necessary for the purposes of agriculture to accommodate the produce grown on the holding and that this criterion is satisfied.

#### **(2) THE BUILDING IS LOCATED WITHIN OR ADJACENT TO AN EXISTING GROUP OF BUILDINGS, UNLESS IT CAN BE DEMONSTRATED THAT A MORE ISOLATED LOCATION IS ESSENTIAL TO MEET THE NEEDS OF THE HOLDING. WHERE AN ISOLATED LOCATION IS ESSENTIAL THE SITE SHOULD BE CHOSEN TO MINIMISE THE IMPACT OF THE BUILDING ON THE CHARACTER AND APPEARANCE OF THE COUNTRYSIDE;**

The building would be located approximately 20m to the west of the site of the approved building permitted under application MA/04/0483. I consider that the

proposed siting meets the terms of the above criterion in that the building is adjacent to the existing group of buildings. There is insufficient space adjacent to the existing packhouse/store and the site of the recently permitted building to accommodate the currently proposed building. I do not consider that the building would have an adverse impact on the character or appearance of the countryside.

**(3) THE PROPOSAL IS ACCOMPANIED BY AN INTEGRAL LANDSCAPING SCHEME, REFLECTING THE LANDSCAPE CHARACTER OF THE AREA; AND**

The application is not supported by a landscaping scheme. There is a shelter belt of trees to the south of the site adjacent to the public footpath where it turns towards Hunton Hill and on the east there is another existing shelter belt of trees. To the west is the extensive area of poly-tunnels as described earlier in the report. The site is also on lower ground than the land further to the north which is planted as orchards.

As the land around the building will need to be re-graded to accommodate it and given the site's location with the Special Landscape Area, consideration should be given to a suitable landscaping scheme. This can be dealt with by means of an appropriate condition.

Such a scheme would compliment the landscaping scheme required by condition in relation to the permission granted under application reference MA/09/0483.

**(4) THE BUILDING IS OF A DESIGN WHICH IS SYMPATHETIC TO ITS SURROUNDINGS IN TERMS OF SCALE, MATERIALS, COLOUR AND DETAIL;**

The design is considered appropriate for this location as the building is of a style and design that reflects that of the adjoining packhouse and the recently permitted berry storage building and is common to many modern agricultural buildings. The design of agricultural buildings has changed in recent years primarily due to the need for increased flexibility to cater for changing consumer and supermarket demands in terms of the quality of the produce and packaging requirements and changes brought about by the use of modern machinery.

**(5) THE PROPOSAL WILL NOT HAVE AN ADVERSE IMPACT ON THE CHARACTER OR SETTING OF LOCAL SETTLEMENTS OR THE AMENITY OF EXISTING RESIDENTS;**

The site is located in the open countryside some 1.5km north east of the main part of Hunton village. I do not consider that the setting of the settlement will be adversely affected.

The concerns of nearby residents are noted. As indicated earlier, this is a working farm and the activity associated with the cropping and processing of the produce arises as a consequence of this. It is fair to say that activity on the farm has increased as production levels have increased. In common with most fruit farms however, much of the activity is seasonal with the busiest period when fruit is harvested.

I do not consider, that the operation of this building would have such a negative impact on the amenities of nearby residents, particularly those in the oast complex to the

east, as to warrant or sustain refusal on this ground. The degree of separation of the proposed store and the nearest residential dwellings located within the oast complex 110m east of the site is considered acceptable.

The Council's Environmental Health Section has received no complaints relating to the operation of the existing packhouse/activity on the site.

The existing packhouse/store is not governed by any hours of operation conditions. It would be unreasonable to impose such a limitation on the currently proposed building.

There is no evidence to suggest that the bulk storage boxes will now be stored south of the road leading to the oast complex as feared by the residents.

**(6) THE PROPOSAL IS COMPATIBLE WITH THE LANDSCAPE POLICIES OF THE PLAN;**

I note the concerns of the Parish Council. The site is not located in the Green Belt but it is acknowledged that it is located in the Greensand Ridge Special Landscape Area.

However, the proposed building would be sited in close proximity to the existing building complex and would be developed on a platform formed into the slope of Hunton Hill. The land rises steeply northwards away from the site. The site is also not readily visible from Hunton Hill to the west of the site (the cowls of the oast complex are just visible) or from East Street to the south.

I consider that despite being located on the west side of the public footpath/farm access track, the building is still closely related to the other buildings on the site and that it will not unacceptably extend built development further into the countryside. As discussed earlier in the report the development can be subject to a condition requiring the submission of an appropriate landscaping scheme to further reduce any impact.

In any event, the building is considered to be necessary for the purposes of agriculture and as such is development permissible under Development Plan policy in the countryside.

**(7) THE PROPOSAL WILL NOT HAVE AN ADVERSE IMPACT ON THE LOCAL HIGHWAY NETWORK.**

Kent Highway Services have raised no objection to the proposed building in terms of the impact on the local road network. They consider however, that improved signage, routing vehicles (particularly HGVs) to the farm should be secured by means of an appropriate 'Grampian' condition as they are in receipt of complaints locally and are also trying to work with the applicants to reduce these and to ensure that lorries visiting the site do so on the most appropriate roads in the locality. This would also help to address other concerns raised by the Parish Council and local residents.



To locate the development and the existing facilities on an industrial estate several miles away as suggested by the objectors, is not likely to lead to any significant reduction in traffic as the produce would still need to be moved from the holding to packing/storage facilities wherever they are located. Such an arrangement would not be sustainable in the long term.

### Conclusions

The proposed storage building is considered to be justified as reasonably necessary for the agriculture. It is closely sited in relation to other existing buildings and would not result in itself in any unacceptable harm to the amenities of nearby residents. The design is considered to be acceptable whilst typical of modern agricultural buildings and reflects that of the existing packhouse/storage building and the recently approved berry store located to its east.

Subject to appropriate conditions I recommend that permission should be granted.

### **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. The development hereby permitted shall be carried out strictly in accordance with the slab levels shown on the approved drawing no ICA-ENQ598-07 received 30;/06/2009.

Reason: In order to secure a satisfactory form of development having regard to the topography of the site pursuant to policies ENV28 and ENV34 of the Maidstone-Borough-wide Local Plan 2000.

3. The external materials used for the building shall be as specified on drawing no. ICA-ENQ598-03-A received 23/03/2009 unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory visual appearance to the development pursuant to policies ENV28 and ENV34 of the Maidstone Borough-wide Local Plan 2000.

4. The development hereby permitted shall not be commenced until details of scheme to improve the highway signage in the vicinity of the site in relation to HGV access has been submitted to and approved in writing by the local planning authority in consultation with the local highway authority. The subsequently approved details shall be implemented prior to the first use of the building hereby permitted and maintained thereafter.

Reason: In the interests of highway safety pursuant to policy T23 of the Maidstone Borough-wide Local Plan 2000.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and to ensure a satisfactory visual appearance to the site pursuant to policies ENV6, ENV28 and ENV34 of the Maidstone Borough-wide Local Plan 2000.

6. 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 building(s) 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 setting and external appearance to the development pursuant to policies ENV6, ENV28 and ENV34 of the Maidstone Borough-wide Local Plan 2000.

### **Informatives set out below**

You are advised that a Public Right of Way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the current width, at any time now or in future. This includes any building materials or waste generated during any of the construction phases. Please note that no furniture or

fixtures may be erected on or across Public Rights of Way without the express consent of the Highways Authority. For further information contact Mr. John Pelham, West Kent Public Rights of Way Office, 8 Abbey Wood Rd, Kings Hill, West Malling, Kent. ME19 4YT. Telephone: 01732 872829, E-mail [john.pelham@kent.gov.uk](mailto:john.pelham@kent.gov.uk)

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

No vehicles may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

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 South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.