

REPORT SUMMARY

REFERENCE NO - 15/506897/FULL			
APPLICATION PROPOSAL Part retrospective application for the erection of polytunnels, drainage works and landscaping.			
ADDRESS Morry Farm Morry Lane East Sutton Kent ME17 3DR			
RECOMMENDATION: Approve			
SUMMARY OF REASONS FOR RECOMMENDATION This application is in accordance with ENV43 of the development plan and the National Planning Policy Framework			
REASON FOR REFERRAL TO COMMITTEE This application has been called to committee by Cllr Round			
WARD Headcorn	PARISH/TOWN COUNCIL East Sutton	APPLICANT F Edmead And Sons AGENT DHA Planning	
DECISION DUE DATE 27/11/15	PUBLICITY EXPIRY DATE 27/11/15	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/501626	Submission of Details pursuant to Condition 4 - Visual Amenity of MA/14/0097.	Pending	
14/0097	Retrospective application for siting of a static farm workers caravan including area of hardstanding and provision of cesspit as shown on drawings and photographs received on the 20th January 2014.	Permitted	11 th April 2014
11/0408	An application for prior notification of agricultural development being the construction of an earth embanked water storage reservoir with clay core as shown on the site location plan, plan view and cross-sections received on 16/03/11.	Permitted	5 th May 2011

MAIN REPORT**1.0 DESCRIPTION OF SITE**

- 1.01 This application site is located to the south of Chartway Street and to the east of Morry Lane, within the parish of East Sutton. The site area is 36.78ha.
- 1.02 The site is located on the south facing slope of the Greensand Ridge and the southern part of the site falls within the Special Landscape Area, which means that

saved Local Plan Policy ENV34 is of relevance. No other policy designations apply to this site.

- 1.03 It is understood that the whole farm extends approximately 85 hectares and has operated as a fruit/arable farm for 50 years.
- 1.04 Within the site is a distinct patchwork arrangement, with the twelve fields defined by hedgerow boundaries. To the north, along Chartway Street, is an established hedgerow boundary. The west of the site is Morry Lane, which is a narrow rural track. From this track, it is possible to obtain glimpses of the site through sections of the hedgerow, which is also very well established.
- 1.05 The site slopes upwards from south to north. The land level is approximately 65m at the southern point of the site, rising up to approximately 150m at the northern point of the site.
- 1.06 There are no TPOs on the site although there is an area of Ancient Woodland to the north east of the site.
- 1.07 There are a number of listed buildings along Morry Lane; a barn near Morry House (Grade II listed), Morry House (Grade II listed) and Walnut Tree Cottage (Grade II* listed).
- 1.08 In addition, there are four public rights of way that cut across or run alongside the site and these are shown on drawing 10933-TS-02 P3. KH312 is towards the north of the site between fields 0124 and 9810 (neither of which have polytunnels). KH351 runs between fields 0178 and 8857 (neither of which have polytunnels), with a cobnut orchard to the north and an open field to the south. The southern boundary of this open field is defined by a poplar shelter belt. KH350 runs between two fields of polytunnels and towards Walnut Tree Farm (Grade II* listed) on the west. During the process of this application, as a result of planning officer concerns, the scale of this element of the proposal has been reduced in order to improve the visibility of the Grade II* listed building. KH320 runs along the southern boundary of the site, which currently has polytunnels to the north and open fields to the south.

2.0 PROPOSAL

- 2.1 This application is a retrospective application for polytunnels for soft fruit production on the above site. As shown on drawing 10933-TS-02 P33, the polytunnels on fields 9542 (Field 1), 0393 (Field 5), 0178 (Field 7), 8939 (Field 10 north), 8827 (Field 10 south) and 9107 (Field 12) are existing. The polytunnels on field 8598 (Field 4) are proposed.
- 2.2 The proposal also includes tree and hedgerow planting and the construction of a French drainage system at the southern boundary of each field
- 2.3 As shown on drawing 10933-TS-02 P3, the two rows of tunnels in fields 8939 and 8827 have already been removed, with the posts still in place. In addition, it is proposed to remove a corner of the polytunnels in field 8939 in order to improve visibility of the Grade II* listed building. This amendment was at the request of MBC.
- 2.4 The polytunnels will be covered from March through to the end of October. From November to the beginning of March, the tunnels will remain uncovered. The metal framework, however, will remain in place all year.

- 2.5 The proposal also incorporates a series of French drains, which are shown on drawing 10933-D-02 P1. Infiltration trench/cut off drains are shown at the south of Fields 9107, 9722, 8619, 8827, 8857, 0178, 0393, 8598, 9810, 0124 and 9542 and Chartway Street.
- 2.6 The proposed planting for this proposal is shown by Figure 3 of the Landscape and Visual Assessment. It demonstrates that the existing perimeter vegetation, including all the hedgerows tree lines along the site boundaries will be retained. The existing hedgerows or shelter belts that have been trimmed to a low level will be allowed to grow back heights of 3-4m in the case of roadside hedges and 6-8m in the case of Poplar shelter belts.
- 2.7 In addition, new lengths of hedgerow and intermittent trees where there is no current boundary vegetation will be planted. This will include the southern boundary of Field 9107 (at the far south) and the western boundary of Field 8857, which would divide an existing larger field in two.
- 2.8 Existing boundaries would be strengthened with additional hedgerow planting to fill in any localised gaps in the boundaries.
- 2.9 The species would be native and locally appropriate, and this could be secured by way of planning condition.
- 2.10 The polytunnel frames would reach a maximum height of 3.75m and a width of 7.8m.

3.0 PLANNING CONSTRAINTS

Listed buildings within close proximity to the site;

- Barn near Morry House (Grade II)
- Morry House (Grade II)
- Walnut Tree Cottage (Grade II*)

An area of Ancient Woodland protected by TPO is located to the north east corner of the site, outside of the site boundary.

Public Right of Way KH351; KH350; KH312; KH344; KH320;

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
 National Planning Practice Guidance (NPPG)
 Development Plan: ENV26; ENV28; ENV34; ENV43
 Supplementary Planning Documents:

5.0 LOCAL REPRESENTATIONS

	COMMENTS RECEIVED
East Sutton Parish Council	The Parish Council resolved that the application be approved and that the conditions that the Parish Council placed on the previous recommendation apply to this one. They did not wish to go to Committee

	<p>1. The roadways are made of appropriate surfacing 2. Efficient rainwater disposal to be incorporated so as not to affect neighbouring properties, land and highways. 3. Highways to be kept clear of all mud and waste 4. Environmental impact to be kept to a minimum by regular collection and disposal of litter and waste in the correct manner.</p> <p>(dated 10th March 2016)</p>
Broomfield and Kingswood Parish Council (neighbouring parish)	<p>Councillors are happy to approve this application with the following conditions:-</p> <p>1 That the polytunnels have a distance from the boundary of the field along Chartway Street. 2 That adequate drainage is installed to prevent the flooding of Chartway Street currently being experienced regularly, (since the polytunnels have been erected). 3 That the drainage is approved by KCC Highways as being adequate to prevent flooding as experienced. (dated 19th January 2016)</p>
Residential Objections Number received: 7	<ul style="list-style-type: none"> - Impact on the setting of listed buildings, including a Grade II* listed building; - Detrimental impact on the views from Walnut Tree Cottage to Greensand Ridge - Detrimental impact on views from the south and the west. - Contrary to Defra's advice relating to the location of polytunnels; - 1970s extension of Walnut Tree Cottage has not been included in the site plan; - Ecological concerns relating to bats and badgers; - Retrospective nature of the application; - Industrialisation of the site, particularly with the heavy traffic; - Noise caused by the additional traffic resulting from number of workers; - Impact on the road surface on Morry Lane causing additional mud and erosion of verges; - Flood risk caused by plastic polytunnels; - Surface water on the roads may cause a risk to homes and road users; - Detrimental visual impact on open countryside; - Loss of trees. - Loss of privacy as a result of additional workers on the farm; - The workers on the farm are not local.
Residential Support Number received: 0	

6.0 CONSULTATIONS

6.1 KCC Highways (dated 3rd September 2015): No objection

“Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.”

6.2 Natural England (dated 4th September 2015): No objection

Natural England has no comments to make on this application.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

6.3 Environment Agency (dated 8th September 2015): No objection

We have assessed this application as having a low environmental risk. We therefore have no comments to make. We however advise that you contact Kent County Council, as Lead Local Flood Authority, for their comments on surface water drainage.

Non planning consents: Although we have no comments on this planning application, the applicant may be required to apply for other consents directly from us. The term 'consent' covers consents, permissions or licenses for different activities (such as water abstraction or discharging to a stream), and we have a regulatory role in issuing and monitoring them. The applicant should contact 03708 506 506 or consult our website to establish whether a consent will be required. <https://www.gov.uk/environmental-permit-check-if-you-need-one>

6.4 KCC Ecology (dated 22nd January 2016): No objection subject to conditions

No ecological surveys have been carried out as part of this planning application and to assess the potential ecological impact from the proposed development we have reviewed the site using aerial photos, biological records and the information submitted with the planning application.

The proposed development will be located on arable fields. There are field margins within the proposed development which, we understand from the submitted information, provide suitable habitat for protected/notable species such as reptiles or breeding birds. However, the applicant has confirmed that the construction of the polytunnels or the proposed drains will not directly impact the field margins

As the polytunnels will not be located on or impact the field margins we are satisfied that the potential ecological impacts will be avoided so, on this occasion, there is no requirement for an ecological survey to be carried out. This advice is supported by ODPM 06/2005, cited above, which goes on to state that "developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development."

We are aware that a number of the polytunnels are already present within the site and part of the application is for retrospective planning permission. We advise that even if this application had not been part retrospective our comments would have remained the same.

The information submitted with the planning application details that trees/hedges will be planted within the site to provide ecological enhancements. This is in addition to the existing field margins which will be retained as part of the planning application. The specification for soft landscape and maintenance work document provides details of the establishment of any new planting but it does not provide any long term details of how these areas will be managed.

We advise that if planning permission is granted the submission and implementation of a habitat management plan for these areas is secured by condition. We have been provided information by a member of the public which states that badger setts are present within and adjacent to the site. From reviewing the information it appears that the footprint of the existing and proposed polytunnels or existing trackway will not directly impact any badger setts.

It is our view that the presence of polytunnels will not prevent or deter badgers from foraging within the site and the proposed enhancements (as detailed above) are likely to increase the availability of foraging habitat. No lighting is proposed for the development so there will be no artificial lighting to disturb foraging badgers.

The presence of badgers in an area will fluctuate, with new setts created and others falling into disuse. The locations of active badger setts may change over time and there is a need to ensure that the construction works and operational phases do not impact any setts.

As a precaution, we recommend that the setts are protected from damage and disturbance (e.g. vehicles, storage of spoil/waste) during construction – for example using hazard tape.

The applicant should be reminded of the legal protection afforded to badgers and their setts under the Protection of Badgers Act 1992; this could be provided as an informative, if planning permission is granted.

6.5 Rural Planning Limited (dated 7th September 2015): No objection

I refer to your letter of 02 September 2015 requesting agricultural advice on the partly retrospective planning application submitted on behalf of F Edmed and Sons for the erection of some 27ha of polytunnels for soft fruit production at the above site (of which 12.3 ha have been erected already).

Messrs Edmed are long-established farmers in this location and also nearby at Street Farm (south of Chartway Street) where they have also diversified into the production and distribution of packaging materials for handling fruit, and into the production of essential herbal oils. Street Farm also has a farm shop. The overall farm holding extends to some 85 ha with cropping including soft fruit, low-trellis hops, cobnuts, rhubarb, lavender and arable land.

As indicated in the applicants' Planning Statement, it has been recognised for some years now that the use of polytunnels is now a necessary part of modern soft fruit production and has been allowed on various holdings in the Borough, and elsewhere in the County, subject to the appropriate choice of sites, and to applying appropriate conditions, including allowable periods of tunnel coverage (March to October would be appropriate in the current case). The tunnels comprise units of production in themselves, and in effect can be regarded as inherently required and appropriate for the purpose of modern UK soft fruit production.

As explained in the applicant's agent's report, the system has a number of advantages over conventional unprotected growing including the ability to protect crops from the wind and rain, reduce pesticide/ fungicide use, extend the growing season, provide better yields and continuity of supply, and greater ease of managing the plants and picking the fruits. The use of tunnels assists UK growers to meet customer demand as opposed to what might be regarded as the less sustainable alternative of foreign imports.

6.6 KCC Flood Risk Team (dated 18th December 2015)

We note that additional soakage testing has been undertaken on site to demonstrate the soakage potential of the soils beneath the site. Whilst the testing has not been carried out in strict accordance with BRE 365 (to re-fill each pit three times, and to test at the proposed soakage depths), it demonstrates the variance of soakage potential across the site. In practice actual soakage rates may be lower than those attained within a single test, but it is recognised that the polytunnels will only be covered during the times of year when the near surface ground is less likely to be saturated.

The FRA notes the placement of gravel filled pipes to interrupt channelled flows where the polytunnels sheets meet will also have the effect of promoting infiltration beneath the tunnels, reducing the volumes reaching the cut-off drains, and grass buffer strips are to be provided to provide silt control. It is important that these areas are maintained and not trafficked by farm vehicles to protect against damage and avoid the creation of rut's which can have the effect of channelling water away from the infiltration trenches and increasing the likelihood of silting up occurring. We would request some proposals for a maintenance regime for the buffer strips and drainage assets themselves is provided to ensure that the systems continue to be effective in the longer term.

As a deep soakaway is proposed for the northern part of the site, we would recommend that the Environment Agency's groundwater protection team are contacted to ensure they are content with the proposed system layout and proposed controls against pollution and silting. We would strongly recommend that the deep soakaway is location 10m away from any adjacent highway and shallower infiltration features 5m away from adjacent highways to mitigate risks of ground movement associated with use of soakaways in the Hythe Formation.

Accordingly, should your Authority be minded to grant permission to this development, we would request that the following Conditions are still attached as per our original correspondence (with the recently submitted information in part discharging the first condition on the basis of the above comments):

Conditions:

- (i) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. Ground investigations and infiltration testing should be undertaken to demonstrate the development does not increase off-site flood risk (during any rainfall events up to and including the climate change adjusted 100yr critical storm).*
- (ii) Development shall not begin until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.*

Those details shall include:

- i) a timetable for its implementation, and*
- ii) a management and maintenance plan for the lifetime of the development.*

Reason:

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

Condition:

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason:

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

6.7 KCC Public Rights of Way (dated 15th December 2015)

The development site is crossed by several Public Rights of Way including Public Footpath KH312, Public footpath KH350, Public footpath K320 and Public bridleway KH351. Both KH320 and KH351 are also promoted routes. The location of these Public Rights of Way are indicated on the attached map extract. The existence of the right of way is a material consideration.

The Definitive Map and Statement provide conclusive evidence at law of the existence and alignment of Public Rights of Way. While the Definitive Map is the legal record, it does not preclude the existence of higher rights, or rights of way not recorded on it.

Thank-you for the requested amended plan showing the Existing Proposed Tunnels shown in relation to the PROW network.

Public footpath KH312 is unaffected by the development.

Part of Public Bridleway KH351 is going to be shared with farm traffic for approximately 155 metres. Care should be taken that a maintained surface suitable for horse riders and pedestrians is maintained throughout and on completion of the development. Any plans for improving or repairing the surface here should be submitted to this office for prior approval. On completion of the development agreement should be reached with this office that any damage affecting the path surface is repaired to sufficient standard to ensure public access.

Public footpath KH350 currently runs between tunnels 8939 and 8827 which are scheduled for removal at the end of the 2015 growing season. At present the footpath surface is damaged here for approximately 200 metres and the muddy conditions make the footpath difficult to use when wet even in appropriate footwear. I have observed the conditions here are poorer than the rest of the development site and so I assume have been affected by their proximity to existing polytunnels and the associated work and workers. There are several bins here without lids which I assume were used by workers and as they have no lids the rubbish has blown about. With the works planned to remove the tunnels here I assume the bins can be removed. This would be an appropriate time to ensure the site is returned to the rural

footpath across agricultural fields and for surface work to be added to improve pedestrian use. Again please contact this office for approval before arranging any surface repairs. If the footpath needs to be closed for the period of polytunnel removal, for public safety, please contact this office to arrange an official closure at least 8 weeks before the temporary closure is required.

Assuming these requested conditions are considered then I can remove my objection to the planning application

Please inform the applicant of the following General Informatives:-

- 1. No furniture 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. There should be no close board fencing or similar structure over 1.2 metres erected which will block out the views.*
- 4. No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.*
- 5. No Materials can be stored on the Right of Way.*

Please also make sure that the applicant is made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

(dated 14th September 2015)

Thank you for your letter received concerning Full Planning permission for the site indicated above. The development site is crossed by several Public Rights of Way including Public Footpath KH312, Public footpath KH350, Public footpath K320 and Public bridleway KH351. Both KH320 and KH351 are also promoted routes. The location of these Public Rights of Way are indicated on the attached map extract. The existence of the right of way is a material consideration.

The Definitive Map and Statement provide conclusive evidence at law of the existence and alignment of Public Rights of Way. While the Definitive Map is the legal record, it does not preclude the existence of higher rights, or rights of way not recorded on it.

Looking at the initial plans it would appear that the route KH350 is obstructed by the polytunnels labelled polygon 8827. Also the route of KH320 may be obstructed by polygon 9107 and KH351 by polygon 8857. In light of this I must object to the application.

I would ask that the applicant submit a plan to show the existing rights of way overdrawn on the existing and proposed tunnel plans. I would ask for detail showing that 2 clear metres minimum are to be left for all footpaths crossing the site. At points where the footpaths may be used for vehicular access or there are drainage issues, then the width between the polytunnels will need to be greater to avoid affecting use of the paths by pedestrians.

Alongside Public bridleway KH351 the tunnels should be set back from the edge of the path leaving a margin of 4 metres from the centre of the path. Particularly in the case of the bridleway KH351, the plastic must be securely fastened so there is no

flapping to disturb the horses. When the sheeting is removed it must not be left on the site to blow around but disposed of.

All of the routes must not be obstructed by support frames, plastic sheeting, growing beds, wires, boxes, equipment or vehicles. Services such as the irrigation pipes should be buried thus avoiding trip hazards. I would ask for a condition requiring welfare facilities to be provided when workers are present to prevent any fouling or misuse of hedgerows and for all rubbish generated by the workers to be removed from site.

6.8 KCC Archaeology (dated 21st September 2015)

No comments.

6.9 Southern Water (dated 11th September 2015)

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the drainage facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme*
- Specify a timetable for implementation*
- Provide a management and maintenance plan for the lifetime of the development.*

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

6.10 MBC Landscaping (dated 15th March 2016)

The amended information does not change the general views expressed in my consultation response email dated 29 September 2015. However, I would just add that the location of the proposed deep bore soakaway at the northern end of the side adjacent to Chartway Street could potentially have an adverse effect on adjacent hedgerow and trees but it is not clear from the detail submitted whether this is the case. This detail can be provided by condition or simply by a statement confirming that the line of the trenching would be located outside of root protection areas.

[It has been confirmed in writing by the applicant that the proposed soak away and drainage trench will be located immediately next to the north end of the tunnels well beyond the existing tree/hedgerow and the root protection area located on the north boundary of the field next to Chartway Street]

(dated 29th September 2015)

There are no protected trees on or adjacent to, the location of the proposal although there are likely to be 'important' hedgerows marking field boundaries. Kingswood South, adjacent to the northeast corner of the site, is designated as ancient semi natural woodland and is protected by a Tree Preservation Order, TPO No.29 of 2009. Any significant trees and hedgerows are unlikely to be affected by the proposed development.

Landscape and Visual Impact Assessments (LVIAs) are used as a tool to assess the significance and effects of change resulting from development on the landscape as a resource in its own right, as well as on specific views and the visual amenity of receptors. This tool is normally used to inform a design or project so that any concerns can be addressed. However, the Landscape and Visual Assessment (LVA) produced by DHA Environment, dated August 2015 has been produced in support of an application which is part retrospective.

The assessment considers the general landscape character of the area. Additionally, the LVA appears to focus on short/medium range views and does not address the longer range views highlighted within the LCS. It also fails to address the views from two listed buildings, Morry House or Walnut Tree Cottage.

*The submitted specification for soft landscape and maintenance works is acceptable in principle and the selection of species is largely appropriate, although there should generally be a predominance of Hazel (*Corylus avellana*) within the hedge mix of species. The use of White Poplar (*Populus alba*) should ideally be substituted by another native species which is more typical of the landscape character of the area. These aspects can clearly be dealt with through a pre commencement landscape condition should you be minded to grant permission for this proposal.*

6.11 MBC Conservation (dated 8th March 2016)

The amended plans now submitted showing a reduction in the length of rows of polytunnels nearest to Walnut Tree would result in some improvement to the setting of the Grade II Listed Building sufficient to overcome my previous objections. If suitable screen planting took place on the western side of the field I consider that this would provide adequate mitigation for any remaining harm to the setting of the listed building.*

I RAISE NO OBJECTION to this application on heritage grounds subject to a condition requiring the removal of the necessary polytunnels within 3 months and the submission of a landscaping scheme to include substantial screening to the west of the polytunnels in the field adjacent to Walnut Tree.

(dated 8th January 2016)

The polytunnels already erected in the field behind the Grade II listed Walnut Tree have some adverse impact on its setting, both when viewed from the adjacent public*

footpath and from the wider view available from The South, close to the junction of Morry Lane and Brick Kiln Lane where both Walnut Tree and the polytunnels can be seen on the apparent ridge line. In my view the removal of the two closest rows of polytunnels to Walnut Tree, as now offered by the applicant, would not significantly improve the situation.

In my opinion these polytunnels cause harm to the significance of Walnut Tree by virtue of their visual impact on its setting. The level of harm is less than substantial and in accordance with the NPPF this needs to be weighed against any potential public benefit arising from the proposals.

6.12 Historic England (dated 22nd January and reiterated 9th March 2016)

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

6.13 Environmental Health (dated 23rd December 2015)

I have no objection to this application

7.0 APPRAISAL

- 7.1 When determining this application it is necessary to consider the benefits of this form of agriculture, the visual impact in this countryside location (short and long term views), the impact on the setting of listed buildings, the ecological impacts, the flood risk, the highways impact, the impact on neighbours' amenity and the acceptability of the landscaping proposed. In addition, concerns have been raised in relation to the retrospective nature of this application.

Principle of Development

- 7.2 This site is located within the countryside beyond the defined bounds of any settlement, which means that saved Policy ENV28 is of relevance. The southern part of the site falls within the Special Landscape Area, which means that saved Local Plan Policy ENV34 is also of relevance.
- 7.3 Development in the countryside is restricted by the above policies, which emphasise the importance of the visual appearance of countryside locations. As an exception to the general theme of restraint within the adopted Local Plan, however, is Policy ENV43. This policy recognises the importance of farming to the economic and environmental well-being of the countryside. It states that new agricultural buildings on agricultural land will be permitted provided that the proposals are reasonably necessary for agriculture; the buildings are located within an existing group of buildings or in a location that minimises the impact on the character and appearance of the countryside; the proposal is accompanied by a landscaping scheme; it is of a sympathetic design; it does not have an adverse impact on the character or setting of local settlements or amenity of existing residents; the proposal is compatible with the landscape policies and the proposal will not have an adverse impact on the local highway network.
- 7.4 In terms of land use in this location, it is necessary to balance the needs of agriculture against the impact of the proposals.

Agricultural Need

- 7.5 When considering the need for development, Rural Planning Ltd, provided the following statement:

“As indicated in the applicants' Planning Statement, it has been recognised for some years now that the use of polytunnels is now a necessary part of modern soft fruit production and has been allowed on various holdings in the Borough, and elsewhere in the County, subject to the appropriate choice of sites, and to applying appropriate conditions, including allowable periods of tunnel coverage (March to October would be appropriate in the current case). The tunnels comprise units of production in themselves, and in effect can be regarded as inherently required and appropriate for the purpose of modern UK soft fruit production.

As explained in the applicant's agent's report, the system has a number of advantages over conventional unprotected growing including the ability to protect crops from the wind and rain, reduce pesticide/ fungicide use, extend the growing season, provide better yields and continuity of supply, and greater ease of managing the plants and picking the fruits. The use of tunnels assists UK growers to meet customer demand as opposed to what might be regarded as the less sustainable alternative of foreign imports.”

- 7.6 I therefore consider there is a reasonable need for the development in line with ENV43. I consider, therefore that the overarching question is whether the harm to the appearance of the countryside is so great as to outweigh the agricultural need for this development and this will be assessed in this report.

Visual Impact to open countryside and landscaping

- 7.7 The existing and proposed development constitutes substantial blocks of polytunnels that are visible both in short and medium range views.

Views from Chartway Street

- 7.8 Immediately to the south of Chartway Street is the western section of Field 1, which has existing polytunnels in place. These polytunnels are partially visible from Chartway Street, being approximately 8m from the roadside boundary, and can be seen from gaps in the roadside hedge in certain locations, which is defined by a tall hedgerow of approximately 6m in height. The traffic on this road travels at the national speed limit and there is no footpath in this location. As a result, the views from this location are fleeting.
- 7.9 Chartway Street bends round to the south, which is approximately 100m from the polytunnels. The polytunnels are again visible from this location. The proposal incorporates a new hedgerow to be planted to the west of Field 1, which would reduce these views from this location.
- 7.10 I would consider that with additional planting along this roadside location to the north and the new hedgerow to the west of Field 1, the landscaping screening would be sufficient to reduce the harm in this location to an acceptable level alongside these roadside locations.

Views from Morry Lane

- 7.11 From Morry Lane to the west of the site, it is also possible to see glimpses of the polytunnels from the road. Morry Lane bends round to the south at the corner of Field 2 and from this point it is possible to see the polytunnels in Field 1 through the existing hedgerow in place. With additional planting to the hedgerow at the south of Field 1, however, I am satisfied that the harm could be satisfactorily reduced.
- 7.12 The proposed polytunnels in Field 4 would be directly adjacent to the road, with a separation distance of approximately 6m. The continuity of the screening in this place is currently considered to be satisfactory to limit the views. In addition, it is proposed to allow the hedges to grow to a height of 3-4m and maintained at this height thereafter. With this level of screening, I consider that the harm would be reduced to an acceptable level.
- 7.13 Further to the south of Field 4, the existing polytunnels are set further from the road, which limits the visibility from this location as a result of the 80m set back and the increased land levels on which they are located. Furthermore additional planting is proposed on the western boundary of fields 7, 9, 10, 11 and 12 and this would have the effect of reducing the visibility further.
- 7.14 I am satisfied that with an appropriate landscaping condition to secure the proposed screening, the level of harm from Morry Lane would be not be unacceptable.

Views from Footpaths within site

- 7.15 A number of footpaths pass through the site from east to west. KH312 passes between two fields in which polytunnels are not located or proposed. An established tree line of Poplar is located to the north of this footpath and again at the south of the field to the south. I am satisfied that, given the distances to the polytunnels (which would be over 100m from any point), this would provide the necessary screening from this footpath to make the proposals acceptable.
- 7.16 Footpath KH351, the Greensand Way, also does not pass between fields of polytunnels. To the north is a cobnut orchard, which provides sufficient screening from the polytunnels beyond. To the southern boundary of the field to the south (200m) is a tree line of Poplar, which again provide sufficient screening to the polytunnels beyond.
- 7.17 Footpath KH350 passes between two fields of polytunnels for a stretch of approximately 160m and a separation distance of approximately 16m. Although these polytunnels are not able to be screened in this location, I consider that the visual harm would not be reason to refuse the application. This is a modern practice of agriculture, which is not uncommon in the Borough and not something that would appear incongruous on an operating farm. For a relatively short stretch of public footpath, therefore, I would consider that this would be, on balance, acceptable.
- 7.18 In addition to the visual harm from the footpath, it must be noted that this stretch of KH350 has been subjected to damage as a result of the work involved in the erection of the polytunnel frames. As this work has now been complete, this footpath will need to be returned to its former standard so that it can be usable by walkers on the footpath. I am satisfied that these improvements can be secured by way of condition. In addition, the workers on these fields appear to have been using open-topped bins alongside the footpath, which have resulted in litter. These would need to be replaced with more secure refuse facilities within the site in order to keep litter secure.

Views from Brick Kiln Lane (south of the site)

- 7.19 As a result of the slope of the land in this area, sections of the site can be seen from further afield, this includes views from Brick Kiln Lane, which is approximately 530m to the south.
- 7.20 It is possible to see the existing hedgerows within the site, which mark the field boundaries, typical of this Kentish landscape. The proposals incorporate additional new planting around some of the field margins, in areas where the existing screening is thinner or where there are gaps. The purpose of this is to provide a more effective screen to the polytunnels and to reinforce the character of the patchwork fields.
- 7.21 The combination of fields of polytunnels, orchards and open fields soften the overall impact of the proposals so that the visual impact from this location is reduced. It is possible to see the polytunnels in fields 12 and 10 only. The southern boundary of field 12, it is proposed, would be planted with an additional hedgerow. This would be protected by a 2m high green mesh windbreak to provide some immediate screening and to assist with the establishment of the planting. Whilst this would not screen the full extent of the polytunnels from this location, it would soften their impact to a level that I would deem acceptable.

Views from Charlton Court (west of the site)

- 7.22 Charlton Court, approximately 470m west of the polytunnels has distant views of the existing polytunnels on Field 10 as a result of the undulating land between the site and Charlton Court. The proposal incorporates additional hedgerow planting to the west of this field, which would go some way into screening the existing polytunnels to this field. From east to west, Field 10 appears to be relatively flat from this location and therefore the visual impact of the polytunnels is relatively limited. I would consider that the screening proposed would reduce the impact to a reasonable extent to warrant this proposal acceptable.

Summary of visual impact

- 7.23 The proposed planting would ensure that the short range views of the polytunnels would be screened insofar as possible. According to the MBC Landscape Officer, the submitted specification for soft landscape and maintenance works is acceptable in principle and the selection of species is largely appropriate, although there should generally be a predominance of Hazel (*Corylus avellana*) within the hedge mix of species. The use of White Poplar (*Populus alba*) should ideally be substituted by another native species which is more typical of the landscape character of the area. These aspects can clearly be dealt with through a pre commencement landscape condition.
- 7.24 The longer range views of the polytunnels would also be screened over time to a certain extent by the planting proposed to the field margins. A new hedgerow is proposed to the southern boundary of field 12 and to the western boundary of field 9, which would reduce the intervisibility between the site and properties to the south and west. It must be noted that the plastic sheeting is only proposed to be up for a period of 8 months a year (March – October), which is when the leaves are normally on the trees. As such, I am satisfied that the screening proposed would reduce the visual impact of the proposals as far as is practicable.

- 7.25 In summary, whilst there would inevitably be a visual impact on this countryside location, I am satisfied that this will be reduced by appropriate screening and the removal of the plastic sheeting during winter months.

Impact on setting of listed buildings

- 7.26 During the course of this planning application, the applicant has responded to comments raised by the planning and conservation officers to improve the scheme. The scale of the proposed polytunnels has, as a result, been reduced and some of the existing polytunnels are now proposed to be removed.
- 7.27 Of particular importance, was the view of Walnut Tree Cottage from footpath KH350, which runs to the south of the Grade II* listed building. It is now proposed to remove the polytunnels in the south west corner of field 8939. This would increase the visibility of the listed building from this public vantage point, which can be secured by way of condition.
- 7.28 It has been agreed by the MBC Conservation Officer that the amended plans now result in some improvement to the setting of the Grade II* Listed Building sufficient to overcome the previous objections. If suitable screen planting took place on the western side of the field it is considered that this would provide adequate mitigation for any remaining harm to the setting of the listed building, and this can be secured by way of condition.
- 7.29 This harm would be considered to amount to 'less than substantial harm' in terms of the NPPF. This means that the harm should be weighed against the public benefits of the proposal. I would consider, that on balance the revised proposals would be acceptable in terms of the NPPF.
- 7.30 There are two other listed buildings (Grade II) on Morry Lane, which although are in close proximity to the site, would not be materially affected by the polytunnels.
- 7.31 Based on the consultation response from Historic England, the application should be determined in accordance with national and local policy guidance, and on the basis of the specialist conservation advice. As a result, I am satisfied that this proposal is acceptable in terms of conservation.

Ecological Impacts

- 7.32 As has been confirmed by KCC Ecology, the field margins within the proposed development provide suitable habitat for protected and notable species, such as reptiles and breeding birds. Both the existing polytunnels, the proposed polytunnels and any proposed drains will be set away from these field margins so there would be no direct impact on such species.
- 7.33 As the polytunnels will not be located on or impact the field margins KCC Ecology are satisfied that the potential ecological impacts will be avoided so, on this occasion, there is no requirement for an ecological survey to be carried out. This advice is supported by ODPM 06/2005, cited above, which goes on to state that "developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development."
- 7.34 Further to the retention of the existing field margins, the trees and hedges that would be planted as part of this proposal, would provide ecological enhancements. The KCC Ecology Officer has indicated that a long term management scheme would be

required for the soft landscape and maintenance works, including details of habitat maintenance. This can be secured by way of a condition.

- 7.35 In terms of the badger setts that have been identified by a local resident, the KCC Ecology officer has indicated that the footprint of the existing and proposed polytunnels or existing trackway will not directly impact any badger setts. It is their view that the presence of polytunnels will not prevent or deter badgers from foraging within the site and the proposed enhancements (as detailed above) are likely to increase the availability of foraging habitat. No lighting is proposed for the development so there will be no artificial lighting to disturb foraging badgers.
- 7.36 The presence of badgers in an area will fluctuate, with new setts created and others falling into disuse. The locations of active badger setts may change over time and there is a need to ensure that the construction works and operational phases do not impact any setts and as a precaution, it is recommended that the setts are protected from damage and disturbance (e.g. vehicles, storage of spoil/waste) during construction – for example using hazard tape. This can be secured by way of condition.
- 7.37 I would consider that the distance of 12m from the polytunnels in Field 1 would be an adequate distance from the Ancient Woodland in the north east corner of the site to ensure that there would be no detrimental impact. There have been no objection from MBC Landscaping or KCC Ecology in this regard.

Highways Impacts

- 7.38 Local objectors have raised concerns about the increased volume of traffic from buses and farm vehicles associated with the farm. It is claimed that this has increased the amount of mud on the road surface and has resulted in damage to the roadside verges along Morry Lane.
- 7.39 No change of use is proposed as part of this application and whilst I accept that Morry Lane is narrow and there is sometimes residual mud from the tyres of the fields, a reason for refusal based on buses and farm traffic would not be appropriate. This is a rural location surrounded by farms and therefore this type of activity is considered to be, on balance, acceptable.
- 7.40 There have been no objections from KCC Highways regarding this proposal.

Impact on neighbours amenity

- 7.41 On residential amenity I note that there are several residential properties along Morry Lane and Chartway Street that are relatively close to the existing and proposed polytunnels. It is therefore necessary to assess the impact of the development in terms of loss of daylight, sunlight and privacy. I also note that there have been concerns relating to noise and a loss of outlook.
- 7.42 Whilst the visual impact of the countryside is a planning consideration, it must be noted that the right to a view is not.
- 7.43 I would consider that the proposed development would be of a sufficient distance from the proposals so that it would not cause harm to the outlook.
- 7.44 The polytunnels would be at low level and would therefore not result in any overshadowing to the living spaces of the properties in the nearby dwellings.

- 7.45 Walnut Tree Cottage is the property that would experience the greatest visual impact as the house would be approximately 32m from the polytunnels in the adjacent field. It must be noted that the site plan submitted does not include the 1970s extension to the property, but this has been included in the officer assessment. I am satisfied, on balance that the existing screening and the proposed landscaping enhancement would act as a satisfactory screening that would reduce the intervisibility. It would therefore not amount to a reason for refusal.
- 7.46 I accept that with the intensified use of the land will come additional farm workers and as a result there may be associated noise disturbances, but I do not consider they would be of such a scale that would warrant this application unacceptable. This is an operating farm and therefore one would expect to find farm workers and farming activities on the land.
- 7.47 Based on the above, I am therefore satisfied that the noise and disturbance, loss of privacy from people working on the land, incidence of litter etc would not be so great as to warrant a reason for refusal.

Flood Risk

- 7.48 This site is not located within Flood Zone 2 or 3 and so the risk of flooding is low.
- 7.49 It is, however, necessary to consider the impact the polytunnels would have on the surface water drainage in this location. It has been agreed by KCC that the testing carried out on the soils demonstrates an acceptable soakage level across the site. This would particularly be the case as the polytunnels are only proposed to be covered for the part of the year when the ground is less likely to be saturated.
- 7.50 The proposal incorporates gravel filled pipes (French drains) and these have agreed to be acceptable in principle by KCC in order to promote infiltration, providing they are maintained throughout the course of development. The details of this drainage and the associated maintenance is something that can be secured by a condition.

8.0 CONCLUSION

- 8.1 Although the proposals will result in a change to the visual appearance of the landscape, this would be outweighed by the benefits to agriculture, which would support the rural economy.
- 8.2 I would consider that the proposals are in line with Policy ENV43 in that they are necessary for agriculture, they have been sufficiently screened to minimise the visual impact on the countryside, a landscaping plan demonstrates the proposed landscaping in the area, the proposal will not result in any adverse impact to the amenity of existing residents and will not have an impact on the local highway network.
- 8.3 In terms of the impact on Grade II and II* listed buildings, I would consider that the amendments proposed would ensure that the harm is less than substantial and therefore outweighed by the benefits brought by this form of agricultural production.
- 8.4 The proposed screening in the form of tree and hedgerow planting would ensure the visual impact is reduced as far as possible from short and longer range views.

- 8.5 The ecological protection and the drainage proposals are considered to be acceptable and the details of these can be secured by way of a condition.
- 8.6 As a result of the above, this proposal would therefore be in accordance with the development plan and the provisions of the NPPF and ENV43 of the Maidstone Borough Wide Local Plan 2000.

RECOMMENDATION – GRANT Subject to the following conditions

1. The proposed element of 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 in accordance with the following approved plans: Existing and Proposed Tunnels (10933-TS-02 P3); Hedgerow/field margins plan (10933-TS-03 P2); Polytunnel axonometric elevation (DHA_10933_01)

Reason: To ensure the quality of the development is maintained and to prevent harm to the open countryside and special landscape area.

3. Within three months of the date of this permission, a habitat management plan shall be submitted, and in agreed in writing by the Local Planning Authority. This must include details of how active badger setts will be protected from construction works and operational development. It must demonstrate how the use of pesticides and herbicides shall be prevented on the field margins outside the polytunnels. The details of this document shall thereafter be complied with.

Reason: For reasons of ecological protection.

4. If the polytunnels (or sections thereof) are permanently no longer required for agriculture then those polytunnels (or the sections thereof) shall be removed from the land within 4 months of the cessation of their use;

Reason: In order to avoid unnecessary retention of structures that are no longer needed and in the interests of visual amenity.

5. Within three months of the date of this permission and prior to any additional construction and operational development, the following information must be submitted and agreed in writing by the local planning authority:
 - (i) a detailed sustainable surface water drainage scheme for the site. Ground investigations and infiltration testing should be undertaken to demonstrate the development does not increase off-site flood risk (during any rainfall events up to and including the climate change adjusted 100yr critical storm).
 - (ii) details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented within 3 months of the

approved drainage scheme and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

6. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

7. Within 3 months of the date of this permission, and in consultation with KCC PROW, details of proposed surface repairs to Footpaths KH350 and KH351 shall be submitted and approved in writing by the Local Planning Authority. The agreed proposals shall be implemented within 3 months of approval and retained as such thereafter.

Reason: In the interest of public access

8. The planting proposed in the Landscape and Visual Assessment (Ref JE/10933) and the Specification for Soft Landscape and Maintenance Works (dated August 2015) shall be adhered to. Details of the additional planting must be submitted within three months of this permission. This additional native planting proposed shall be in line with the principles of the Maidstone Landscape Guidelines and will include infill planting to any gaps to the existing hedgerow to the northern and southern boundaries of Field 1. It will also incorporate additional planting to the western boundary of Field 10, adjacent to the boundary with Walnut Tree Cottage (Grade II*).

All planting or seeding shall be carried out in the first planting and seeding season following this permission (or such other period as may be agreed in writing by the Local Planning Authority) and any trees or plants which within a period of 5 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 that the proposed development is satisfactorily integrated with its immediate surroundings and provides for adequate protection of trees.

9. Within 3 months of the date of this permission, details of satisfactory facilities for the storage of refuse on the site must be submitted to, and approved in writing by the Local Planning Authority. The approved facilities shall be provided within three months of this approval and maintained thereafter.

Reason: In the interests of amenity

10. The polytunnels hereby permitted shall only be covered with polythene between 1st March to 31st October each year unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity.

11. The rows of tunnels demonstrated for removal at the end of the 2015 growing season and those proposed to be removed to maintain views to Walnut Tree Cottage on Drawing 10933-TS—02 Rev P3, shall be removed within 3 months of this permission. This includes the frame and polythene covering.

Reason: In the reasons of visual amenity

INFORMATIVES

1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority. 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 KCC.

Case Officer: Flora MacLeod

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.