

## REPORT SUMMARY

<b>REFERENCE NO:</b> 16/506067/FULL			
<b>APPLICATION PROPOSAL:</b> Steel framed agricultural grain storage building			
<b>ADDRESS:</b> Great Tong Farm, Great Tong, Headcorn, Kent, TN27 9PP			
<b>RECOMMENDATION:</b> GRANT PLANNING PERMISSION subject to the conditions and informatives set out at the end of this report.			
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The proposal would not result in undue harm to the character and amenity of the open countryside and is an acceptable use in this rural location			
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Councillor Prendergast has requested that the application is determined by the Planning Committee (this follows the recent withdrawal of the original call in request from Ulcombe Parish Council after their consideration of the revised plans)			
<b>WARD:</b> Headcorn	<b>PARISH COUNCIL:</b> Headcorn	<b>APPLICANT:</b> Robinson Structures Ltd	<b>AGENT:</b> N/A
<b>DECISION DUE DATE:</b> 05/12/16	<b>PUBLICITY EXPIRY DATE:</b> 07/10/2016	<b>OFFICER SITE VISIT DATE:</b> Various	
<b>RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):</b>			
<b>App No:</b>	<b>Proposal:</b>	<b>Decision:</b>	<b>Date:</b>
15/504378/FULL	Erection of an agricultural building	Approved	28.07.15
15/505974/FULL	Construction of a solar farm	Refused	29.02.16

## MAIN REPORT

### 1.0 BACKGROUND AND DESCRIPTION OF SITE

- 1.01 The application was due to be considered at the committee meeting on the 27 July but was withdrawn from the agenda. This withdrawal was to allow further public consultation to take place on amended plans. This consultation has now taken place.
- 1.02 The application site is located in a rural location off the south side of the access track that serves Great Tong Farm.
- 1.03 The application site relates to a group of existing buildings and silos which will be demolished to make way for the grain store. The surrounding area is characterised by generally open views across gently rolling hills, broken up by mature hedges and trees. The site is not viewable from the A229, which runs to the south east of the site.

### 2.0 PROPOSAL

- 2.01 The proposal is for a replacement building which measures 32 metres long, 27metres wide with a roof eaves height of 7 metres and a roof ridge height of 9.4 metres. The building will provide a grain store with 872 square metres of floorspace. This has been reduced by some 164 square metres from what which was originally submitted.

- 2.02 Once the existing barn and silos have been demolished, the replacement building will be erected on the same general footprint of the buildings and silos which have been cleared. The revision made to the original application includes moving the proposed building further into the existing complex of farm buildings, with the main west building elevation relocated 33 metres eastwards of the original location and towards Tong Lane.
- 2.03 The reorientation of the building is also proposed so that the longer building elevation is now parallel and broadly in alignment with the retained existing farm building to the south and more closely on the site of the silos that are due to be removed. The height and dimensions of the building have not changed.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV43, ENV49, and T13
  - National Planning Policy Framework (NPPF)
  - National Planning Practice Guidance (NPPG)
  - Maidstone Borough Council Local Plan Publication (submission version) February 2016; SP17, DM1, DM2, DM3, DM7, DM34 and DM40
  - Headcorn Neighbourhood Plan Regulation 16:
- 3.01 Paragraph 216 of the NPPF sets out the factors which influence the weight to be given to emerging LP policies – preparation stage, extent of unresolved objections and consistency with the NPPF.
- 3.02 Maidstone Borough Local Plan (2016) was submitted to the Secretary of State for examination on 20 May 2016. The Local Plan Inspector issued his Report on the Examination of the Maidstone Borough Local Plan on 27 July 2017. The Report is accompanied by an appendix containing the Main Modifications. The Inspector concludes that, with the incorporation of the Main Modifications, the submission Maidstone Borough Local Plan is sound. The adoption of the Local Plan will be considered at the next meeting of the Council on 27 September 2017.
- 3.03 In these circumstances, it is considered that approaching full weight should be afforded to the Maidstone Borough Local Plan incorporating the Main Modifications in the determination of planning applications.
- 3.04 In accordance with legislation the examiner of the Headcorn Neighbourhood Plan recommended that the draft Regulation 16 plan should not proceed to a local referendum. Whilst a final committee decision has not been made on the examiner's report, it is considered that due to its conclusions very limited weight should be attached to the draft Headcorn Neighbourhood Plan.

### **4.0 LOCAL REPRESENTATIONS**

The planning application has been advertised with individual letters sent to adjoining properties, a site notice and a press notice. *(The responses to the additional consultation are provided below followed by the original consultation responses in brackets)*

- 4.01 **Local residents:** No response to additional consultation. (Six representations received from local residents objecting to the proposal on the following grounds (summarised):
- Impact on the character and amenity of the open countryside;

- Impact on heritage assets;
- Impact on protected species).

## 5.0 **CONSULTATIONS**

*(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary. The responses to the additional consultation are provided followed by the original consultation responses in brackets)*

- 5.01 **KCC Highways:** No objection (No objection)
- 5.02 **KCC Public Rights of Way:** No response (No objections, but must make applicant aware of the PROW and no obstruction of it allowed during or after construction and the procedures for diverting before any work is started).
- 5.03 **KCC Ecology:** No objection subject to a Great Crested Newt survey via a condition (No objection subject to a Great Crested Newt survey via a condition).
- 5.04 **MBC Landscape and Trees:** No response (No objections, subject to conditions).
- 5.05 **SGN** (Southern/Scotia Gas Networks): No response (No objection).
- 5.06 **Weald of Kent Protection Society:** No response (No objection WKPS is well aware that this large development happens to be in a sensitive area and adjacent to a listed building, but in our view, the needs of agriculture and the sustaining of the businesses that make up the Weald overrides purely aesthetic considerations in this instance. We agree with Headcorn PC that steps should be taken to mitigate its impact, but at the same time we are aware of the need for agricultural operations to modernise themselves to deal with the requirements and challenges of the current century. Our suggestions for the mitigation of the impact of the structure are that: the exterior be clad in brown sheeting rather than green as brown tends to blend in more easily, and suitable tree planting).
- 5.07 **Environmental Health:** No further comments to make (No objections but recommend informative on following Mid Kent Environmental Code of Development Practice).
- 5.08 **Ulcombe Parish Council:** Following the submission of the amended plans, the Council now wishes to withdraw the original objection to this application and we would now wish for this application to be considered for approval. (Objection to the application. Whilst supportive of the rural economy and farming objection is for the following reasons:
- Application is for a large agricultural building in open countryside;
  - No evidence provided to show that the proposed building is "reasonably necessary for the purposes of agriculture".
  - No assessment to show the impact of a building of this size and scale in open countryside.
  - No heritage assessment to address the impact on adjacent designated and non-designated assets and the archaeological impacts.
  - No ecological assessment has been provided).
- 5.09 **Southern Water:** No response (No objection).

- 5.10 **Headcorn Parish Council:** No response (No objection with support for the application subject to the use restricted to grain storage and when empty for storage of farming vehicles and an environment impact assessment undertaken, given the size and scale of the building and an assessment made to mitigate the visual impact of this structure. Referral to the planning committee is not required).
- 5.11 **Rural Planning:** Replacement building, in this revised location is necessary for the purposes of efficient modern agricultural production on this established farm in accordance with saved policy ENV 43 of the Local Plan, and in accordance with the emerging policy DM40. (No objections with support for the proposal)
- 5.12 **Natural England:** No response (No objections).
- 5.13 **CPRE Kent:** No response. (Object to the proposal on the grounds that it would have a detrimental impact on the character of the open countryside, heritage assets and ecology).

## 6.0 **APPRAISAL**

### **Main Issues**

- 6.01 The key issues for consideration relate to:
- Impact on the character of the countryside;
  - Impact on heritage assets; and
  - Ecology.
- Impact on the character of the countryside and need
- 6.02 The site is located within the Headcorn Pasturelands landscape character area (area 43). In the Landscape Capacity Study: Sensitivity Assessment report, the area is assessed as being of high overall landscape sensitivity and sensitive to change. The report states that development should be limited to within and immediately adjacent to existing settlements and farmsteads in keeping with existing. Other development to support existing rural enterprises would be acceptable provided it is not extensive, large scale or visually intrusive. Where large agricultural barns are considered visually prominent it is recommended that this is reduced through native planting. It is recommended that habitat opportunities around water bodies and ditches should be enhanced by promoting a framework of vegetation in these areas.
- 6.03 The complex of buildings within which the new agricultural barn is proposed is mainly screened from view by the existing topography and the existing high mature hedges and trees in the area. As a result of this the complex is only viewable once you reach the entrance to the site. In order to mitigate any views of the proposed building and in accordance with the recommendations of the landscape officer a landscaping planning condition is recommended. In this context and in conclusion the visual impact of the proposal will be minimal and a refusal based on the visual impact of the proposal could not be substantiated.
- 6.04 Great Tong Farm is part of a mixed farming business (arable, orchards, and sheep) which includes some 667 acres (270 ha) of arable production (wheat, barley, beans, oil seed rape, and linseed). The applicant has set out that existing storage for arable crops is in a number of outdated and inefficient silos, and in two other buildings. One of these buildings is due to be demolished, and the second of which is inadequate for modern farm assured grain storage purposes.

- 6.05 Whilst the proposal is for the construction of a farm building in an existing complex of farm buildings in response to concerns the applicant has revised the original proposal with the relocation of the building further into the farm complex. It is considered that this change will further reduce any negative impact from the proposal.
- 6.06 The proposed new building will provide a suitable, purpose-designed, replacement storage facility. In this context it is considered that this provision is reasonably necessary for the purposes of efficient modern agricultural production on this established farm and this is in accordance with saved policy ENV 43 of the Local Plan, and in accordance with the emerging policy DM40.

#### Impact on heritage assets

- 6.07 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard should be had to the desirability of preserving listed buildings or their setting. The NPPF, Local Plan and the emerging local plan all seek to protect and enhance the historic environment. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (NPPF para 134).
- 6.08 Whilst the application site is not in a conservation area and there are no listed buildings on the application site there are a number of Grade II listed buildings located on the existing Great Tong Farm farmstead. These listed building are located to the east of the proposed new grain store location. The buildings themselves display the essential Kentish vernacular, with the use of timber cladding for instance, whilst the barns have been converted in recent years.
- 6.09 Intervening buildings largely block views of the listed buildings from the site of the proposed agricultural building. The farmhouse building is also sited far enough away from the proposed grain store for it not to be detrimentally affected. In these circumstances the proposed building is acceptable in relation to potential impact on heritage assets.

#### Ecology

- 6.10 The National Planning Policy Framework states that “*the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible*”.
- 6.11 The majority of the application site is hard standing but there is a storage area which has become vegetated. Available information shows that great crested newts are likely to be present within 500 metres of the proposed new building. In this situation it is possible that great crested newts make use of the vegetation on the site for resting, hibernating, foraging or commuting to access more suitable habitat.
- 6.12 With this limited area of habitat KCC Ecology have recommended a planning condition to seek the submission of a precautionary mitigation strategy. This strategy would be based on existing survey data and would need to demonstrate how works would minimise risk to great crested newts.

#### Impact on the local highway network and public right of way.

- 6.13 It is not considered that the proposal will have any adverse impact on the highway network or highway safety, and there has been no objection from KCC Highways. It is considered that the existing footpath can be adequately diverted with this diversion considered outside the current planning application. There has been no objection from the Public Rights of Way officer.

#### Flooding and drainage

- 6.14 The proposal is considered acceptable in relation to flooding and drainage and there has been no objection to the application from Southern Water.

#### Environmental impact assessment

- 6.15 With the proposed development including fewer than 150 dwellings and the overall area of the development fewer than 5 hectares, the proposed development falls outside the scope of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as an urban development project. There is no requirement to seek an environmental impact assessment

### **7.0 CONCLUSION**

- 7.01 The visual impact of the proposal will be minimal when taking into account the topography of the area and the screening of the site by the existing mature hedges and trees. With recommended planning conditions the proposal is acceptable in relation to ecology.
- 7.02 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 7.03 The proposal complies with policy ENV28 as it is reasonably necessary for the purposes of agriculture and policy ENV43 of the adopted plan. The proposal accords with other policies in the emerging plan and will not result in harm to the character and appearance of the area.
- 7.04 The proposal will facilitate the efficient use of this agricultural land and is in accordance with policy SP17 of the emerging plan. On the basis that the proposal is in accordance with both adopted and emerging policies and in the absence of material considerations that indicate otherwise the approval of planning permission is recommended.

### **8.0 RECOMMENDATION**

**GRANT PLANNING PERMISSION** subject to the following conditions:

- (1) The development hereby permitted shall be carried out in accordance with the following approved plans: CH50256-001; CH50256-002 and CH50256-003. Reason: For clarity and to ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.
- (2) The external facing materials to be used in the development hereby approved shall be as indicated on the approved plans unless otherwise approved in writing by the Local Planning Authority. Reason: To ensure a satisfactory appearance to the development.
- (3) Any external lighting installed on the new building shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of visual amenity, biodiversity and landscape character.
- (4) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the

local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value [together with the location of any habitat piles] and include a planting specification, a programme of implementation and a [5] year management plan. The landscaping shall be in place prior to the end of the first planting season following the occupation of the building hereby approved. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- (5) Prior to any works commencing on site (including vegetation clearance) a precautionary great crested newt mitigation strategy, based on existing survey data, is submitted to and approved in writing by the Local Planning Authority. The report must include a review of existing survey data, the proposed methodology for clearing the site and measures to avoid great crested newts being injured or killed during construction. The development shall proceed in accordance with the agreed strategy. Reason: In the interest of biodiversity and habitat management.

### **Informatives**

- (1) The applicant is advised to have regard to the Mid Kent Environmental Code of Development Practice.
- (2) The applicant is advised that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact KCC before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that: the applicant pays for the administration costs; the duration of the closure is kept to a minimum; alternative routes are provided for the duration of the closure and a minimum of six weeks notice is given to process an application for a temporary closure.
- (3) The applicant is advised that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent. The granting of planning permission confers no other permission or consent on the applicant and the successful making and confirmation of a diversion order should not be assumed.
- (4) The applicant is advised that if a European Protected Species Licence is required to carry out the works updated great crested newts surveys may be required to inform the licencing process.

Case Officer: Tony Ryan

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