

NOTES FOR TECH:**APPLICATION PROPOSAL****Ref No 14/504784/FULL**

Erection of polytunnels, general purpose agricultural storage building, hard surface yard area, water storage tanks, drainage works, balancing pond below ground pumping chamber, reservoir and landscaping as shown on drawing nos. DHA/10409/05, DHA/10409/04, DHA/10409/03, DHA/10409/02 REV A, DHA/10409/01, 5028 dated OCT 2014, Reservoir and Balancing Pond Site Location Plan; received 11.11.2014, Reservoir Plan and Section; dated 3.10.2.2014, Landscape and Visual Assessment (JE/10409) by DHA; dated October 2014, Section and Contour Plan of the Farm Building by Rural Partners Limited; received 10.12.2014, Balancing Pond and Weir details by Fieldwater Irrigation shown associated documents including drawing nos. 5028 and Charlton58; received on 11.11.2014, Flood Risk Assessment (CS/10409) by DHA; dated January 2015, Specification for Soft Landscaping and Maintenance Work; dated October 2014, Design and Access Statement (ERP/10409) by DHA; dated October 2014 and page 10 superseded on 26.11.2014.

ADDRESS Hill Farm Lenham Road Harrietsham Kent ME17 1LT**RECOMMENDATION - PER****WARD** Headcorn**PARISH/TOWN COUNCIL**
Ulcombe**APPLICANT** G Charlton And Sons**AGENT** Eric Przyjemski**DECISION DUE DATE**

19/01/15

PUBLICITY EXPIRY DATE

07/01/15

OFFICER SITE VISIT DATE

17/12/14

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV26, ENV34, ENV28, ENV43

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

The Maidstone Landscape Character Assessment 2012 and The Maidstone Landscape Character Assessment Supplement 2012

RELEVANT HISTORY:

Hill Farm, Lenham Road, Harrietsham Kent ME17 1LT

14/504784/FULL - Erection of polytunnels, general purpose agricultural storage building, hard surface yard area, water storage tanks, drainage works, balancing pond below ground pumping chamber, reservoir and landscaping. PCO

14/505357/ENVSCR - EIA Screening Opinion - Erection of polytunnels, general purpose agricultural storage building, hard surface yard area, water storage tanks, drainage works, balancing pond below ground pumping chamber, reservoir and landscaping (14/504784 refer) - EIA not required

03/0345 - An application for listed building consent for the erection of a replacement porch on southern elevation and new porch on northern elevation and insertion of replacement window, as shown on drawing nos. 600/2A and 600/3 received on 19.02.03. PER

94/0721 - Listed Building Consent for demolition of 1920's brick built outside W.C. and replacement with a lobby incorporating a W.C. PER

03/0339 - Erection of replacement porch to southern elevation, erection of new porch on northern elevation, provision of garden room and provision of garage, as shown on amended drawing No. 600/3A received on 27.05.03. PER

Enforcement History:

CONSULTATIONS

Newspaper Advertisement Expiry Date: 19.12.2014 (Major Development and development affecting a Public Right of Way)

Parish Council:

'Ulcombe Parish Council unanimously agrees to the planning application 14/ 504784 - Hill Farm, Ulcombe, but with conditions below, as agreed during the recent public forum with over 20 parishioners present:

1) in addition to the screening already planned:

a) as agreed with the applicant, at the two open areas on the southern boundary of the south polytunnel field and at the south western corner of the south polytunnel field where the screening is poor, to put in a 2 metre earth bund and on top of the bund to erect up to 5m of posts and mesh as a temporary screen until the trees and hedges to be planted there grow up. This will reduce the visual impact from Ulcombe Hill and The Street.

b) as agreed with the applicant, to enhance the hedge screening in the north field on the east side, only where necessary, between the storage barn and the Lenham Road. The west side is already in the application.

2) as agreed with the applicant, reduce the height of the storage barn by sinking it more into the ground to reduce its visual impact

3) as agreed with the applicant, that any security lighting at the storage barn should limit the impact of light pollution (motion sensors ?) rather than having floodlights fully on in an " intrinsically dark landscape ", as per the NPPF para 125

4) as agreed with the applicant, to employ a low pressure pounder to construct the reservoir to reduce vibration, given the close proximity of houses, including historic listed buildings of some longevity without foundations.

5) that an Environmental Impact Assessment (EIA ref No. 14/505357/ENVSCR) is commissioned by Maidstone Borough Council and circulated to the Parish Council as a priority. Given the not unnatural strength of concern raised by parishioners in the recent local parish forum, and discussions that parish councillors have had with the applicant, it is important that the EIA must contain an independent flood risk assessment.

6) It was noted that the applicant has given assurances to the Parish Council and individual parishioners that the transportation of produce from these fields will be undertaken by tractor and trailer to an off-site processing hub and not by lorry. This will minimise heavy vehicle use connected to the applicant's business activity via Lenham Road.'

Rural Advisor:

'To summarise, in my view the agricultural requirements for the polytunnels, and for the reservoir works, and for a building of the sort of floor area proposed, have been reasonably demonstrated.

Therefore the remaining issue (in terms of agricultural need) is whether the whole building needs to be the sort of height proposed. As I see it, the current requirements would allow for a reduction in height of a good part of the area. The case for the 8m height of the whole building relates more to possible unspecified future needs; whether that height and design

is acceptable, nevertheless, will depend in essence on the view taken by the Council as to on the visual impact of the building in that form, in its (now amended) setting'.

Natural England:

'No Natural England Comment – Advise consultation with Kent Downs AONB partnership'.

Officer comment: The site is not located within the ANOB therefore Kent Downs ANOB not consulted.

MBC landscape Advisor:

'There are no protected trees on the site but there are potentially 'important' hedgerows as defined under the Hedgerow Regulations. There are, however, significant trees within hedgerows and along the lines of field boundaries as well as small woodland blocks, most notably to the northern tip of the site. It should also be noted that immediately to the north of the site, north of Lenham Road, is Kings Wood which is designated as ancient replanted woodland and protected by TPO No. 22 of 2009.

In relation to the Maidstone Landscape Character Assessment (LCA), the applicant's Landscape and Visual Assessment states that the polytunnel site is located within landscape character area 35, Sutton Valence Greensand Ridge, and the reservoir is located within landscape character area 42, Ulcombe Mixed Farmlands. It should also be noted that the very northern part of the site, the wooded area referred to above, is located in landscape character area 31, Kingswood Plateau.

The landscape guideline for LCA area 35 is conserve and the relevant summary of actions are as follows:

- Avoid agricultural intensification and conserve the sense of enclosure and the field pattern provided by native hedgerows
- Conserve the species rich hedgerow boundaries and promote enhanced species diversity within hedgerows where this has been weakened
- Conserve orchards and hop gardens and the traditional small scale field pattern
- Resist further conversion to arable land
- Conserve the scattered pattern of development and the rural character of this landscape
- Conserve the rural setting of traditional buildings and settlements
- Consider this exposed landscape in views from the Low Weald to the south

The landscape guideline for LCA area 42 is also conserve and the relevant summary of actions are as follows:

- Promote enhanced species diversity within hedgerows where this has been weakened
- Conserve and promote pastoral land use and avoid agricultural intensification
- Promote the conversion of intensively managed grassland and arable land to species rich neutral grassland where there is potential
- Conserve and increase extent of clean water ponds and small farm reservoirs
- Conserve the largely undeveloped landscape with its scattered development pattern and isolated farmsteads
- Consider views towards any proposals across the Low Weald from the elevated Greensand Ridge which rises to the north and the High Weald which rises to the south west
- Conserve the extensive tree cover provided by frequent woodland blocks, orchards and oak trees
- Conserve the pastoral land use and resist conversion to arable land
- Conserve and enhance the small scale, mosaic like field pattern
- Avoid further field segregation using post and wire fencing and encourage the reinstatement of native hedgerow boundaries where these have been removed
- Conserve the distinctive amount of oak trees within the landscape, and plant new isolated specimens and hedgerow standards to replace ageing specimens
- Conserve the distinctive linear pattern of settlements

- Conserve the rural setting of traditional buildings and settlements
- Soften the visual impact of large scale agricultural buildings with native planting

Whilst photographs have been provided to demonstrate viewpoints from inside and outside of the applicant's defined visual envelope there is no evidence to show that this work has been undertaken in accordance with current Landscape Institute advice, Advice Note 01/11 , Photography and photomontage in landscape and visual impact assessment.

*In terms of the landscape proposals, although native planting is proposed, the list of species does not take account of the advice within the LCA supplement (landscape guidelines) for the appropriate landscape character area. The guidelines suggest a predominance of Hazel (*Corylus avellana*) although, clearly, appropriate mixed species hedgerow planting is welcomed. New hedgerows should also incorporate the planting of standard trees at irregular intervals along their length, with Oaks (*Quercus robur*) being particularly appropriate.*

Whilst it appears that no trees are proposed to be removed, there is inadequate information provided to ensure that no trees or hedgerows will be adversely affected by the proposed infrastructure required in association with this development proposal. The following details are therefore required before the impact of the proposed development can be properly assessed:-

A tree survey and arboricultural implications assessment (AIA) in accordance with the recommendations of BS5837:2012. The AIA should include a realistic assessment of the probable impact of any proposed development on trees and hedgerows, including their roots, together with details of any tree works or hedgerow works that would be necessary to implement the proposal.

Where the AIA identifies a conflict between the proposal and retained trees and hedges, details should be provided to demonstrate that the trees can be successfully retained. Particular reference should be made to any excavations and construction activities, including those relating to pipelines and other associated infrastructure'.

Southern Water: No objections – request informatives

UK Power Networks: No objections

Environmental Health:

'It appears that the site has been used for agricultural purposes historically and the proposed use is still agricultural, although under cover. This poses no particular environmental protection issues.

It is noted that the reservoir exceeds 25,000m³ in storage volume and as such will need to be registered with the Environment Agency.'

KCC Highways:

'Thank you for inviting me to comment on this application. There is no indication that this proposal will have any effect on traffic movements and I write to confirm therefore on behalf of the Highway Authority that with respect to these proposals, I have no objection. I can confirm that there have been no records of injury crashes at the site access point on Lenham Road for at least the last nine years.

I note the proposals include a reservoir of 5.5m – 6m depth and 42,750m³ capacity. It would be helpful if the applicant could expand on the construction of this reservoir i.e. what movement of materials are involved’.

Planning officer comments: Further details were received from the agent stating that no imported material will be used for the construction of the balancing pond or the reservoir. The material from the excavations of the balancing pond will be used for the construction of the earth bund/embankment for the reservoir. The material from the excavation of the reservoir will be used for the construction of the embankment together with the excavated material from the balancing pond.

Additional KCC Highways comments:

‘The answer from DHA is fine from our perspective and should provide you with additional comfort. As there’s no waste importation I see no need to comment further and can rely on my earlier email’.

Public Rights of Way Officer:

‘The proposed development site is crossed by several Public Rights of Way including footpath KH312 and KH317. The locations of these footpaths 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.

I note that this development affects the Rights of Way here. I have previously met the applicants on site and agreed that a minimum clear width of 2 metres should be left for public footpaths where they cross the development. 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.

*If these conditions are included in any permissions then I have **no objection** to the 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. No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.*
- 4. 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’.

KCC Archaeology:

‘The site lies within an area of general archaeological potential associated with prehistoric activity. Remains associated with Iron Age or later occupation and settlement may be revealed during groundworks and I recommend the following condition is placed on any forthcoming consent:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and

finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded'.

Environment Agency:

*'We have **no objection** to the proposal providing the following conditions are added to any planning permission granted:*

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition: *The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (09/01/15, 10409 FRA January 2015) and the following mitigation measures detailed within the FRA:*

- 1. Polytunnels will only be covered for an 8 month period between the months of March and October (paragraph 4.1.2).*
- 2. A 600mm green buffer will be provided between the polytunnels which will be maintained as grassland to reduce the risk of soil erosion and the formation of drainage gullies exacerbating overland flow (paragraph 5.1.1).*
- 3. The polytunnels will not provide a barrier to any overland surface water flows, allowing water to flow freely under the polytunnels (paragraph 5.1.1).*
- 4. Infiltration trenches will be constructed in the grass buffer strip on the South and West boundaries, as stated in paragraph 5.2.3, 5.2.4 and Appendix 7.*
- 5. An infiltration basin will be constructed, as detailed in paragraph 5.2.7 to accommodate the contributing runoff for all return periods up to and including the 1:100 year + 30% for climate change.*
- 6. rainwater from the roof of the agricultural storage building will be stored in the above ground tanks which will be used for irrigation throughout the year (paragraph 5.2.11)*
- 7. An infiltration trench shall be constructed as detailed in Appendix 7 to allow for the drainage of the hard standing area and overflow from the above ground storage tanks.*

These mitigation measures shall be fully implemented in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: *To prevent an increase in flood risk downstream by managing the potential increase in overland flow associated with the polytunnels and agricultural storage building'.*

LOCAL REPRESENTATIONS

Several objections have been received from local residents. The matters of objection are summarised as follows.

- Flood Risk
- Visual impact on the character of the village and open countryside
- Waste water displacement into existing waterways
- Increased traffic during and post construction
- Waste associated with the polytunnel use
- Wildlife impact
- Views from PROW
- Works have commenced prior to formal planning approval
- Precise location of pumping chamber unclear

CONSIDERATIONS

Site Visited: 17th December 2014

SITE DESCRIPTION:

Hill Farm is located to the north east of Ulcombe on the south facing slope of the Greensand Ridge

The application site is located on land at the northern end of the farm adjacent to Lenham Road and on the gently sloping land to the south and the northeast of Ulcombe village. The boundaries of the farm consist of hedgerows and trees which extend along the boundaries with Lenham Road and the western boundary of the village. The application site is generally characterised by a patchwork of enclosed arable fields. There are several areas of ancient woodland adjacent the application site, including Marshalls wood located to the north east and smaller sections of woodland to the south west of the site.

The application site is not generally visible in the landscape from public highways due to existing landscape screening on the site boundaries. Part of the farm is visible from the residential property located on the top of Ulcombe Hill and from public footpaths running through the site.

Two public footpaths (PROW) dissect the application site. PROW KH312 runs east to west and is located in the northern section of the site. PROW KH317 runs southwest to northeast and is located in the southern section of the site. Greensands Way runs to the south of the southern polytunnel field.

In addition to the proposed polytunnels, general purpose agricultural storage building, hard surface yard area, water storage tanks, drainage works, balancing pond below ground pumping chamber, reservoir and landscaping are also proposed.

DESCRIPTION OF PROPOSAL:

Planning permission is sought for the erection of 20 ha (49 acres) of polytunnels to provide for strawberry production on the land together with a general purpose agricultural storage building, hard surface yard area, water storage tanks, drainage works, balancing pond below ground pumping chamber, reservoir and landscaping

Each polytunnel will be constructed from a hooped tubular steel framework. The polytunnels will be approximately 7.8 metres in width and 3.75 metres high and be covered in polythene sheeting. The polytunnels would be set out on a north south alignment and follow the contours of the land which falls from north to south.

The polytunnels will be set back from the existing field and hedgerow boundaries by some 5 metres to allow for maintenance and to provide for ecology enhancements.

The polytunnels would be covered for an 8 month period from March to the end of October. For the remaining period of the year the tunnels will be uncovered and the covering will be rolled-back and strapped to the sides of the frames which will remain permanently in situ all year round.

The applicant advises that the polytunnels are required as a result of the need to meet customer and market demand for strawberry production. It is anticipated the polytunnels would facilitate approx. 800-900 tonnes of fruit per year.

A new drainage ditch is proposed in the northern part of the site and would run south along the edge of the field to connect to existing drainage ditches and water courses and to the proposed reservoir further down the site.

The balancing pond would measure some 58m by 32m with a maximum depth of 2.5m, constructed at existing ground level. The pond would provide additional storage capacity in event of heavy surface run-off from the proposed polytunnels.

The proposed reservoir would measure some 178m by 1374m by 70m providing storage capacity for approximately 42,750m³. The reservoir would be enclosed by an earth embankment seeded with grass. The reservoir would be utilised to irrigate the polytunnel crop.

The proposed agricultural building would measure externally 55.8m by 25.5m, 5m high to the eaves and 7.95m to the ridge. The building would be clad in metal profile sheeting coloured Juniper Green above a concrete brick plinth with Anthracite grey sheeting to the roof. The building would provide agricultural storage for the following:

- Picking trays – approx. 930 pallets (each pallet measures 1m x 1.2m) = 1116 sq.m. Divided by the average height they can be stacked at 2.5m = 446 sq. m of coverage with no gaps around pallets;
- Picking barrows – approx. 500 (each barrow measures 0.75m x 1.5m) = 563 sq. m divided by the average height they can be stacked at 3m = 190 sq. m of coverage with no gaps;
- Tractors – approx. 10 No. (each tractor measures approx. 2m x 5m) = 100 sq. m without any area around them parked wheel to wheel;
- Mowers – approx. 3 No. (each mower measures approx. 2m x 2.5m) = 15 sq. m with no space around them;
- Sprayers – approx. 3 No. (each measures approx. 5m x 2m) = 30 sq. m with no space around them;
- Self-propelled platforms (scissor lifts) – 4 No. (each measures 5 x 2.5) = 50 sq. m with no space around them;
- Irrigation control room (within the building) 5m x 20m = 100 sq. m;
- Fertiliser Bags – approx. 50 No. (each bag measures 1m x 1m) = 50 sq. m divided by stack height of 2 = 25 sq. m;
- Fertiliser Liquid – approx. 50 No. (each container measures 1m x 1m) = 50 sq. m divided by double stack height = 25 sq. m
- Jumbo rolls of tunnel polythene – approx. 30 No. (each roll measures 1m x 3m) = 90 sq. m (These cannot be stacked)

Three above ground storage tanks are proposed to the southwest of the building measuring 3m in height.

Additional indigenous landscaping is proposed to reinforce the established field boundaries.

AMENDMENTS:

Additional plans by Rural Partners Limited showing the northern section of the proposed agricultural building to be cut into the ground by some 3.3m.

DISCUSSION:

The key issues in relation to this application are considered to be (a) principle (b) justification (c) impact on the rural and Special Landscape character of the area (d) impact on general amenity (e) wildlife and habitats (f) flooding and (g) highway and parking considerations.

Principle:

Policy ENV28 supports development in the countryside that is reasonably necessary for the purposes of agriculture.

Policy ENV34 of the adopted local plan seeks to resist development in Special Landscape Areas (SLA) where landscape protection and conservation will be given priority over other landscape considerations.

One of the 12 core planning principles set out in paragraph 17 of the NPPF states that LPA's should:

- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;

In addition the NPPF also seeks to promote a prosperous rural economy and at paragraph 28 amongst other things states that:

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development by:

- promoting the development and diversification of agricultural and other land-based rural businesses.

The northern section of the site containing the polytunnels is not located within any special designated areas in the open countryside while the southern part of the site containing the reservoir falls within an SLA, and the NPPF makes clear at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in, amongst other things, AONB's. No specific countryside protection is afforded to areas outside AONB's on landscape quality grounds apart from recognition of the intrinsic character and beauty of the countryside.

Given that polytunnels are now (a) an accepted part of agricultural infrastructure in many rural areas providing benefits both in operational terms while meeting acknowledged consumer demand for produce and (b) taking into account the requirements of the NPPF to support the rural economy, it is therefore considered that unless there are compelling landscape concerns incapable of being addressed, the development is acceptable in principle and matters turn to detailed considerations.

Justification:

Given the recognition of the intrinsic character and beauty of the countryside set out in the NPPF, the Council first needs to be satisfied that the proposal is justified and proportionate to the scale of need that has been identified.

In this context the Rural Planning advisor considers that the proposed polytunnels, which are now a recognised part of agricultural operational development, are necessary to the developing agricultural production of this holding. In addition the Rural Planning advisor accepts the justification for the agricultural building at the floor area proposed and the reservoir. In these circumstances and taking into account the weight given in the NPPF to supporting agricultural enterprises such as this, it is considered there is sufficient economic and operational justification to support the proposed development.

Impact on the rural and Special Landscape character of the area:

Though the proposed polytunnels will have a low height and profile and for part of the year will not be covered, with only the hoops left in situ, when in use they will have a significant cumulative visual impact. As such they have the potential to have an adverse impact on the wider landscape unless the site levels and existing and proposed landscaping all combine to provide sufficient visual mitigation.

The application site for the proposed polytunnels covers three separate fields, a majority of which benefit from significant mature vegetation screening along the field boundaries. Additional landscaping is also proposed along the field boundaries which currently allow partial public views into the site.

At present the most prominent views of the polytunnel site would be from the top of Ulcombe Hill and along Lenham Road when approaching the site from the west, as the western boundary of the northern most polytunnel field does not benefit from substantial vegetation screening. Additionally, the south / southwest boundary of the northern polytunnel field and west boundary of the central polytunnel field currently benefits from a good level of mature vegetation screening, however, it is recognised that the site can be partially viewed from the small cluster of residential properties surrounding Hill Farm. Further, long distance public views of the southern field can be afforded from PROW KH318. The Greensand Way public footpath KH314 is located to the south of the southern polytunnel field and broken views of the site are afforded through the mature line of trees and hedgerow located on the site boundary. There is long distance limited / partial views of the site from the Eastwood Road located to the south of the site.

Although the majority of the three proposed polytunnel fields benefit from significant mature landscape screening which prevent public views into the site the applicant has proposed additional planting along the boundaries of the site which would be visible from public views, as highlighted above. Aside from the cluster of residential properties located in proximity to Hill Farm the polytunnels would be located a significant distance from other residential properties in the area and would be screened from view by the existing boundary screening and the north-south sloping levels of the land.

Given the wide separation distances from residential properties, coupled by the changing levels of the site, generally low profile of the polytunnels and the significant screening along a majority of the site boundaries, together with the additional hedgerow and landscape planting, it is considered that the polytunnels would not be readily visible in the surrounding landscape. The proposed polytunnels are therefore considered not to result in unreasonable harm to the character and appearance of the open countryside or views from the nearby SLA.

Dealing with views from public vantage points from close range, there are two public footpaths crossing the site. PROW KH312 crosses the northern field from west to east and PROW KH317 crosses the southern polytunnel field from southwest to northeast. Close range views of the polytunnels would be clearly visible from these public footpaths however polytunnels are now a common feature of Kent agricultural practices and the impact on the usability and visual amenities afforded from these relatively small sections of PROW is not

considered to warrant a suitable reason for refusal, taking into account the requirements of the NPPF to support the rural economy and the economic benefits of the proposal.

Further, it would be difficult to fully screen the footpaths crossing the site. Additional screen planting on either edge of the footpaths would need to be of a sufficient height to obscure the polytunnels and would inappropriately enclose the open character of these footpaths. Boundary screen along the footpaths would also create operational problems regarding the polytunnel management.

Turning to the visual impact of the reservoir and balancing pond located in the southern section of the site, partial views of the reservoir would be afforded from lower sections of Ulcombe Hill and Eastwood Road through the existing field boundary vegetation. Views of the reservoir would also be afforded from public footpath KH320 and KH321 and from the rear of the properties located on the east side of Ulcombe Hill, located within the village envelope of Ulcombe.

However, these types of proposed water bodies are considered a common characteristic of agricultural land and, by virtue of their form, size, siting and appearance, would not result in any unreasonable visual impacts on the character, appearance and setting of the countryside and SLA. In terms of cumulation, there is an existing reservoir located to the east of the site. Reservoirs are characteristic of agricultural development for irrigation purposes, and the proposed and existing reservoir in combination would have a volume / surface area considered appropriate for the type of irrigation projects proposed / in use, as confirmed by the Rural Planning advisor. The potential cumulative impact of the two reservoirs is therefore considered acceptable from a visual perspective and the development has been suitably justified for the type of farming practices it would support and, would not in my view result in any detrimental visual impacts in the open countryside and SLA.

The proposed agricultural building would be located within the eastern section of the site, adjacent to the southern point of the northern polytunnel field. At some 7.95m to the ridge and some 55.8m by 25.5m, the building would undoubtedly be a large structure however an assessment needs to be made with regard to the visual impact of the building and justification for its size and height. The Rural Planning advisor indicates that the footprint of the building can be justified by the requirements of the farming functions which it would support as indicated by the agent and listed previously in this report. The Rural Planning advisor has questioned the need for a building of the height proposed across the full length and the applicant has responded stating the height is required for the changing and future needs of the farm. Farm buildings of this size are generally considered common features on modern farms and its need at Hill Farm is considered to be justified to allow the farm to operate table top farming production and potentially expand in the future as supported by the NPPF. It is therefore necessary to assess the visual impact of the proposed building on the character of the open countryside.

Due to the proposed central location of the building within the cluster of arable fields and the significant separation distances from residential properties, nearby public roads and public views, I am of the opinion that the farm building would not appear readily visible within the open countryside and only long distance, screened views would be afforded of the buildings roof. Given the existing woodland screening along the northern section of the site and the orientation of the land which slopes down from north to south, the building would not be visible from Lenham Road. Additionally, the proposed materials would be suitably muted and characteristic of a typical of an agricultural building.

The most prominent views of the building would be afforded from Windmill Hill and the cluster of properties surrounding Tillman Gate Oast. In order to mitigate the visual impact of the agricultural building the applicant has provided an additional section drawing showing the

northern section of the proposed agricultural building to be cut into the ground by some 3.3m. In addition the building would be screened by an existing hedgerow and a sporadic tree line located along the eastern boundary of the application site. The agricultural building and water tanks would also be located a significant distance from the nearest public vantage point – some 430m from Windmill Hill and some 360m from the cluster of properties at Tillman Oast.

Given the significant separation distances coupled by the existing boundary screening and proposal to cut the base of the building some 3.3m into the ground, it is considered that the bulk of the building would not be overtly visible and the visual impact on the character and appearance of the surrounding countryside would be acceptable. However, in accordance with the council Landscape Character Assessment a landscape condition would be attached to increase the tree planting along the eastern section of the site to further mitigate the visual impact of the building.

Views of the agricultural building would be afforded from PROW KH312 however, given the significant separation distances involved and sloping nature of the land I am of the opinion that these views would not be unreasonably detrimental to the enjoyment of the footpath, nor would they be uncharacteristic of a working farm.

Turning to the comments made by the MBC landscape advisor, regarding the impact on the existing trees on the site, the proposal will not have a significant effect on the existing tree cover in the locality. In response to the landscape officers comments regarding trees on the site the applicant has confirmed that none of the existing trees/hedgerows on the farm site will be affected by the proposed polytunnels and storage building and will be retained and unharmed by the development. The polytunnels will be set in a minimum of at least 6 metres from the field boundary and any trees or hedgerows along the boundaries. The field margins/headlands are necessary to allow for clear access for a tractor and trailer and pickers etc. In terms of the proposed drainage ditch this will be constructed within the clear field margins/headlands and away from the boundary trees/hedgerows. The route of the ditch has been carefully planned to avoid breaking through any existing trees/hedgerows and I can confirm that none of the existing trees/hedgerows will be impacted upon. As shown on the proposed drawings.

The landscape officer also adds that the proposed landscape scheme is not strictly in accordance with the Maidstone Landscape Character Assessment (LCA) for this area but notes that the proposed landscaping is formed of indigenous species and is therefore welcomed. The landscape officer has requested additional tree planting in accordance with the Maidstone Landscape Character Assessment (LCA) that new hedgerows should also incorporate the planting of standard trees at irregular intervals along their length, with Oaks (*Quercus robur*) being particularly appropriate. This additional request can be suitably dealt with via condition.

Regarding conservation of pastoral land use and resistance of conversion to arable land, the application site is already in use for this purpose. However, as the use of land for agriculture is 'not development' it is difficult to see how this aspiration can be secured without the voluntary agreement with landowners.

Conservation and enhancement of the small scale, mosaic like field pattern is another aspiration. The proposed polytunnels will sit within existing field boundaries and as such there will be no changes to the existing field pattern. However, there will also not be any enhancement of the exiting field pattern. However in the absence of an adopted policy to secure such enhancements, it is not considered that this can be delivered as part of this application.

In connection with the need to avoid further field segregation by use of post and wire fencing while encouraging the reinstatement of native hedgerow boundaries where these have been removed, the proposal does not affect existing hedgerows nor does it propose additional fencing. However the applicants propose a 6 metre wide margin around the respective field boundaries to allow for maintenance of the polytunnels and for biodiversity enhancements. While this is considered to go some way to meeting the aspirations set out given wider concerns relating to the visual impact of the polytunnels in general and their siting in this sensitive landscape, it is considered that a condition should be imposed requiring additional landscaping to meet the above aspirations.

There is also the need to conserve distinctive oak trees within the landscape, plant new isolated specimens and hedgerow standards to replace ageing specimens. No existing trees or hedgerows are affected by the proposal. Again imposition of a landscaping condition is considered appropriate in addressing this.

It is therefore concluded that notwithstanding the sheer scale of the proposed site coverage, given the low height and profile of the polytunnels, that the undulating nature of the site will help to further reduce their combined impact, retention of existing hedgerows along with provision of additional landscaping, retention of an 5 metres wide separation zone around the site and conditions requiring covers to be removed as specified by the applicants, it is considered that their impact on the SLA and rural character of the area is acceptable.

Impact on residential amenity:

The nearest residential properties to the proposed polytunnels would be the cluster of properties surrounding Hill Farm. The existing and proposed screening along the southwest boundary of the northern field is fairly dense however additional landscaping is proposed which is considered sufficient to mitigate the visual impact of the polytunnels from these properties.

The agricultural building and water tanks would be located some 360m distance from the nearest residential properties. The aspect of the proposed development is not considered to result in an unreasonable loss of amenity in terms of loss of light, outlook and visual intrusion as a result given the separation distances and screening.

The proposed reservoir and balancing pond would be partially visible from the properties located on the eastern side of Ulcombe Hill. Given the separation distances involved, height in relation to existing ground level and general nature of the development, no material harm is identified to the visual amenity of these properties.

Concern has been raised with respect to the location of the pumping chamber in proximity to residential properties. At some 70m distance from the nearest house and located below ground it is considered that the pumping chamber would not result in an unreasonable loss of residential amenity in terms of noise pollution.

Wildlife and habitat considerations:

The application has not been accompanied by an ecological appraisal. However the application site comprises species poor, regularly farmed, arable farmland. However the hedgerows and trees to be retained on the site perimeters clearly provide habitats for wildlife.

The polytunnels will be set back from the existing field and hedgerow boundaries by 5m allowing for maintenance and to provide for ecology enhancements. In conjunction with the additional landscaping required by condition, will, it is considered, be sufficient to meet the requirements to conserve and enhance biodiversity set out in paragraph 118 of the NPPF.

There are areas of ancient woodland located adjacent the application site in places. However, none of the proposed development would result in the direct loss or destruction of any ancient woodland. The proposed agricultural building and hard standing would be located a significant distance from the ancient woodland while light weight polytunnels would be located closer but allowing for a suitable buffer zone between the woodland. Additionally, none of the proposed development would impact on the root protection areas of any trees in the ancient woodland due to the separation distances afforded. Further, the proposed development would be located on existing arable farmland and would not result in the fragmentation and significant loss of ecological connections with surrounding woodland and the wider natural landscape, nor would the proposed agricultural development increase exposure to pollutants from the surrounding area over or above the current situation. Overall, the proposal is considered to be in accordance with the standing advice by Natural England and the Forestry Commission.

Flooding:

The applicants advise that water run-off during the spring and summer months when the tunnels are covered will drain naturally to the surrounding uncovered land and into the new and existing drainage ditch. Hill Farm and the proposed polytunnels are not located within a designated Flood Zone however the areas to the south of the site in Ulcombe have been known to flood in the past.

Following initial correspondence with Environment Agency the applicant provided a FRA to address the potential flood risk to residential properties located on lower ground to the south of the site.

The Environment Agency have reviewed the FRA and do not raise an in principle objection subject to the conditions recommended.

Contamination:

Several local residents have raised concerns regarding the use of pesticides and chemicals and potential for contamination of the local water courses. The application site currently operates as arable agricultural land and the proposed development would not alter the use of the land therefore the planning department has no control over the use of pesticides and chemicals on the site. As this is an established agricultural use this matter falls under the remit of Defra.

Highway and parking considerations:

In traffic generating terms the use of the land for agriculture does not require planning permission. Given that the use of the land is not subject to planning control it therefore follows that the polytunnels cannot be seen as traffic generators in their own right over and above existing background traffic generated as part of the normal operational requirements of the farm. The agricultural building would facilitate storage in connection with the existing agricultural use of the land and the additional traffic generation is considered not to be significant as confirmed by KCC highways.

Several local residents have commented on the traffic generation during construction works which does not constitute a material planning consideration. Moreover, given the significant separation distances from neighbouring residential properties and the capability of the site to accommodate construction vehicles, a construction method statement is not deemed necessary.

Conclusions:

- No objection is identified to the principle of development particularly given the advice contained in NPPF promoting the development and diversification of agricultural and other land-based rural businesses.
- That the polytunnels, agricultural building and reservoir are justified in agricultural terms.
- The visual impact on the SLA and rural character of the area and public footpath crossing the site is acceptable.
- That the proposal will enable sufficient provision to be made for wildlife in accordance with the requirements of the NPPF
- No objection is identified on highway or parking grounds.
- No unreasonable amenity objections have been identified.

In the circumstances it is considered that the balance of issues fall in favour of the proposal and planning permission should therefore be granted.

RECOMMENDATION – Grant subject to the following conditions:

CONDITIONS/REASONS

(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 polytunnels, including all structures and polythene hereby permitted, shall be removed and the land upon which they are sited, restored to its former condition, if the land is not used for soft fruit production for more than two years in a row;

Reason: Permission has been granted to meet the needs of agriculture and to avoid undue proliferation of built mass within the countryside

(3) The polytunnels hereby permitted shall only be covered with polythene between the 1st March and the 31st October.

Reason: In the interests of visual amenity.

(4) The construction of the agricultural building and associated hardsurfacing shall not take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

(5) The polytunnels shall be located in such a manner to ensure a minimum clear width of 2 metres is achieved for all public footpaths crossing the application site.

Reason: To ensure the Public Rights of Ways remain free and unobstructed.

(6) No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and

approved in writing by, the Local Planning Authority prior to first occupation/use of the site. Any external lighting that is installed shall accord with the details so approved.

Reason: To satisfactorily protect the character and appearance of the area and the residential amenities of nearby occupiers.

(7) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (09/01/15, 10409 FRA January 2015) and the following mitigation measures detailed within the FRA:

1. A 600mm green buffer will be provided between the polytunnels which will be maintained as grassland to reduce the risk of soil erosion and the formation of drainage gullies exacerbating overland flow (paragraph 5.1.1).
2. The polytunnels will not provide a barrier to any overland surface water flows, allowing water to flow freely under the polytunnels (paragraph 5.1.1).
3. Infiltration trenches will be constructed in the grass buffer strip on the South and West boundaries, as stated in paragraph 5.2.3, 5.2.4 and Appendix 7.
4. An infiltration basin will be constructed, as detailed in paragraph 5.2.7 to accommodate the contributing runoff for all return periods up to and including the 1:100 year + 30% for climate change.
5. rainwater from the roof of the agricultural storage building will be stored in the above ground tanks which will be used for irrigation throughout the year (paragraph 5.2.11)
6. An infiltration trench shall be constructed as detailed in Appendix 7 to allow for the drainage of the hard standing area and overflow from the above ground storage tanks.

These mitigation measures shall be fully implemented in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent an increase in flood risk downstream by managing the potential increase in overland flow associated with the polytunnels and agricultural storage building.

(8) The development shall not commence 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. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and should include consideration of how the boundary hedgerows can be managed and retained in the long term. In addition to the submitted documents the landscaping scheme shall include the following:

- (a) Plant new specimen of trees, including oak trees, along the eastern boundary of the site adjacent the proposed agricultural building and within the landscape in sitings to be agreed in writing with the Local Planning Authority beforehand while replacing aging specimens in existing hedgerow.
- (b) Additional hedgerow and tree planting along the northeast boundary of the northern field adjacent Lenham Road
- (c) Additional hedgerow and tree planting to dissect the northern polytunnel field from east to west.

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development.

(9) 4. 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 buildings 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 external appearance to the development.

(10) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing nos. DHA/10409/05, DHA/10409/04, DHA/10409/03, DHA/10409/02 REV A, DHA/10409/01, 5028 dated OCT 2014, Reservoir and Balancing Pond Site Location Plan; received 11.11.2014, Reservoir Plan and Section; dated 3.10.2.2014, Landscape and Visual Assessment (JE/10409) by DHA; dated October 2014, Section and Contour Plan of the Farm Building by Rural Partners Limited; received 10.12.2014, Balancing Pond and Weir details by Fieldwater Irrigation shown associated documents including drawing nos. 5028 and Charlton58; received on 11.11.2014, Flood Risk Assessment (CS/10409) by DHA; dated January 2015, Specification for Soft Landscaping and Maintenance Work; dated October 2014, Design and Access Statement (ERP/10409) by DHA; dated October 2014 and page 10 superseded on 26.11.2014.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

INFORMATIVES

(1) Due to changes in legislation that came in to 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 the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

- (2) 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. No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.
4. No Materials can be stored on the Right of Way.

The applicant is advised 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.

(3) The infiltration ditches and infiltration basins should be maintained regularly to ensure no loss in performance and to prevent blockages. Over time, these will become prone to sedimentation if they are not appropriately maintained. Also, we would recommend the

addition of small check dams in the infiltration ditches to encourage infiltration along their entire length.

(4) If you impound (store) water on a watercourse, for example to create a reservoir, you will need an impoundment licence from us.

(5) With the mitigation measures described within the FRA (09/01/15, 10409 FRA January 2015), this development should not increase risk to the communities downstream. However, as there is some evidence of surface water gullies surcharging on The Street (ref. Maidstone Stage 1 SWMP) and local impacts as a result of groundwater flooding (stated in paragraph 4.5.5 of the FRA) we would recommend that the local planning authority consult with Kent County Council to assess any other flood risk concerns based upon their local flood risk knowledge.

(6) Any watercourse within the boundary of the site would be classified as an ordinary watercourse and would not be maintained by the Agency or by an Internal Drainage Board. In the absence of any express agreement to the contrary, maintenance is the responsibility of the riparian owners. Under the terms of the Land Drainage Act 1991 (as amended by regulations of the Flood and Water Management Act 2010), any culvert, diversion, weir, dam, or like obstruction to the flow of the watercourse requires the consent from the Lead Local Flood Authority (Kent County Council)). For details of the ordinary watercourse consent application process in Kent, please refer to the Kent County Council website at www.kent.gov.uk/land_drainage_consent.

Enquires and applications for ordinary watercourse consent should be made to Kent County Council via email at suds@kent.gov.uk

(7) If you abstract more than 20 cubic metres (m³) of water per day from ground waters or surface waters, you must obtain an abstraction licence from us.

(8) Reservoir's that are capable of holding more than 25,000m³ of water above natural ground level, must register with us. You must appoint a panel engineer to supervise and inspect it.

For information about reservoir safety and how to register your reservoir, please refer to our website or contact the reservoir safety team at reservoirs@environment-agency.gov.uk.

to Applicant: APPROVAL

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

Case Officer Andrew Jolly

Case Officer Sign:	Date:
Delegated Authority Sign:	Date:
TL/DM Countersign if refused:	Date: