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| <b>2.4 REFERENCE NO - 16/504755/FULL</b>  |   |  |             |
| <b>APPLICATION PROPOSAL</b><br>Erection of three agricultural buildings comprising of hay store, machinery and tractor, tool and workshop. SUBJECT TO AMENDED DRAWINGS A019-40 Rev B, A019-41 Rev A , A019-42 Rev B, A019-43 Rev A RECEIVED ON 2 <sup>ND</sup> DECEMBER 2016  |   |  |             |
| <b>ADDRESS</b> Equestrian Centre, Willow Farm, Hansletts Lane, Ospringe ME13 0RS  |   |  |             |
| <b>RECOMMENDATION</b> Grant subject to conditions and suitable amended plans  |   |  |             |
| <b>SUMMARY OF REASONS FOR RECOMMENDATION</b><br>On balance the measures proposed with the attached conditions, would sufficiently screen the buildings so they would not cause harm to the landscape or the AONB and additionally the proposal would support a farming business that is thriving and contributing to the rural economy. |   |  |             |
| <b>REASON FOR REFERRAL TO COMMITTEE</b> Parish Council Objection  |   |  |             |
| <b>WARD</b> East Downs  | <b>PARISH/TOWN COUNCIL</b><br>Ospringe  | <b>APPLICANT</b> Mr K Childs<br><b>AGENT</b> Urban & Rural Ltd |             |
| <b>DECISION DUE DATE</b><br>03/10/16  | <b>PUBLICITY EXPIRY DATE</b><br>10/01/17  | <b>OFFICER SITE VISIT DATE</b><br>10.01.2017                   |             |
| <b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>   |   |  |             |
| <b>App No</b>   | <b>Proposal</b>   | <b>Decision</b>  | <b>Date</b> |
| SW/14/0321  | Proposed renovation and extension of existing farm house, as well as replacement of existing outbuilding  | Granted  | 14.05.2014  |
| SW/06/1123  | Equipment store   | Granted  | 27.10.2006  |
| SW/05/1472  | Weather boarded equipment store   | Granted  | 04.01.2006  |
| SW/04/0284  | Lawful Development Certificate (LDC) was granted for occupation of the bungalow without compliance with the original agricultural occupancy condition | Granted  |             |
| SW/01/0944  | Demolition of pole barn type building and replacement with portal frame building on same site   | Granted  |             |

**MAIN REPORT**

**1.0 DESCRIPTION OF SITE**

- 1.01 Willow Farm is located on Hanslett's Lane within the Parish of Ospringe, Faversham, the site falls within the designated countryside and the Kent Downs Area of Outstanding Natural Beauty (AONB)
- 1.02 The farm as a whole covers over 43 acres (17 ha) and straddles the M2 with land on both sides being accessed by a motorway bridge in the centre of the site.

- 1.03 The main farmyard area consists of a country store, cafeteria, indoor riding school, machinery store, workshop, tool store, hay store and a few stables, some of which are currently used as storage units together with a general parking area, these are all in very close proximity to each other and accessed from Hansletts Lane.
- 1.04 The location for the proposed development is an area of land that lies just south of the M2, to the north of the main farmhouse and existing farm yard and buildings.
- 1.05 Willow Farm as a whole has evolved over a number of years and whilst it is still involved in farming practices it also offers farming supplies to the local rural community through the Gillett Cook Country Store located on the farm. Additionally there are many equestrian events now held on the farm making use of the existing indoor sand school which had undergone a major investment and renovation. This facility now provides year-round leisure and education service and the site has developed into a significant equine enterprise.

## **2.0 PROPOSAL**

- 2.01 The proposal is for the creation of a new farmyard located on an area of land that lies just south of the M2 and to the north of the main farmhouse and existing farm yard and buildings. It is proposed to comprise an area of hardstanding and the construction of a hay store measuring 60m X 15m X 4.5m to the eaves and 6.3m to the ridge, a machinery and tractor storage barn at 30m X 15m X 4.5m to the eaves and 6.3m to the ridge and a tool storage and work shop building 30m X 15m X 4.5m to the eaves by 6.3m to the ridge creating a total of 1800m<sup>2</sup> of floor space.
- 2.02 The application is accompanied by a design and access statement and additional information which set out the position at Willow Farm and the agricultural need for the proposal. Additional information was submitted later to clarify the business position and the actual requirement for the space in terms of hay and machinery storage. Additionally the design of all the buildings was amended to include a 1m overhang of the roof on all elevations.
- 2.03 It explained that the existing farm yard at Willow Farm comprises of a number of poor quality, modern agricultural buildings located in a publicly accessible area of the farm/equestrian facility. In order to minimise conflict with the horses, vehicles, machinery and the general public, this proposed scheme will move the farm storage barns away from the heart of the existing farm yard.
- 2.04 The farm currently has capacity to store up to 7500 small bales plus 300 4' rounds of dry storage with additional storage of 15,000 bales having to be rented at an alternative location at Hernhill. The applicant explains that as an expanding farm with the on-site shop they sell well over 15,000 bales per annum of small hay bales alone. Cutting hay is an income on the doorstep, and it is prudent in business terms to expand the on-site storage of both the machinery and the bales as this will make a significant improvement to both the efficiency and profitability of the farm business.
- 2.05 Additionally the buildings will provide room to reliably expand a key annual revenue to the farm as at present the farm cannot acquire the security of licences or tenancy agreements and turns away further acreage to cut as storage and handling cannot, in the present circumstances, be guaranteed, and certainly not on site.
- 2.06 The Machinery Store and the tool store and workshop will provide a secure locked store for the machines and tools necessary for the hay/straw making, the farming of the straw, bedding and hay silage which will then be stored within the proposed hay

store and for other on site farming operations. Many machines are currently stored under cover at Hernhill over the winter but cannot be kept out in the elements all year round and at present there is no covered storage of a sufficient size at Willow Farm to accommodate them.

- 2.07 The proposal is to erect three new agricultural buildings in a location away from the existing largely equestrian use of Willow Farm, which will also represent part of the ongoing improvement to Willow Farm.
- 2.08 The applicant has future plans to utilise the existing buildings in the farmyard to refurbish them or replace them to provide additional diversification options to the farm business.

### **3.0 PLANNING CONSTRAINTS**

- 3.01 As noted above Area of Outstanding Natural Beauty KENT DOWNS

### **4.0 POLICY AND OTHER CONSIDERATIONS**

#### The National Planning Policy Framework (NPPF)

- 4.01 Para 16 advises that applications such as this should be considered in light of the need for the development, the scope for developing elsewhere and that any detrimental effects on the landscape be moderated.
- 4.02 Para 28 of the NPPF requires planning policies to promote and support the development of agricultural businesses but also gives great weight to conserving the landscape and scenic beauty of the AONB.
- 4.03 Para 115 requires that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.
- 4.04 Development Plan

The following policies from the Swale Borough Local Plan Adopted 2008 are relevant in the consideration of this application :

Policy E1, General Development Criteria,

Policy E6, The Countryside,

Policy E9, Protecting the Quality and Character of the Borough's Landscape, this policy relates to the Kent Downs AONB within the district and states that the Council's aim is to protect and enhance the quality, character and amenity value of the wider landscape of the borough.

However, *"suitably located and designed development necessary to facilitate the economic and social well-being of the area and its communities, will be permitted."*

Policy E19, Achieving High Quality Design and Distinctiveness

Policy RC1 Helping to Revitalise the Rural Economy relates to agriculture and recognises the need to support it and that *"the Local Plan is supportive of proposals*

*that allow farmers to diversify into new uses on the farm” (Parag 3.130 Swale Borough Local Plan).*

Policies DM3 (The Rural Economy), DM14 (General Development Criteria), DM24 (Conserving and enhancing valued landscapes), DM28 (Biodiversity) of the Emerging Swale Borough Local Plan “Bearing Fruits 2031” Proposed Main Modifications June 2016 are also relevant.

- 4.05 The Swale Landscape Character and Biodiversity Appraisal (Supplementary Planning Document Sept 2011) identifies that the site is located within the Faversham and Ospringe Fruit Belt and the area is characterised by its gently undulating landscape that steadily climbs southwards. Landscape structure is described as generally strong and intact.

Historically the large open fields are part of an open field system that was never enclosed. The field pattern is therefore described as generally intact, mixed, with irregular small to large-scale fields. Consequently intermittent long views are visible from high open areas, but are enclosed elsewhere.

The Faversham and Ospringe Fruit Belt is in a good condition with a land use mix of fruit orchards, some of which are non-intensive, and larger scale arable fields. The guidelines encourage the conservation and reinforcement of the landscape and built form.

Of relevance to this application it recommends that local and vernacular materials are used and suggests “corrugated sheeting on outbuildings and for building walls” and for new hedges and hedgerow trees - hawthorn, hazel, field maple, blackthorn, dog rose, crab apple, bullace, elder, damson and dogwood. For mixed woodland, shaws or other planting - pedunculate oak, ash, hornbeam, hazel, field maple and wild cherry.

## **5.0 LOCAL REPRESENTATIONS**

- 5.01 1 letter has been received from a neighbour. This is summarised below:

- have no objection to the construction of agricultural buildings on the site. At the moment my view of the site has the motorway in the background, with the hedge planting already completed and mature it could well be an improvement.
- I have concerns regarding the site access and the ramps either side of the motorway which are the property of the Highway Authority and their use is restricted to gaining access to the bridge. Will the applicant be using these?
- What I do not wish to find is that the farm track with which I access my caravan park and continues into the south west corner of the site becomes by default the access route.
- Given the inevitable 'usage creep' considerable heavy traffic could be generated which would be detrimental to me and my business as well as Hansletts Lane which at times struggles to cope with the school run.

## **6.0 CONSULTATIONS**

- 6.01 Ospringe Parish Council objected to the original proposal but commented again following the submission of the additional information and the revised drawings. They considered that an issue of potential concern for the Council, should be the extent of any risk as to the use of the buildings changing if, for example, the applicant were no

longer be able to secure sufficient annual licenses for making hay and baling straw to justify the building space.

- 6.02 They remain concerned that neither the need or size of the proposed buildings is justified by the landholding within the applicant's ownership or under the gentleman's agreements. They request, if planning permission is to be granted, that an enforceable condition or legal agreement is imposed specifically restricting the buildings to agricultural use.
- 6.03 They also comment that they believe Mr Lloyd-Hughes has assumed that the agricultural use of Willow Farm has ceased, which does not accord with the information submitted in support of the application which confirms that buildings and facilities within the existing farmyard are used for agricultural purposes.
- 6.04 The Council's Rural Agricultural Consultant caveats his comments on the following basis. That 1) the existing non-agricultural uses on the site are authorised, so that the buildings concerned (in the current "farmyard area") are no longer available, in practice, for agricultural use, and 2) it is considered necessary to separate out the farming activities from the diversified activities, such that the remaining agricultural uses within the existing buildings should be moved away.
- 6.05 On this basis, the proposed new buildings appear justifiable to accommodate the applicant's identified storage requirements for hay and straw, and associated machinery and equipment, arising from the applicant's particular business.
- 6.06 This business does largely rely, it appears, on continuing "gentleman's agreements" over the farmland concerned. An issue of potential concern for the Council, therefore, is the extent of any risk as to the use of the buildings changing if, for example, the applicant were no longer able to secure sufficient annual licenses for making hay and baling straw to justify the building space. He suggests a specifically agriculturally-related use could be, and should be, effectively reserved by a condition or legal agreement.
- 6.07 KCC Highways and Transportation comment that having considered the supplementary documentation provided and the effect on the highway network, raise no objection on behalf of the local highway authority.
- 6.08 KCC Public Rights of Way Officer commented that they were aware footpath ZR353 passes adjacent to the site and therefore is unlikely to have a significant impact on the path and thus raised no objections.  
But did issue informatives including, that 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. No hedging or shrubs should be planted within 1.5 metres of the edge of the public path.  
Finally 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.

## **7.0 APPRAISAL**

### **Principle of Development**

- 7.01 The applicant has explained in detail about the requirements on this farm for the new farm yard to be created and the construction of new buildings given the requirements of his agricultural business. I therefore accept with the advice from our independent Agricultural Consultant that there is an agricultural need and a business case for the additional buildings.
- 7.02 Para 28 of the NPPF requires, as noted above, planning policies to promote and support the development of agricultural businesses but also gives great weight to conserving the landscape and scenic beauty of the AONB. Para 116 advises that applications such as this should be considered in light of the need for the development, the scope for developing elsewhere and that any detrimental effects on the landscape be moderated.
- 7.03 Policy E9 of the Swale Borough Local Plan priorities the long-term conservation and enhancement of the natural beauty (including landscape, wildlife, and geological features) of the AONB as a national asset over other planning considerations and states that major developments will not be permitted unless there is a proven national interest and no suitable alternative sites.
- 7.04 Policy RC1 of the Swale Local Plan supports proposals that help diversify the rural economy and which provide rural jobs, particularly if they also include environmentally positive countryside management.
- 7.04 This is a thriving farming business which requires more on site storage for its farmed goods and its farming machinery to aid its viability. It will also reduce the level of travel to and from the site that currently exists through the use of other storage facilities around the borough. In addition to the farming business a successful equestrian facility on the site provides leisure activities and educational services and the businesses as a whole provides employment in this rural community.

### **Visual & Landscape Impact**

- 7.05 A number of locations for the new farm yard were considered but the proposed position was thought to be the best location due to its natural screening to the rear of the proposed site, by the ramp to the existing motorway bridge, the existing access from the internal road system and it being a safe distance from the more public areas of the farm. However, the buildings, which are substantial will still be visible from the M2 motorway to the north and the nearby public footpath and from Hansletts Lane to the south.
- 7.06 A public footpath runs through the site across the motorway bridge to the north and then to the east of the application site and past the current main yard and towards Hansletts Lane.
- 7.07 However, the buildings will be screened to some degree from the footpath by the ramp to the bridge over the M2 motorway and by the land sloping away on the south side of the motorway and additionally by the established existing vegetation.
- 7.08 There is an existing established vegetation screen located to the rear of the proposed site adjacent to the motorway, which in time will grow to create a dense screen. In addition I have included a condition to ensure that whilst the existing field boundary is to be supplemented with new planting it will be of indigenous varieties to not only intensify the screening from the south but also to increase biodiversity at the site. The conifers in place at the moment are to be removed and whilst the design and access statement refers to Laurels being planted this will not be the case.

- 7.09 From a wider view from outside the site the buildings are likely to be visible however it is not unusual for such an arrangement of buildings to be visible in the rural area or in fact in the AONB. The area is characterised as a farming landscape and as such the proposal is appropriate.
- 7.10 The design of the buildings include a 1m overhang and are to be clad in Juniper Green (a dark green) cladding on the elevations and roof thus reducing their impact which accords with the guidance provided within the Character Landscape appraisal SPD.
- 7.11 I consider that the combination of these measures and the chosen location along with the topography of the site will sufficiently moderate the impact that the buildings would have on the AONB and the landscape in general.

### **Residential Amenity**

- 7.12 The site is in a relatively isolated position and as such the nearest residential properties are located adjacent to Hansletts Lane, over 280 m away from the site and as such the positioning of the barn to the north of the existing farm yard and buildings ensures it is a considerable distance from any residential properties as fields intervene and surround the site. I further consider that the measures outlined above and the contours of the land will serve to mitigate and screen the buildings to an acceptable degree, to not cause harm to the residential amenity of any nearby residents.

### **Highways**

- 7.13 The submission states that there will be no impact on the local highway network, in fact, as the use of other storage barns around the Borough will be reduced due to the facilities located on site this should result in a reduction in the number of trips from the site, particularly during harvesting and Members will have noted the comments of KCC Highways and Transportation on this application.

### **Landscaping**

- 7.14 The field currently has relatively sporadic vegetation screening along the boundaries, although the track up to the site, from the current main farmyard is well screened to the north. The proposed site plan shows extensive screening around the site and I have attached a condition to ensure not only that the current conifers are removed but are replaced with native species, not laurel as specified in the design and access statement, to supplement the existing vegetation but to provide adequate screening.
- 7.15 Furthermore, there is existing vegetation screening to the north adjacent to the M2 motorway which will be added to as part of the proposed landscaping scheme, which will help to provide screening to and from the motorway for the development.
- 7.16 I note the comments from the Parish Council however the advice from the Rural consultant did acknowledge that the buildings currently are in agricultural use and that this application is to move the agricultural storage away. I have however included a condition to ensure the buildings remains for agricultural use and storage by the farming business.

## **8.0 CONCLUSION**

8.01 There is a balance to be made between supporting agricultural businesses and the protection of sensitive landscapes, particularly given that the two are usually so interwoven. In this case, a strong business case has been presented by Willow Farm for the need to modernise the site and to safely ensure all the diversified uses can work together efficiently and safely. The machinery required at the farm and the capacity of hay storage the farm business requires has dictated the size of the proposed buildings and together with design and landscaping measures the impact of the barns on the landscape in general are minimised. The buildings are located to the north west of the main farmstead adjacent to the M2 motorway furthest away from any residential properties. In addition indigenous screening is to be provided along the boundaries screening the site from and to the M2 and to the surrounding land with the additional benefit of providing increased biodiversity to the area. The colouring of the materials on the building are to be appropriate and any views across the landscape and the AONB will be mitigated by this and by supplementing the existing screening around the field.

8.02 On balance I consider that the measures proposed with the attached conditions, would sufficiently screen the buildings so they would not cause harm to the landscape or the AONB and additionally the proposal would support a farming business that is thriving and contributing to the rural economy and is therefore acceptable.

**9.0 RECOMMENDATION – GRANT** Subject to the following conditions:

(1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans nos: A019-01 Rev A, A019-02 Rev A, A019-40 Rev B, A019-41 Rev A, A019 42 Rev B and A019-43 Rev A and specifications.

Reason: For the sake of clarity and in the interests of proper planning

(3) No development shall take place until full details of soft and hard landscaping works including details of the removal of the conifers currently planted around the application site have been submitted to and approved in writing by the Local Planning Authority .These details shall include existing trees, shrubs and other features , a planting schedule of plants, noting species ( which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate , means of enclosure , hard surface materials and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity and to ensure that such matters are agreed prior to the commencement of development.

(4) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.



Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (5) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (6) Details in the form of British Standards or commercial specifications of the proposed colouring of the external facing walls, doors and roofing materials shall be submitted to and approved by the Local Planning Authority before the development is commenced.

Reason: In the interest of visual amenity.

- (7) Details in the form of cross-sectional drawings through the site, of the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with these approved details.

Reason: In order to secure a satisfactory form of development having regard to the sloping nature of the site.

- (8) The hereby approved buildings shall be for the storage and use of agricultural materials and machinery associated only with the farming activities at Willow Farm

Reason: In the interests of the amenities of the rural area.

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 application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

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.