

PLANNING COMMITTEE – 19 AUGUST 2021**PART 2**

Report of the Head of Planning

PART 2Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 21/500222/FULL		
APPLICATION PROPOSAL Change of use of agricultural barn to provide storage and distribution of seed and crop protection products.		
ADDRESS Grove End Farm Bredgar Road Tunstall Sittingbourne Kent ME9 8DY		
RECOMMENDATION – Grant subject to conditions		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection		
WARD West Downs	PARISH/TOWN COUNCIL Tunstall	APPLICANT Pauline Panton & Philip Bartholomew AGENT Hobbs Parker
DECISION DUE DATE 18/03/21	PUBLICITY EXPIRY DATE 24/05/21	

Relevant Planning History

19/501341/AGRIC

Prior Notification for a proposed portal framed agricultural building for grain storage and agricultural machinery.

Prior Approval Not Required Decision Date: 15.04.2019

1. DESCRIPTION OF SITE

- 1.1 The application site comprises of a large modern agricultural barn (floor area 878m²) that was erected pursuant to a Prior Approval notification submitted in March 2019 (19/501341/AGRIC) to store grain and farm machinery. The site is situated along Bredgar Road, in a rural area, accessed from all directions by a network of rural lanes. Adjacent to the site is Grove End Farmhouse, a residential dwelling which is Grade II listed, with several farm buildings within the site that are also Grade II listed.
- 1.2 Grove End Farm comprises of an agricultural unit of 323 hectares, located outside of the Local Plan defined built up area boundary of Sittingbourne. The site lies approximately 0.5 mile south of the village of Tunstall on the southern outskirts of Sittingbourne. A footpath (ZR150) and bridleway (ZR151) converge at this site.
- 1.3 The site is situated to the rear (eastern side) of the farmyard surrounded by open agricultural land. The nearest residential properties are Grove End Farmhouse to the south west, approximately 160m away, and a new Class Q barn conversion opposite the

main farm entrance approximately 170m away. Beyond that, approximately 280m to the south along Bredgar Road is Doves Croft, a residential development of 27 dwellings. To the north of the site, on Tunstall Road, there are a number of residential properties.

2. PROPOSAL

- 2.1 This application seeks planning permission for the change of use of the barn permitted under 19/501341/AGRIC for the storage and distribution of seed and crop products, a use falling within Use Class B8 (Storage or distribution) – although some confusion initially arose because the application was originally described as for a Class E (Commercial, Business and Services) use – see Parish Council comments below. The building would be used by an agricultural company, known as Agrovista UK Ltd (Agrovista), which offers advice on soil management and the production of field crops, and supplies pesticides, fertilisers, and micro-nutrients to agricultural customers nationwide.
- 2.2 The building would be sub-divided into three parts, with just over half storing agrochemicals, one-quarter storing fertiliser and one-sixth storing horticultural sundries. There would be a small office (floor area 9m²), together with a kitchen, meeting room and toilets positioned in the far corner of the building. No external alterations to the building are proposed.
- 2.3 There is a large hard surfaced area in front of the building which would accommodate at least eight car parking spaces, with ample space in front for the loading/unloading of goods. To the rear of the building, there will be a small overnight parking area for up to five lorries.
- 2.4 The hours of operation put forward by the applicant are 7am - 5pm Monday to Friday. Currently there are two full-time members of staff, and it is proposed to increase this to six, of which three will be office-based and three will be delivery drivers. The deliveries will be made using a 3.5 tonne van, a 5.5 tonne van and a 7.5 tonne lorry. It is expected that there would be an average of two HGV deliveries per week to bring goods to be stored in and then distributed from the barn.
- 2.5 The applicant's original covering letter argues that the proposal will create rural jobs, will re-use an existing farm building that is no longer required and the location and availability of farmland here is ideal for Agrovista to develop their research into farming techniques, whilst working with the applicant on research into farming techniques and the impact on soil health, sustainability and crop and food production.
- 2.6 The application is supported by a Heritage Statement which concludes there is no impact on the setting of the listed building as the proposal is changing the internal use of the existing building and does not propose a new building.
- 2.7 The application is also supported by a Transport Technical Note, but since submission this has been updated to provide a detailed monthly breakdown of the trips generated by the existing use of this site and the proposed use. This document concludes that the proposal would increase the number of weekly car/van movements but would significantly reduce the number of HGV movements over the course of a year – albeit

there would be a change from a definite seasonal peak in flows at harvest time to a more uniform travel pattern per week.

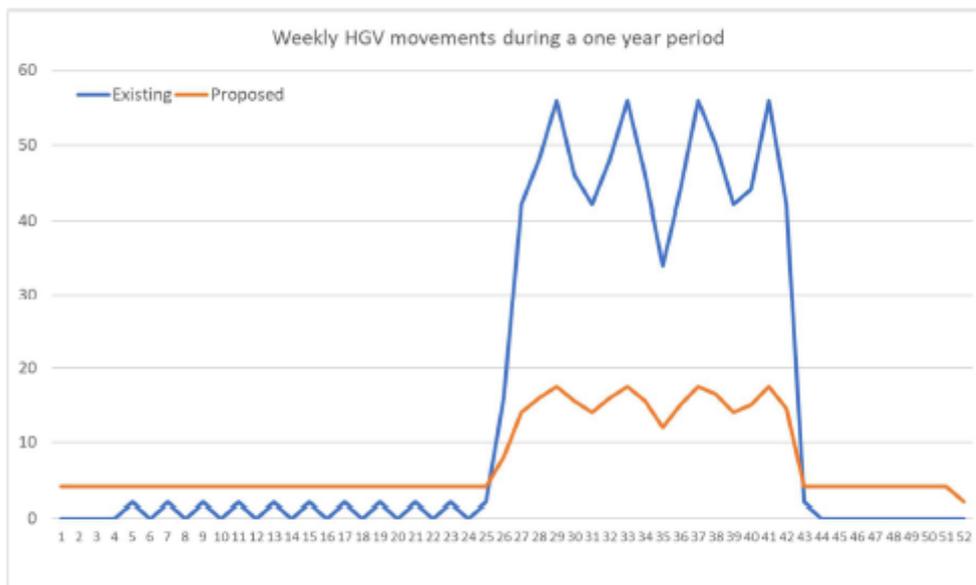
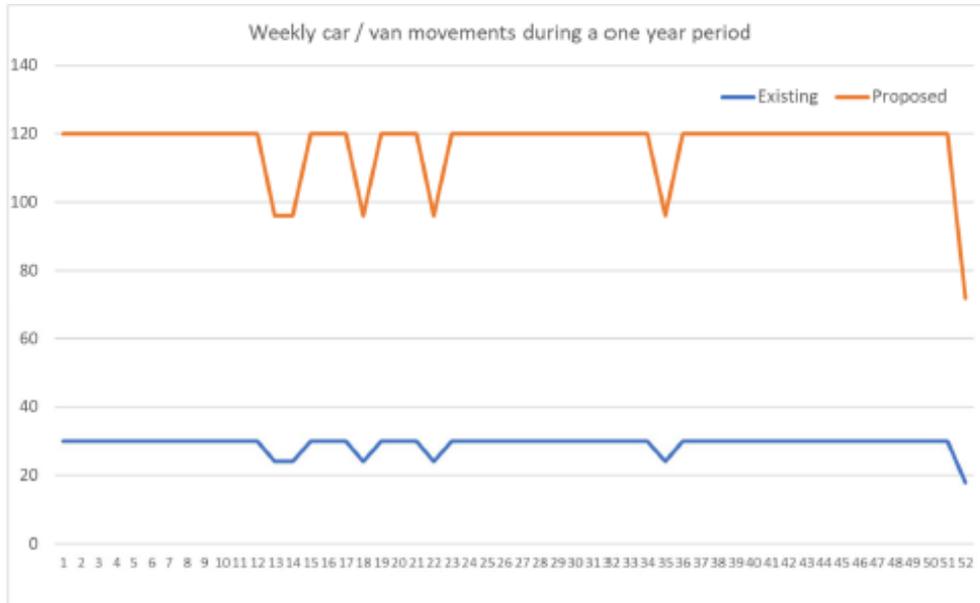
- 2.8 The Transport Note also provides details of the existing use of the building. The existing barn can store 1,500 tonnes of grain and acts as a distribution hub for the applicant's farms, with grain from Grove End Farm being stored in the building (this amounts to 25% of total grain) along with storage of grain from the applicant's other farms, namely Swanton Farm, Bicknor and Redwall Farm, near Maidstone (this amounts to 75% of total grain storage). This can result in 50 HGV vehicle movements (from outside the site) arriving at the barn and 50 HGV vehicle movements (to destinations external to the site) leaving the barn each week at peak season.
- 2.9 The applicant has advised that additional grain storage is available within the Dutch barn at the front of the site and the barn next to it, to store the grain produced on site. The grain harvested by the applicant from other farms can now be stored at Green Farm, Higham and Wanstall Farm, Aldington. Therefore, they advise that it is no longer necessary for the new building to function as a grain store on site.
- 2.10 Table 8.1 of the Technical Note (reproduced below) summarises the weekly inbound and outbound trip generation to and from Grove End Farm for the existing and proposed use of the application building. This indicates that there are currently 15 cars and 50 HGVs inbound and outbound each week (i.e. 65 vehicles each way per week). This is the same as 15 PCUs and 100 PCUs (115 PCUs) inbound and outbound each week (230 overall movements). In the proposed use, the equivalent figures are 60 cars and 15.5 HGVs inbound and outbound per week. In other words, this will be 60 PCUs and 31 PCUs (91 PCUs) each way each week (182 overall movements). This equates to 48 total overall PCU movements per week less than is currently the case, including 69 less HGV movements per week.

Note: A PCU is a way of converting all vehicles to a common measure with respect to the capacity they use on the highway network, for example, a car is 1 PCU, but an HGV is say 2.0 to 2.5 PCUs dependent upon its size.

Existing movements	Weekly in		Weekly out		Weekly 2 way	
	Cars/Vans	HGVs	Cars/Vans	HGVs	Cars/Vans	HGVs
Existing staff	15		15		30	
Grain distribution		50		50		100
Vehicles	15	50	15	50	30	100
PCUs	15	100	15	100	30	200

Proposed movements	Weekly in		Weekly out		Weekly 2 way	
	Cars/Vans	HGVs	Cars/Vans	HGVs	Cars/Vans	HGVs
Existing staff	15		15		30	
Grain distribution		12.5		12.5		25
Agrovista	45	3	45	3	90	6
Vehicles	60	15.5	60	15.5	120	31
PCUs	60	31	60	31	120	62

2.11 The applicant’s indicative comparisons between existing and proposed traffic movements are shown in the graphs below. In the first graph (car/van movements) the proposed traffic levels are the upper line, whilst in the second graph (HGV movements) the proposed traffic levels show a far lower peak flow albeit with a small increase in movements over other parts of the year.



2.12 The applicant has advised that the products to be stored within the building are likely to be delivered to Kent and East Sussex. The routes to and from the site that HGVs and delivery lorries are likely to use the mostly will be Hearts Delight Road, Wrens Road, Sutton Baron Road, Oad Street and the A249.

3. PLANNING CONSTRAINTS

3.1 The site contains Grade II listed farm buildings.

4. POLICY AND CONSIDERATIONS

4.1 The National Planning Policy Framework (NPPF) 2021 states at Paragraph 83

“Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.”

Paragraph 84 states:

“Planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

b) the development and diversification of agricultural and other land-based rural businesses;

c) sustainable rural tourism and leisure developments which respect the character of the countryside, and

d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”

4.2 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017: policies ST1 (Delivering sustainable development in Swale), Policy ST3 (The Swale settlement strategy), CP1 (Building a strong, competitive economy), DM3 (The rural economy), DM7 (Vehicle Parking), DM14 (General Development Criteria) and DM32 (Development involving listed buildings).

Policy ST3 of the adopted local plan explains that development will not be permitted in the countryside unless supported by national planning policy and able to demonstrate that it would protect or enhance the character and appearance of the countryside.

Policy CP1 seeks to strengthen economic development in the Borough, recognising that agriculture is an important economic sector and the industry needs to keep up with change, stating:

Development proposals will, as appropriate:

8. Address future challenges to the agricultural and woodland/forestry industries with sustainable and appropriate proposals to create new markets and greater resilience;

The relevant section of the supporting text to this policy is as follows:

“Agriculture is also an important economic sector and the industry needs to keep pace with the changing context brought about by climate change, food security, global markets, major food retailers and changing legislation/guidance.”

Policy DM3 states:

Planning permission will be granted for the sustainable growth and expansion of business and enterprise in the rural area ...

Development proposals for rural based employment will:

1. For all proposals:

a. in the case of larger scales of development, be located at the rural local service centres and urban areas as defined by Policy ST3 and in accordance with Policy CP1;

b. firstly consider the appropriate re-use of existing buildings or the development of other previously developed land, unless such sites are not available or it is demonstrated that a particular location is necessary to support the needs of rural communities or the active and sustainable management of the countryside;

c. retain or enhance the rural services available to local communities and visitors without undermining or resulting in the loss of existing services unless demonstrated to be unviable for the existing use or other employment/community use;

d. for new buildings and ancillary facilities, the design and layout will need to be sympathetic to the rural location and appropriate to their context;

e. result in no significant harm to the historical, architectural, biodiversity, landscape or rural character of the area; and

f. avoid scales of traffic generation incompatible with the rural character of the area, having regard to Policy DM 6 and Policy DM 26.

3. For the agricultural sectors:

a. enable the diversification of a farm; or

*b. extend the growing season or improve the reliability and availability of local crops;
or*

c. provide for the storage, distribution or added value activities in central hubs located close to crop sources and the primary and secondary road networks; or

d. increase the availability of locally grown food sold direct to the consumer; or

e. increase the sustainable management of woodlands; or

f. increase the use of renewable energy sources in accordance with Policy DM20

4.3 Supplementary Planning Guidance (SPG): "Parking Standards" (May 2020) was adopted by the Council in June 2020 and is a material consideration in the determination of planning applications. The SPG advises one parking space per 110m² of internal storage floorspace and one parking space per 20m² of internal office floorspace.

5. LOCAL REPRESENTATIONS

- 5.1 One representation of support, commenting that if we do not support our local farms to diversify, they will be sold off to become housing estates as they cannot afford to run them anymore.

6. CONSULTATIONS

- 6.1 Tunstall Parish Council initially responded as follows - please note that the use proposed in the application description has since been amended from Class E to Class B8:

This is a difficult application for the Parish Council to give comments on. We understand the need for diversification of farming businesses and very much want to support our local farm and landowner in their business, but there are a number of areas of major concern for us.

The grain and storage barn was built under Permitted Development less than 2 years ago, yet there is now an application for change of use and class. Had this application been put before us 2 years ago we would have raised similar concerns. Our concern is that the protective element of an agricultural designation will be removed with a change of use. Given the site has historical buildings and is within the setting of the Tunstall Farmlands we would want to ensure that the site is retained for agricultural purposes.

The barn is on an intersection of a bridleway and a footpath that links the southern end of Tunstall via Grove End to the main village of Tunstall, providing a safe pedestrian route off winding Bredgar Road. Traffic accessing the barn subject to this application drives down the bridleway, crossing the busy and well used footpath.

We would encourage additional agricultural businesses and employment to the farm, but Agrovista already has a large depot in Maidstone. There is no mention in the documentation of any new recruitment and whether that would be local. There is also no detail in the documentation of the tenancy term for the occupation of the building, given the change of use is to accommodate Agrovista specifically.

We would also query why a change to class use E (Research and Development) is being used when from the details it looks as though this will be a Storage and Distribution point (Class B8) for Agrovista. Three vans a day will be loading and exporting from the site. As has been noted by the SBC Planning team the location is reached on rural roads some of which are formally width restricted (eg Hearts Delight Road which is used locally as a rat run through to the A249/M2) or Tunstall Road and Hollingbourne Hill which have some very narrow sections. We have raised similar issues with an expansion at Kent Science Park that would result in additional impact on the local roads and the route through Oad Street to the A249. We wonder whether a warehousing and distribution point is appropriate in this location.

There is detail in the documentation that fertilisers, seeds and crop protection products will be stored in the barn. Although Agrovista is Environmental Management systems accredited there is no proper detail on what will be stored in this specific location and the measures that will be taken with regard to storage of hazardous

substances. There is no detail on what would happen in case of spillage (eg in transfer to vans) and the potential to contaminate any water supplies or groundwater. There is also no mention of any additional security measures that may impact on the setting.

Whilst we acknowledge that there may be some reduction of HGV movements if the grain storage business is reduced or abandoned, our understanding is that grain is a seasonal product in terms of HGV import at the end of summer with smaller export numbers throughout the year. We were therefore surprised to see an average of 50 HGV movements a week allocated to the grain element of the businesses that operate from the farm. We would obviously want to be sure that there is a significant reduction in HGV vehicle movements to account for an increase in movements allocated to this new business, given there are a number of registered businesses at this location.

Finally there is very little detail on the impact of this application on the beautiful and significant Listed Buildings at Grove End Farm. We see this as a significant cluster of historical buildings, intrinsically linked to Tunstall and Swales Heritage Strategy. We would want to be sure that any impacts of the change of use are appropriately assessed in relation to these.

Given our concerns, we would welcome a site visit with the officer and perhaps a member of the planning committee to better understand the vision for the farm and how this application supports that. We recognize that there will be significant changes to agriculture with the transition from CAP to more environmental protection and there may be conditions that could be applied to reassure us as regards protection of the heritage and safety at the site.

- 6.2 Following submission of the updated Transport Statement, the Parish Council responded as follows:

Tunstall Parish Council have considered the new documents submitted on this application. The concerns we originally raised in response to this application still stand.

- 6.3 Kent Highways and Transportation (KHT) initially responded to say that further clarification was needed with regards to the likely number of vehicle movements. Following submission of the updated Transport Statement, they raise no objections subject to conditions and responded as follows:

With regards to the Trip Report submitted within the revised Transport Technical Note, I am satisfied that, whilst the proposal will result in an increase in car movements, it has been demonstrated that the proposal is likely to result in a reduction in HGV traffic movements to and from the site.

- 6.4 The KCC Public Rights of Way Officer raises no objection.

7. BACKGROUND PAPERS AND PLANS

- 7.1 Application papers and drawings referring to application 21/500222/FULL.

8. APPRAISAL

The application site is located in the designated countryside and is near several listed buildings. I consider the key issues to be whether the proposal is acceptable in terms of planning policy, highway safety and neighbouring amenity.

Principle of Development

- 8.1 Both Local Plan policy and the NPPF support the re-use of rural buildings and sites for economic purposes, with Policy DM3 supporting uses that help to revitalise the rural economy and provide new jobs. As the proposal uses an existing building and enables the diversification of a farm, I consider the use to be in accordance with local and national policy. However, planning policy also very strongly supports the need to protect the countryside from harmful development and no policy supports expansion of rural businesses at any cost without considering other impacts. I note that the Parish Council accepts the need to support the diversification of farms, but that it raises concerns which I will address below.

Impact on the setting of the listed buildings

- 8.2 The building is set within a working farm where other ancillary business uses have been established for several years. I am of the view that the proposed use will not adversely affect the adjacent listed dwelling, or the listed farm buildings.

Highways

- 8.3 I have carefully considered the concerns of the Parish Council about whether a B8 use is appropriate in this location, particularly as the site is reached on rural roads which are narrow in places. KHT also raised this issue and requested further clarification of the change in trip generation put forward by the applicant. The revised Transport Technical Note includes a Trip Report which indicates that the proposal will result in an increase in car movements but a reduction in HGV traffic movements to and from the site. On this basis, KHT raise no objection. I am very aware of the unsuitability of the approach roads to this site in terms of accommodating HGVs and would not wish to support any proposal that increased such use. However, having studied this application over some months, and asked detailed questions of the applicant, I do not consider there would be a material increase in the traffic generation - there is in fact a predicted decrease in HGV movements here – and I believe that conditions can be imposed to control hours of traffic movements.
- 8.4 The scheme proposes eight parking spaces to serve the proposed use, which meets the car parking standards of the recently adopted SPG.

Residential Amenity

- 8.5 The potential B8 use of the building would cause very little detriment to neighbouring properties in my opinion as a storage use would generate very little noise. Of more concern is potential noise and disturbance from the delivery vans and lorries. The Transport Technical Note gives some indication of the anticipated levels of traffic to and from Grove End Farm. It makes comparison between the existing grain storage use and the current proposals and concludes that the traffic levels would be no more intense than

the level that the grain storage would have produced. The Transport Technical Note indicates that this use would be likely to generate a total of six vehicles at peak morning times, six vehicles during the day, and six vehicles at peak evening times. I am of the view that this amount of traffic will not cause any significant harm to the residents of the surrounding properties. The main control over the potential impact in this respect would be the hours of use proposed by the applicant. I have recommended a condition to control the hours of collection and delivery to ensure that there would be no significant impact on the residents nearby because of the proposed B8 use.

Other Matters

- 8.6 The bridleway and footpath that converge at this site are well used and there is some concern that an increase in vehicle movements here will risk pedestrian safety. The applicant has confirmed that all vehicles with the proposed use will be parked, loaded, and unloaded adjacent to the building without obstructing any adjacent public right of way.
- 8.7 The Parish Council has questioned whether the proposed use will create any local jobs. Agrovista will have seasonal requirements for additional staff, and these will be advertised locally.
- 8.8 The storage of hazardous substances will comply with the standards of the BASIS Store Inspection Scheme, which requires an independently assessed annual inspection that considers legislation and best practice standards in professional agrochemical storage. The scheme looks at standards set out in the Defra Code of Practice for Suppliers to Agriculture, Horticulture and Forestry and other relevant Codes of Practice. BASIS undertake annual audits to ensure the required standards are met. Agrovista has 21 storage facilities across the country which have all successfully achieved this certification. The applicant has advised that the new facility at Grove End Farm will meet these standards to ensure the safe storage of all products.

9. CONCLUSION

- 9.1 I am of the view that the proposal would contribute to the diversification of the rural economy without having a detrimental impact upon the existing character of the countryside. The impact upon highway amenity would not be unacceptable and although a limited number, would provide six additional jobs within the Borough. I recommend that planning permission be granted.

10. RECOMMENDATION - Grant subject to the following conditions:

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 premises shall be used only for the storage and distribution of agricultural produce or products used for the production of agricultural and horticultural crops and amenity grass, and for no other use including any other use in Class B8 of Schedule 1 to the Town and Country Planning (Use Classes) Order 1987 (as amended).

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

- (3) No external storage of parts, equipment, raw materials or products shall take place within the site.

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

- (4) The use of the premises hereby permitted (excluding unattended storage) including the collection and delivery of goods/items stored within the building, shall be restricted to the hours of 7am to 5pm on weekdays, and shall not take place at any time on weekends or Bank Holidays.

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

- (5) The areas shown on approved drawing 201208-S-001 as vehicle parking areas shall be provided before the use is commenced, and these areas shall be retained for the use of the occupiers of and visitors to the premises. No permanent development, whether or not permitted by The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on these areas or in such a position as to preclude vehicular access to these areas.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

- (6) The area shown on approved drawing 201208-S-001 as 'Loading/Unloading Area' shall be retained for the use of the occupiers of and visitors to the premises. No permanent development, whether or not permitted by The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area or in such a position as to preclude vehicular access to that area.

Reason: In the interests of highway safety and amenity.

- (7) Before the use is commenced, or the premises occupied, details of a scheme for the provision of Electric Vehicle charging points to serve the development (including an implementation programme) shall be submitted to and approved by the Local Planning Authority. The agreed scheme shall then be implemented in full in accordance with the agreed implementation programme.

Reason: In the interests of encouraging the use of sustainable travel modes.

The Council's approach to the application

In accordance with paragraph 38 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 creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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.

