

2.2 REFERENCE NO - 19/502484/FULL		
APPLICATION PROPOSAL		
<p>The proposed conversion of existing outbuilding Block 4 to Commercial units for use Class E (Commercial, Business and Service) a, b, c(ii),c(iii),e, f, g(iii) and the replacement of outbuilding Block 5 with a two storey building to form 6 no commercial units for use Class E a, b, c(ii),c(iii),e, f, g(iii) on the ground floor and Use Class E g(i) and Use Class F (Local Community) 2(b) on the first floor. The erection of a covered walkway and lean to extension to Block 1 and associated car parking provision. As AMENDED BY DRAWINGS RECEIVED ON 5th August 2019 and 1st and 9th March 2021 and updated Design and Access statement.</p>		
ADDRESS Willow Farm Hansletts Lane Ospringe Faversham Kent ME13 0RS		
RECOMMENDATION GRANT		
<p>SUMMARY OF REASONS FOR RECOMMENDATION The proposals are policy compliant with both the NPPF and the Local Plan as they seek to secure the sustainable growth and expansion of an existing business and enterprise in the rural area and the proposals are appropriate in scale to the existing activities and the character of the wider area.</p> <p>The impact on the countryside and AONB has been mitigated and would be minimal compared to the benefits it would bring to the Borough in terms of the benefits to the appearance of the site, and to the AONB, the benefit to the local rural economy, in terms of enabling a local business to thrive and provide increased employment, and the continued viability of Willow Farm.</p>		
REASON FOR REFERRAL TO COMMITTEE		
Parish Council objection		
WARD East Downs	PARISH/TOWN COUNCIL Ospringe	APPLICANT Mr K Childs AGENT Urban & Rural Ltd
DECISION DUE DATE 30/08/19		PUBLICITY EXPIRY DATE 05/12/19

Planning History

19/502483/FULL Erection of 4no. specialist equestrian holiday lets and 2no. stable buildings, installation of new sand school and associated site works.
Approved Decision date: 27.10.21

19/505769/ENVSCR
Environmental Screening Opinion - Erection of 4no. specialist equestrian holiday lets and 2no. stable buildings, installation of new sand school and associated site works.
Approved Decision Date: 12.02.2020

19/505770/ENVSCR
Environmental Screening Opinion - Proposed conversion of existing outbuilding Block 4 to retail use (class A1), replacement of outbuilding Block 5 with a two-storey building to form 6no. retail units with farm office/storage space above, and erection of a covered walkway and lean to extension to Block 1.
Approved Decision Date: 12.02.2020

17/506246/FULL

Variation of condition 8 of planning permission 16/504755/FULL - erection of three agricultural buildings comprising of hay store, machinery and tractor, tool and workshop to also allow the use of barn 2 only for storage of goods for the onsite country store.

Approved Decision Date: 03.05.2018

SW/05/1472

Weather boarded equipment store.

Grant of Conditional PP Decision Date: 04.01.2006

SW/05/1020

Manager's chalet and equipment store

Refused Decision Date: 12.10.2005

SW/05/0361

New sole access for Willow Farm Caravan Park

Grant of Conditional PP Decision Date: 07.06.2005

SW/04/1597

New sole access for Willow Farm Caravan Site

Refused Decision Date: 18.02.2005

SW/01/0944

Demolition of pole barn type building and replacement with portal frame building on same site
Granted

1. DESCRIPTION OF SITE

- 1.1 Willow Farm is located on Hanslett's Lane within the Parish of Ospringe, Faversham, the site falls within the designated countryside and on the edge of the Kent Downs Area of Outstanding Natural Beauty (AONB)
- 1.2 The farm as a whole covers approx. 50 acres (20 ha) and straddles the M2 with land on both sides being accessed by a motorway bridge in the centre of the site.
- 1.3 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, for approx. 50 cars, these are all in very close proximity to each other and accessed from Hansletts Lane. It is this area that is the location for the proposed development. The application site measures 0.8 hectares, while the land holding controlled by the applicant measures 20 hectares.
- 1.4 To the north of the current application site, planning permission was granted under reference 16/504755/FULL for the erection of three agricultural buildings (located immediately to the south of the M2) comprising of a hay store, a machinery and tractor store, and tool and workshop building. Subsequently planning application 17/506246/FULL was submitted to allow the use of barn 2 only, for the storage of goods for the onsite country store (Gilletts). This was approved and is currently being used as such.

- 1.5 The farming activities previously in the farmyard were re-located to this new yard next to the M2 for the safety of the public/families visiting the store and for those attending the sand school for lessons and events and the efficiency of the workings on the land.
- 1.6 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. This business has been located at the farm for over 30 years and currently employs 17 full and part time staff in a building of 432m². Additionally, there are leisure activities as there are many equestrian events now held on the farm making use of the existing indoor sand school and in the future the recently approved outdoor sand school. This facility now provides year-round leisure and education service, and the site has developed into a significant equine enterprise.
- 1.7 Application 19/502483/FULL was considered by Members at the Committee in October 2020 for the erection of four specialist equestrian holiday chalets and two stable buildings for owners to bring their own horses with them, along with the installation of new sand school and associated site works, in order to extend and diversify the site's attractions.
- 1.8 Members resolved to approve the application subject to a Unilateral Undertaking being entered into to require that a SAMMs payment is made, and directional details being provided to visitors stating:
- “That in any publicity relating to use of the new sand school the preferred route to gain access to and from the aforesaid school shall be shown as via Brogdale Road and then Painters Forstal, and at the same time any such publicity shall request that no vehicular access to or from the site shall be via Water Lane, Ospringe.”*
- 1.9 The application was subsequently approved, in October 2021.

2. PROPOSAL

- 2.1 The movement of the farming activities to the new yard next to the M2 results in the existing yard now being redundant and the opportunity for the area to be redeveloped, predominantly it leaves two, unused buildings, known as Block 4 and Block 5.
- 2.2 The submission is for the conversion of one of these existing outbuildings known as Block 4 to Use Class E (commercial business and service user) including the following uses:
- (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public
 - b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises
 - c) professional services
 - d) any other services which it is appropriate to provide in a commercial, business or service locality

- e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner
 - f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public
 - g) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit
- 2.3 The conversion of Block 4 (to commercial/retail use) (class E) involves no increase in the current size of the building and will comprise a total area of 152m², in the form of 2 commercial units (74m² and 35m²) and an entrance lobby area. The 2 units are modest in size and available on ground floor level only. The building's exterior currently with the dominant existing grey concreted blockwork will be enhanced and faced with a high-quality brick but the majority of the work will require only internal alterations. The covered walkway will run in front of the building to provide pedestrian access.
- 2.4 Block 5 is currently a single storey stable/storage/workshop building its replacement is to be with a larger two-storey building to accommodate 6no. modestly sized commercial units on the ground floor (ranging from 61m² to 76m² a total of 420m²) use class E (commercial business and service user) including the following uses:
- (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public
 - b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises
 - c) professional services
 - d) any other services which it is appropriate to provide in a commercial, business or service locality
 - e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner
 - f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public
 - g) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit
- 2.5 The space on the first floor above these will provide 6no. offices (Use Class E gi) an office to carry out any operational or administrative functions) for lease/rent including space for the relocation of Willow Farms administrative staff. (412m²). A meeting room, room (Use Class F2: Local Community b) a hall or meeting place for the principal use of

the local community) available to the community to hire/use (66m²) Access will be via the front of the building or the secondary external staircase.

- 2.6 It is expected that the development will result in at least an additional 10 jobs at the site.
- 2.7 A covered walkway is proposed to enable uninterrupted pedestrian access around the site from Block 1 to Block 5.
- 2.8 Finally, a lean-to extension is proposed along the side elevation of the existing Block 1 (in which Gillets Country Store operates). This will be of a similar size and appearance to the existing lean to and will measure 5m in depth and will run the depth of the building of 19m
- 2.9 The existing landscape to this area is generally extensive hard standing in and around the farmyard with no soft landscaping in the farmyard. However, landscaping has been proposed to create a visual buffer to the parking, with hedging planted around the parking area to provide some screening.
- 2.10 A Transport Statement and a Design and Access Statement, and a second updated version, along with a Written Statement and accommodation schedule were submitted with the application. Amended drawings were received following the initial consultation period and the bund adjacent to the M2 was removed from the proposal along with the additional car park proposed on the open land to the east of the access driveway. Block 5 building was also reduced in scale and size.
- 2.11 The Transport Statement assesses the impact of the proposals on the local road network. It considered initially the existing site arrangements and the related uses, vehicle movements and routes to the site. The survey analysis was taken on a typical weekday, a Tuesday, and on a Sunday when equestrian show events were being held at the site. In the interpretation of the figures, it must also be acknowledged that visitors to the site also have to use the same access to visit Gillets Country Store.
- 2.12 The survey found that on the Tuesday the existing traffic flows associated with the Willow Farm operations, including Gillets Country Store, as well as those on Hanslett's Lane are very low in the typical morning peak, between 8.15am and 9.15am. The daytime mid-peak period in the day for Willow Farm showed an increased level of activity when the equestrian, retail and commercial uses were operational. The recorded two-way flows on the Willow Farm access was 15 vehicles (9 inbound and 6 outbound) and this was representative of the typical hourly demands throughout the day. The survey concluded that on a typical weekday, Willow Farm generates low levels of traffic throughout the working day.
- 2.13 On the Sunday when the survey was taking place, equestrian jumping competitions were taking place on two rings, and a further competition event was taking place; this represents the largest type of show Willow Farm hosts. The survey results show that, as expected, vehicle trips were higher than on a typical weekday. The peak inbound was between 8-9 am when 45 vehicles entered, and the outbound peak was between 2-3pm with 44 vehicles leaving the site after the competitions had been completed and the participants were departing. The peak flow of vehicles in and out of the site was 62 over the period of 1 hour. It is worth noting that the survey identified that there were no

recorded operational problems at the site access given the low traffic flows onto the network and the flows being spread out over the day.

- 2.14 The survey concluded that the traffic generation for the site is typical of a working Farm accommodating a variety of land uses (retail/commercial/equestrian) with the traffic flows tending to be low volumes per hour with demands spread out over the working day.
- 2.15 It then moved on to assess the potential impact of the development proposal and concluded the access and parking arrangements that exist on the site were sufficient for the proposal.
- 2.16 Of particular interest is the estimate of future traffic demands given the nature of the proposal. Due to the mix of equestrian, holiday chalet, retail and commercial uses, the traffic flows and approximate floor areas of each were broken down to present trip rates for each of the specific uses for Willow Farm. These trip rates were then applied to the proposed floor areas to give a general indication of the likely additional trips attracted to the local road network. And they considered the “worst case scenario” for a retail use where all the trips were new to the network
- 2.17 It considered that as the proposed Willow Farm management team already operate on the site this will not attract any additional trips to Willow Farm and parking is already provided on site for them.
- 2.18 Taking the “worst case scenario” they concluded the proposal will likely introduce a maximum of 37 additional two-way vehicle movements onto the Willow Farm Access during the peak demand, with the majority being cars or light goods vehicles. However, there is a high chance many visitors already visiting Willow Farm for either equestrian purposes or the existing retail use will then visit the new elements. A more typical scenario would be to allowing for 30% of the retail trips to be linked to other uses (e.g. Gillett Cook retail and equestrian uses) This results in a more likely 13 inbound and 13 outbound trips into Willow Farm during peak time reducing to 11 inbound and 8 outbound in the lower PM peak demand time.
- 2.19 The new SPD Parking Standards requires that a total of 54 parking spaces are provided of which 27 will be provided in the courtyard area and the remainder to the rear of Block 5 to the north. This area is currently used as an informal parking for the site and particularly when equestrian events are held here. Of the spaces provided, 3 will need to be designed for the mobility impaired and provision made for 5 active charging spaces for Ultra Low Emission Vehicles (ULEV).
- 2.20 The conclusion of the report was that the predicted increase in the vehicle trips from the proposals will result in a negligible impact on traffic flow on the surrounding highway network.
- 2.21 Additional information has been provided by the applicant as to the context and reasoning for the proposals, summarised below:
 - Willow Farm is an existing rural business. The farm had to diversify to try and sustain its financial viability.

- The wider farm now sits on just over 50 acres (or 20 hectares). Within the farm there is an active equestrian facility providing leisure service to the local community. The farm has a large indoor sand school providing year-round training and events. A recent planning application has been approved at Committee to allow the existing equestrian/rural leisure facility to construct a large-scale sand school which is aimed to raise the quality of the facility and their riders.
- The farm also has existing employment and retail on the site with the existing Gillett Cook Country Store, a family run business
- The café on the farm has a large viewing window into the indoor sand school and provides refreshments to the spectators using the seating area during events and training times.
- The 2017 planning application was approved to re-locate the commercial farming activities out of the existing yard and into a new farmyard this has now left a previously developed area of the farm with no active use.
- the farm is an existing rural employer through their farming activities, equestrian

facility, retail and café. As part of the farm's ongoing diversification to meet the needs of a modern sustainable rural business, we are proposing to increase our offering by providing accommodation for local rural business to sell their locally grown and made produce. As part of this offering, there will be small lettable spaces that will help and aid existing local rural business.

- Currently using woodland and fields at the farm Joe's Bows offers falconry and archery experiences in Kent. They also offer everything from axe throwing and archery to hawk walks and flying falcons. As a small rural business, Joe's Bows are interested in potentially having a base for their business on the farm. This will provide secure storage, welfare facilities for their existing service, as well as a potential small retail outlet for sales of specialist archery equipment. This would allow the business to grow and provide a healthy educational and leisure service to the local community, appropriate to this setting.
- A local artisan producer of fruit preserves, made from the locally grown Faversham fruit. Their existing small start-up business is currently run from their kitchen and is starting to supply the Faversham market, as well as a local tearoom in Faversham town centre
- Through the equestrian community and their existing involvement with the farm, there is an identified need for a specialist equestrian chiropractor service. A local chiropractor whose small mobile business has started to specialise with clients who have injuries related to equestrian riding, has shown an interest in potential renting a space on the farm.
- An increasing amount of local people living in the surrounding villages are now working from home. Many of the office-based worker were commuting out of Faversham to large offices based in the city of Canterbury or even London, via the use of the highspeed train. There are many daily commuter car journeys to the

neighbouring city or the train station in the centre of Faversham. The office space proposed on Willow Farm, if approved, can provide a flexible, small, serviced office to the immediate local rural community. In turn prevent several car movements to Faversham train station and Canterbury from the rural villages

- We feel the small local business this could support, would have a massively positive impact on our rural community, as well as assisting in the long-term financial stability of Willow Farm.
- Willow Farm is having to diversify as the equestrian use cannot financially sustain the farm. The previous owner of the farm, unfortunately, ended up having the farm taken from them by the bank and we are determined to make this farm in the long term a financially sustainable business.
- We feel this can happen and by providing a vital role in the local community by continuing to provide the equestrian, leisure, retail and educational services we are, Willow Farm can be a successful rural business operating in a sustainable manner for the long term.

3. PLANNING CONSTRAINTS

3.1 Area of Outstanding Natural Beauty KENT DOWNS

- 3.2 Swale Article 4 directive (placed in 1973 on land at Little Coxett Farm (former name of Willow Farm) to restrict the stationing of caravans on the land. The Article 4 covers land currently owned by Willow Farm, including the application site.

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) paragraphs 8 (objectives for sustainable development) and 11 (presumption in favour of sustainable development) are relevant to this proposal.
- 4.2 The National Planning Policy Framework (NPPF) in paragraph 84 states that a positive approach should be taken to sustainable development to promote a strong rural economy and that the support of all types of rural businesses and developments can be achieved through conversion of existing buildings and well-designed new buildings and the development and diversification of agricultural and other land based rural businesses.
- 4.3 Paragraph 84 states that support should be given to the reuse of rural buildings, well designed new buildings, the diversification and development of land-based businesses and the development of accessible local services, community facilities, meeting places and local shops
- 4.4 Paragraph 85 states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances they should be sensitive to their surroundings and not

have an unacceptable impact on local roads. The use of previously developed land should be encouraged where suitable opportunities exist.

- 4.5 Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is seen as a key aspect of sustainable development, as it creates better places in which to live and work and helps make development acceptable to communities.
- 4.6 Paragraph 174 states that both planning policies and decisions should contribute to and enhance the natural and local environment, in particular in this case by protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside and minimising impacts on and providing net gains for biodiversity.
- 4.7 Additionally, paragraph 176 of the NPPF advises that great weight should be given to conserving and enhancing the natural beauty of the AONB and that the scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
- 4.8 Paragraph 177 continues that when considering applications for development within Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of the need for the development and the impact of permitting or refusing it on the local economy, the scope for developing outside the designated and any detrimental effects on the environment, the landscape and recreational activities and the extent to which they can be moderated.
- 4.9 Bearing Fruits 2031: The Swale Borough Local Plan 2017

ST1 (Delivering sustainable development in Swale),
 ST3 (The Swale settlement strategy),
 ST7 (The Faversham Area and Kent Downs Strategy)
 CP1 (Building a strong, competitive economy),
 CP4 (Requiring good design),
 DM3 (The rural economy),
 DM6 (Managing transport demand and impact),
 DM7 (Vehicle Parking)
 DM14 (General Development Criteria),
 DM19 (Sustainable design and construction),
 DM21 (drainage)
 DM 24 (Conserving and enhancing valued landscapes)
 DM 26 (Rural lanes)
 DM 28 (biodiversity)
 DM29 (woodlands and trees).

Policy DM3 is of particular relevance stating:

Planning permission will be granted for the sustainable growth and expansion of business and enterprise in the rural area. Planning permission for residential development will not be permitted where this would reduce the potential for rural

employment and/or community facilities unless the site/building(s) is demonstrated as having no demand for such purposes or its use would be undesirable or unsuitable.

Development proposals for rural based employment will:

1. For all proposals:

SGN

- 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.*

2. For tourism and leisure:

- a. in the case of green/sustainable tourism proposals, be demonstrated by reference to their principals.*
- b. provide for an expansion of tourist and visitor facilities in appropriate locations where identified needs are not being met by existing facilities in the locality or where able to increase facilities available to local communities as well as visitors; and*
- c. where relating to holiday parks, proposals are also in accordance with Policy DM 4*

Policy DM24 states in relation to the AONB

The value, character, amenity and tranquillity of the Borough's landscapes will be protected, enhanced and, where appropriate, managed.

Part A. For designated landscapes areas:

Within the boundaries of designated landscape areas, as shown on the Proposals Map, together with their settings, the status given to their protection, enhancement and management in development decisions will be equal with the significance of their landscape value as follows:

- 1. The Kent Downs Area of Outstanding Natural Beauty (AONB) is a nationally designated site and as such permission for major developments should be refused unless exceptional circumstances prevail as defined by national planning policy. Planning permission for any proposal within the AONB will only be granted subject to it:*
 - a. conserving and enhancing the special qualities and distinctive character of the AONB in accordance with national planning policy;*

- b. furthering the delivery of the AONB's Management Plan, having regard to its supporting guidance documents;*
- c. minimising the impact of individual proposals and their cumulative effect on the AONB and its setting, mitigating any detrimental effects, including, where appropriate, improving any damaged landscapes relating to the proposal; and*
- d. being appropriate to the economic, social and environmental wellbeing of the area or being desirable for the understanding and enjoyment of the area.*

4.10 In July 2020 a significant reform of the Use Classes Order was announced and the permitted changes were made effective from 1st September 2020 with transitional arrangements expiring on 31st July 2021.

Use Class E was introduced and covers the former use classes of A1 (shops), A2 (financial and professional), A3 (restaurants and cafes) as well as parts of D1 (non-residential institutions) and D2 (assembly and leisure) and puts them all into one new use class.

Use Class E – Commercial, Business and Service –

Use, or part use, for all or any of the following purposes—

- a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public, **(shops – formerly use class A1 includes Post Offices)**
- b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises, **(cafes and restaurants – formerly use class A3)**
- c) for the provision of the following kinds of services principally to visiting members of the public—
 - (i) financial services, **(banks and building societies – formerly use class A2)**
 - (ii) professional services **(other than health or medical services), or (estate and employment agencies etc. – formerly use class A2)**
 - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,
- d) for indoor sport, recreation, or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,
- e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner, **(Doctors, clinics & health centres, acupuncture clinic etc. (must be medical or health related) (but not beauticians, nail bars, massage parlours etc. see sui generis – formerly use class D1(a)) ,**
- f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public

- g) or—
- (i) an office to carry out any operational or administrative functions, **(Offices – formerly use class B1(a))**
 - (ii) the research and development of products or processes, or (formerly use class B1(b))
 - (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. **(Light Industrial – formerly use class B1(c))**

4.11 The new Swale Parking Standards requires that a total of 54 parking spaces are provided. Of the spaces provided, 3 will need to be designed for the mobility impaired and provision made for 5 active charging spaces for Ultra Low Emission Vehicles (ULEV).

5. LOCAL REPRESENTATIONS

5.1 Ospringle Parish Council - when originally consulted - strongly objected to the application, they proposed that this application should be considered along with a second application at the site 19/19/502483/FULL which was for the erection of four specialist equestrian holiday chalets and two stable buildings, along with the installation of new sand school and associated site works. That was subsequently approved by Members

On the application in question, they commented as such:

- it had the potential to very significantly increase traffic movements on the local road network which is not suited to further increases in traffic levels
- the retail units and office/storage will have the potential for very large increases in traffic movements of all kinds including large delivery vehicles to service the retail usage
- the Design and Access Statements gives no meaningful information on the likely types and numbers of additional vehicles, nor timings or frequency, and there is little useful traffic data or analysis to assist
- already, the businesses at Willow Farm put great stress on the parish road infrastructure for e.g the Gillett Cook vans, Horse trailers and boxes travelling to Willow Farm also tend to use the most direct routes from the A2 and A251 which takes them down the same narrow lanes
- the larger vehicles damage road verges and wildlife and with few passing places the horse vehicles find it difficult to reverse and cause problems for local residents
- the large car parking area proposed for the retail/office application underlines the potential additional traffic impact and would involve the loss of open grazing/agricultural land and lead to loss of visual amenity in this area
- 6 retail units is of serious concern. It has the potential to change the character and nature of Willow Farm from an equestrian centre to a retail outlet

- the parish council recognises and supports the wish for owners of rural businesses to sensitively and appropriately develop their enterprises, and recognises that the Local Plan allows for this, but these proposals do not appear to the parish council to meet the criteria either in the local plan or national planning guidance for what are deemed to be exceptions to the general principle of restrictions on development in rural areas. We therefore question the planning justification for either retail or office in this location
- the two-storey retail and office/storage building proposed appears overlarge in scale and height, and would be intrusive in its location adding to the appearance of “building up” the area and urbanising it, notwithstanding the M2 motorway running a short distance to the north. It is also unattractive in design
- we also have concerns regarding the proposed bund, details of which are not entirely clear on the documentation provided. We doubt the need for the bund along the motorway boundary, other than as a means of disposing of waste material generated onsite during demolition and reconstruction, as well waste brought from offsite as happened with the bund built further to the west

Following receipt of the Transport Statement and amended drawings showing the removal of the bund, the additional car park area and a reduction in size of replacement building known as Block 5, they maintained their objection and offered additional comments as follows:

- The Parish Council does not find the Traffic Assessment to be a credible document, It contains a number of material errors and incorrect information within the body of the Assessment which must therefore affect the accuracy and credibility of the conclusions
- it does not touch upon the HGV traffic generated by the numerous existing uses and users of Willow Farm, nor recognise that these will be increased by the proposed developments there
- there is no evidence that the proposed office space will be occupied only by the “farm management team” - there is nothing to this effect in the planning application the office space could be let out to third parties and generate additional traffic movements. Yet the Traffic Assessment assumes no traffic movements for this part of the application
- the methodology used to underpin the assertions in the Traffic assessment in section 4 – that trip rates have been allocated by assumption only to specific land uses and then applied to floor areas to “give a general indication of likely additional trips” - is arbitrary and lacking an evidence base
- the application will increase further the impact of land uses which are already too extensive for the location and the rural network around it.

Most recently the Parish Council commented on the revised accommodation schedule and additional information as follows:

- The proposals to create additional commercial/office space will increase vehicular movements
 - The location of the site - where access is necessarily via narrow country lanes - makes it unsuitable for further development which would increase traffic volume
 - question the unverified demand for additional commercial space at the location considering that office and commercial space already exists nearby, including at the Brogdale Farm site and allocated for development at Perry Court development
- 5.2 Swale Footpaths Group commented that ZR 670 (referred to on one plan as "existing access road") is nearby, but it does not seem it would be affected.
- 5.3 Faversham Society raised concern at providing 6 additional retail units on a site which is remote from Faversham Town Centre. It is suggested that conditions should restrict the mix of items that can be sold so that they relate to the primary use of the site as an Equestrian Centre.
- 5.4 Four responses were received from local residents after the initial consultation, objecting to the proposal their comments are summarised below:
- a transport statement should be made available for public comment
 - existing businesses at Willow Farm already create an unacceptable level of traffic on the surrounding rural road network with particular impact being created by large HGVs travelling through the village of Painters Forstal
 - The number and size of HGVs travelling through the village has increased significantly over the last year or so as activity on the site has increased
 - additional traffic that will be generated by these proposed developments will only serve to increase the level of traffic and the consequential danger and disturbance to residents, and damage to the grass verges and roadway edges
 - Willow Farm is clearly an unsuitable and inappropriate location for such vehicle generating development
 - no improvement over the years to the local road network and the size of traffic using these roads has increased dramatically
 - agricultural activities at Willow Farm appear to be limited so how much office space does this require
 - plans for the bund are difficult to interpret
 - the expansion of Willow Farm can only be sanctioned if accompanied by major improvements to the road infrastructure it will be grossly unfair to local residents
 - A number of comments were made in relation to the construction of the access road (to the agricultural storage barns to the north of the site) and its use by vehicles at all hours and the fumes, dust and pollution it produces – NOTE: This is not part of this planning application.

Additional comments were received following receipt of the Transport Statement and amended drawings showing the removal of the bund, the additional car park area and a reduction in size of replacement building known as Block 5 and these are summarised below:

- the traffic survey was limited to 2 days and fails to regard the use by traffic of the additional access further along Hasletts lane where goods to the equestrian centre and Gillets arrive usually in HGV's
- the survey, therefore, ignores the HGV traffic currently serving the Willow Farm site, and singularly fails to have regard to the inevitable increase in HGV activity that will arise by stealth as a result of the proposed developments
- the survey shows that there will be a significant increase in the amount of traffic travelling to and from the site though this is dismissed as negligible but without regard to the fact that the roads involved are rural in nature
- a major part of the traffic currently accessing Willow Farm passes through Painters Forstal, and seemingly in future it will be specifically directed to do so because access to the primary highway network is so difficult from this rural location
- the transport statement ignores a short cut along a stretch of unnamed road that is used when passing through Painters Forstal, traffic as traffic does not tend to use the Painters Forstal/Eastling Road. This road also has school traffic on it and now is extremely dangerous and cannot tolerate additional traffic. And "unsuitable for HGV's" sign is now on the road but ignored.

6. CONSULTATIONS

- 6.1 Environment Agency offered no objection to the proposal providing conditions related to potential contamination of the site and surface water drainage are imposed on any permission granted.
- 6.2 Natural England commented they considered the application and the subsequent amendments and made no objection.
- 6.3 National Highways (previously Highways England) when originally consulted requested further details regarding the potential vehicular trip generation to and from the site and the potential impact it will have on the SRN, particularly during the network peak periods at the junctions specified (M2 Junc 5 6 and 7 and A2/A251 junction). This should include a breakdown of existing and proposed traffic related to each activity (existing and proposed leisure, farm, retail and employment and any other related day to day and special event activities) on a daily and hourly basis. Traffic related impacts during construction should also be specified.

Following receipt of the Transport Statement and amended drawings showing the removal of the bund and the additional car park area and a reduction in size of replacement building known as Block 5 they commented as follows:

- As the bund has been removed they have no further comments to make on this issue

- They reviewed the Transport Statement and the amendments and considered that the level of peak hour traffic movements onto the SRN arising from the proposed development would not materially impact on the reliability, operation or safety of the SRN
- Therefore, we do not offer any objection or requirements.

6.4 KCC Highways when originally consulted requested a Transport Statement or assessment and details particularly in relation to potential traffic generation. Following receipt of the Transport Statement and amended drawings showing the removal of the bund and the additional car park area and a reduction in size of replacement building known as Block 5 they commented as follows:

- The access on Hansletts Lane would be suitable for the additional number of vehicles generated by these proposed developments. To ensure the existing vehicle visibility is maintained there should be no obstruction within the visibility splays over 0.9m above the carriageway level
- satisfied that the proposed retail units will not result in a significant number of additional vehicle trips, it is expected that the majority of visitors to the retail units will be drawn from the local area, and it is likely that many of the trips will be dispersed across local roads.
- also satisfied that the new office space will not generate additional vehicle trips as it will host existing farm management uses on site
- The proposed parking provision will meet the necessary requirements and there is sufficient room for parking within the development
- The 4 disability spaces, which are shown on the proposed masterplan, should be retained and the provision made for electric vehicle charging facilities and a secure covered cycle store is required.

As such, they now raise no objection subject to the imposition of suitable conditions, which are included below.

6.5 Southern Water stated they required a formal application for any new connection to the public foul sewer and that other technical staff should comment on surface water proposals and general guidance. This advice was repeated on further consultations.

6.6 SGN advised gas pipeline locations are available online to view and did not comment further on the proposal.

6.7 KCC Public Rights of Way Officer commented that whilst ZR670 is a public footpath which passes along the access and directly through the application site, having reviewed the application and noted the proposals for the development, the path will remain unaffected and as a result, he did not have any objections against the application. He advised that the route should remain unobstructed during and after the development to pedestrians and the Highway Authority, should be notified of any proposed surface changes to the Public Right of Way.

- 6.8 Kent Downs AONB unit when originally consulted they considered the proposal would fail to achieve the landscape character objectives of the area that include conserving the small scale of the roads and villages and the remote quality of the countryside and to control urban fringe pressures.

They considered that the development would increase the amount and height of building on the site and would appear out of scale and design in its rural context and the design would fail to strengthen the locally distinctive character of the Kent Downs AONB. The proposal would also result in increased general activity at the site including an increase in traffic on rural single-track roads.

Harm would also arise as a result of the large area of hardstanding required in connection with the proposed car park and as a result of parked vehicles, in a location away from existing built development associated with the holding.

Both the car park and the new building would be visible from Hansletts Lane, due to the open nature of field boundary with the lane and the removal of vegetation along the access track to the site, as well as from the public right of way through the site.

The proposed bund would also have a detrimental effect on the landscape character, introducing an engineered feature that would be wholly out of keeping with this generally open landscape.

In conclusion, it is considered that the proposal would weaken the characteristics and qualities of natural beauty and landscape character and disregard the primary purpose of the AONB designation, namely the conservation and enhancement of its natural beauty.

Following the submission of amended details, they welcomed the removal of the bund but maintained their concerns raised in connection with the proposed new building and increased activity at the site and associated traffic on the rural single-track lanes that provide access to this site.

- 6.9 SBC Environment Health offered no objection but did require a condition to restrict the construction hours to protect the residential amenity during the construction phase.
- 6.10 Rural Planning Consultant considered as the proposal relates to non-agricultural development on part of the Willow Farm premises there are no matters arising within the advisory remit
- 6.11 Kent Police had no significant concerns however they advised the applicant/agent to consider: Planting to the 1.5m high post and rail fence should be maintained at a maximum of 1m, the parking area could benefit from increased natural surveillance e.g., windows, door sets should meet PAS 24: 2016 UKAS certified standard, windows on the ground floor or that that are potentially vulnerable e.g. from flat roofs so should meet PAS 24: 2016 UKAS certified standard

7. BACKGROUND PAPERS AND PLANS

7.1 19/502484/FULL and existing plans.

8. APPRAISAL

8.1 Principle of Development

8.2 The determining factors here are the growth and expansion of this established business and the potential implications for the vitality of Faversham town centre, the design and visual impacts of the proposal, the landscape impact of the proposal given its location with the Kent Downs Area of Outstanding Natural Beauty (AONB) the sustainability credentials of the proposal, the implications for residential amenity, and any highway implications

8.3 At the heart of National policy is the presumption in favour of sustainable development and the Local Plan is developed in line with this positive approach.

8.4 It must therefore be considered if this proposal is a sustainable development and as such The Swale Borough Local Plan 2017, defines built up area boundaries and the countryside for planning purposes. The site is situated outside of any established built-up area boundary, where policies of rural restraint apply. The site is remote from any settlements and Painters Forstal, the nearest village, is approx. 700m by road to the south-east and Faversham town centre is approx. 1.8 miles to the north-east.

8.5 However, the NPPF in paragraphs 81 and 84 supports economic growth in rural areas to create jobs and prosperity by taking a positive approach to sustainable new development. The Local Plan continues this with Core Policy CP1 supporting the goal of strengthening economic development within the Borough whilst Policy DM3 recognises this and balances the support for sustainable economic growth with the limiting and managing of adverse impacts upon the wider countryside. Policy DM3 in this case requires that the new building's design and layout be sympathetic to the rural location and appropriate to its context, resulting in no significant harm, and avoiding scales of traffic generation incompatible with the rural character of the area.

8.6 There are therefore competing policy considerations, the desire to enhance the rural economy and the need to ensure sustainable development.

8.7 As a rural business, Willow Farm argue they are investing in the long-term success of the existing facilities by developing and improving the physical facilities and services Willow Farm Equestrian can offer the local community. The underlying aim of this proposal to provide additional retail, commercial and office space to aid other, small scale local complimentary rural business to give them a place to base their business from. Although no end users have been confirmed a mix of occupants is anticipated, leisure, retail and service sector, all with the aim that this will support and aid the sites viability as a whole. It is likely that not just this site will benefit but nearby tourism, at the Willow Farm Caravan Site etc could also benefit. Additional employment will result directly in the form of the applicant's estimate that at least 10 additional jobs are expected to be created here on the site, dependent on the businesses coming in, and also indirectly thus providing further income to the rural economy.

- 8.8 In terms of fulfilling the economic objective of sustainable development in this case there is an historic retail presence at Willow Farm via Gilletts Country Store which has operated here for approx. 30 years and currently employs 17 staff (on a full and part time basis) Additionally the renowned equestrian centre and its cafe and a landscape business operate from the site and offer local employment. The recent approval for 4 holiday lets adds to the leisure/tourist provision at the site. This is a successful, modern rural business and site.
- 8.9 The NPPF (July 2021) paragraph 83 states that “*planning policies and decisions should recognise and address the specific locational requirements of different sectors.*” Given the equestrian nature of the main business, the proposals are appropriate within the context of businesses being able to invest, expand and adapt. Paragraph 84 continues to support the reuse of rural buildings, well designed new buildings, the diversification and development of land-based businesses and the development of accessible local services, community facilities, meeting places and local shops, all elements addressed within this proposal. Paragraph 85 states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. Given many of the trips to the proposed new elements are likely to be from those already visiting the site I am satisfied the proposal would not cause adverse impact.
- 8.10 I understand that Employment Land Review evidence prepared for the Local Plan Review shows that there is an identified need for approximately 51ha of business and commercial floorspace and although the proposals would make only a small contribution, it is a contribution none the less that is appropriate in scale to its surroundings.
- 8.11 Policy DM24 seeks to protect the natural beauty of the AONB but also allows for its socio-economic needs. I consider that the appearance of the new build element fits with the current aesthetic of this modern farming business and with the other more small-scale improvements to the site. The proposal will both enhance the site specifically (and not project beyond the existing complex of utilitarian buildings), given its current appearance and the character and the natural beauty of the AONB generally. This part of the AONB is characterised by utilitarian buildings as well as featuring the M2 motorway and the neighbouring caravan site and the proposal must be seen within this context.
- 8.12 I do not consider the development would detract from the AONB designation particularly when considered in the context of the site and its surroundings. With the uplift in the appearance and impact of the site on the AONB, the additional proposed soft landscaping together with the benefit of further supporting the rural economy helping to sustain its own and nearby business and local tourist attractions.
- 8.13 I further consider its location and the scale and the makeup of the development is sufficiently removed from and diluted to not impact upon Faversham Town centre and its long-term vitality and viability. Here, there is a potential mix of small-scale retail, leisure, commercial and office space proposed to acknowledge the rural offer the site can make.

- 8.14 I am conscious of para 87 of the NPPF requiring a sequential test to be applied to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. However, para 89 continues that this is not necessary for small scale rural offices or other small scale rural development. In this case the scale of the office accommodation being offered is in part of the first floor of 1 building whilst the remainder of the offering is aimed at rural enterprises and of a scale that the town centre by reason of size, cost or location is not an option.
- 8.15 However, acknowledging the E Use Class covers both commercial and retail activities, I have included condition 17 which limits the Class E (a) use (retail) to a maximum of 529m² floorspace - the level within the ground floor of Block 4 and Block 5. This will limit the maximum amount of potential retail activity to ensure the anticipated and expected mix of uses is maintained. It will also ensure that it will remain no more than an ancillary use to the main activities of Willow Farm. As such, I am of the opinion that the proposal is acceptable in principle and in accordance with Local Plan principles.
- 8.16 I note the comments from the Faversham Society made in July 2019, but also recognize that they have not commented on the revised details of the new mix of proposed uses. Their concern centred on 6 retail units where the proposal now is not solely for retail but for a mix with commercial uses too. They suggested that conditions should restrict the mix of items that can be sold so that they relate to the primary use of the site as an Equestrian Centre. However, I am concerned as this could well restrict the other potential users, for eg Joes Bows leisure business with the ancillary retail element would fall foul of such a condition as would a plant nursery for example.
- 8.17 The context of the site is important as it is a busy modern site with its immediate neighbour a caravan park to the west, the M2 motorway to the north, the relocated farmyard to the north and the farms original farmhouse to the south. A number of residential properties are in the vicinity of the site though the closest to the west, along with the Caravan Park will be screened by the existing buildings on the site and given the access remains to the east are unlikely to be able to view or note any change in circumstances by the proposals. Those further to the east whilst likely to continue to have a view of the site however I consider given the improvements to be made in the appearance of the buildings and the proposed increase in landscaping overall the appearance of the proposal would be of benefit to what currently exists. With the additional evidence regarding the limited increase in traffic and conditions specifically related to protect residential amenity I do not consider the proposal will result in the detriment to the amenity of those nearby.
- 8.18 It is my view that the proposals are policy compliant with both the NPPF and when considered against policy DM3 as the proposals seek to secure the sustainable growth and expansion of the business and enterprise in the rural area. Furthermore, I consider the proposals are appropriate in scale to the existing activities on the site and the wider area and would not adversely impact on residential amenity.

Visual Impact

- 8.19 Accepting there is sufficient national and local policy support for the proposal the detail of the design and impact of the building must be assessed.

- 8.20 Paragraph 126 of the NPPF states that *‘The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.’* The NPPF states that proposals should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.21 Policy CP4 of the Local Plan requires development proposals to be of a high-quality design that is appropriate to its surroundings. Development proposal should create safe, accessible, comfortable, varied, and attractive places, enrich the qualities of the existing environment by promoting and reinforcing local distinctiveness and strengthening sense of place, and make safe connections physically and visually both to and within developments, particularly through using landscape design and open space to retain and create green corridors for pedestrians, cyclists and biodiversity. Policy DM3 requires sympathetic design and DM14 requires proposals to reflect the positive characteristics of a site and locality, be well sited and of a scale, design, appearance, and detail that is sympathetic and appropriate to a location and cause no significant harm to amenity.
- 8.22 Given that the site is within the AONB consideration of the impact on the wider landscape is important, so the design and materials of the proposal need to be of a particularly high quality, and sympathetic and responsive to the wider landscape in this case.
- 8.23 The scheme in general will provide a much more attractive site than currently exists. Although in the AONB, Willow Farm is a collection of mostly large modern but dated buildings that all to a degree require updating and improvement. This is particularly relevant to the external appearance of Block 4, currently with a grey concrete block base, which would be recovered with brick, and this would lift this rather unattractive modern agricultural building and be a benefit of the scheme.
- 8.24 The resurfacing and formalisation of the current hard standing parking area within the courtyard area would also be an advantage of the scheme. The addition of soft landscaping here will soften the appearance of this courtyard and make the area more cohesive with the wider landscape. The designated parking areas, utilising existing hardstanding areas will also ensure the parking stays in the specified areas and does not spread around the site. I have included a condition to ensure this and that the soft landscaping will consist of native hedging and plants to increase biodiversity, currently lacking on this area of the site.
- 8.25 The lean-to extension to Block 1 is limited in size given the size of the building and with appropriate tiles on the roof would disguise somewhat this rather large and unsightly elevation which can be viewed from outside the site, on the approach from Hansletts Lane.
- 8.26 The main development here is to be the removal of the existing dilapidated building (annotated as Block 5) and its replacement with the larger retail/commercial and office building so some degree of benefit from its removal is accepted. It is proposed this

building would be of a simple design to adhere to the current character of this modern yard and the buildings within it.

- 8.27 It is proposed to be finished in a mixture of metal sheeting for both end elevations and the roofing and a brick base. Metal sheeting with timber panelling and glazing on the front and rear elevations will soften the appearance of the building. Although it is of a similar design to many other agricultural buildings, such as, the often-seen larger grain stores that pepper the local countryside. It is not considered the building would be overly prominent within the site, given its comparative size or when viewed from any public vantage points and would read generally as an agricultural building in an appropriate setting. The front elevation however offers an element of interest with its mix of metal work, bricks, wooden panelling and glazing but retains its simple design approach. This continues to the rear, which will also be visible elevation to those visiting and using the equestrian facilities at the site.
- 8.28 The impact of the building is mitigated by its siting behind the existing indoor arena and the large Gilletts store so would only be visible on approaching the site from the east. Native planting and a grassed area will break up the car parking area to the front and will soften this aspect of the proposal.
- 8.29 I note the original comments of the AONB unit however in light of these comments amendments were made to the proposal with the bund and the additional car park area being removed from the scheme, the two areas they were particularly critical of. I note they referenced that the car park and the new building would be visible from Hansletts Lane, *“due to the open nature of field boundary with the lane and the removal of vegetation along the access track to the site, as well as from the public right of way through the site.”* However, there is no proposal to remove any vegetation in fact additional planting forms part of the submission.
- 8.30 Furthermore, the objection to the new building (Block 5) *“being out of scale and design to its rural context”* in the original objection remains and its amendment is not addressed in their later comments. However, the building was reduced in size with the height of the building decreased and the eaves of the first floor now only offers a reduced, compromised floor to ceiling height. The height of the ridge is 7.2m from the ground whilst the heights of the other buildings on the site generally range between 6m to 9.5m. The proposed replacement building has a footprint of 508m² whilst the three existing neighbouring buildings in the yard have an average footprint of 869m², with the existing buildings at 2,096m², 345m² and 168m². Over the whole site the house, annex and garaging (under construction) have an approved footprint of 437m² and the buildings in the farmyard next to the M2 are 450m², 450m² and 900m². Thus, the existing average size of a building footprint on this site is 692m².
- 8.31 In light of this the context of this rural setting is that of large fit-for-purpose rural buildings and the proposed building at just 508m² is under the average size of building on the site. I further consider that, as argued above, the building is of a simple design that adheres to the current character of this modern yard and the buildings within it. Furthermore, it is located within the existing farmyard, where the AONB best practice/design guidance recommends that new development should be placed when diversifying existing farm settings to create a sustainable flexible future.

- 8.32 I do consider the AONB units concern regarding the potential harmful increased activity and traffic to the site has arguably failed to consider fully the existing level of use of the site, the diversity of the existing and proposed elements on the site and the conclusion by both Highways England and KCC Highways that the level of increase in traffic due to the proposal and its relationship to the existing site use would be minimal and at an acceptable level.
- 8.33 Willow Farm has historically, over the last 30 years, developed and grown in this sensitive setting and the remaining buildings on the site are testament to this expansion of the farm and when its expansion took place. I consider what is proposed now is a modern and more sympathetic development that provides the additional benefit that it will upgrade the existing buildings and their setting and many of the existing harmful elements in the AONB which will be of benefit to the AONB as a whole, compared to what currently exists here.
- 8.34 Residential Amenity
- 8.35 There are a number of residential properties in the vicinity of the site, but I note those to the south and east are over 180m away from the main proposed new building in the application site. Whilst the closer neighbour to the southwest and the Willow Farm Caravan Park are located beyond the existing equestrian indoor arena building and the Gillets building towards the front of the site.
- 8.36 The proposal would mostly be for a change in use at the site to enable retail/commercial/office premises to open from which they would be screened by these existing substantial buildings. Additionally given the Transport Assessment determined the minimal increase in additional trips to the site I do not consider their proximity to the site would be adversely impacted particularly as the access is also be removed from their location.
- 8.37 I have included conditions to protect amenity in the locality such as restricting additional lighting and working hours and a restriction on delivery times and with these in place I do not consider that the proposal would have an adverse impact upon residential amenity.
- 8.38 Highways/Parking
- 8.39 Access is to be provided to the site via the existing access off Hansletts Lane, this is considered satisfactory for the proposal, and I have included a condition at the request of KCC Highways that ensures the existing vehicle visibility is maintained and that there should be no obstruction within the visibility splays over 0.9m above the carriageway level.
- 8.40 I note the concerns of the Parish Council and other objectors regarding their view of the impact the current proposals would have on the local road network, although I note the main body of the objections appear to be regarding the current stresses on the local road network from the use of a variety of vehicles attributed to the site.
- 8.41 What is to be considered with this application is the impact of the vehicle movements likely to arise from the development being proposed and this being in the context of Hansletts Lane being a designated rural lane whereby development that creates

resultant traffic levels which significantly harm the character of such a rural lane are unacceptable.

- 8.42 The Transport Assessment was submitted with the application and assessed by Highways England and KCC Highway engineers, The report took the “worst case scenario” for this proposal and as such they concluded the proposal would then likely introduce a maximum of 37 additional two-way vehicle movements onto Willow Farm during the peak demand, with the majority being cars or light goods vehicles. However, they also considered that there is a high chance many visitors already visiting Willow Farm for either equestrian purposes or the existing retail use will then visit the new retail/commercial outlet. A more typical scenario would then be to allow for 30% of the retail/commercial trips to be linked to other uses (e.g. Gillett Cook retail and equestrian uses) This resulted in a more likely 13 inbound and 13 outbound trips into Willow Farm during peak time reducing to 11 inbound and 8 outbound in the lower PM peak demand time.
- 8.43 However, I note the Parish Council commented that they did not find the Transport Statement a “*credible document*”. The Transport Statement provided evidence of traffic movements for typical operational days at the site, which is common practice for Transport Statements and Assessments. Owing to the nature of the site and its mixture of uses, I am advised that a site-specific methodology is appropriate in this instance and appeared robust enough in the view of the Highways England’s highway engineers to predict the additional trips generated.
- 8.44 The assumption made for linked trips with other site uses was acceptable in the view of Kent Highway engineers, and additionally Highways England who were also content that the proposal would not create sufficient traffic to warrant objecting to the proposal. Much as I have every sympathy with the concerns of local residents, in this matter I must take the expert advice of the Highway Authority.
- 8.45 Many objectors were making general points about the lack of investment in the rural road network and the increase in its use by larger vehicles, the damage they cause and the inconsiderate driving practices. Whilst I am sure some vehicles can be attributed to the site it is not conclusive that current or future visitors, whatever vehicle they may be in currently do or would cause further problems. Even so, drivers’ behaviour cannot be the responsibility of the premises they are visiting.
- 8.46 I consider that the Transport Statement informs us that this proposal would result in a negligible increase in vehicle trips to the site and the analysis has not demonstrated that the impact of any additional traffic generation would constitute a severe or overbearing impact as such I do not consider it is contrary to Policy DM26 which aims to protect designated rural lanes.
- 8.47 There was some contradictory information regarding the parking provision on site however it is now clear that the majority of the parking will be provided in the “courtyard area” between the buildings, currently used as a parking area, with overspill to the rear of Block 5, again an existing hard surfaced area. Additionally, I have included a condition for this to be provided and approved including details of how the provision of electric vehicle charging points will be accommodated and managed

- 8.48 Finally, I note objectors refer to the use of the historic agricultural track to the west of the main farmyard, adjacent to Willow Farm Caravan Park, which continues on to the agricultural buildings to the north of the site.

Significant time was spent by Enforcement Officers investigating the claims this was not authorised in 2018 and in 2019 and it became clear that the evidence showed that the track had existed for many years and that, whilst the new farm buildings close to the M2 had been approved and the planning permission (16/504755/FULL) restricted their use to agricultural purposes, the planning permission did not restrict which access route can be used to access them. The applicant was therefore free to use this track or the main farm driveway to access his land and his buildings. Furthermore, as the track had previously been used, and continues to be used, for agricultural purposes on agricultural land, there are wide ranging permitted development rights to construct such a road. This is not the proposed access to the current proposals, is not included within the application site and I do not see this issue as material to the assessment of the current application.

8.49 Landscaping

- 8.50 The key to achieving a good quality development on this site is very much wrapped up not only with the design of the buildings but with the boundary details. Fencing and landscape details are lacking in detail, so I have included a condition to ensure this is clarified and that the species used are indigenous and the use of trees incorporated.

- 8.51 The existing landscape to this site area is generally hard standing and going forward the hard landscape materials should be natural and block paving and should be permeable to accommodate storm water drainage.

- 8.52 However, a greater element of soft landscaping has been proposed now to create a visual buffer to the parking, with hedging planted around the parking area to provide some screening. I have included a condition to ensure it is appropriate.

8.53 Other Matters

- 8.54 The Council declared a climate and ecological emergency on 26th June 2019. The purpose of the declaration was to draw attention to the urgent need to reverse the decline in biodiversity in Swale and to take effective action to reduce carbon emissions in the Borough. The declaration sets the goals for carbon emissions from the Council's operations to be carbon neutral by 2025 and for the Borough to be carbon neutral by 2030. In response to this and by fulfilling the environmental objective of sustainable development I note the building will be constructed to be BREEAM very good or equivalent standard required by Policy DM19 and the submission confirms that sustainability has been one of the initial design drivers for the scheme. As such they propose to deliver a highly insulated modern building delivering a comfortable environment, without the need for excessive heating or cooling. The building will utilise natural light, a rainwater collection system, use modern low use taps, an A rated boiler, low energy light fittings and specify insulating materials that avoid the use of substances that have global warming potential, this carries weight in the decision-making process. Members will note condition (13) below.

9. CONCLUSION

- 9.1 It is acknowledged that there has been some local opposition to the proposal. However, following consideration of national and local plan policy It is my view that the proposals are policy compliant with both the NPPF and when considered against policy DM 3 (The rural economy) as the proposals seek to secure the sustainable growth and expansion of a business and enterprise in the rural area and the proposals are appropriate in scale to the existing activities and the wider area.
- 9.2 Along with the amendments to the scheme I have taken into account the potential impact of this proposal on the character and appearance of the countryside and the AONB, and to the comments of local residents and the Parish Council and other 3rd parties. I am of the view that the impact on the countryside and AONB has been mitigated and would be minimal compared to the benefits it would bring to the Borough in terms of the benefits to the improved appearance of the site, and to the AONB, the benefit to the local rural economy. Additionally, the proposal complies with the aims of Policy CP1 in supporting the local economy and creating new jobs for the area in terms of enabling a local business to thrive and provide increased employment, and the continued viability of Willow Farm weighs heavily in its favour. In this case the scale of the office accommodation being proposed and the remainder of the offering is aimed at typically rural enterprises and to be of a scale that the town centre by reason of size, cost or location is not an option and thus I do not consider it would be adversely affected by the scale of this proposal. Furthermore, conditions have been recommended below to ensure the development has the minimum impact on visual and residential amenities as is possible.

10. RECOMMENDATION

GRANT Subject to the following conditions:

CONDITIONS to include

- (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 approved shall be carried out and maintained in accordance with the following drawings: A21-050, A21-100 Rev P7, A21-102 P2, A21-103, A21-105 Rev P3, A21-106 Rev P2, A21-110 Rev P2, A21-111 Rev P2, A21-112 Rev P2, A21-113 Rev P1, A21-114 Rev P3, A21-115

Reason. : For the avoidance of doubt and in the interests of proper planning

- (3) No development beyond the construction of foundations shall take place until detailed drawings to show adequate land reserved for and set out in accordance, where appropriate, with the currently adopted Swale Borough Council Parking Standards for the particular development proposed, in the courtyard and to the rear of Block 5, for

- i) all proposed parking spaces,
- ii) for the loading and off-loading of commercial vehicles
- iii) and the details of the provision of active and passive electric vehicle charging facilities

These details shall be submitted to and approved by the Local Planning Authority. The approved plan shall then be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to the reserved parking spaces including the EV charging facilities.

Reason: Development without adequate provision for the parking, loading or off-loading of vehicles is likely to lead to parking inconvenient to other road users and in a manner detrimental to highway safety and amenity

- (4) No development beyond the construction of foundations shall take place until details in the form of British Standards or commercial specifications of the proposed external facing materials have been submitted to and approved by the Local Planning Authority.

Reason: In the interest of visual amenity.

- (5) No development beyond the construction of foundations shall take place until details of the colour finishes to be used for the external materials have been submitted to and approved in writing by the Local Planning Authority. Works shall proceed in accordance with the approved details.

Reason: In the interest of visual amenity

- (6) No development beyond the construction of foundations shall take place until full until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity, where possible), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

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

- (7) No development beyond the construction of foundations shall take place until, construction details, including materials and colouring specifications for the pedestrian walkway have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity

- (8) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (9) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason(s) To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework

- (10) No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason(s) To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

- (11) The buildings hereby approved shall be constructed to BREEAM 'Very Good' Standard or an equivalent standard and prior to the use of the buildings the relevant certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved.

Reason: In the interests of promoting energy efficiency and sustainable development.

- (12) 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.

- (13) No floodlighting, security lighting or other external lighting shall be installed or operated at the site, other than in accordance with details that have first been

submitted to and agreed in writing by the Local Planning Authority. These details shall include:

- A statement of why lighting is required, the proposed frequency of the use and the hours of illumination.
- A site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features.
- Details of the number, location and height of the lighting columns or other fixtures.
- The type, number, mounting height and alignment of the luminaries.
- The beam angles and upwards waste light ratio for each light.
- An isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties.

Reason: In the interests of visual amenity and the residential amenities of occupiers of nearby dwellings.

- (14) The use of the premises hereby permitted shall be restricted to the hours of 0730 to 1700 hours on weekdays and Saturdays, 1000 and to 1600 on Sundays and Bank Holidays.

Reason: In the interests of the amenities of the area

- (15) The Class E (a) use shall be limited to a maximum of 529m² floorspace within Block 4 and Block 5.

Reason: In the interests of protecting the vitality and viability of existing retail locations.

- (16) No deliveries to the site shall take place outside the times of 7am and 7pm Mondays to Saturdays and 10am and 4pm on Sundays and Bank Holidays.

Reason: In the interests of residential amenities

- (17) The hereby approved development shall be completed in exact accordance with the submitted drawings and details and no further sub-division of the buildings shall take place unless it has been agreed in written by the Local Planning Authority.

Reason: In order that there be no intensification of use on the site.

- (18) 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.

- (19) There shall be no external storage of equipment, raw materials or products on the site hereby approved.

Reason: In the interest of visual amenity

INFORMATIVES

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused
- on-site providing they are treated to a standard such that they fit for
- purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and
- cluster project formally agreed with the EA
- some naturally occurring clean material can be transferred directly between
- sites.
- Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
- The Environment Agency recommends that developers should refer to:
- the Position statement on the Definition of Waste: Development Industry Code
- of Practice and;
- the Environmental regulations page on GOV.UK

The use of DoWCoP precludes the charging of any gate fees for any imported soils materials. This restriction is paramount and any import of materials where a gate fee is charged must be covered by a relevant environmental permit for recovery or disposal.

Any re-use of excavated materials not undertaken formally using the CLAIRE DoWCoP would require an environmental permit for deposit, unless materials are solely aggregates from virgin sources, or from a fully compliant Quality Protocol aggregates supplier. Any deposit of materials outside of these scenarios could be subject to enforcement actions and/or landfill tax liabilities

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.
3. No hedging or shrubs should be planted within 1.5 metres of the edge of the public path.

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.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 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.

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.

