

TABLED UPDATE FOR ITEM 3.1 ON PUBLISHED AGENDA.

Reference and address 24/503608/PNQCLA - 5Acres, Holywell Lane, Upchurch, Kent, ME9 7HN

1. Further to the publication of the committee report, the agent has provided additional information, in the form of a photograph taken inside of the building, which shows several apple crates stacked together, with what appears to be a sign placed in one of the crates, advertising the sale of apples. This photo has been checked against the officer site photos and does appear to have been taken inside the building that is subject to this application. The agent sets out that the photo demonstrates that the apples stored within the building were sold as part of the farm business.
2. The reason the application was recommended for refusal is because officers considered that insufficient information or evidence had been submitted with the application to confirm that the building is or has been used for an agricultural trade or business, as set out in paragraphs 7.10 to 7.12 of the committee report. The statements of truth alone, provided as part of the application were not considered sufficient to demonstrate this, and the agent was contacted and offered the opportunity to provide further information, but this was not forthcoming prior to the writing of the committee report.
3. The submission of the photograph does support the details set out in the statements of truth, namely that the building was used to store the orchard crop harvested from the site, and the apples were sold at local markets. The Council has no information to dispute this, and therefore on the balance of probabilities, the building appears to have been in use previously as part of an agricultural trade or business, and as such the building meets the definition of an agricultural building as defined by paragraph X of the GPDO.
4. On this basis, the scheme complies with all the conditions and requirements of the GPDO and therefore the officer recommendation is now that Prior Approval is not required. An informative is recommended to be imposed, to secure the required SAMMS payment, as explained further in paragraphs 8.24 to 8.26 in the committee report. The informative is set out below for reference.

The site falls within a 6km distance of the Swale Special Protection Areas and Ramsar sites, which are European protected sites. Prior to the commencement of any development subject to this prior notification application, you are required to make an application to the Local Planning Authority (LPA) in accordance with sections 75-78 of the Conservation of Habitats and Species Regulations 2017 in order for the LPA to ascertain whether the development is likely to adversely affect the integrity of a European Site.

You are advised that in accordance with the adopted Bird Wise North Kent Mitigation Strategy, a tariff payment for each new unit of residential accommodation will be required as part of the above process to mitigate the effects of increased recreational disturbance arising from new residential development. The current Tariff is currently £328.27 per dwelling.

MH – 08.10.2024