

site, they can not develop the farm as they would like to. In essence, the long term outlook for this farm is bleak unless more income can be generated and the farms produce is diversified further. The existing agricultural buildings are also not well suited to the farms activities and are particularly badly suited for the applicant's expansion and diversification plans.

In summary, there are two main barriers to the farm progressing and becoming viable. The first is the lack of a modern farm building to provide cold storage, hygienic and efficient sorting/packing facilities, secure, damp proof storage and the provision of modern lambing pens. The second is the lack of any available on site dwelling for the applicants. These deficiencies prohibit the applicants from being able to modernise and diversify the farm so that it can generate a greater level of profit.

The summary and conclusions of the Supporting Statement state:

'It is submitted that these proposals for an agricultural barn and the conversion of out of date existing farm buildings into more appropriate alternative uses, are acceptable in principle under the provisions of the Development Plan in force for the area and are strongly supported by the advice contained within PPS7. None of the proposed forms of development are considered to represent inappropriate development within the Green Belt when assessed against the criteria of PPG2. By definition therefore the proposals will not harm the openness or functioning of the Green Belt.

It is also submitted that, in terms of their detail, the proposals are acceptable in terms of their impact upon residential amenity, highway safety and the rural visual amenities of the surrounding Conservation Area and nearby Area of Outstanding Natural Beauty. Indeed, it is considered that, on the whole, the appearance of the locality will be greatly enhanced by these developments. The proposals satisfy the directly relevant tests of saved policies P6/14 and P6/15.

Significant weight should also be given to the fact that these three interrelated and interdependent developments will enable the applicants to implement a comprehensive plan that they have devised that is aimed at overhauling the farm's operation and its viability in order that agricultural production at Allens Farm can be maintained. As a result of this plan, the long term future of Allens Farm's increasingly rare and traditional landscape of nut plats and cherry orchards can be retained.

The applicants could look to meet their needs through erecting new lambing sheds and a new modern barn for nut sorting/storage and cold storage under the farms' permitted development rights. They could seek a new agricultural dwellinghouse pursuant to the provisions of PPS7. Whilst, these approaches would be entirely in line with policy, they would demand three new buildings being constructed rather than one. Such an approach would clearly be more harmful to this important landscape than the scheme now before the Council. This demonstrates how the applicants are committed to quality and to limiting

impacts rather than taking the easy route. The applicants have sought to put together a package of proposals that make the least impact upon the locality.

The proposed development are appropriately sustainable and fulfil the aspirations of PPS7 and policies CP1 and CP2 of the Core Strategy. Setting aside the fact that this organic farm provides a clean natural habitat for wildlife/biodiversity, the re-use of existing buildings makes the best use of existing embodied energy. Additionally, the creation of an on-site dwelling reduces the need for the applicants to travel a round trip of 19 miles daily. Finally, the proposals embrace green technology through the use of a heat exchange system, a sustainable drainage system and maximisation of solar gain where possible.

In light of the above considerations, the applicants request that planning permission be granted.'

2. Reason for reporting to Committee:

2.1 Deferred from previous APC for a Members Site Inspection.

3. Determining Issues:

3.1 Further to the last report, which is reproduced as an Annex, Members requested further clarification in respect of the advice given by the Council's agricultural consultant and also further assessment of the supporting case submitted by the Applicant. The applicants' case is set out in Section 1 above. The Council's agricultural consultant's comments are set out below. The policy issues relating to this development can be found in the annexed report.

3.2 *"In summary, assuming the conversions were approved, the farm would effectively have no functional buildings for its operation and in these circumstances the proposed new farm building would be necessary and appropriate in scale, siting and design.*

If, on the other hand, the new building had to be considered in isolation from the other possible proposals I would consider it would not be agriculturally warranted, in terms of size and its location. This is because improved farm storage/sorting facilities could be otherwise arranged by rebuilding a smaller replacement structure where the flat roofed sheds are sited, whilst the other agricultural functions could continue to be provided by the southern barn.

Need for applicants to reside on site:

Although the residential conversion application is not submitted as for an agricultural dwelling it is claimed that there is a distinct functional need for the applicants to live on site and that the option would be open, instead of seeking a conversion, to apply for a new agricultural dwelling.

I would have to advise however that I see that option as having little prospect of success because:

- *There is no indication of any agricultural husbandry activity or process here that essentially requires anyone to be resident at most times, day or night, under the functional test of Annex A of PPS7.*
- *There is already a dwelling (the oast) associated with the premises.*
- *The agricultural activities alone (from the submitted financial data) are not sufficient to meet the Annex A test of financial soundness for the provision of a new dwelling.*

There is a financial case to retain the B1 office use to subsidise the farm although there is only a need convert the southern barn to office use if the conversion of the existing B1 office to residential were to be permitted.”

- 3.3 In terms of the proposed dwelling. It is understood that the applicant(s) have been making the round trip from Stansted since inheriting the farm in 1991. Whilst the Council’s agricultural consultant does not consider that there is a functional need to live close (as there is no livestock to care for), if the applicants now need to live on site, as suggested by the agent, in order to make it more efficient and profitable, it is not clear at this stage why it is not possible to make use of Allens farmhouse. This dwelling is in their ownership/control and is being occupied by a family member.
- 3.4 The supporting case suggests that the applicants could submit an application for an additional new build dwelling in the countryside. This, it is argued, could be supported on agricultural grounds. However, the independent advice from the Council’s retained agricultural consultant indicates that such an agricultural need is very limited as there is no functional requirement for the applicants to be living on site (given that the farm has continued to operate in the past without the applicants living on site). For these reasons it is unlikely that a sufficient case for an agricultural dwelling on the site can be made, based upon the national policy advice in PPS7. Accordingly, the prospect of a new build agricultural dwelling at this site is not considered to have any significant weight as a fallback option to be of significance in this decision. Furthermore members will also note that the applicants’ agent has described the need for financial subsidy of the farm business by the office use etc. But this would indicate that any planning application for a new farm dwelling as suggested by the agent, is unlikely to meet the financial test required by PPS7.
- 3.5 The proposed agricultural building is intended to replace the building being converted into an office. That conversion is, itself, occasioned by the residential conversion. It is worth highlighting that the erection of a new agricultural building is not defined as inappropriate development in PPG2 but

the agricultural need for such a building should be clear and identified. In this particular instance, the need for this new building, and its siting, both seem to arise from the existing facilities being lost due to the combined proposed conversions included in the overall scheme. The Council's agricultural consultant has advised that there is not likely to be a need for this building if the existing buildings were not being lost by conversion. In such circumstances, I consider this new agricultural building in the siting proposed to be an unjustified incursion of built development into the countryside, notwithstanding its intended agricultural use.

- 3.6 The agent mentions that the proposed agricultural building could be erected under Agricultural Permitted Development Rights. However the proposed building is intended to be used for a variety of purposes including lambing sheds/pens and as such will partly serve as a new livestock building. Under Permitted Development Rights any livestock building would need to be sited over 400m from the curtilage of any unrelated dwelling in the vicinity in order for it to be permitted development. The proposed building in this location does not comply with this requirement and therefore could not be erected as permitted development.
- 3.7 Therefore the need for a further dwelling on the site and another agricultural building are questionable and as identified by the agricultural consultant better sorting and storage facilities could be provided by replacing and improving the existing flat roof timber buildings and upgrading the barn. In conclusion therefore there is not a sufficient case of very special circumstances to justify overturning the MGB policies that control inappropriate development. Notwithstanding the fact that the application also fails to comply with the relevant conversion policies P6/14 and P6/15 of the Tonbridge and Malling Borough Local Plan 1998.
- 3.8 Consequently, the application is recommended for refusal as it constitutes inappropriate development in the Green Belt, it adversely affects the openness of the MGB and rural area and the proposal as a whole does not preserve or enhance the character and appearance of the Conservation Area. It is also considered, as discussed above, that no case of "very special circumstances" has been demonstrated to outweigh the objections to this scheme.

4. Recommendation:

- 4.1 **Refuse Planning Permission** as detailed by Letter dated 11.08.2008, Report dated 11.08.2008, Contaminated Land Assessment dated 11.08.2008, Letter KW/22/08 dated 07.07.2008, Design and Access Statement dated 07.07.2008, Survey BAT dated 07.07.2008, Photographs SHEET 1 OF 7 dated 07.07.2008, Photographs SHEET 2 OF 7 dated 07.07.2008, Photographs SHEET 3 OF 7 dated 07.07.2008, Photographs SHEET 4 OF 7

dated 07.07.2008, Photographs SHEET 5 OF 7 dated 07.07.2008, Photographs SHEET 6 OF 7 dated 07.07.2008, Floor Plan AFPH/01 dated 07.07.2008, Floor Plan AFPH/02 dated 07.07.2008, Section AFPH/03 dated 07.07.2008, Floor Plan AFPH/04 dated 07.07.2008, Elevations AFPH/05 dated 07.07.2008, Elevations AFPH/06 dated 07.07.2008, Section AFPH/07 dated 07.07.2008, Existing Plans AFPO/01 dated 07.07.2008, Section AFPO/02 dated 07.07.2008, Floor Plan AFPO/03 dated 07.07.2008, Floor Plan AFPO/04 dated 07.07.2008, Elevations AFPO/05 dated 07.07.2008, Section AFPO/06 dated 07.07.2008, Letter KW/22/08 dated 14.07.2008, Drawing dated 14.07.2008 for the following reasons:

- 1 The application site is in the Metropolitan Green Belt and lies in the rural area outside designated settlement confines. The proposed re-use of the buildings involves alterations and reuse of agricultural land which leads to conflict with PPG2 (Green Belts), Policies SS2, SS8 and HP5 of the Kent and Medway Structure Plan 2006, Saved Policies P6/14 and P6/15 of the Tonbridge and Malling Borough Local Plan 1998 and Policies CP1, CP3 and CP14 and CP24 of the Tonbridge and Malling Core Strategy 2007 and does not preserve or enhance the Conservation Area.

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