



*Andrew Patmore therefore appears limited with the main potential being livestock sales (eggs, pigs, turkeys) and one horse livery.*

- It should be possible to continue to generate income from livestock even without the Old Farm Yard.*
- In my opinion, the offer to compensate Andrew Patmore for the loss of the specified parts of the Old Farm Yard for a sum of £3,900 per annum appears to be reasonable. This would in effect be a risk free form of diversified income with no time, management or inputs required and with no capital expenditure required. This seems to be consistent with Richard Lloyd-Hughes' view that the net annual potential of the buildings "might be limited to no more than a few thousand £s a year".*
- The current farm rent is £17,000, which is partially offset by income received from the cottage of £9,450. If an annual income of £3,900 is received by way of compensation for the loss of the specified parts of the Old Farm Yard, then this would in effect leave a net rent of £3,650 per annum for the 360 acres of land, farm house and remaining buildings.*
- I do not believe that the removal of the yard and buildings would fragment the farm or leave it short of essential building space. I believe that if the buildings in the Old Farm Yard were not available to Andrew Patmore then the implements and trailers currently stored there would be stored elsewhere without any significant impact on the farm or farming operations. Similarly, I believe that any required fencing materials and other items would be stored elsewhere – bearing in mind the fact that the four oast house roundels are not currently being used and the fact that the use of three stores and a garage in the Old Farm Yard is being retained by Andrew Patmore.*
- I do not believe that there would be a need for another building on the farm at this stage if the Old Farm Yard was not available to Andrew Patmore.*

1.3 The Laurence Gould Partnership Ltd lists the following areas for future viability of the farm:

- Maximising subsidies, in particular claiming Entry Level Environmental Stewardship Scheme subsidies and possibly Higher Level Scheme subsidies if Natural England will fund suitable options.*
- Maximising arable crop yields. There is a large variation in yields between farmers even on the same soil types.*
- Growing crops which are expected to generate a relatively good gross margin (for example linseed is only budgeted to generate a gross margin of £43 per acre).*

- *Considering growing crops which attract a price premium, for example crops grown for seed, milling wheat, malting barley.*
- *Marketing crops in order to try to achieve at least some guarantee of income, for example selling crops forward (before the crop has been harvested) at an agreed price.*
- *Maximising returns from hay and straw sales.*
- *Containing fixed costs, including capital expenditure on machinery.*
- *Continuing to generate diversified non-food income. Income from the cottage rental and income from the National Trust as compensation for the loss of the Old Farm Yard are good examples of diversified income.*

1.4 The National Trust has responded to points 3 and 4, summarised as follows:

1.4.1 *The Trust still concludes that there is no suitable alternative site for the compound as a whole. However, there could be possible alternatives in terms of the provision of a greenhouse.*

1.4.2 *There are currently two main options which are being considered for greenhouse provision and for plant propagation at Ightham Mote.*

1.4.3 **Option 1** *is to dispense with a greenhouse entirely. This option would involve the acquisition of plants from external nurseries or a change in gardening operations at Ightham Mote such that greenhouse provision is not required. If this option is pursued the requirement for the gardeners' compound remains unchanged and all buildings would still be utilised.*

1.4.4 **Option 2** *Construction of a greenhouse elsewhere, one possibility being on the site of the Kitchen Garden. The Garden Conservation Plan has shown that there was a heated sunken greenhouse on this site in the mid 19<sup>th</sup> century. It is proposed that in the longer term this area is properly restored as a kitchen garden with enhanced visitor access. The site falls within the Scheduled Ancient Monument. Whilst the site is unsuitable for use as a gardeners' compound as the erection of new storage / workshop / amenities buildings in this sensitive location would be entirely inappropriate, the erection of a greenhouse on this site could be considered.*

1.4.5 *Preliminary investigations have been made and initial consultations have taken place with English Heritage. The Trust is currently considering the potential impact on the SAM, the Grade I listed building, the Conservation Area and the garden itself. The Trust is also considering operational aspects and the impact on, and involvement of, visitors. No plans have yet been drawn up.*

- 1.4.6 *The current applications must be determined on their own merit regardless of any proposal for a new greenhouse elsewhere on the estate. The Trust is fully aware that the construction of a new greenhouse constitutes 'development' and would require planning permission. We are also aware that the key issues in the determination of any such application would include impact on the landscape and AONB in particular, impact on the character of the area, impact on the setting of listed buildings and the Conservation Area, and operational impacts, including transportation and access.*
- 1.4.7 *The Trust is unlikely to reach a final solution regarding future greenhouse facilities until a decision is made on the gardeners' compound itself.*
- 1.4.8 *The relocation of the gardeners' compound from its current site would have a number of significant benefits for visitor enjoyment, the property operation and the gardening facilities.*
- 1.4.9 *The current facility is adjacent to the Scheduled Ancient Monument and Grade I listed building. The use of the site as a gardener's compound adversely affects the setting of the Mote and does not enhance or preserve the Conservation Area. In planning policy terms its relocation is therefore a positive benefit. The relocation of the compound to Mote Farmyard would therefore constitute a significant improvement in terms of the conservation of the historic building and its setting within the landscape and the AONB.*
- 1.4.10 *The facilities are currently inadequate and there are no amenity facilities for the gardeners. The Trust has a statutory duty to protect and where possible enhance the assets in our care in the wider public interest and for the long term. In order to do this we require appropriate facilities. The proposal will result in an overall improvement in staff welfare and health and safety with ongoing benefits for the care and maintenance of the garden and the presentation of the site as a whole.*
- 1.4.11 *The relocation of the gardener's compound needs to take place regardless of any other development proposals at Ightham Mote. It is an independent, self contained project in its own right.*
- 1.4.12 *There is a current consent for the development of Phase 2 of the Visitor Facilities project on the site of the existing compound. (Phase 1 consisted of the development of the Mote Restaurant.) Phase 2 consists of the development of a new ticketing facility, exhibition area, and shop. The National Trust wishes to implement a Phase 2 development in accordance with planning policies which support the enhancement and upgrading of visitor attractions and the improvement of visitor facilities to meet high environmental standards and consumer demands.*
- 1.4.13 *We believe the proposals are an appropriate, sustainable re-use of these historic farmyard buildings. The works to the buildings are minimal as they are ideally suited to adaptive re-use as a gardeners' compound. The use of the open yard by gardeners is akin to farming – both are essentially rural activities involving the care*

*and management of the countryside. Horticulture is closely related to agriculture, both involve the storage of machinery and equipment, tools and supplies. The overall character of the area will therefore not change.*

1.4.14 *The farmyard will not be physically severed in any way from the farmhouse. The buildings will remain curtilage listed and therefore subject to strict planning control. No modern elements or structures will be introduced into the farmyard. Vehicular access to the farmyard will be as at present from the Greensand Way.*

1.4.15 *We note that a Conservation Area Appraisal has not yet been undertaken by the Borough Council for the Ightham Mote Conservation Area. With regard to Conservation Areas, PPG 15 paragraph 4.4 states that 'The definition of an area's special interest should derive from an assessment of the elements that contribute to (and detract from) it. Conservation Areas vary greatly, but certain aspects will almost always form the basis for a coherent assessment: the topography – for example, thoroughfares and property boundaries – and its historical development; the archaeological significance and potential; the prevalent building materials; the character and hierarchy of spaces; the quality and relationship of buildings in the area and also of trees and other green features'.*

1.4.16 Within this context it is clear that the proposals will have no adverse impact on these elements or the character of the Conservation Area.

## **2. The Site:**

2.1 As previously described.

## **3. Planning History:**

3.1 As previously described.

## **4. Consultees:**

4.1 Further responses from Consultees since 24 June meeting are:

4.2 Agricultural Consultant advising TMBC: The £17,570 estimate given by the applicant; consultant (see 1.2 above) corresponds closely to the actual farm income summary provided by Mrs Patmore for 07/08, her own figure for 08/09 is much lower, down to £9,359.

4.2.1 In his Gross Margin analysis Mr Winnard uses variable cost figures which are much lower (in particular for fertiliser costs) than those given in the John Nix Farm Management Pocketbook (2008), which Mr Winnard otherwise cites for yield averages.

4.2.2 Arable cropping has been subject to considerable input price rises on the back of oil prices. The arable cropping on this farm requires support from subsidies and other diversified income. Even if it were correct that £17,570 profit is currently

achievable, this would represent less income than the average earnings reported by DEFRA for a single full-time Grade 4 (craft grade) worker (£18,759, John Nix, 2008). As the net return to the Tenant's combined family labour and management, and invested Tenant's capital, I would characterise this sort of return as marginal and unsatisfactory, rather than "reasonable".

- 4.2.3 Given the accepted reliance of the farm business to date on a) the volatile arable crop market on a farm with poor attributes for arable cropping, b) farming subsidies with an uncertain future and c) profit rental from the cottage letting, there is a clear requirement for finding additional sources of farm income, such as small-scale livestock keeping, aiming for direct sales outlets, within the Old Farm Yard. I believe it is an oversight on Mr Winnard's part to exclude any reference to such production from his list of suggestions (at para 9.9 of the report) for maximising future farm income.
- 4.2.4 Mr Winnard records that the low level of livestock in the farmyard to date could increase, if this activity proves successful. I disagree with the profit levels estimated by the NT consultant.
- 4.2.5 Potential for livestock income (including a single livery) within the Old Farm Yard could be in the order of £4,500, or more. The advantage of the Old Farm Yard for this purpose, as opposed to some (as yet unidentified) offlying location for livestock ranging and accommodation, is that the yard and buildings are already there, and are immediately overlooked by the farmhouse. As previously indicated, the Old Farm Yard is also used at times for keeping sheep and has also been mooted by the Tenant as a potential location for calf rearing.
- 4.2.6 Mr Winnard does acknowledge the usefulness of the open-fronted buildings for trailers and implements and other materials: he says it is understandable these uses take place "as the space exists and is currently available". It is difficult, therefore, to follow his argument that there would be no impact for the tenant through loss of these buildings and that Mr Patmore would (in effect) just have to make do with leaving this equipment standing outside elsewhere on hardstandings or in fields. The fact that many farmers do not, in practice, have sufficient space to store all their machinery under cover does not mean their farms have no reasonable need for such storage, or that they would be unaffected by the loss of such storage when it is currently available.
- 4.2.7 The Old Farm Yard providing a base for educational access is rather dismissed by Mr Winnard, who refers to many farms finding it difficult to attract educational visits. This does not, perhaps, allow for the attraction of a combined visit to Lghtham Mote. It appears the Trust sees potential for the restoration of the oast for this purpose, but there may be greater scope for educational visitor interest by including the large traditional farmyard, with animals/poultry and farm machinery therein.

4.2.8 Mr Winnard suggests that any impact on the viability of the farm could be covered by compensatory arrangements already proposed by the Trust, however, as matters stand there is no agreement in this respect. There are no agreed alternative measures, in physical or financial terms, to mitigate the longer-term impact of the loss of the Old Farm Yard to the holding and no guarantee, as matters stand, that if planning consent were granted, suitable alternative arrangements would materialise that would obviate the Council's concerns as to farm fragmentation, loss of viability, and impact of replacement buildings, as set out in the second reason for refusal under TM/08/00700.

4.2.9 Finally, Mr Winnard refers several times to my previously stated view on the net annual potential benefit of the Old Farm Yard. I maintain this view: *"Quantifying the net annual potential benefit of the buildings to the farm in financial terms would be difficult, and might be limited to no more than a few thousand £s a year, yet that could still remain a significant consideration, in my view, in terms of assisting the viability of a mixed arable/livestock unit such as this, run with family farm labour, where the prospect of securing an adequate livelihood appears fairly marginal. I consider the loss of the buildings/yard concerned to another use would adversely impact on the future viability of Mote Farm, and may be expected to generate a requirement for replacement building space (as already discussed between the parties). I would observe that the GPDO provisions would allow for the erection of new storage buildings provided (inter alia) that they are "reasonably necessary" for the purposes of agriculture on the holding concerned"*.

4.3 Tenant farmers: They cooperated with the NT's agricultural consultant but have submitted its own Whole Farm Plan which is on file for Members to view in detail. It concludes that:

*"Given that there are so many variables that influence farm income, it is very difficult to predict the future viability of the farm, although accounts from past years indicate that it is at times only marginally viable. This means that the farm needs to be equipped to deal with the worst scenarios by keeping as many options open as possible. In order that the farm is able to respond to changing markets, it must retain all of its assets and utilise them for diversification purposes as needed. In this way the farm can ride stormy waters until prospects recover."*

4.3.1 Further comments from the tenant farmer are:

- DW's projections for 2010 show income up by 13.3% on last year and costs up by 10.52% whereas in keeping with general expectations our figures in our own projected account summary for 2008/09 show income down 20% and costs down 15%.
- Turkeys, free range eggs and hand reared, free range, rare breed butchered pork incomes are underestimated.
- Hay and straw income is way off the mark.

- Budgeting on these bases is very simplistic. We now have projections for 2010 ranging from £4,735 to £17,570 because of the difficulty of anticipating prices, costs and yields from one year to the next.
- A traditional farmyard full of animals would make this farm stand out from the others in terms of interest for the children, coupled with an oast house, an ancient monument to see and visits run by a teacher. We have no doubts that we will be able to achieve 20 visits or more. Without the old farmyard containing livestock, the farm loses its WOW factor.
- Under the Higher Level Scheme, it may be possible to obtain funding for the restoration of the old oast range which may then be suitable for subsequent educational purposes.
- Funding is unlikely to be forthcoming if Natural England consider that the oast could be reclaimed by the National Trust at a future date. Even if they did they would not pay for all of the costs and the farm cannot afford to invest the sort of money that would be needed.
- The farm is not planning any non-agricultural use and does not wish to seek consent on any form of diversified use which involves any alteration of this unspoilt farmyard. It is essential that its agricultural character is maintained.
- We do not know of anyone who can afford to leave expensive machinery to deteriorate in the open air, by keeping seasonally used machinery under cover, we have been able to extend its useful life, in some cases by over 20 years.
- In 1984 the open fronted section of the old yard was specifically altered by The Trust to allow storage of 3 metre wide implements. There is currently no spare space in the other farm buildings.
- Mr Winnard suggests that the oast house roundels could be adapted. This would involve cost and the National Trust have indicated that there will be no assistance with new buildings. In any event, the existing facilities in The Old Farmyard are adequate for current and future requirements.
- We have utilised buildings in The Old Farmyard throughout his tenancy and indeed part of The Old Farmyard has been used for livestock housing. Utilisation of the buildings saves costs which would otherwise be incurred elsewhere, for instance in the provision of alternative buildings, or quicker depreciation of equipment and materials stored in the open. The Old Farmyard is an integral part of the Farm's infrastructure. It is only since the CAP agreement in 2005 by which it was agreed that Single Farm Payments were to be decoupled and reduced to a flat rate in 2012, that we realised that the farm would need to look at other sources of income. We approached the Trust in 2006 with a diversification plan for the old farmyard to provide horse livery, but this was refused in 2007 and so we started on this present

enterprise in the yard which is building up slowly in anticipation of the reduced payments.

- The farmyard provides a secure environment for young stock.
- The licence to let the yard back to the Trust would presumably be renewable, but would the Trust renew it? Having been granted planning permission for change of use, they would be entitled to remove the yard from our tenancy. We have received no written offer and new opportunities for the use of the yard have improved its income potential. We do not believe leaseback is the correct course of action either for the Farm, or in the context of preservation of the character of this site.
- The analysis of the current farm rent netting down to £3,650 per annum is very misleading. One of the key determining factors of the statutory farm rent formula, contained in Schedule 2 of the Agricultural Holdings Act 1986, is productive and earning capacity. Rents received into a tenanted farm business are part of the earning capacity of the holding and the National Trust have rightly and responsibly recognised that rent from the cottage is required to maintain the viability of the holding. Mr Winnard appears to be suggesting that the net effect of rents received is to leave the Farm itself with a “cheap” rent. That is not correct. The effect of the cottage income is to enable the Farm to pay rent at a level which hopefully remains sustainable for both parties and for the Farm to continue to be farmed albeit at slender profit margins. Any contribution of income for use of the farmyard will simply pay for costs that will have to be incurred elsewhere as a result of loss of The Old Farmyard, e.g. capital costs in dealing with the oast floors, additional covered storage and costs that will arise from having to keep machinery and materials in the open.
- Many owner occupier occupied farms in this locality, with no rents to pay, do no better in income terms. It should be noted that certain of the objectives highlighted by Mr Winnard are regularly considered but have to be dismissed, as achievement of those objectives would require intensification including the employment of more paid labour and purchase of improved machinery. By operating a tight low cost budget, Andrew Patmore is able to farm the holding effectively and meet the commitments of his tenancy agreement.
- No income is received for grazing as our tenancy agreement precludes this.
- We never grows rape, linseed and beans together in one year, only ever two out of the three.
- The volatility in the markets has been more marked over the last 18 months than at any time in the memory of most farmers today. Mr Winnard draws attention to the price of feed wheat fluctuating between £185 per tonne in March 2008 and £80 per tonne in August 2009. He does not refer to the fact

that the price of nitrogen fertiliser increased from around £150 per tonne to nearly £400 per tonne during the same period, and has now come back to £175 per tonne or thereabouts. Fuel prices also saw dramatic increases as well as the cost of spray chemicals. The result of those increases in input costs meant that the 2009 harvest crop was the most expensive crop ever planted by today's arable farmers, with the inevitable effect on margins at the current time, commodity prices having fallen away. It is important that the full picture relating to farming today is understood.

- We currently have approximately 15 acres of mowable grass which is managed under a low input regime for Stewardship, this produced some 720 bales of hay this year (a long way from 3000). Some straw is sold off the field, some is baled for sale through the winter, some is baled for the stock, this is returned to the land as manure and some straw is chopped and ploughed in to maintain organic matter in the soil. We do not think it is good husbandry to remove all the straw every year.
- Single Payment income £26,000, CSS is £3,500.
- The Countryside Stewardship scheme ends next year when we intend to enter the Entry Level Scheme and Higher Level Scheme. We do not have sufficient spare points to be able to join the ELS until the CSS is finished.
- Three weaners have been sold @£50 each, at present we has 6 left to finish, although we had planned to have less this first year, so income could be £1950.
- The income from beef and sheep sales would be dependent on the Old Farm Yard if we took on milk calves.
- We sell sheep, but their good health and subsequent saleability is dependent on the old farmyard.
- A few weeks ago a neighbour lost all his chickens to a fox in the middle of the afternoon. The old farmyard provides a virtually fox proof environment. Also not long ago chickens were stolen from a garden in Plaxtol. The farmyard is overlooked and can be locked up.
- We do not want the pigs to root up the pasture land. Piglets and turkeys are easily stolen, and can be taken by foxes. The yard provides a secure home with outside access.
- The stores and garage to be retained are not of any practical use for livestock as use of the courtyard area would not be allowed.
- The materials stored on hard standing areas belong to the Trust's warden. The farm cannot afford the capital investment involved.

- Disputable that the budget prepared for Mote Farm shows a reasonable level of profit.
- Need for Income generated from the Old Farm Yard is affected by CAP reform.
- Points gained from the farmyard combine with others to get the farm HLS funding – the more points, the more income. In future years the farm may go into soft fruit growing, or grapes or olives and the yard would provide areas for packaging and storage of fruit.
- The farm rent is offset by various income sources but needs to retain all its assets in order to remain viable. We incur many costs in connection with the upkeep of the buildings and land. The rental figure is above that suggested by Nix for a farm of this size where the tenant is responsible for all internal repairs and upkeep of the buildings and pays for half the considerable costs of the external upkeep of them all.
- Who can afford to leave expensive machinery to deteriorate in the open air? By keeping seasonally used machinery under cover we have been able to extend its useful life, in some cases by over 20 years.
- In 1984 the open fronted section of the old yard was specifically altered by The Trust to allow storage of 3 metre wide implements. There is currently no spare space in the other farm buildings. The farm cannot afford to repair the oast roundels and is unlikely to get a grant to do so.
- The stores and garage to be retained are not of any practical use for the farm.
- There would be need for another building on the farm at this stage if the Old Farm Yard was not available to us.
- Maximising subsidies, in particular claiming Entry Level Environmental Stewardship Scheme subsidies and possibly Higher Level Scheme subsidies if Natural England will fund suitable options is under consideration.
- The farm is heavily wooded with a number of small fields, this leads to an increased incidence of pest damage which affects the crops' potential yield.
- Linseed is still a useful break crop on light land as weed control is easier than with oil seed rape especially given the amount of charlock in some fields, also rabbits and pigeons don't eat it.
- Marketing crops in order to try to achieve at least some guarantee of income and growing crops which attract a price premium is already done.
- No time or man power to make much more hay or straw and it is good husbandry to plough straw back in to enrich the soil. Only a fraction of the

grassland is suitable for hay making due to its topography. We keep machinery under cover to prolong its useful life. The farm cannot operate with larger, more cost effective machinery due to its narrow lanes and small fields.

4.4 Private Reps: additional objections summarised as follows:

- The information from the National Trust in no way answers Committee's requests. There is no Whole Farm Plan, and does not address the question of the long term viability of Mote Farm. It merely makes a few daft suggestions which are likely to reduce the future profitability of the farm – such as a proposition to keep valuable equipment outside, and a suggestion that the tenants could put up capital to convert the oasts for school visits, despite in another paragraph throwing cold water on the notion that school visits could be a worthwhile enterprise, and also, despite the fact that a suitable building already exists in the old farmyard. He wonders why the tenant does not take advantage of the permission to keep one horse livery, but does not seem to appreciate that it is cruel to keep single species of animals alone. Mr. Winnard makes no mention of the 2005 CAP reform and the very important effects it has had, and will have on farming. He only appears to be considering the current situation and does not look ahead to a time when the 2005 CAP reform will have fully taken effect (2013) and beyond. I cannot see how this report will assist the Councillors in making the right decision for the long term needs of the farm.
- NT continue to claim that "Ightham Mote is a major visitor attraction within the Borough and plays an important role in the local economy". I am sure there will be some positive aspects, but it seems to me there are a lot of downsides as well, which have a negative impact on the local economy, such as vehicle pollution and wear and tear on the roads, for which the property makes no contribution by way of Business Rates, or corporation tax. It is my view that the impact on the local economy would be very marginal, and should not be a factor in the Council's decision unless evidence is put forward to back it up.
- An objection has been submitted which details a legal interpretation of loss of the Yard on the agricultural tenancy agreement and the provisions of the 1986 Agricultural Holdings Act. It concludes that a landlord who is successful in gaining planning permission for change of use on part of an agricultural holding, can serve an incontestable notice to quit on the tenant, requiring the tenant to give up possession of that part of the holding on which planning consent has been granted with a "proportionate" reduction of rent. The tenant is entitled to require that "any depreciation of the value to him of the residue of the holding caused by the severance or by the use to be made by the part severed" is taken into account. The amount may be settled by agreement between the parties after the landlord resumes possession of the part, or in default of agreement, by arbitration. In this case, the National Trust are unlikely to offer a significant rental reduction, as their argument is based on their

erroneous contention that the Victorian farm buildings contribute little to the farm so, it would be unrealistic to expect a rental reduction to be offered by the NT above the range £500/£1,000 per annum and the tenant therefore faces the prospect of difficult negotiations if the proposed project is allowed to proceed. Future rent reviews may be instigated by either party no more frequently than every three years, and on each occasion, the reduced holding will be considered on its merits by reference to the 1986 Act. The principal features to be considered are the productive and earning capacity of the holding, and the level of rents of comparable holdings in the district. On such occasions the only relevance of the possible change of use in the farm buildings, will be in relation to the effect of the new use on the residential curtilage and any possible interference or security issues in the context of the ongoing farming operation. The loss of the farm buildings will adversely affect the earning capacity of the farm and future rent negotiations will have to be conducted with that in mind. It is the case that if the landlord is successful in obtaining planning consent for change of use of gardener's compound, he could if he wished propose a structure whereby the gardener's compound could remain in the tenancy, subject to the landlord licensing the tenant to sub-let the compound back to the National Trust, thereby maintaining an element of income from this part of the holding. Often, such arrangements will be licensed on a three yearly basis running from rent review to rent review. In this case, the Trust will obviously be incurring the expenditure, and would therefore expect the tenant's portion to be at the lower end of recognised income shares. The landlord may choose to provide the tenant with a higher than normal rate, in order to incentivise cooperation. However, on the expiry of the first licence period, there is nothing to stop the landlord either deciding not to renew the consent, or altering the financial arrangement to the tenant's disadvantage, unless provisions are included which prevent this. As time passes, the planning consent would already have been operated and the landlord could choose not to renew consent to the sub-letting arrangement. The tenancy of this part of the holding would therefore remain at risk, and opportunities are limited in terms of the extent to which any leaseback arrangement could be extended over a period of time, as the tenant's legal interest in the holding runs from year to year only. The tenant's legal interest therefore extends no longer than the date on which the tenancy could next be terminated by notice to quit, which effectively means 29 September in any year following a clear 12 months notice to quit.

## **5. Determining Issues:**

- 5.1 The NT's consultant concludes that the Old Farm Yard is not essential to long term farm viability because the contribution to profit from livestock is not significant and in any event this could be carried on in other parts of the farm. He also concludes that in the light of the livestock rearing being marginal in his opinion, there is no need for any replacement building for on-going viability.

- 5.2 This conclusion is not shared by the Council's retained agricultural consultant and the tenant farmer for reasons similar to those outlined in the previous report - farming on the scale and type at Mote Farm needs the scope offered by the Old Farm Yard to diversify into non-cereal farming so that the vagaries of fluctuating costs and revenues of arable farming can be balanced out by alternative income sources.
- 5.3 The NT response on the alternative site for a greenhouse is noted. Notwithstanding the significant planning constraints on the erection of a new building in this locality, it may be that a greenhouse in the Kitchen Garden could, on balance, be acceptable if a robust argument were submitted in justification but clearly this would have to be judged as a formal planning application taking into account the relevant responses of statutory consultees and other interested parties.
- 5.4 In my view, the NT response on the long term strategy for stewardship of Ightham Mote does not appear to add much new information over and above that which has been submitted during the life of the scheme.
- 5.5 My previous consideration on the key determining issues as detailed in the 24 June 2009 reports are unchanged and I continue to recommend refusal of both applications.

**6. Recommendation:**

(A) TM/09/00587/FL:

- 6.1 **Refuse Planning Permission** as detailed by: Letter dated 27.05.2009, Letter dated 13.03.2009, Design and Access Statement dated 13.03.2009, Structural Survey dated 13.03.2009, Survey BAT SURVEY dated 13.03.2009, Location Plan dated 13.03.2009, Site Plan dated 13.03.2009, Existing Plans IMOC 2533-60 dated 13.03.2009, Elevations IMOC 2533-61 dated 13.03.2009, Elevations IMOC 2533-62 dated 13.03.2009, Elevations IMOC 2533-63 dated 13.03.2009, Elevations IMOC 2533-64 dated 13.03.2009, Elevations IMOC 2533-65 dated 13.03.2009, Proposed Plans IMOC 2533-66 A dated 13.03.2009, Elevations IMOC 2533-67 dated 13.03.2009, Elevations IMOC 2533-68 dated 13.03.2009, Proposed Plans IMOC 2533-69 A dated 13.03.2009, Letter dated 27.05.2009, Letter dated 01.09.2009, Report FARM VIABILITY dated 01.09.2009, Letter dated 27.08.2009, Supporting Statement dated 27.08.2009, Proposed Plans IMOC 2533-66 A dated 30.03.2009 for the following reasons:
- 1 The Local Planning Authority is not satisfied that the development will not result in a fragmentation of an agricultural land holding in such a way as to damage its future viability. Similarly, the Local Planning Authority is not satisfied that the development will not create a need for replacement agricultural building(s) that could harm the openness and visual amenities of the Green Belt and the landscape character of the Area of Outstanding Natural Beauty. The proposal

would therefore be contrary to PPG2 (Green Belts); PPS7 (Sustainable Development in Rural Areas); Policies SS2, SS8 and EN4 of the Kent and Medway Structure Plan 2006; Policies CP3, CP7, CP14 and CP24 of the Tonbridge and Malling Borough Core Strategy 1998, saved Policies 6/14 and 6/16 of the Tonbridge and Malling Borough Local Plan 1998 and policies BE6, C3, C4 of the South East Plan.

- 2 The proposed change of use from a working farm will harm the character of a Conservation Area and rural locality which is in an Area of Outstanding Natural Beauty. It will also sever the association of an historic farmyard from its host farmhouse, detrimental to its essential character and heritage importance. The proposal would therefore be contrary to PPG15 (Planning and the Historic Environment); Policies QL1, QL6 and QL8 of the Kent and Medway Structure Plan 2006; Policies CP7 and CP24 of the Tonbridge and Malling Borough Core Strategy 1998, saved Policy 6/14 of the Tonbridge and Malling Borough Local Plan 1998 and policies CC6 and BE6 of the South East Plan.

(B) TM/09/00588/LB:

- 6.2 **Refuse Listed Building Consent** as detailed by : Letter dated 13.03.2009, Planning Statement dated 13.03.2009, Survey dated 13.03.2009, Survey dated 13.03.2009, Location Plan dated 13.03.2009, Existing Plans IMOC 2533-60 dated 13.03.2009, Existing Plans IMOC 2533-61 dated 13.03.2009, Existing Plans IMOC 2533-62 dated 13.03.2009, Existing Plans IMOC 2533-63 dated 13.03.2009, Existing Plans IMOC 2533-64 dated 13.03.2009, Existing Plans IMOC 2533-65 dated 13.03.2009, Proposed Plans IMOC 2533-66 A dated 13.03.2009, Proposed Plans IMOC 2533-67 dated 13.03.2009, Proposed Plans IMOC 2533-68 dated 13.03.2009, Proposed Plans IMOC 2533-69 A dated 13.03.2009, Proposed Plans IMOC 2533-66 A dated 30.03.2009 for the following reason:

- 1 There is no justification for the proposed alterations in the absence of a planning permission for change of use and PPG15 (Planning and the Historic Environment) states that it is generally preferable if related applications for planning permission and for listed building are considered concurrently.

Contact: Marion Geary