

**East Malling &
Larkfield**
East Malling

570553 156708 21 July 2011

TM/11/01953/FL

Proposal: Replacement agricultural storage building (original destroyed by fire)
Location: Paris Farm The Rocks Road East Malling West Malling Kent ME19 6AT
Applicant: Mr W Chaplin

1. Description:

- 1.1 It is proposed to construct an agricultural storage building to replace a similar structure that was destroyed by fire earlier in the year. The building would be approximately 22m in length and 12m wide and would occupy the same footprint as the original unit. The building will be 4m to ridge height and 3m to the eaves with roller shutter doors coloured juniper green.
- 1.2 It is understood that hay production on the farm has increased from 22 to 30 acres and that the new barn will be used to store this additional production, together with tractors, trailers and other farm equipment. An enclosed barn is required to prevent theft and vandalism.

2. Reason for reporting to Committee:

- 2.1 The application is reported to committee in light of the complex planning and enforcement history of this and the adjoining site.

3. The Site:

- 3.1 The site lies to the south east of the East Malling settlement within open countryside. To the north is an unmade track and PROW, whilst to the south is a two storey high brick building with porta cabin beyond. A planning application is currently being determined under TM/11/1319 for the change of use of part of the ground floor B1 packing area to a chiropractic clinic (D1) with the erection of an external staircase.

4. Planning History:

TM/00/00697/FL Grant With Conditions 28 July 2000

Agricultural storage building

TM/02/00305/FL Application Withdrawn 1 May 2002

Change of use of ground floor to B1 light industrial

TM/02/01261/FL Grant With Conditions 27 September 2002

Change of use of packing station to B1 light industrial use

TM/50/10408/OLD grant with conditions 25 May 1950

Petrol pump installation.

TM/54/10418/OLD grant with conditions 23 September 1954

Pig and hen house.

TM/55/10733/OLD grant with conditions 21 April 1955

Dutch Barn.

TM/59/10397/OLD grant with conditions 24 September 1959

Erection of Pig Pens.

TM/87/10660/FUL grant with conditions 23 December 1987

Agricultural storage building and covered way.

TM/89/10375/OUT Refuse 15 August 1989

Outline application for farmhouse.

TM/91/10483/OUT Refuse 23 February 1991

Outline application for four no. detached and two no. semi-detached houses with garaging and relocated parking for existing dwellings.

TM/91/11332/FUL Refuse 30 August 1991

Demolition of existing portal framed barn, erection of 2 detached houses with integral garages. Paris Farm, The Rocks Road, East Malling

TM/91/11340/FUL Refuse 30 August 1991

Detached house and garage. Land at Paris Farm, The Rocks Road, East Malling

TM/92/10467/FUL	Refuse	3 July 1992
Retrospective application for replacement stable block, feed shed and sand riding area. Paris Farm, The Rocks Road, East Malling		
TM/93/00380/FL	grant with conditions	5 January 1994
Cattle shelter		
TM/94/00423/AGPN	planning application not required	7 October 1994
Proposed replacement barn		
TM/95/50696/FL	Application Withdrawn	23 October 1995
rebuilding of storm damaged farm building and adaption to stables		
TM/96/00176/FL	Grant With Conditions	22 March 1996
erection of agricultural building for use as farm store and stabling		
TM/97/01119/FL	Grant With Conditions	16 September 1997
demolish redundant fruit pickers ladder store and erect stable block with tack room and hay store		
TM/99/00482/FL	Grant With Conditions	4 June 1999
proposed riding sand school		
Barn to stable horses		
TM/07/04328/AGN	Prior Approval Not Required	11 January 2008
Prior Agricultural Notification: Proposed steel framed agricultural barn		
TM/07/04329/FL	Approved	27 February 2008
Removal of existing stables and replace with larger modern stables, conversion of agricultural barn to stabling and change of use from agricultural to equestrian		
TM/08/03774/FL	Refuse	9 October 2009
Change of use from B1 (light industrial) to a mixed B1 (light industrial) and D1 (chiropractic clinic) including the stationing of a portakabin clinic unit		

TM/11/01319/FL

Change of use of part of the ground floor B1 packing Area to chiropractic clinic (D1) including the erection of external staircase (mixed B1/D1 use)

5. Consultees:

- 5.1 PC: No objections provided it is limited for agricultural purposes only. A landscaping scheme should be required.
- 5.2 DHH: No comments.
- 5.3 KCC Highways: No objections.
- 5.4 KCC PROW Officer: The PROW to the north should not affect the application. The footpath should be maintained to a suitable standard for pedestrians. Any maintenance to the higher level required for continuous motorised vehicle activity would be the responsibility of the landowner.

6. Determining Issues:

- 6.1 The application is considered in relation to policy CP14 of the Core Strategy which identifies development that is necessary for the purposes of agriculture and farm viability as being acceptable in the countryside.
- 6.2 The applicant has stated that the new building would be used for the storage of hay and farm equipment and machinery in connection with the agricultural unit. The applicant was asked to confirm whether it would be possible to use or convert the adjoining two storey building for use as storage. The applicant has confirmed that the two storey brick building would not be suitable for agricultural storage by reason of its narrow width and lack of wide doors. This position has been supported following the Councils agricultural advisors investigations on the case.
- 6.3 The proposed building would replace a building recently destroyed by fire that was of similar dimensions and in the same location. That building was approved under permission TM/00/697.
- 6.4 The principle of an agricultural building in this location has been agreed in the past and there do not appear to be any planning policy reasons why a replacement structure in this location would not be acceptable. There is no planning objection to the proposed building in this rural location and no adverse views have been received.
- 6.5 The Parish Council comments about landscaping of the building have been noted. In this instance it is considered that there is sufficient natural landscaping in the vicinity and that additional planting is not needed in this instance. Nevertheless the existing vegetation should be protected and retained.

6.6 In order to ensure that the building is used only for agricultural purposes it is recommended that a condition is attached restricting the use. In the event that an alternative use for the building was proposed then this would need to be the subject of an application for a change of use.

6.7 The principle of an agricultural storage building in this location was established many years ago. The application for a replacement will make no adverse impact upon the countryside, or the amenity of the area. The application is therefore acceptable and it is recommended that permission be granted.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Design and Access Statement dated 21.07.2011, Other dated 21.07.2011, Proposed Elevations dated 21.07.2011, Proposed Elevations dated 21.07.2011, Location Plan JB/911/1 dated 21.07.2011, subject to:

Conditions

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2 All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

3 The building shall only be used for the storage of hay and agricultural machinery to be used only on the Agricultural Holding and for no other purpose.

Reason: In order that any other proposal for the use of the building the subject of the application is the subject of a separate application to be determined on its own merits.

4 The building must be removed if the agricultural use permanently ceases within 10 years of its erection.

Reason: To safeguard the rural character of the area.

5 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees

or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate. (L003)

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

Contact: Hilary Johnson