

TM/01/00472/LDCE Refuse 18 December 2001
Lawful Development Certificate Existing: Use of land as a garden centre

TM/11/00295/FL Approved 17 June 2011
Change of use of land to the east of Ightham Farm Shop to be used for car parking associated with the farm shop and commercial uses including the laying down of a porous gravel surface and attaching green netting to existing perimeter fence (retrospective application)

TM/11/00294/FL Application Withdrawn 13 June 2011
Siting of 9 storage containers to the rear of the car park adjacent to Ightham Farm shop (retrospective application)

TM/11/02221/FL Approved 10 October 2011
The retention of three storage containers to the rear of the car park for use as storage for farm shop

5. Consultees:

5.1 PC: No objections.

5.2 KCC (Highways): No objections.

5.3 Environment Agency: The sites used for vehicle washing should be sited on an impermeable bunded hardstanding area draining to foul sewer or to a sealed unit for recycling back into the system and then for off-site disposal.

5.3.1 Information provided by the applicant indicates that the trade effluent will be discharged to mains drainage. Confirmation will need to be provided to indicate that the trade effluent will be discharged to mains foul drainage because discharge to surface water drainage will be unacceptable at this location.

5.4 Southern Water: Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant.

5.4.1 The application is a proposal for vehicle washing facilities. Areas used for vehicle washing should only be connected to the foul sewer after consultation with Southern Water.

5.5 Private Reps: 5/1X/0R/1S + site notice. One letter supports the application on the grounds that the proposal is vital in bringing more trade to the shop to keep it open. The other letter objects to the application on the following grounds:

- Drainage for the site goes across private land. The proposal would generate more cumulative drainage, with the other existing uses drained from this drain;

- Has a trade effluent licence been obtained?
- Opening hours would result in detrimental residential amenity;
- Access and traffic at the site entrance/exit are hazardous given that there are four converging lanes at this point. The lay-by is single lane and has become a rat run. Thoughtless parking in the lay-by near the farm shop aggravates the situation;
- Planning permission TM/11/02221/FL limits the number of containers to three. This proposal would result in further development:
- There are at least five car wash facilities in the locality, which seem to be in a more sensible location than the village shop.

6. Determining Issues:

- 6.1 Policies CP1 and CP24 of the TMBCS and policy SQ1 of the MDE DPD relate to the protection of the local environment and the need for new development to protect and enhance the locality. Policy CP3 of the TMBCS relates to Green Belts, paragraph 115 of the NPPF and Policy CP7 relates to Areas of Outstanding Natural Beauty, and requires great weight to be given to conserving landscape and scenic beauty, and Policy CP14 refers to new development in the countryside.
- 6.2 Paragraph 89 of the NPPF and Policy CP3 relate to development within the Green Belt. Paragraph 89 of the NPPF regards the construction of new buildings as inappropriate development in the Green Belt. It lists a number of exceptions to this, none of which apply.
- 6.3 Policy CP14 of the TMBCS allows for limited expansion of an existing authorised employment use within the countryside. Whilst I note the applicant's statement that the car wash is provided to complement the existing farm shop business, by providing a further service to customers, I do not consider the proposal to be an expansion for the purposes of this policy. It is likely that the car wash and farm shop would often be used by different customers. In addition, there has been no justification for providing additional car wash facilities in this locality.
- 6.4 The existing car park is informal in nature, with no space markings. The proposed car wash would occupy part of this car park, so would leave some of the car park available for parking cars.
- 6.5 Planning permission was previously granted for this site for the surfacing of land as a car park, to be used in conjunction with the farm shop (TM/11/00295/FL).

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- 6.6 The current proposal involves erecting a canopy and container in conjunction with the use. Whilst the site is already screened from wider views by a fence and netting, which limit views to within the site, this is by definition inappropriate development, and therefore also by definition harmful to the green belt. It also has something of an adverse impact on the rural area by introducing further features and a use usually associated with urban or occasionally village locations. While it is true that there appears to have been a growth in this particular type of facility, in my estimation this usually occurs on sites which have well-established build facilities that have become redundant. Therefore, I am of the opinion that the proposal does not comply with policies CP1, CP7 and CP24 of the TMBCS and policy SQ1 of the MDE DPD, in that it does not protect the local rural environment.
- 6.7 There are neighbouring residential properties close to the application site. The applicant has not set out any measures to minimise noise disturbance from the use of pressure washers and the subsequent noise of high pressure jets impacting on vehicles. With respect to potential noise disturbance, a condition could be placed on any consent to assist in mitigating these measures, through restricting hours of operation to 08:30 – 18:30 Monday to Friday, 09:00 – 18:00 on Saturdays and 10:00 – 16:00 on Sundays/Bank Holidays, and requiring the erection of a barrier/acoustic fence to prevent line of sight to sensitive receptors.
- 6.8 In terms of drainage, I note Southern Water and the Environment Agency's comments with respect to drainage. The car park site, within which the carwash is proposed to be installed, is surfaced with gravel (as per TM/11/00295/FL), and so is a permeable surface. The site of the proposed car wash will be on a concrete base. The applicant has advised that the water generated from the car wash will go through a new treatment chamber (to deal with detergents and silt etc) to the existing foul sewer immediately to the north of the site. This accords with both Southern Water's advice and the Environment Agency's advice, although does require the separate grant of a trade effluent licence by Southern Water Services.
- 6.9 I note the neighbour's comments relating to access and highway implications. KCC (Highways) has been consulted on this application and has raised no objections. Whilst I note that there is currently planning permission to use the land for parking (11/00295), this only came after the building was deemed to have become a lawful use as a retail farm shop (TM/01/00471/LDE) i.e. there is no condition requiring this area to remain as parking in conjunction with the farm shop. The proposed use would intensify the potential for vehicle movements. However, KCC has no objections to this.
- 6.10 In light of the above considerations, I recommend that the application be refused.

7. Recommendation:**7.1 Refuse Planning Permission** subject to the following:**Reasons**

1. The site lies within the Metropolitan Green Belt where there is a strong presumption against permitting inappropriate development, as defined in paragraph 89 of the National Planning Policy Framework and Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007. The proposed development constitutes inappropriate development, and there is considered to be no case of very special circumstances and is therefore contrary to those policies.
2. Policies CP1, CP7 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and Environment Development Plan 2010 aim to protect the local rural environment. The proposed erection of a canopy and container would, by definition, constitute inappropriate development, and be harmful to the countryside and is therefore contrary to these policies.

Contact: Glenda Egerton

SUPPLEMENTARY REPORTS**AREA 2 PLANNING COMMITTEE****DATED 13 August 2014**

**Ightham
Ightham****TM/14/01489/FL****Use of land as hand car wash and associated canopy and storage container at Land Adjoining Ightham Farm Shop Sevenoaks Road Ightham Sevenoaks Kent for Mr Astriti Zholi**

DPHEH:

In light of some very recent clarification by the High Court surrounding Green Belt matters it is worthwhile providing further commentary with regard to this proposal in light of national Green Belt policy. Paragraph 6.6 of the main report indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In this case, no such very special circumstances have been demonstrated to outweigh the degree of harm caused to the Green Belt, arising from both the inappropriate nature of the development by definition and the other harm to the open nature and function of the Green Belt as described at paragraph 6.6 of the main report. In reaching this decision, regard has been had to the advice contained in paragraph 28 of the NPPF which supports the principle of developing policies to support a prosperous rural economy including the provision of local services, but this does not, in my view, override the Green Belt objection.

RECOMMENDATION REMAINS UNCHANGED
