

3.4 The site is located outside the confines of Burham village and therefore in the countryside for development plan purposes. This rural landscape is designated as being an Area of Outstanding Natural Beauty and Strategic Gap.

4. Planning History (relevant):

TM/14/02227/AGN Requires Permission 24 July 2014

Extension of existing agricultural building

5. Consultees:

5.1 Wouldham PC: No comments.

5.2 Burham PC: Original comments: Whilst Burham Parish Council have no actual observations to make on the above application, concerns have been expressed that movement of machinery could cause traffic problems in the narrow roads within the village of Burham.

Additional Comments:

5.2.1 Both positions have some negative aspects, but position B seem to have more impact on our village in the number of traffic movements to create a base so we believe position A would be preferable.

5.3 KCC (H+T): Raise no objections as the extension is for the storage of existing agricultural machinery and equipment and is not expected to generate any additional traffic movements.

5.4 Private Reps: 4 + Site Notice/0X/5R/0S raising the following points:

- The extension would have an impact upon the historic interest of Scarborough as an historic hamlet.
- If the extension was reduced in size/placed behind the existing buildings it would be less of a “carbuncle”.
- If one of the barns hadn’t been let to someone else would the extension be necessary?
- The practical use of the space may take on a more industrial role.
- The development is to improve the location of the storage of farm equipment, moving it from the other side of the Medway but the farm was this way when the land was bought and will be improved by the new Medway crossing being built.

- Concern over the amount of development at Peters Village and the further harm new development would cause.
- The building would be too intrusive.
- Lorries and other vehicles would block the east entry drive which would prevent access to the neighbouring property at The Barn.
- The development would increase traffic on the eastern drive which a neighbour at The Barn is responsible for the repair of.
- The development would block views from The Barn to the AONB.
- All three neighbours are not happy to see the application go through.
- The application is a change of use from storage to industrial which would create a harmful level of noise and disturbance to the neighbour.
- Access should be from the western driveway alone to prevent damage to the eastern access.
- The two existing buildings were constructed for the storage of grain and replacing 4 old storage units which exist on the adjacent property and which are under a “strict preservation order”; the development would make way for further development on the site.
- The planting and landscaping would not disguise the building in any way.
- Planning permission has been refused previously for porches on The Barn.
- Concern with regard to traffic both removing earth and when the building is in use for storing farm equipment, its movement to and from the site.
- The development would result in traffic problems from farm equipment and buses passing one another.

6. Determining Issues:

- 6.1 The NPPF along with policy CP1 of the TMBCS (2007) and policy CC1 of the MDE DPD (2010) place sustainability at the heart of decision making, ensuring that new development does not cause irrevocable harm to the environment and balancing this against the need to support a strong, competitive economy and protect the social welfare of existing and future residents. Policies CP1 and CP24 of the TMBCS 2007 and Policy SQ1 of the MDE DPD require high quality design which reflects the local distinctiveness of the area and respect the site and its surroundings in terms of materials, siting, character and appearance.

- 6.2 Paragraph 28 of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. In addition, planning should promote the development and diversification of agricultural and other land-based rural businesses. The application site is located outside the built confines of Burham Village and therefore is in the countryside for development plan purposes. Policy CP14 of the TMBCS seeks to prevent the incursion of built development within such areas in order to protect the character and appearance of the countryside. The policy states that development in the countryside will be restricted to (amongst others) development that is necessary for the purposes of agriculture or forestry.
- 6.3 The applicant has provided information relating to the agricultural holdings in their ownership along with details of the farm machinery currently in their ownership which is to be stored in the building. The applicants are long established farmers, farming a large area of land, a total of over 1012 hectares across 6 sites. Scarborough Farm is one of the smaller holdings extending to 60 hectares in comparison to the two larger farms at Boxley which extend to 355 hectares and 330 hectares respectively. The majority of the farms have grain storage capacity and the applicant states that when these stores are not in use the farm machinery is kept in the buildings. It is proposed that for operational reasons the farm machinery is moved to Scarborough Farm in order that it can be stored in a secure fashion year round. This machinery is large in size, requiring extensive floor area and height. With this supporting information in mind and given the policy context set out above at paragraphs 6.1 and 6.2, I consider that the proposed extension is therefore necessary for the purposes of agriculture and has been designed appropriately to suit this use. In light of this, the development is acceptable in principle.
- 6.4 The application site is located in a visually sensitive landscape in that the local area is designated as being part of the Strategic Gap between Medway and Maidstone, and within the Kent Downs AONB. The application site is also situated in a visually prominent location due to its position in a valley and the associated long range views from the ridges of the adjacent valley sides. The proposed development would double the size of the existing building in order to provide a significantly larger and more dominant building within the landscape.
- 6.5 Paragraph 115 of the NPPF requires that great weight is afforded to ensuring that new development would not detract from the character and appearance of this nationally designated landscape. Policy CP7 of the TMBCS states that development will not be permitted which would be detrimental to the natural beauty and quiet enjoyment of such areas except where such development is of national interest (subject to certain criteria) or the development is essential to meet local social or economic needs. The site is also located within the Strategic Gap between Medway and Maidstone. The purpose of the Strategic Gap is to provide a physical break and maintain the separate identities of the major urban areas and surrounding rural villages. Policy CP5 of the TMBCS requires that new

development in the Strategic Gap only be permitted where it can be justified by special circumstances.

- 6.6 The extension would be attached to an existing agricultural building located within an established and historic farmyard. The building is of a modern agricultural form but would not appear out of character with the rural setting in which it would be located. The extension has been designed to match exactly with the existing building to which it would be attached in terms of form, scale, design and materials, allowing it to visually integrate with the existing built development on the site. The visual impact should also be balanced against the agricultural need for such a building as it is central government policy to be supportive of the principle of new agricultural development. As highlighted above the agricultural need has been established which weighs in favour of the development.
- 6.7 I acknowledge that the applicant has provided a plan indicating an alternative location for the proposed extension, being to the north east side of the building (position B) rather than the location of the proposed development to the south east (position A). The applicant has explained that 'Position B' would result in the need to cut into the hillside to the north east of the building, requiring extensive engineering operations, additional cost and more vehicular movements during the construction period. In visual terms, I appreciate that this alternative location would have a lesser impact than the proposed position (although it would extend the farmyard into the field to the north east) and I note that some of the objection letters received have expressed a preference for this alternative location. However, that is not what is proposed by this application and the applicant has already explained that he is not willing to amend the location of the extension. I must stress that it does not automatically follow that simply because one location is *preferred* by some, the other is automatically deemed to be harmful. Similarly, planning permission cannot be refused on the grounds that an alternative location might be preferred. As such, it is the proposal in its current form that must be determined and, crucially, the extension in its proposed position would not appear out of scale with the type of agricultural building usually found in the rural landscape and is not considered to be harmful. The visual impact should also be balanced against the agricultural need for such a building as it is central government policy to be supportive of the principle of new agricultural development. As highlighted above, the agricultural need has been established which weighs in favour of the development.
- 6.8 Historic maps show that the farmyard was more extensive than in its current form with more buildings on the site and extending across a greater area. Concerns regarding impact upon the historic environment are therefore relatively unjustified as the buildings would respect the original layout of the farmstead which was clustered on the northern side of Rochester Road.
- 6.9 There are residential neighbours in close proximity to the application site: The Barn situated 25 metres to the west and Hall and Scarborough Cottages 70

metres to the north west of the site. The proposed development would not be highly visible from Hall and Scarborough Cottages as they have a front view of the existing barn (western side) and the proposed extension would be situated to the rear (eastern side). In any case, they are situated 70 metres from the proposed development and therefore would not be detrimentally impacted in terms of the development being overbearing to them.

- 6.10 The Barn is situated to the south west of the application site with a garden to the eastern side of the dwelling. The proposed development would be visible from the dwelling house and garden area of this neighbouring dwelling. Although the end of the garden of The Barn would be in line with part of the proposed extension, in order to protect residential amenity it is the role of the planning system to protect the most private residential garden only. As a general guide, the most private part of a garden would be that within the first 6 metres of the house where it is most likely residents would sit outside and spend most of their time. The proposed extension would be situated 20 metres from this area. In light of the distance between the house and garden and the proposed development it would not result in an unacceptably oppressive or over dominant structure and would not be detrimental to the residential amenity of the occupants of The Barn. It is acknowledged that the development would change views from the windows and garden of this neighbour onto the wider countryside; however this is not a material planning consideration.
- 6.11 Occupants of neighbouring properties have raised concern about the noise and disturbance which would be caused from the proposed industrial use. The development does not propose an industrial car or vehicle repair use; to use the building in such a way in the future would require planning permission for a change of use. The development proposes the repair and maintenance of farm equipment: this would be ancillary to the larger agricultural use on the holding belonging to the applicant, and it would not allow for any vehicles to be brought to the site and repaired on a commercial basis. Although vehicle maintenance even of farm equipment owned by the farmer is likely to cause some noise and disturbance, this use could occur from the two existing buildings on the site without the requirement for an application for planning permission. The proposed development would not exacerbate this existing lawful situation.
- 6.12 The proposed development does not seek to alter accesses to the site; although one neighbour has requested that all new traffic uses the westerly access due to the fact that they are responsible for the maintenance of the eastern access, this is a private civil matter. In addition, there would be no highway safety justification for placing such a restriction on any planning permission granted.
- 6.13 The development seeks to move farm equipment for storage, repair and maintenance onto the application site. As stated above, there would be no restrictions upon the existing farm equipment being moved onto the application site without the requirement for planning permission. The development would

allow the machinery to be stored inside a building but would not create additional traffic movements to/from the site over and above the existing lawful situation. KCC Highways has raised no objections to the application on this basis and therefore there would be no detriment caused to highway safety.

- 6.14 Other matters which have been raised by the neighbours include blocking of the accesses through lorries parking, the need for the extension due to the fact that another building on the site is let out, and that other development such as porches have been refused on residential dwellings in the locality. Again, these are not material planning considerations.
- 6.15 With regard to the need for the building, the applicant has stated that the other building on the site was let for a period of one season to another local farmer. The Council has no control to prevent the buildings being let to other farmers for agricultural uses. The applicants have provided evidence to demonstrate the need for the new extension to the building.
- 6.16 Finally, it is noted that other development to residential dwellings may have been refused. Each application is required to be considered on its own merits and extensions to dwellings must respect the character and appearance of the individual buildings. This is not a material consideration in the determination of the current application.
- 6.17 In light of the above assessment, I conclude that the proposal is acceptable in light of the requirements of the NPPF in terms of the principle of the proposed development given its location within Strategic Gap and AONB and the specific detail of the proposed development in terms of its impact on the rural landscape and the locality generally. It also accords with policies CP1, CP5, and CP24 of the TMBCS and policies SQ1 and SQ8 of the MDE DPD. As such, the following recommendation is put forward:

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter received 01.12.2014, Design and Access Statement received 22.10.2014, Letter Fm Agent DTD 21.10.14 received 22.10.2014, Location Plan 2412/2 A received 22.10.2014, Proposed Plans and Elevations 2412/3 received 22.10.2014, Letter Fm agent DTD 16.1.15 received 19.01.2015, Site Layout 2412/3 received 19.01.2015, Design and Access Statement Addendum received 19.01.2015, Location Plan 2412/2 A received 19.01.2015, Proposed Plans and Elevations 2412/3 A received 19.01.2015, subject to the following:

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 match those of the existing building.

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

3. No external lighting shall be installed on the hereby approved extension without the prior written approval of the Local Planning Authority. If any external lighting is proposed then details must include a layout plan with beam orientation and a schedule of equipment including luminaire type, mounting height, aiming angles and luminaire profiles.

Reason: In the interests of rural and residential amenity.

4. Should the agricultural use of the buildings within the unit permanently cease within ten years from the date on which the development was substantially completed, then unless agreed otherwise in writing by the Local Planning Authority, the buildings shall be removed from the land and the land restored to the condition before the development took place, or to such as condition as may have been agreed in writing by the Local Planning Authority, within 6 months from the date at which any buildings cease to be required / used.

Reason: In the interests of protecting the character and appearance of the countryside by preventing the proliferation of unnecessary buildings in the countryside and in accordance with policies.

5. The building hereby approved shall not be used for the accommodation of livestock except in the following circumstances:

Accommodation for quarantine requirements

An emergency due to another building or structure in which the livestock could otherwise be accommodated being unavailable because it has been damaged or destroyed by fire, flood or storm.

In the case of animals normally kept out of doors, they require temporary accommodation due to ill health, giving birth or to provide shelter against extreme weather conditions.

Reason: In the interests of the amenity of surrounding residential properties.

6. The storage and maintenance of farm machinery hereby permitted shall only be ancillary to the main farming enterprise and shall not be used for separate vehicle repairs.

Reason: In the interests of the residential amenity of surrounding residential properties.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes MA and M of Part 2 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In order to enable the Local Planning Authority to regulate and control further development within this site in the interests of the environment and in the interests of highway safety.

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