

REPORT SUMMARY

REFERENCE NO - 20/00039/FULL			
APPLICATION PROPOSAL Erection of an agricultural building to be used for the storage of agricultural ,equipment and machinery, and creation of a farm track			
ADDRESS Land Off Hinksden Road Benenden Cranbrook Kent			
RECOMMENDATION - to GRANT subject to conditions (see Section 11.0 for full recommendation)			
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> - Design is acceptable for an agricultural building in the AONB - The building is reasonably necessary for agriculture and this is the view of the Council's Rural Planning Advisor - No significant impact on traffic 			
INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL The following are considered to be material to the application: Contributions (to be secured through Section 106 legal agreement/unilateral undertaking): N/A Net increase in numbers of jobs: 0 Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: 0 The following are not considered to be material to the application: Estimated annual council tax benefit for Borough: 0 Estimated annual council tax benefit total: 0 Annual New Homes Bonus (for first year): 0 Estimated annual business rates benefits for Borough: 0			
REASON FOR REFERRAL TO COMMITTEE Called in by Cllr Tom Dawlings due to the fact it would be an isolated building in countryside and the visual impact on High Weald Area of Outstanding Natural Beauty.			
WARD Benenden & Cranbrook	PARISH/TOWN COUNCIL Benenden Parish Council	APPLICANT Mr A Horton AGENT Mrs Hannah Ronan	
DECISION DUE DATE 06/03/20	PUBLICITY EXPIRY DATE 13/02/20	OFFICER SITE VISIT DATE 23/01/20	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
Planning Applications			
19/02447/FULL	Erection of an agricultural building to be used for the storage of agricultural equipment and machinery, and creation of a farm track	Refused	31/10/19
Planning Applications relating to Hinksden Farm			
92/00481/FUL	Agricultural dwelling	Permitted	17/07/92
09/01459/FUL	Provision of two mobile homes for temporary	Permitted	13/08/09

	agricultural workers (Retrospective)		
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MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application relates to a parcel of land of some 3 ha which appears to have been sold off from a larger farm. There are no permanent buildings on site, but there is an existing access into the field from Hinksden Road.
- 1.02 The site is divided into two fields: a larger rectangular shaped field to the south and a smaller triangular shaped field to the north. The eastern boundary adjacent to the highway has a mature hedgerow running along its length.
- 1.03 The site is located within the AONB with an area of ancient woodland located to the west. The buffer zone of the woodland includes the very western part of the site. The site has an "L" shape, with the eastern part of the site having a slope from south to north. The main access onto the site from Hinksden Road is located in the north corner of the site, this access also provides access to the woodland behind. There is a field gate located in the hedge which splits the two parts of the land.
- 1.04 The closest residential properties are located to the north of the site approximately 112m away. There are some other agricultural properties located in the area including a small building shown on aerial images located to the west of the site at the edge of the woodland.

2.0 PROPOSAL

- 2.01 The proposal is for the erection of an enclosed agricultural building (10.5m by 15.3m by 4.5m, 3.5m to eaves), for the storage of agricultural machinery, equipment, hay and feed etc. at the above site. The proposed use of the site would be for the keeping of livestock and hay production. The building would also include rest room/WC/shower facilities in one corner. The proposal also includes a fence off the existing access and a farm yard with a stock fence around.
- 2.02 The building would comprise of three bays and would be constructed with metal profiled sheeting for the walls and roof, and a roller shutter door.
- 2.03 This application follows a previously refused application for an agricultural barn on the same land. The refused building was of a larger size and was located to the south of the field on a higher part of the field. The previous application also included a new hardstanding track from the existing access.

3.0 SUMMARY INFORMATION

	Proposed
Max height	4.5m
Max eaves height	3.5m
Depth	10.5m
Width	15.3m

4.0 PLANNING CONSTRAINTS

Agricultural Land Classification Grade 3

Ancient Woodland + 30M Buffer Area

Area of Outstanding Natural Beauty AONB (*statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000*)

Biodiversity Opportunity Areas

Outside Limits to built development (LBD)

Local Wildlife Sites TW13 - White Chimney Wood, Hawkhurst.

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Tunbridge Wells Borough Core Strategy June 2010

Core Policy 1 – Delivery of Development

Core Policy 3 – Transport Infrastructure

Core Policy 4 – Environment

Core Policy 7 – Employment Provision

Core Policy 14 – Development in the Villages and Rural Areas

Tunbridge Wells Borough Local Plan 2006

Policy LBD1: Development outside the Limits to Built Development

Policy EN1 – Development Control Criteria

Policy EN8 – Outdoor Lighting

Policy EN13: Tree and Woodland Protection

Policy EN25 – Development control criteria for all development proposals affecting the rural landscape

Policy TP4 – Access to the road network

Policy TP5 – Vehicle parking standards

Supplementary Planning Documents:

Rural Lanes Supplementary Planning Guidance

Other Documents:

Borough Landscape Character Area Assessment

High Weald Colour Study

6.0 LOCAL REPRESENTATIONS

6.1 One site notice was placed on at the access into the field on the 13/02/19.

6.2 Ten representations have been received which raise the following concerns:

- Isolated development
- Large building out of character
- Impact on AONB
- Concerns there is an insufficient agricultural justification
- Concerns building would be used for storage rather than agricultural

- Concerns with toilet and washing facilities and building becoming a dwelling
- Concerns proposed livestock numbers are unrealistic for size of plot
- Concerns with electricity, water and foul sewage connections
- Impact from addition traffic on the narrow lane
- Proposal would set a precedent

7.0 CONSULTATIONS

Benenden Parish Council

- 7.01 (23/01/20): The majority of Parish Councillors agreed to support this application subject to confirmation by the TWBC Rural Planning consultee that there is a demonstrable agricultural need and requests the following conditions are attached to the Decision Notice if permission is granted:

1. Use of the rest room shall only be during daylight hours.
2. The location of the proposed barn is in a remote, rural area of the AONB and, as the Benenden Parish has a dark skies policy, exterior lighting serving the barn must be limited to single lights over the points of access to the barn, at low level and low wattage, and must be operated by motion sensors on short timers.

Rural Planning Limited

- 7.02 (20/01/20): The application relates to a parcel of land of some 3 ha, in two fields, which I gather has been purchased recently, previously having formed part of a larger farm. The applicant's proposals are for operating a smallholding on the land with some 30 sheep, 8 pigs, and up to about 40 free range chickens, ducks and geese, and to produce hay on the larger of the two fields.

There are no permanent buildings on site. Under 19/02447/FULL a proposal on the same site for a new larger farm building (23m x 10m and 3.6m to eaves) was refused; at that time I had suggested a smaller building (13.8m x 10m) would be more appropriate. The building now proposed is only slightly larger than that, and I consider it not to be overly excessive in terms of agricultural need.

The building is proposed, as before, to be clad with metal sheeting and accessed with a roller shutter door: as previously advised, having regard to the land being within an AONB etc., I suggest that a more sympathetic agricultural/rural design could be chosen using timber elevations and doors.

Forestry Commission

- 7.03 (04/02/20): The Forestry Commission is a non-statutory consultee on developments in or within 500m of ancient woodland. The Forestry Commission has prepared joint standing advice with Natural England (Last updated 5 November 2018) on ancient woodland, ancient trees and veteran trees which we refer you to in the first instance. This:

- is provided in place of individual responses to planning consultations,
- should be taken into account by planning authorities where relevant when determining planning applications,
- will provide you with links to Natural England's Ancient Woodland Inventory, assessment guides and other tools to assist you in assessing potential impacts.

In the majority of cases this will provide the advice you need to help you make your decision about a development proposal.

8.0 APPLICANT'S SUPPORTING COMMENTS

- Since the refusal of the previous planning application, the scheme has been amended in terms of the size and scale and position of the barn within the site, and a further justification for the provision of the barn has also been provided, inline within the post Decision correspondence received from the Planning Officer.
- The provision of the barn is essential and necessary to provide safe and secure storage of agricultural equipment and machinery. There are no existing buildings or structures found on site which can appropriately be used for this purpose. The proposed farm track/apron will be used solely by agricultural and farming vehicles only and is required in order to provide necessary vehicle access between Hinksden Road and the proposed barn.
- The proposed barn will be large enough to meet the existing and future needs of the applicant and its design will appear as a functional barn which will blend with the surrounding local landscape setting.
- Overall it is considered the proposal represents an acceptable form of development in principle. There are no identifiable adverse impacts that significantly and demonstrably outweigh the benefits of the proposal therefore the proposal should be approved in line with the NPPF (2019), subject to the attachment of appropriate conditions which are considered relevant, reasonable, necessary, enforceable and precise to this proposal.

9.0 BACKGROUND PAPERS AND PLANS

Application form
Site location plan
Existing and proposed site plan
Proposed plans and elevations
Planning, design and access statement

10.0 APPRAISAL

Principle of Development

- 10.01 The site lies outside the LBD for Benenden and Hawkhurst. The proposed building would be used for the storage of agricultural equipment and machinery in relation to the use of the land. The site in question is a relatively small holding of approximately 3ha, which has been separated off from a larger farm holding. The intention is to use the land for the keeping of live stock, including 30 sheep, 8 pigs, 10 ducks, 6 geese and 20 chickens. The remaining land will be use for further grazing or hay production.
- 10.02 The NPPF at Paragraph 80 states that decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity. Paragraph 83 goes on to state that decisions should enable the sustainable growth and expansion of all types of business in rural areas both through the conversion of existing buildings and well designed new buildings and the development and diversification of agricultural and other land based rural businesses.
- 10.03 The proposal is to support a small rural business and the Council's Rural Advisor has been consulted on the proposal and commented that there are currently no permanent buildings on site and that the enterprise would require a building. It was

noted under the 19/02447/FULL application the proposal was for a larger farm building (23m x 10m and 3.6m to eaves) which was refused. Under the advisor's previous comments it was suggested that a smaller building (13.8m x 10m) would be more appropriate. The building now proposed is only slightly larger than that, and it is considered not to be overly excessive in terms of agricultural need.

- 10.04 The building is proposed to be clad with metal sheeting and accessed with a roller shutter door, having regard to the land being within an AONB it was suggested that a more sympathetic agricultural/rural design could be chosen using timber elevations and doors. However the proposed design of the building is functional and still considered acceptable as further discussed under the visual impact section.
- 10.05 It is considered that while the building is still on the large size on balance it is acceptable and there is a justified agricultural need. The site currently does not have any storage facilities and it is not considered unreasonable to expect some form of storage facilities on the site and having such facilities on site would support a rural business. The principle of development is therefore considered to be acceptable.

Visual Impact and Impact upon the AONB

- 10.06 The High Weald AONB Management Plan details that the AONB as a whole is *“characterised by dispersed historic settlement, ancient routeways, an abundance of woodland, wooded heaths and shaws, and small irregularly shaped fields. These are draped over a deeply incised and ridged landform of clays and sandstones with numerous gill/ghyll streams, and are closely related to socio-economic characteristics that have roots extending deep into history”*.
- 10.07 Paragraph 172 of the NPPF states that ‘great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty’. Additionally, Core Policy 4 of the Core Strategy 2010 states, ‘The Borough’s urban and rural landscapes, including the designated High Weald Area of Outstanding Natural Beauty, will be conserved and enhanced.
- 10.08 Additionally, Core Policy 4 of the Core Strategy 2010 states, ‘The Borough’s urban and rural landscapes, including the designated High Weald Area of Outstanding Natural Beauty, will be conserved and enhanced.’ Policy EN1 of the Local Plan comments that proposals should respect the context of the site. Policy EN25 states that proposals should have a minimal impact on the landscape character of a site’s locality or have a detrimental impact on the landscape setting.
- 10.09 The site falls within Landscape Character Area 6: Benenden Wooded Farmland of the Borough Landscape Character Area Assessment Supplementary Planning Document (SPD). The SPD describes the area as:
- “A peaceful rural landscape of rolling hills with scattered farmsteads and rural dwellings, often concealed by woodlands and the topography, but representing a rich built heritage. The interconnected wooded framework, created by the ecologically-valuable incised ghylls and field boundary shaws, is one of the defining features of the area.”
- 10.10 The previous refused barn was larger than the one now proposed and was to be located at the southern end of the field where the land level is significantly higher. This would have resulted in a very prominent building when viewed from Hinksden Road and in the landscape. The proposal now has reduced the width of the barn and set it to the north end of the field, where the land level is lower, plus it reduced the

need for the long access track which would have also negatively impacted the landscape.

- 10.11 While the building is not as small as the Rural Planning Advisor recommended it is not significantly larger, and it would have the appearance of a typical agricultural building which is often seen in the Kent countryside. The Landscape Character assessment identifies that there is a dominance of pasture landscape and small scale intact agricultural landscape in the area.
- 10.12 With the position of the proposed barn and reduced length it is considered that the barn would not be as prominent in the landscape or from the highway. While part of the building would be visible from the road it would still have the appearance of an agricultural building which is not out of place in a rural setting in the AONB. There will be a backdrop of the scrub land which is outside of the applicant's ownership. It is also considered that the agricultural justification outweighs the harm caused by the development upon the countryside. However, given this is the case it is considered appropriate in this instance to attach a condition that should the building no longer become required for agricultural purposes that it is removed in order to prevent unjustified built form in the countryside.
- 10.13 Given the above and subject to conditions it is considered that the proposed development would not appear unduly large or visually intrusive within the sites rural setting or be unduly harmful to the AONB.

Residential Amenity

- 10.14 Given the separation distances and the relationship between the site and neighbouring properties (over 100m to the north) the proposal development is not considered to result in any material harm to residential amenity within the context.

Highway Safety

- 10.15 The site is currently in agricultural use with an existing access and there are no restrictions on traffic movements to and from the site. Given that the existing site has no vehicle movement restrictions and that the proposal would not result in a change of use to the site, the proposed development is not considered to generate a significant increase in traffic movement or raise significant highway safety issues.

Other Matters

- 10.16 No details of foul sewage have been submitted with the application. Therefore a condition has been included for this to be submitted to and approved by the Local Planning Authority.
- 10.17 It is noted that there is an area of ancient woodland to the west of the site (White Chimney Wood). The Forestry Commission have guidance for development in close proximity to ancient woodland, and states that there should be a 15m buffer zone between the two. The barn would be over 160m away from the edge of the designation and therefore would not have a significant impact.
- 10.18 There have been concerns from neighbours that the building would be used for storage for the owners business rather than as an agricultural building. However, to use the building for any storage, other than related to agriculture, would require a change of use. A condition has been added to limit the use to agricultural storage only.
- 10.19 There are also concerns that the building would be tantamount to become a residential dwelling especially as there are toilet and washing facilities within the

building. However, it is considered reasonable to have a toilet/shower for use by anyone working/maintaining the land for farming purposes. Again the use of the building as a dwelling would require planning permission and a condition has been included to restrict the use of the building agricultural.

- 10.20 Tunbridge Well Borough Council are now seeking a net gain in biodiversity on site in line with the NPPF (para 170). As this site is adjacent to a Local Wildlife Site and a Biodiversity Enhancement Area it is considered reasonable to include a condition for a scheme for the enhancement of biodiversity.

Summary

- 10.21 The proposed development is an improvement from the previous refused application and is considered to be acceptable subject to conditions. All pre-commencement conditions have been agreed by the applicant's representatives.

11.0 RECOMMENDATION – GRANT Subject to the following conditions

- (1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

- (2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

Proposed block plan and proposed agricultural barn plan and elevations, drawing number 2644 02 D, received 08/01/20

Reason: To clarify which plans have been approved

- (3) The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied without the prior written permission of the Local Planning Authority.

Reason: In the interests of visual amenity

- (4) The hereby approved development shall be used for agricultural storage only and no other purpose unless approved in writing by the Local Planning Authority. Should the use of the hereby approved building for the purposes of agriculture cease within 10 years from the date on which the development is subsequently completed then, unless otherwise the Local Planning Authority have otherwise agreed in writing, the building must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing between the Local Planning Authority and the land owner/developer.

Reason: In the interest of visual amenity and to protect the character and appearance of the countryside

- (5) Prior to the commencement of development, details of drainage and how foul sewage will be disposed of, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid additional water off site and to avoid pollution of the surrounding area

- (6) Prior to the first use of the building hereby permitted, details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority. External lighting shall be installed in accordance with the approved details, and no further external lighting shall be submitted at any subsequent time.

Reason: In the interest of protecting the character and amenities of the locality.

- (7) Prior to any above ground works commencing on site a scheme for the enhancement of biodiversity in accordance with the recommendation's set out in the Ecological Appraisal provided shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account of any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity.

Reason: To protect and enhance existing species and habitat on the site in the future

Case Officer: Charlotte Oben

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.