

File ref: 13/1645

Case Officer: Graham Parkinson

Date: 18-Nov-2013

# Delegated Report

CHURCH FARM, ULCOMBE HILL, ULCOMBE, MAIDSTONE, KENT, ME17 1DN

Erection of 10 ha (25 acres of polytunnels) each polytunnel being approximately 3.75 metres in height and having a width of approximately 8 metres as shown on drawing no: DHA/9800/10.

Publicity Expiry Date: 04-Nov-2013

**Has statutory consultation and neighbour** notification been properly carried out? YES

Has the application been properly advertised? YES				
No	the decision would not conform to the provisions of the Development Plan is a major development	No	was accompanied by an EIA	No
No	would affect a public right of way affects a conservation area	No	is of wide public interest	No
No	affects a listed building	No	affects a listed building	No
Is it necessary to consult the Sec. of State (GOSE) before determining this application? No				
No	T&CP (Shopping Development) (England a& Wales) (No 2) Direction 1993	specified retail developments over 2,500m <sup>2</sup>		
No	Circular 14/97 'Planning & Historic Environment' Appendix A applications	specified listed building consent		
<input checked="" type="checkbox"/>	T&CP (Development Plans & Consultation) (Departures) Direction 1999	specified major departures from Development Plan		
<input checked="" type="checkbox"/>	Circular 9/98 T&CP (Playing Fields) (England) Direction 1998	loss of specified playing fields		
<input checked="" type="checkbox"/>	Circular 8/00 T&CP (Residential Development on Greenfield Land) (Eng) Direction 2000	more than 150 dwellings or 5 hectares of housing		
Do the matters considered in this report raise any unique Human Rights issues? No				

## POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV34, ENV28

Government Policy: NPPF

## RELEVANT HISTORY :

13/1066: Application for prior notification of agricultural permitted development being the construction of a reservoir- PRIOR APPROVAL GRANTED - 09-Aug-2013

At Rumwood Green Farm, Sutton Road Langley, also in the ownership of the applicant, under ref:MA/13/0541 retrospective planning permission was granted for amongst other things, the retention of polytunnels and a proposed change of use of land for the storage of 17 additional seasonal and general workers caravans with limited occupation during winter period . This was approved on the : 31 May 2013

The above polytunnels were to be in a total of 42 rows covering a total of 2.97 ha.

## CONSULTATIONS

Newspaper Advertisement Expiry Date: N/A

**Parish Council:** Wish to see planning permission granted. In addition The Parish Council requested, and the applicant agreed, that the hedge line running north to south towards Lodge Close, separating the polytunnel field from the orchard, would be extended along

the field boundary to provide additional screening and reduce visibility from The Street. Suitable trees would be chosen for the wet ground.

**Rural Advisor:**

The applicants operate a well-established, relatively large and developing local top fruit and soft fruit farming enterprise, which has been expanded over recent years by the purchase and long-term leasing of additional land. The overall farmed acreage now comprises the following:

**Owned:**

Rumwood Green Farm, Langley, 42 acres (17 ha) top and soft fruit  
Arnold Farm, Leeds, 85 acres (34 ha) soft fruit  
Ivy House Farm, Liverton, 60 acres (24 ha) top fruit

**Rented on up to 18 year leases:**

Parkwood Farm, Boughton Monchelsea, 90 acres (36 ha) stone fruit and soft fruit  
Rockwell Farm, East Farleigh, 29 acres (12 ha) top fruit  
Ladds Court Farm, Chart Sutton, 135 acres (55 ha) stone fruit and top fruit  
Fairview Farm, Loose, 46 acres (19 ha) top fruit  
Homesby Court Farm, Ulcombe, 65 acres (26 ha) top fruit  
Church Farm, Ulcombe, 126 acres (51 ha) – see below

The overall cropping currently includes some 276 acres (112 ha) apples and pears, with a further 65 acres (26.3 ha) due to be planted this year or next; 20 acres (8 ha) cherries; and 115 acres (46.5 ha) table top strawberry production under tunnels.

The Church Farm area referred to above includes 25 acres (10 ha) existing orchards and 100 acres (41 ha) of arable land that has been taken on just recently, which is going to be planted with 67 acres (27 ha) of orchards, as well as the 25 acres (10 ha) of polytunnels for strawberry and raspberry production which is the subject of this application.

The applicants have recently constructed a 5,400,000 gallon winter storage reservoir at Church Farm for irrigation of the fruit, approved under MA/13/1066.

Polytunnels have been approved elsewhere on the applicants' farms (e.g. MA/13/0541) and further afield in the Borough. They are now a common feature of fruit production across Kent and elsewhere in the UK.

The tunnels effectively comprise units of production in themselves, and may be considered inherently required and appropriate for the purpose of modern UK strawberry and cane fruit production.

The system has a number of advantages over conventional unprotected growing including the ability to protect the crop from the wind and rain, reduce pesticide/ fungicide use, extend the growing season, provide better yields and continuity of supply, and greater ease of managing the plants and picking the fruits. The use of tunnels assists UK growers to meet customer demand as opposed to what might be regarded as the less sustainable alternative of foreign imports.

I consider, therefore, that the proposed polytunnels here to be necessary to the developing

agricultural production on this holding.

**MBC landscape Advisor:**

There are no protected trees on this site although there are likely to be 'important' hedgerows under the Hedgerow Regulations. However, the proposed erection of polytunnels and the planting of orchards does not appear to necessitate the removal of any existing woodland, individual trees or hedgerows so I raise no objection on arboricultural grounds.

In a wider landscape context the site falls within the Maidstone Landscape Character Assessment area 42, Ulcombe Mixed Farmlands. The generic guidelines for the Low Weald and the summary of actions for this area include the following:

- Consider views towards any proposals across the Low Weald from the elevated Greensand Ridge which rises to the north and the High Weald which rises to the south west
- Conserve the extensive tree cover provided by frequent woodland blocks, orchards and oak trees
- Conserve the pastoral land use and resist conversion to arable land
- Conserve and enhance the small scale, mosaic like field pattern
- Avoid further field segregation using post and wire fencing and encourage the reinstatement of native hedgerow boundaries where these have been removed
- Conserve the distinctive amount of oak trees within the landscape, and plant new isolated specimens and hedgerow standards to replace ageing specimens

It should be noted though, that the applicant has not submitted a landscape appraisal enabling the visual and landscape impacts of the erection of polytunnels to be fully considered.

**KCC Biodiversity:** Generally have little comments to make on polytunnels particularly when they are located on arable fields.

However it is noted that there is an intention to create wildlife buffers. These should comprise wild flowers found within arable fields to ensure that they will establish on the nutrient rich soil due to the heavy use of fertiliser on already farmed areas.

**Upper Medway Internal Drainage Board:** The site of the above planning application, whilst being outside of the Upper Medway IDB's district drains to it via ordinary watercourses. This proposal, due to its scale, has the potential to significantly affect local drainage and flood risk. Note the intention to dispose of surface water by means of a sustainable drainage system but no details appear to have been provided details.

**Neighbours:** 19 properties were consulted in Ulcombe approximately 300 metres to the east of the application site. No representations received.

**Disabled Considerations:** None

**Environmental Health Considerations:** None

**Highways Considerations:** None

**Public Safety Considerations:** None

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## **CONSIDERATIONS**

Site Visited: 11<sup>th</sup> October 2013

### **SITE DESCRIPTION:**

The application site is located on land at the southern end of Church Farm at the foot of the Greensand ridge on gently sloping land approximately 300 metres to the west of Ulcombe village.

The farm boundaries of the farm are made up of hedgerows and trees which extend along the boundaries with Ulcombe Hill and the western boundary of the village.

The area is generally characterised by a patchwork of enclosed arable fields and orchards.

Part of the farm, is visible from the residential properties located on the west side of The Street and from the public footpath KH320 which passes through the farm in an east/west direction.

In addition to the proposed polytunnels, 27 ha (67 acres) of new apple orchards (Gala variety) (approximately 80,000 trees) will be planted in the winter planting season 2014/2015.

### **DESCRIPTION OF PROPOSAL:**

Planning permission is sought for the erection of 10 ha (25 acres) of polytunnels to provide for strawberry/raspberry production on land located at the southern end of the farm.

Each polytunnel will be constructed from a hooped tubular steel framework. The polytunnels will be approximately 8.0 metres in width and 3.75 metres high and be covered in polythene sheeting. They will be set out on a north south alignment and follow the contours of the land which falls from north to south.

The polytunnels will be set back from the existing field and hedgerow boundaries by 8 metres to allow for maintenance and to provide for ecology enhancements.

The polytunnels will be covered for an 8 month period from March to the end of October. For the remaining period of the year the tunnels will be uncovered and the covering will be rolled-back and strapped to the sides of the frames which will remain permanently in situ. The metal frameworks will be subject to annual inspection and maintenance and replaced as necessary.

The polytunnels are required as a result of the need to meet customer and market demand for strawberry/raspberry production. It is anticipated that in 2015 following the erection of the polytunnels 200 tonnes of raspberries or 400 tonnes of strawberries will be produced at the farm.

In addition to the proposed polytunnels, 27 ha (67 acres) of new apple orchards (Gala variety) (approximately 80,000 trees) will be planted in the winter planting season 2014/2015 on the currently open area between the application site and the edge of Ulcombe to the east.

### **DISCUSSION:**

The key issues in relation to this application are considered to be (a) principle (b) justification (c) impact on the rural and Special Landscape character of the area (d) impact

on general amenity (e) wildlife and habitats (f) flooding and (g) highway and parking considerations.

**Principle:**

Policy ENV34 of the adopted local plan seeks to resist development in Special Landscape Areas (SLA) where landscape protection and conservation will be given priority over other landscape considerations.

One of the 12 core planning principles set out in paragraph 17 of the NPPF states that LPA's should :

- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;

In addition the NPPF also seeks to promote a prosperous rural economy and at paragraph 28 amongst other things 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 by:

- promoting the development and diversification of agricultural and other land-based rural businesses.

The site falls within an SLA, and the NPPF makes clear at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in, amongst other things, AONB's. No specific countryside protection is afforded to areas outside AONB's on landscape quality grounds apart from recognition of the intrinsic character and beauty of the countryside.

Given that polytunnels are now (a) an accepted part of agricultural infrastructure in many rural areas providing benefits both in operational terms while meeting acknowledged consumer demand for produce and (b) taking into account the requirements of the NPPF to support the rural economy, it is therefore considered that unless there are compelling landscape concerns incapable of being addressed, the development is acceptable in principle and matters turn on detailed considerations.

**Justification:**

Given the recognition of the intrinsic character and beauty of the countryside set out in the NPPF, the Council first needs to be satisfied that the proposal is justified and proportionate to the scale of need that has been identified.

In this context the rural advisor considers that the proposed polytunnels, which are now a recognised part of agricultural operational development, are necessary to the developing agricultural production of this holding. In these circumstances and taking into account the weight given in the NPPF to supporting agricultural enterprises such as this, it is considered there is sufficient economic and operational justification to support the proposed development.

**Impact on the rural and Special Landscape character of the area:**

Though the proposed polytunnels will have a low height and profile and for part of the year will not be covered, with only the hoops left in situ, when in use they will have a significant cumulative visual impact. As such they have the potential to have an adverse impact on the wider landscape unless the site levels and existing and proposed landscaping all combine to provide sufficient visual mitigation.

Church Farm is currently enclosed by hedgerows and trees and is not generally visible from views outside of the site from Ulcombe Hill or The Street or from views from the Low Weald to the south.

The polytunnels will be located over 300 metres from the closest neighbouring properties in The Street and will be screened from those properties by existing hedgerows and trees. In addition, the new apple orchard planting, proposed to take place in the winter of 2014/2015 on the land to the east and adjacent to the rear of the properties in The Street, will further screen views of the polytunnels from properties located next to the farm on the west side The Street.

However as these trees will be planted for agricultural purposes and could be felled without consent, it is not considered that their screening contribution can be given much weight in mitigating the landscape impacts of the proposed polytunnels. However given the wide separation and generally low profile of the polytunnels and additional hedgerows to be retained, it is considered that there is sufficient mitigation without reliance being placed on screening provided by the proposed orchard.

Dealing with views from public vantage points from close range, there is a public footpath crossing the site from west to east and from which views of the polytunnels will be clearly visible notwithstanding that the footpath follows the line of an existing hedgerow on its northern side.

It would be difficult to completely screen the footpath from having any view of the polytunnels. However there is no reason why additional native screening cannot be secured by condition which will also have the additional benefit of increasing wildlife habitats.

Turning to the comments made by the MBC landscape advisor, regarding the impact on the Low Weald, the proposal will have no effect on the existing tree cover in the locality. The proposal to plant a large orchard will add substantially to existing tree cover within the locality in any event.

Regarding conservation of pastoral land use and resistance of conversion to arable land, the application site is already in use for this purpose. However as the use of land for agriculture is 'not development' it is difficult to see how this can aspiration be secured without the voluntary agreement with landowners.

Conservation and enhancement of the small scale, mosaic like field pattern is another aspiration. The proposed polytunnels will sit within existing field boundaries and as such there will be no changes to the existing field pattern but as no enhancement either. However in the absence of an adopted policy to secure such enhancements, it is not considered that this can be delivered as part of this application.

In connection with the need to avoid further field segregation by use of post and wire fencing while encouraging the reinstatement of native hedgerow boundaries where these have been removed, the proposal does not affect existing hedgerows or proposes

additional fencing. However the applicants propose an 8 metre wide margin around the respective field boundaries to allow for maintenance of the polytunnels and for biodiversity enhancements. While this is considered to go some way to meeting the aspirations set out given wider concerns relating to the visual impact of the polytunnels in general and their siting in this sensitive landscape, it is considered that a condition should be imposed requiring additional landscaping to meet the above aspirations.

There is also the need to conserve distinctive oak trees within the landscape, plant new isolated specimens and hedgerow standards to replace ageing specimens. No existing trees or hedgerows are affected by the proposal though it is not proposed to provide any additional landscaping in excess of this. Again imposition of a landscaping condition is considered appropriate in addressing this.

The concern that the application did not submit a landscape appraisal is noted. However the applicants, in their planning statement refer to the landscape impacts and measures to mitigate this which is considered sufficient in the circumstances.

It is therefore concluded that notwithstanding the sheer scale of the proposed site coverage, given the low height and profile of the polytunnels, that the undulating nature of the site will help to further to reduce their combined impact, retention of existing hedgerows along with provision of additional landscaping, retention of an 8 metres wide separation zone around the site and conditions requiring covers to be removed as specified by the applicants, it is considered that their impact on the SLA and rural character of the area is acceptable.

#### **Impact on residential amenity:**

The nearest residential properties to the proposed development are over 300 metres to the east in Ulcombe village looking across land which is mainly level. Given this separation distance and the presence of existing hedgerows (for the reasons already set out above it is not appropriate to give significant weight to the proposed orchard) no material harm is identified to the visual amenity of these properties.

#### **Wildlife and habitat considerations:**

The application has not been accompanied by an ecological appraisal. However the application site comprises species poor, regularly farmed, arable farmland. However the hedgerows and trees to be retained on the site perimeters clearly provide habitats for wildlife.

The polytunnels will be set back from the existing field and hedgerow boundaries by 8 metres allowing for maintenance and to provide for ecology enhancements. In conjunction with the additional landscaping required by condition, will, it is considered, be sufficient to meet the requirements to conserve and enhance biodiversity set out in paragraph 118 of the NPPF.

The comments of KCC Biodiversity are noted and which should be drawn to the applicant's attention by informative.

#### **Flooding:**

The applicants advise that water run-off during the spring and summer months when the tunnels are covered will drain naturally to the surrounding uncovered land. Church Farm is not located within an area liable to flooding and there are no residential or other buildings located in close proximity to the site.

Nevertheless given the comments of the UMIDB it is considered that a condition should be imposed requiring submission of details of a sustainable drainage system to attenuate surface water runoff.

#### **Highway and parking considerations:**

In traffic generating terms the use of the land for agriculture does not require planning permission. Given that the use of the land is not subject to planning control it therefore follows that the polytunnels cannot be seen as traffic generators in their own right over and above existing background traffic generated as part of the normal operational requirements of the farm.

#### **Conclusions:**

- No objection is identified to the principle of development particularly given the advice contained in NPPF promoting the development and diversification of agricultural and other land-based rural businesses.
- That the polytunnels are justified in agricultural terms.
- The visual impact on the SLA and rural character of the area and public footpath crossing the site is acceptable.
- That the proposal will enable sufficient provision to be made for wildlife in accordance with the requirements of the NPPF
- No objection is identified on highway or parking grounds.

In the circumstances it is considered that the balance of issues fall in favour of the proposal and planning permission should therefore be granted.

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### **RECOMMENDATION**

#### **GRANT PLANNING PERMISSION**

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### **DECISION**

#### **Conditions:**

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

Reason: In accordance with the provisions 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. Before the development hereby approved commences a detailed landscaping scheme (including provision for its long term maintenance) shall be provided for prior approval in writing by the Local Planning Authority to address the following:



(a) Details of native species hedgerow and tree planting to amplify the existing hedgerow currently running along the northern side of the public footpath shown on drawing no: DHA/9800/10 crossing the site in an east to west direction. The proposed scheme shall amplify the existing hedgerow while making provision for a new hedgerow to enclose the whole length of the footpath along its southern length where it crosses the application site.

(b) the hedge line running north to south towards Lodge Close, separating the polytunnel field from the orchard be extended along the field boundary to provide additional screening and reduce visibility from The Street. Native tree species suitable for wet ground should be chosen.

(c) Plant new isolated specimen oak trees within the landscape in sitings to be agreed in writing with the Local Planning Authority beforehand while replacing aging specimens in existing hedgerows

The approved landscaping shall be planted in the first available planting season. Any part of the hedgerows or trees becoming dead, dying or diseased shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority and shall be retained at all times in accordance with the terms of this condition.

Reason: In the interests of visual amenity.

3. Before development commences details of a sustainable drainage system shall be submitted for prior approval in writing by the Local Planning Authority and which shall include a programme of long term management and maintenance. The approved scheme shall be subsequently implemented and maintained in accordance with the provisions of the approved management programme.

Reason: To ensure that surface water runoff is appropriately attenuated in order to minimise the risk of flooding.

4. The development hereby permitted shall be carried out in accordance with the following approved plan: as shown on drawing no: DHA/9800/10.

Reason: To ensure the quality of the development is maintained.

5. The polytunnels, including all structures and polythene hereby permitted, shall be removed and the land upon which they are sited, restored to its former condition, if the land is not used for soft fruit production for more than two years in a row.

Reason: Permission has been granted to meet the needs of agriculture and to avoid undue proliferation of built mass within the countryside

6. The polytunnels hereby permitted shall only be covered with polythene between the 1st March and the 31st October.

Reason: In the interests of visual amenity.

7. Before the development hereby approved commences measures for wildlife habitat creation and and enhancement (including a long term management programme) shall be submitted for prior approval in writing by the Local Planning Authority .

The approved scheme shall be implemented and maintained in accordance with the approved management programme.

Reason: To conserve and enhance biodiversity in accordance with paragraph 118 of the National Planning Policy Framework.

8. The polytunnels hereby approved shall not exceed 3.75 metres in height above ground level.

Reason: In the interests of visual amenity

**Informative**

1. The creation of wildlife buffers should include wild flowers found within arable fields to ensure that they will establish on nutrient rich soil due to the heavy use of fertiliser on already farmed areas.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

This application has been considered in relation to the following policies:

Maidstone Borough-Wide Local Plan 2000: ENV34, ENV28

Agreed by PPO *S Clarke* Date 18/11/2013