

Delegated Report

HUSH HEATH WINERY, FIVE OAK LANE, STAPLEHURST, MAIDSTONE, KENT, TN12 0HX

Use of wine tasting room for the general sale of wine and cider produced on the holding as shown on site plan and floor plan, supported by covering letter all received 18th February 2013 and site location plan received 4th September 2013.

Publicity Expiry Date: 03-Oct-2013

Has statutory consultation and neighbour notification been properly carried out? Yes

Has the application been properly advertised? Not applicable

N the decision would not conform to the provisions of the Development Plan N was accompanied by an EIA N is a major development
N would affect a public right of way N is of wide public interest N affects a listed building N affects a conservation area

Is it necessary to consult the Sec. of State (GOSE) before determining this application? No

N T&CP (Shopping Development) (England a& Wales) (No 2) Direction 1993 specified retail developments over 2,500m²
N Circular 14/97 'Planning & Historic Environment' Appendix A specified listed building consent applications
N T&CP (Development Plans & Consultation) (Departures) Direction 1999 specified major departures from Development Plan
N Circular 9/98 T&CP (Playing Fields) (England) Direction 1998 loss of specified playing fields
N 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: ENV28, T13, R12

Village Design Statement: Not applicable

Government Policy: National Planning Policy Framework 2012

HISTORY

- MA/11/1099 Retrospective application for the erection of a side extension to existing farm building – APPROVED WITH CONDITIONS
- MA/09/2169 Application to vary conditions of MA/09/0127 (winery and associated works) as follows:

Condition 2 - The development hereby permitted shall only be used to produce wine from grapes grown within a distance of 25 miles of the Hush Heath Estate;

Condition 7 - Remove (relating to machinery and plant operations)

Condition 8 - To read: No vehicle used in connection with the wine making process may arrive, depart, be loaded or unloaded within the general site except between the hours of 0700 to 1800 Mondays to Fridays and 0800 to 1300 hours on Saturdays (and at no time on Sundays or Bank Holidays), with the exception of a maximum of 35 days per annum when the hours of 0700 to 2300 Mondays to Sundays will apply. When within the site no vehicle used in connection with the wine making process shall be stationary with its engine or refrigerator running as shown on details submitted on 26/11/09 - APPROVED WITH CONDITIONS

- MA/09/0127 Planning permission for the erection of a winery, including associated works, hardstanding and parking - APPROVED WITH CONDITIONS

SITE HISTORY CONSIDERATIONS

Planning permission was granted under MA/09/0127 for the erection of a winery subject to conditions, some of which were later varied to allow more flexibility in the operation of the business.

CONSULTATIONS

Newspaper Advertisement Expiry Date: Not applicable.

Parish Council: Staplehurst Parish Council wish to see the application approved.

Neighbours: No representations were received.

Other: Not applicable.

Disabled Considerations: The facility is accessible to persons of disability.

Environmental Health Considerations: Not applicable.

Highways Considerations: Please see main text.

Public Safety Considerations: Not applicable.

CONSIDERATIONS

Site Visited: 21st October 2013

Site description and history

The proposal site is located in open countryside designated as being within a Special Landscape Area in a relatively remote location in the parish of Staplehurst. The site is located to the south of the junction between Five Oak Lane, the C79, and Snoad Lane, an unclassified highway. The site has an existing access from Five Oak Lane, and a significant provision of on site parking.

The site comprises a small number of agricultural type buildings, including the winery granted under MA/09/0127.

Proposed development

The application proposes the change of use of part of the existing winery building to allow the on site sale of wine. The relevant part of the building is currently used as a tasting room. No external alterations to the building are proposed.

The sales/tasting room is located in the south west corner of the building, and has a floor area of approximately 48m², representing approximately 1/16 of the entire floor area of the building, the remainder of which would remain available for production (tanks, presses, bottling, labelling, etc).

There would be no change to the existing access or on site car parking provision.

Policy context

The site is located in a rural location in the open countryside beyond the bounds of any town or village. In such a location, development is tightly restricted by the provisions of the Development Plan and central government planning policy and guidance, and under the provisions of policies ENV28 of the Local Plan the impact of development on the character and appearance of the landscape is a significant consideration in such cases.

In addition to the above, Local Plan policy R12 restricts retail uses outside defined urban and village areas to shops selling fresh produce at the point of production. Whilst wine is processed and thereby not a "fresh" product, to my mind the permission relating to the winery is a material consideration such that provision for the sale of wines from the site would not be contrary to the spirit of the policy.

This interpretation is in line with policy as set out in the National Planning Policy Framework 2012 which supports the sustainable growth and expansion of existing businesses and the development of agricultural and other land based businesses.

Planning considerations

Conditions attached to the previous consents restrict the wines that can be produced on the site in respect of the provenance of the grapes; a condition restricting sales to wine that is produced on the Hush Heath Estate shall achieve a similar limitation on unrestricted sales, which would be contradictory to planning policy.

The proposal would not have any implications for landscaping or ecology, and would have no detrimental impact upon the listed buildings located to the north east of the building. The site is not located in an area recorded by the Environment Agency as being in an area prone to flood, and the proposal would not result in harm to the residential amenity of the occupiers of neighbouring properties, subject to imposing the existing vehicle movements condition relating to the wider site, which would not be unreasonable in the circumstances of this case.

Conclusion

For the reasons set out above, the proposed development is considered to be in accordance with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and national planning policy and guidance, having regard to any other material considerations, and I therefore recommend it for approval subject to the following conditions.

RECOMMENDATION (Please type CAREFULLY – Approved, Approved with conditions or Refused)

My recommendation is approval with conditions (AC).

DECISION

Conditions or reasons for refusal

1. The development hereby permitted shall only be used for the sale of wine produced by the Hush Heath Estate at the Hush Heath Winery;

Reason: To ensure a sustainable development and prevent a general retail use from being established in an inappropriate location, to safeguard the rural amenity of the open countryside and the enjoyment of their properties by adjoining residential occupiers, and prevent harm to highway safety.

2. No vehicle may arrive, depart, be loaded or unloaded within the general site except between the hours of 0700 to 1800 Mondays to Fridays and 0800 to 1300 hours on Saturdays (and at no time on Sundays or Bank and Public Holidays) with the exception of a maximum of 35 days per calendar year when the hours of 0700 to 2300 Mondays to Sundays will apply. The applicant (or successor in title) shall keep a log of the dates when the extended hours are operated, which will be made available to the Local Planning Authority if requested. When within the site no vehicle shall be stationary with its engine or refrigerator running.

Reason: In the interest of preventing noise nuisance from the unloading, loading and manoeuvring of vehicles and the running of engines or refrigerators of vehicles to adjoining occupiers.

3. Only the wine sales area identified in pink on the approved drawing received 18th February 2013 shall be used for retail sales and no other land shall be used for sales purposes;

Reason: In the interests of the rural amenity of the open countryside, to safeguard the enjoyment of their properties by adjoining residential occupiers and prevent harm to highway safety.

4. No retail sales to the public shall be carried out outside of the hours of 08:00-18:00 Mondays to Saturdays and at no time on Sundays or Bank and Public Holidays;

Reason: In the interests of the rural amenity of the open countryside, to safeguard the enjoyment of their properties by adjoining residential occupiers and prevent harm to highway safety.

Informative

REASON FOR APPROVAL (if appropriate)

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent.

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 application was acceptable as submitted and no further assistance was required.

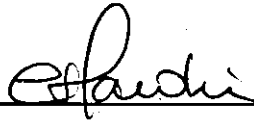
The application was approved without delay.

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

Maidstone Borough-Wide Local Plan 2000: ENV28, T13, R12

South East Plan 2009:

Agreed by PPO



Date

