

REPORT SUMMARY

REFERENCE NO - 16/506717/FULL		
APPLICATION PROPOSAL Erection of a storage barn with associated mobile poultry shed and mobile home for the establishment of an organic egg enterprise and associated works.		
ADDRESS Cobnut Farm Pett Road Stockbury Kent ME9 7RJ		
RECOMMENDATION Grant planning permission subject to planning conditions and any further comment from Natural England		
SUMMARY OF REASONS FOR RECOMMENDATION The development proposed is reasonably necessary for the purposes of agriculture and the scheme would not have a significant negative impact on the character of the AONB, and is acceptable after consideration of other planning issues.		
REASON FOR REFERRAL TO COMMITTEE Stockbury Parish Council has requested committee consideration with the comments provided in Section 4 of this report.		
WARD North Downs	PARISH/TOWN Stockbury	COUNCIL APPLICANT Mr & Mrs Wayte AGENT George Webb Finn LLP
DECISION DUE DATE 08/12/16	PUBLICITY EXPIRY DATE	OFFICER SITE VISIT DATE 16/11/16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): None directly relevant.		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The land referred to in the application as Cobnut Farm is located in attractive open countryside to the north east of the hamlet of South Green. This is land within the Kent Downs Area of Outstanding Natural Beauty (AONB) and the North Downs Special Landscape Area (SLA).
- 1.02 The land extends to around 4.6ha and involves grassland that slopes up away from the east side of Pett Road. There are no buildings on the land at present and there is currently no active agricultural use of this land. There is a wide access point in the southern corner of the land with a rough track leading off up the slope, along the southern boundary. The land is bounded by well-established hedging and trees to all boundaries and the semi natural ancient woodland of Gore Wood is located immediately to the north west of the site. There are no protected trees in the vicinity of the site.
- 1.03 This is a relatively isolated location on the North Downs and the site has no near residential neighbours: the houses at South Green are approx. 260m away 'as the crow flies' to the south east and the nearest property is Magpie Hall Farm approx. 150m from the north east boundary of the holding. Pett Road is a narrow country lane, in common with the entire highway network in this broad location.

2.0 PROPOSAL

- 2.01 This application seeks the erection of a storage barn, a mobile poultry shed and the stationing of a residential mobile home in order to establish an organic egg producing enterprise. It is the buildings/mobile home that require planning permission; not the use of land for agriculture.
- 2.02 Mr and Mrs Wayte intend to develop this 4.6ha holding as a 2000 bird free-range organic poultry unit, producing eggs mainly for sale to Stonegate packers (suppliers to Waitrose). The applicants have submitted a comprehensive business plan, with associated budgets. The development would include a mobile poultry shed (approx. 52.5m x 9m), a feed silo, a general purpose storage barn (approx. 18m x 10m) and a mobile home (initially sought on a temporary basis) to be occupied by the applicants as agricultural workers.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
MBWLP 2000 Policies: ENV6, ENV28, ENV33, ENV34, ENV43
Maidstone Borough Local Plan (Regulation 19) Submission Version 2016 Policies: SS1, SP17, DM1, DM2, DM3, DM24, DM34, DM38, DM40
Supplementary Planning Documents: Kent Downs AONB Management Plan 2014

4.0 LOCAL REPRESENTATIONS

- 4.01 Stockbury Parish Council “has considered the above application and wish to raise strong objections to the proposals for the following reasons. The application has been submitted as Cobnut Farm, Pett Road, Stockbury. Cobnut Farm does not exist at this site as this land has never operated as a Farm, it is our understanding that this area of land has recently been purchased and we feel that submitting the application as an existing farm is misleading.
- 4.02 The land is designated agricultural land and falls within an Area of Outstanding Natural Beauty. The Parish Council objects to the proposal to place a mobile home on this site as it believes that this will lead to an application for a permanent dwelling at some point in the future. This will set a precedent for other land within the parish.
- 4.03 We are concerned regarding the operating of a business in an area where access to the land would be difficult. The lanes in this area are narrow and already serve existing businesses with difficulty. We understand that an additional access gate which has recently been installed from the field making an unauthorised additional access onto Pett Road.
- 4.04 There is already a chicken farm operating in the area and the environmental impact on residents is felt in the summer months with excessive flies. The Parish Council feels that a second chicken farm in close proximity would be detrimental to the environment and the well-being of the residents in the area.
- 4.05 For the reasons stated above Stockbury Parish Council objects to this application and would request that if the views of the Planning Officer differ from the Parish Councils that it is submitted to the Planning Committee for their consideration.”

- 4.02 Four letters of objection have been received from local residents and the following (summarised) points are raised:
- a) The development would harm the character of the AONB.
 - b) The local road network is unsuitable to serve the development and the access point is steep and unsuitable. It is likely that South Green Lane would be used, not Pett Lane, and that is equally unsuitable.
 - c) The development would lead to an increased infestation of flies.
 - d) This scheme could lead to a proliferation of housing.
 - e) Utilities along the access roads would be damaged.

5.0 CONSULTATIONS

- 5.01 Natural England points out that the application site is within 4 km of the following European designated site (also commonly referred to as Natura 2000 sites) and therefore has the potential to affect the interest features of this site.
- Queendown Warren Special Area of Conservation (SAC)

The application site is also within 4 km of the following sites which are also notified at a national level as Sites of Special Scientific Interest (SSSIs):

- Queendown Warren
- Purple Hill
- Hollingbourne Downs

Against this background, an assessment needs to be made as to the impact of the development on air quality to ensure that the sensitive sites mentioned do not suffer unacceptable impact from aerial pollutants.

In response to the above the applicants have submitted an air quality assessment. The views of Natural England are awaited on the submitted air quality assessment.

- 5.02 The KCC Biodiversity Officer has examined the application and concludes that there is no need for an ecological scoping survey to be carried out on this managed grassland field. The area of greatest interest is the mature boundary and the area of woodland to the north west and these areas should be protected from damage from hens. All hedgerows should be protected during the implementation of the development. Lighting should be controlled with particular regard to the potential presence of bats.
- 5.03 The Environment Agency has no objection, but points out the responsibilities of developers with regard to the prevention of pollution from the septic tank, surface water drainage, etc.
- 5.04 KCC Highways and Transportation has no objection subject to conditions on the surfacing and gradient of the access track, the positioning of gates, the safeguarding of parking and turning space and control over the construction phase.
- 5.05 Southern Water has no objection.
- 5.06 The Upper Medway Drainage Board has no objection.
- 5.07 The Forestry Commission points out the presence of the nearby ancient woodland and refers to standing advice.

- 5.08 The Kent Downs AONB Unit objects to the development. No functional and financial justification has been put forward for the proposed residential use. In addition to that, the built development (including the access track) on rising ground away from the highway would be harmful to the character of the AONB. [Officer comment: a functional and financial justification has been advanced and this is discussed below in the appraisal section of this report.].
- 5.09 MIDKENT Environmental Health Shared Service has no objection subject to conditions as regards details of plant and the storage of manure.
- 5.10 The MBC Landscape Officer expresses no objection but points out the need for conditions to protect trees and hedgerows from damage from hens.
- 5.11 Rural Planning Ltd. confirms a reasonable need for the development. [Officer comment: Further discussion below in relation to 'Need'.]

6.0 APPRAISAL

Principle of Development and the issue of 'Need'

- 6.01 Development in the countryside is restricted under the terms of the Development Plan and the Central Government Guidance set out in The National Planning Policy Framework (NPPF). The high quality of the AONB/SLA landscape is to be protected from visually harmful development.
- 6.02 As an exception to the general theme of restraint, Policy and Guidance allow for the construction of buildings, access roads, etc. and the creation of rural worker dwellings where there is an essential need for such accommodation. The NPPF states in para. 55:
- “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as (amongst other things) the essential need for a rural worker to live permanently at or near their place of work in the countryside.
- 6.03 Similarly adopted Local Plan Policies ENV28 and ENV43 allow for the creation of farm buildings and dwellings as an exception to an otherwise restrictive regime. Emerging Policies provide similar guidance.
- 6.04 Having examined the supporting statements, the view of Rural Planning Ltd. is that:
- “The applicants have submitted a fairly comprehensive and carefully considered business plan, with associated budgets. There appears to be clear evidence of their intention to develop the business, supported, as I understand it, by private funding rather than borrowings. The applicants have potentially secured a main production outlet, as indicated above, and hope to supplement that income by direct local retailing of a small proportion of “seconds” quality eggs. The size and design of the mobile poultry shed, silo and barn appear appropriate to the needs of a unit such as this.”
- 6.05 The policy background also allows for the principle of rural worker accommodation but clearly, to avoid the proliferation of such dwellings, they should only be allowed

where there is an essential need. There is no Development Plan Policy directly related to such dwellings. The old PPS7 Annex A had detailed guidance on how to assess need but PPS7 has now been superseded by the NPPF. Nevertheless, in my view (and that of Rural Planning), the tests in Annex A remain the most appropriate means of assessing need and I consider it appropriate to utilise it in this case.

- 6.06 Annex A sets a functional test and a financial test. The applicant has requested that sensitive financial information be kept confidential. Rural Planning Ltd. concludes that there is an essential need for a worker to live on site to provide care and security to the hens. On the 'financial test', from the information available, I agree with Rural Planning Ltd. that the business is potentially viable. I consider the scale of accommodation to be appropriate to the needs of the holding. Rural Planning Ltd. states:

"I also consider that an on-site residential presence is necessary for the proper functional care and welfare of the hens, as set out in the Business Plan.

- 6.07 There are many examples where planning permission has been granted for on-site accommodation on comparable units, not least locally at Cherry Tree Farm. A further example is off Pett Road, Stockbury, where a similar scale business was successfully established in recent years supplying Stonegates.
- 6.08 The main remaining issue, in my view, is whether there is clear evidence that the proposed enterprise has been planned on a sound financial basis. In this regard, the submitted budgets (latterly revised to include depreciation and for more realistic yields) appear to be reasonably soundly based, albeit it would be necessary to annualise the assumed "per flock" income figures and costs, because a typical crop cycle would be over some 60 weeks, rather than 52, thereby proportionately reducing the annual net profit figure.
- 6.09 Furthermore, the Business Plan suggests that part-time outside labour would be employed in addition to the work to be provided by Mr and Mrs Wayte. I am not convinced that a free range unit of this size and type would be able to afford (or in fact require in terms of typical labour input) the employment of such labour, and still leave the applicants with a sufficient return to their own labour and capital input.
- 6.10 That is a particular matter that could be reviewed, however, if planning permission is granted and once production is underway. Otherwise, on balance I consider there should be sufficient potential under the applicants' plans (which also includes, outside the budgets prepared to date, the introduction of sheep for organic lamb production on nearby rented land) to meet the usual financial test for such proposals.
- 6.11 I conclude the general principle of this scheme is acceptable but clearly the detailed impact must also be deemed appropriate. Such organic egg production farms are clearly a much more acceptable alternative to the intensive units of the past and, in my view, any harm must be balanced against the benefits of providing eggs and poultry products to the public in a way that meets the latest animal welfare and environmental standards.

Visual Impact and Landscaping

- 6.12 The impact of the development on the character of the AONB is clearly a key issue. The buildings and the mobile home would be sited up the slope on a flatter area of land away from the steeper slopes that characterise the area close to the road. This location and the land form would, in my view, reduce their prominence. These are

relatively low level structures (for example, the barn is only approx. 4.6m high) and would benefit to a certain extent by the mature boundary trees and hedging that is already established around this large field, not least the banking and associated roadside hedging along the lane. In my view their impact on the open character of the area would not be significant. I do have some concerns as to the prominence of the proposed access road as it ascends the slope way from the highway but it seems to me that such an arrangement is not unusual on farmland. I am satisfied that, overall, the development would conserve landscape character.

- 6.13 The application states that new planting would be put in place to reinforce existing boundaries and to provide some softening of the impact of the access track as it climbs the steeper part of the site. Conditions should be imposed to ensure that the boundaries of the site are reinforced and enhanced. Subject to these I consider the scheme acceptable in terms of its visual impact.

Residential Amenity

- 6.14 In my view the site is sufficiently divorced from the nearest residential properties to ensure that there would be no significant loss of amenity from noise, smells, dust, flies, etc. I recognise that there is a similar egg production facility at Cherry Tree farm to the north of the application site but I am not convinced that the combined impact would be such as to warrant withholding permission. The Environmental Health Officer has no objection subject to conditions: I agree that a condition should be imposed to control how manure is stored and disposed of but, given the nature of the development and the relative isolation of the site; I see no need for conditions on noise from any plant and machinery.

Highways

- 6.15 It is estimated the enterprise would generate approx. 123 lorry movements per year equating to one lorry every 3 days for collection and one lorry every 17.5 days for delivery. I therefore agree with the Highways Officer that the anticipated volume of traffic generated by this proposal is not excessive. Livestock farms need open land to function and it is often the case that they are necessarily located in relatively remote areas away from centres of population: on that basis it is inevitable that such enterprises will be served by narrow country lanes as is the case here. Given the likely low level of traffic both the local highway network and the site access details are considered adequate to serve the development.

Ecology

- 6.16 The KCC Biodiversity Officer confirms the application site is not of significant ecological value. Conditions can be imposed to protect the vegetated boundaries of the site during construction and from any adverse impacts from foraging animals. New landscaping is likely to provide enhanced habitat and the applicant expresses a willingness to enhance ecological value through the introducing a bumblebee-friendly management regime, including field corner management and wild flower margins; and the installation of bat and bird boxes.
- 6.17 Natural England expresses concern over the potential adverse impacts of aerial pollutants on nearby protected sites. As such it requested an air quality assessment which has been received. Natural England has been reconsulted and its views will be reported to Members as an update.

Environmental Impact Assessment Screening

- 6.18 The site lies within the AONB a 'sensitive area' for the purposes of the Environmental Impact Assessment Regulations. I have assessed whether the development requires an environmental impact assessment: My conclusions on the various planning impacts of the scheme lead to the view the proposal would not have sufficiently significant effects on the AONB requiring the submission of an EIA.

7.0 CONCLUSION

- 7.01 The development would not cause significant harm to the character, amenity and functioning of the Kent Downs Area of Outstanding Natural Beauty.
- 7.02 Active and beneficial use of agricultural land is part of the character of the Kent countryside and the limited environmental impact should be balanced alongside the benefits of modern egg production that meets current animal welfare standards. I recommend that permission be granted.

RECOMMENDATION – Grant planning permission subject to the following planning conditions and any further comment from Natural England

- (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) The occupation of the mobile home shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants;

Reason: The site is in an area where new residential development is not normally permitted unless essentially required for the proper functioning of the enterprise concerned.

- (3) The residential use of the mobile home shall cease and the mobile home shall be removed from the site on or before 31 December 2019;

Reason: The long term viability of the business has not yet been sufficiently demonstrated and it would not be appropriate to allow a permanent dwelling until such time as that long term viability is established.

- (4) Prior to any of the buildings hereby approved proceeding past ground works, written details and samples of the materials to be used in the construction of the external surfaces of the buildings shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

- (5) Prior to any of the buildings hereby approved proceeding past ground works a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management

Planning Committee Report

shall be submitted to and approved by the Local Planning Authority. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall include full details of proposed boundary treatments so as to prevent animals damaging the northern hedgerow and the woodland beyond;

Reason: In the interests of visual amenity and ecology.

- (6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: In the interests of visual amenity and ecology.

- (7) Prior to any of the buildings hereby approved proceeding past ground works full details of the proposed lighting and the methods to prevent light spillage shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details;

Reason: In the interests of ecology and to prevent light pollution within the Kent Downs Area of Outstanding Natural Beauty.

- (8) The changes to the access road shall be completed before the first use of the farm buildings hereby permitted;

Reason: In the interests of highway safety.

- (9) Before the first use of the farm buildings hereby permitted, full details of the storage and disposal of manure and waste materials shall be submitted to and approved in writing by the Local Planning Authority and the use shall operate in accordance with the approved details;

Reason: In order to prevent residential amenity problems and avoid problems associated with potential environmental pollution.

- (10) Prior to any of the buildings hereby approved proceeding past ground works, a scheme of ecology enhancement works, including a timetable for the scheme's implementation and long term management, shall be submitted to and approved by the Local Planning Authority. The scheme shall include a bumblebee-friendly management regime for the site, including field corner management and wild flower margins; and the installation of bat and bird boxes.

Reason: In the interests of visual amenity and ecology.

- (11) The development hereby permitted shall be carried out in accordance with the following approved plans:
drawing nos. 1368/1, 2, 3, 4, 7 received 6/9/16; and 1368/5 received 8/9/16.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

Planning Committee Report

Case Officer: Geoff Brown

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.