

4.1 - 17/021111/FUL

Date expired 11 October 2017

Proposal: Permanent erection of polytunnels at the land at Salmans Farm, with associated landscaping and ecological enhancements.

Location: Land At Salmans Farm, Salmans Lane, Penshurst, Kent

Ward(s): Penshurst, Fordcombe & Chiddingstone

ITEM FOR DECISION

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

1) The gross area of fields, outlined in red on approved plan no. 02, containing polytunnels shall not exceed 15 hectares unless agreed in writing with the Local Planning Authority.

To safeguard the visual appearance of the area as supported by Policies EN1, EN5 of the Sevenoaks Allocations and Development Management Plan.

2) The polytunnels structures hereby permitted shall not be covered other than between 1st March to 1st November of each calendar year. Outside of the time periods specified above the polythene or any other covering used shall be removed from the frames and stored.

To safeguard the visual appearance of the area as supported by Policies EN1, EN5 of the Sevenoaks Allocations and Development Management Plan.

3) None of the polytunnels hereby permitted shall exceed 4.3m in height from existing ground level.

To safeguard the visual appearance of the area as supported by Policies EN1, EN5 of the Sevenoaks Allocations and Development Management Plan.

4) Vehicular access to the site shall be by vehicles no larger than a Class 5 coach and transport of produce shall be by vehicles having a maximum gross weight of no more than 7.5 tonnes.

In the interests of highway and pedestrian safety as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.

5) Other than in the event of emergency, there shall be no access into the site other than from the designated vehicular access and parking area at the eastern end of the site. There shall be no access into the site from the trackway adjacent to the south-eastern edge of the site (leading to Salmans Farm Cottages and beyond).

In the interests of highway safety and the residential amenities of neighbouring occupiers as supported by policy EN1 of the Sevenoaks Allocations and

Development Management Plan.

6) Three months after the cessation of the use of the polytunnels for growing soft fruit, all polytunnels and associated equipment and plant shall be removed from the site. The site shall be made good in accordance with a programme of restoration works which shall have been submitted to and approved by in writing by the local planning authority three months prior to the cessation of the use of the polytunnels for growing soft fruit. The restoration works shall be carried out in complete accordance with the approved details.

To safeguard the visual appearance of the area as supported by Policies EN1, EN5 of the Sevenoaks Allocations and Development Management Plan.

7) Within six months of the date of this permission, a Verification Report relating to the on site surface water drainage system, shall have been carried out by a suitably qualified professional and submitted to the local planning authority. The report shall contain information and evidence (including photographs) of improvements implemented within the existing drainage system in accordance with recommendations within the Drainage Strategy and SuDS Management and Maintenance Plan prepared by Monson (September 2017) and shall be maintained for the duration of the use of the polytunnels on the site hereby permitted.

To ensure that flood risks from development to neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

8) The habitat/landscape management of the site shall be maintained in accordance with the details as shown in Sections 5- 7 and appendix 3 of the submitted Ecological Management Plan dated July 2017 for the duration of the use of polytunnels on the site hereby permitted.

To promote biodiversity as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan and policy SP11 of the Sevenoaks Core Strategy.

9) The proposed soft landscaping measures as recommended in the submitted Landscape Assessment Review dated March 2017, shall be carried out in the first planting season following this permission for the polytunnels. If within a period of five years from the completion of the works, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To safeguard the visual appearance of the area as supported by Policies EN1, EN5 of the Sevenoaks Allocations and Development Management Plan.

10) The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 02, 10

For the avoidance of doubt and in the interests of proper planning.

Informatives

1) The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way.

Note to applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was updated on the progress of the planning application.
- 2) Was updated of small scale issues which arose during the process of the application and was given time to address it.

Description of the site

- 1 The application site, which is roughly triangular shaped, comprises an area of approximately 30 hectares. The site is located to the west of the main centre of Penshurst village and directly to the west of Penshurst Place.
- 2 The site is accessed via a private driveway/track, which joins the B2188, approximately 0.5 km to the east of the site. There is access to the south-eastern corner of the site from this driveway, which presently accommodates some parking in connection with the site. The driveway then

continues along the entire southern edge of the site to serve a number of residential properties further along, including Salmans Farm Cottages and as the drive turns northwards, Salmans Oast and Watermill Oast, Salmans Farm (house) and Abbotsmerry Barn. The driveway then continues north to Wat Stock. A further, unmade, vehicular track runs along the entire northern boundary of the site from Wat Stock back to the parking area at the south-eastern corner of the application site.

- 3 The section of track running from the B2188 to the south-eastern corner of the site, all along the northern boundary and along the track from Wat Stock southwards is classed as a Public Right of Way (SR546) - Eden Valley Walk (Tudor Way).
- 4 The southern and northern boundaries of the site follow the trackways, with the western boundary more irregular, as it skirts around the eastern side of Salmans Farmhouse and Abbotsmerry Barn as it rises up and over the ridge bordering a short section of private track / bridleway and a field to then meet the northern boundary at Wat Stock
- 5 Within the site the polytunnels are generally aligned to run up/down the slope of the land for drainage purposes whilst the length of each tunnel responds to the varying lengths available on each field.
- 6 Separate planning consents have been granted for above ground water storage tanks and associated equipment on the site to facilitate crop irrigation and water being extracted from the River Eden. The storage tanks are located centrally on the site near the highest point together with farm storage buildings and two mobile homes that are sited adjacent to it (permitted development).

Description of proposal

- 7 The purpose of this application is to secure the permanent retention of approximately 15 hectares of covered polytunnels to provide protection and improved growing conditions for soft fruit crops (primarily raspberries and blackberries). The polytunnels are to be covered with polythene between 1st March to 1st November. In the intervening 4 month period the polythene covering will be removed, rolled and laid between the tunnels for storage.
- 8 No other permanent buildings are proposed as part of the application. There are several large water storage tanks and storage buildings located centrally within the site, with associated equipment to facilitate crop irrigation. The farm's main water source is from the River Eden for which the applicant has an abstraction licence from the Environment Agency.
- 9 The application is accompanied by the following supporting documents:
 - *Design and Access Statement* - which helps explain the proposal
 - *Environmental Impact Assessment Screening Opinion* - SE/17/01916/RG5
 - *Environmental Statement Not Required*

- Drainage Strategy dated January 2010 - proposed implementation of a surface water drainage scheme, which has been implemented under the 2010 permission.
- Farm Policy Statements cover issues/details on - Landscape and Nature Conservation and Enhancement, Nuisance Management, Efficient use of water, energy and natural resources, pollution prevention, protection of human health, Environment Policies, Health and Safety - dated November 2016.
- 3 supporting letters from Estate Agents - with reference to seeking alternative sites
- *Ecological Management Plan dated June 2017*
The purpose of the plan is to detail the current ecological condition of the site and its future management. The Plan sets out how the site will be maintained to provide suitable habitat for protected and notable species that may be present within the site and surrounding area, as well as enhancement measures with 5 year management plan to increase the overall biodiversity value of the site.
- *Landscape Assessment Review - Huskisson Brown Associates dated March 2017*

This report reviews the landscape and visual issues relating to the polytunnel site as originally reported in February 2010 and updates the baseline information, planning context and the assessment. Significant changes include the implementation of the National Planning Policy Framework in 2012 and the publication of revised Guidelines for Landscape and Visual Impact Assessment in 2013.

- 10 The report concludes that the landscape and visual effects arising from the continued use of the Salmans Farm site for polytunnel growing were largely as envisaged in the 2010 report. The report shows that the principal new planting work carried out has been successful in screening a previously exposed part of the site but that some shelterbelts proposed to be retained have been removed. This report considered that there are no landscape or visual reasons why planning permission should not be granted on the basis of the current polytunnel coverage.
- 11 Drainage Strategy and SUDS Management and Maintenance Plan - dated September 2017. The assessment of the existing onsite drainage system in the report concludes that the farm is kept in very good order and grass is cut on a regular basis both inside and outside of the polytunnels. The well maintained green areas make the land a better receptor for rainfall and helps reduce, as far as possible, silt migration. The report noted that during the site inspection, there was no evidence of recent or historic uncontrolled overland flows, nor have there been any incidents of exceedance flows causing flooding outside of the application site since the polytunnel structures were first consented. The ongoing operation and safety of the surface water scheme within the application site is due to the measures implemented and excellent ongoing farm management. Ongoing maintenance is a key element to ensuring the safe and efficient operation of the surface water management in perpetuity, for the lifetime of the polytunnel structures.

Constraints

- 12 Metropolitan Green Belt
- 13 High Weald Area of Outstanding Natural Beauty
- 14 Public Right of Way SR564 (adjacent site)

Policies

Sevenoaks Core Strategy:

- 15 Policies:
 - SP1 - Design of New Development and Conservation
 - LO8 - The Countryside and Rural Economy
 - SP11 - Biodiversity

Allocations and Development Management Plan

- 16 Policies:
 - EN1 - Design Principles
 - EN4 - Heritage Assets
 - EN5 - Landscape
 - G11 - Green Infrastructure and New Development
 - T1 -Mitigating Travel Impact

Other

- 17 National Planning Policy Framework
- 18 National Planning Guidance
- 19 High Weald AONB Management Plan - 2014-2019
- 20 SDC Landscape Assessment 2017

Planning History

- 21 17/02113/FUL - Change of use of land for the stationing and storage of rural worker caravans overwinter and the provision of associated hardstanding, drainage and landscaping - PENDING CONSIDERATION
 - 17/01916/RG5 - Request for a screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulation 2017 for the retention of existing poly tunnels - EIA NOT REQUIRED
 - 10/00517/FUL - Retrospective application for erection of temporary portable, multi-bay polythene tunnel structures for protection of fruit crops, together with proposed associated drainage works - GRANTED (7 year temporary permission that expires November 2017)
 - 09/02661/AGRNOT - Erection of a steel frame agricultural building, as amplified by e-mail received 14.12.09 confirming use of dark coloured materials in the external fabric of the building - NO OBJECTION

07/03574/AGRNOT - Erection of two water tanks and a steel container - NO OBJECTION

05/00107/FUL - Erection of temporary portable, multi-bay polythene tunnel structures for protection of cane fruit crops - GRANTED (5 year temporary permission on part of site known as 'Top Field 30', expired November 2010)

04/01630/FUL - Retrospective and new erection of Temporary, portable multi bay polythene tunnel structures for protection for fruit crops - GRANTED

Consultations

SDC Agricultural Advisor (Rural Planning Limited) -

- 22 'As advised regarding the earlier pre-application submissions for these proposals, submitted under PA/17/00091, the adjoining land concerned extends to some 30 ha and has been farmed with fruit for a number of years using polytunnels; most recently under SE/10/00517 Salmans Farm was granted temporary permission for some 15 ha polytunnels, which remain in existence today.
- 23 The 2010 temporary permission expires on 30 November 2017.
- 24 More recently (2014), the farm was taken over by Clock House Farm Ltd as part of their large specialist soft fruit growing venture, based at Coxheath, and utilising both owned and rented land in the locality, again mainly using polytunnels.
- 25 Salmans Farm previously had the use of the previous farmer's seasonal workers' camp with 52 mobiles, at Home Farm, Bidborough, but I gather that site has since been approved for housing. It is now proposed to have 4 agricultural workers' mobile homes at Salmans Farm instead.
- 26 The general agricultural justification for both the polytunnels and the use of seasonal workers' mobile homes has been set out by Rural Planning Limited on many occasions and has been accepted in principle both to serve Salmans Farm, other parts of Clock House Farm Ltd's land, and also for many other similar businesses across the county.'

Natural England -

- 27 '... The proposed development is for a site within or close to a nationally designated landscape namely High Weald AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.
- 28 Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks.

- 29 For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.
- 30 Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.
- 31 We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.
- 32 The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Protected species

- 33 We have not assessed this application and associated documents for impacts on protected species.
- 34 Natural England has published Standing Advice on protected species.
- 35 You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.
- 36 The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.'

KCC Ecology -

- 37 'The proposed development is for the permanent retention of poly-tunnels which are currently on site and as such we are satisfied that there is no requirement for an ecological survey to be submitted as part of the planning application.
- 38 An Ecological Management Plan has been submitted with the planning application demonstrating that the remainder of the site will be managed to benefit biodiversity.

- 39 We understand that there is a need for surface water drainage information to be submitted as part of the planning application. If the submitted information identifies that if there is a need for changes to be made to the site layout or habitats within the site, the management plan must be reviewed and updated to reflect these changes.
- 40 If no changes are required we advise that if planning permission is granted a condition is included requiring the management plan to be implemented for the lifetime of the development’.

KCC Highways -

- 41 ‘It is understood that the vehicle hardstanding, turning circle and 3.5 metre wide access track along the northern edge of the site was constructed within 2 months of the original temporary permission (10/00517/FUL).
- 42 Having considered the development proposals and the effect on the highway network, I raise no objection on behalf of the local highway authority subject to the following conditions:
- Other than in the event of an emergency or in connection with the unscheduled maintenance of the site, there shall be no access into the site other than from the designated vehicular access and parking area at the eastern end of the site. There shall be no access into the site from the track adjacent to the south-eastern edge of the site.
 - Vehicular access to and from the site by visitors employed on the site shall be by vehicles no larger than a Class 5 coach and transport of produce shall be by light goods vehicles only’.

KCC Drainage -

- 43 ‘Additional information has been submitted within the Drainage Strategy and SUDs Management and Maintenance Plan prepared by Monson (September 2017) which describes the operation of the drainage system.
- 44 The report includes recommendations for changes to provide better regulation of on-site attenuation and off-site flows and appropriate maintenance activities.
- 45 This report provides the information requested in our earlier response in relation to the existing drainage system and its operation.
- 46 We therefore have no objection to the approval of the development as proposed but we would recommend that a condition is imposed to ensure the implementation of the recommendations of the Monson report.
- 47 If your authority is minded to approve the proposal we would recommend the following condition with submission at an appropriate time frame as designated by yourselves’.

High Weald AONB Unit -

- 48 'Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have regard to 'the purpose of conserving and enhancing the natural beauty of AONBs in making decisions that affect the designated area. The National Planning Policy Framework paragraph 115 requires great weight to be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas. The High Weald AONB Management Plan has been adopted by all the relevant local authorities, including Sevenoaks District Council, as their policy for the management of the area and for the carrying out of their functions in relation to it.
- 49 The High Weald AONB Management Plan sets out five key landscape components of the High Weald, which are:
- Geology, landform, water systems and climate
 - Settlement
 - Routeways
 - Woodland
 - Field and heath.
- 50 The first and last of these are considered to be the most relevant for these applications. The Management Plan sets objectives and targets for each of these components. Objective FH1 of the Management Plan seeks 'To secure agriculturally productive use for the fields of the High Weald, especially for local markets, as part of sustainable land management'. This includes horticulture and soft fruit growing has an established history in the area, particularly in the Kent part of the High Weald.
- 51 It is noted that the fruit plants at the application site are grown in pots and some representations suggest that this demonstrates that the operation has no requirement to be in the AONB. However, I understood that the operator considers that the site is good for soft fruit growing because of its landform and local climate which is exceptionally warm and sheltered. The AONB Unit suggests the local planning authority seeks independent expert opinion on this matter.
- 52 The representations also raise the issue of the visual impact of the polytunnels. The AONB Unit's Planning Advisor has visited the site and surrounding areas and viewed the photographs submitted as part of the application and by representors. The expanse of plastic sheeting over 15 hectares undoubtedly has a visual impact on the landscape, albeit that this is removed in the winter months. The AONB Unit does not object to polytunnels in principle but it is our view that the scale of this application is not consistent with the small-scale nature of the AONB's landscape character.
- 53 The AONB Unit's Planning Advisor observed that shelter belts have been planted around the site and notes that there are proposals for additional environmental improvements such as wildflower meadows and pond

management but I have not been able to scrutinise these proposals in detail and have not assessed their value as compensation measures for the visual impact. The AONB Unit's Planning Advisor has provided the applicants with links to our website on wildflower meadow management and pond restoration to encourage these improvements to be carried out in a way that maximises environmental benefits and supports plants that are indigenous to the High Weald.

- 54 In the event that Sevenoaks District Council decides to grant planning permission, the following requirements are recommended:
- The polytunnels and caravans should be maintained in a good condition, or replaced by similar structures as necessary, to avoid visual degradation of the site over time;
 - Details of the proposed ecological improvements and their future management shall be submitted to and approved by the LPA (we would like to be consulted on these details); These details were submitted with the application and we have suggested an implementation condition.
 - Any external lighting on the site should be controlled through condition, including lighting within the tunnels, which would be visible from outside due to their transparent nature. The Institute of Lighting Professionals (ILP) recommends light control zone E1 (Intrinsically dark) for exterior lighting in AONBs in their guidance for the reduction of obtrusive light.
- 55 The above comments are advisory and are the professional views of the AONB Director on the potential impacts on the High Weald landscape. They are not necessarily the views of the High Weald AONB Joint Advisory Committee'.

Penshurst Parish Council -

- 56 Object to the development for the following reasons:
- 57 'The impact on the visual appearance of the AONB and the Green Belt would be considerable. In view of the fact that the economic information provided with the application is not made available to the Parish Council we are therefore unable to give an informed opinion on any economic benefits which may be accrued to either the local or general economy.
- 58 It has been suggested this application was recommended to be submitted for permanent approval, consequently the tunnels would not be transient as with previous temporary approval periods. In view of this it would have a permanent and adverse impact on the landscape.
- 59 We note the reasons given in the pre-application advice as to why the Planning Officer considers it inappropriate to pursue a temporary permission. The NPPG gives circumstances which "*may include*". It does not state that circumstances are limited to these examples. The guidance also uses the words "*rarely*" and "*normally*", rather than "*never*" and "*always*".

- 60 The Parish Council would consider support for a temporary and finite permission, as outlined in 9.13 of the Design and Access Statement, subject to the appropriate legally binding agreements.
- 61 We would therefore question whether this National Planning Policy Guidance precludes the granting of further temporary permission’.

Chiddingstone Parish Council -

- 62 Object for the following reason:
- 63 ‘The proposal would constitute inappropriate development in the AONB and Green Belt.
- 64 This site is highly visible from a wide area, and the impact of the polytunnels would have a detrimental effect on the landscape. This is contrary to the Government’s clear commitment to protect AONBs. Existing legislation and policy contain strong protections, and the 2015 Conservative Party manifesto states that the Government ‘will protect the Green Belt, and maintain national protections for Areas of Outstanding Natural Beauty, National Parks, Sites of Special Scientific Interest and other environmental designations’. Because this site has the double protection of Green Belt and AONB, this proposal would have a greater detrimental impact on the area.
- 65 The existing consent for polytunnels on this site was as a temporary approval only, and there was an agreement that the polytunnels would be removed at the end of the temporary approval period and the land returned to agricultural use.
- 66 The existing consent also states that the business would employ local people. This is not the case and workers at the site are migrant.
- 67 Any approval for permanent polytunnels on this site would set a precedent for other locations in the area. There is a concern that neighbouring landowners could apply for a similar scheme which would create an expanse of polytunnels in this AONB and Green Belt’.

Campaign to Protect Rural England (CPRE) -

- 68 Object to the proposal for the following reasons:
- 69 ‘In March 2015 the then Planning Minister, Brandon Lewis, wrote to the Chief Executive of the Planning Inspectorate. The letter starts as follows:
- ‘I have become aware of several recent appeal cases [one of them concerning polytunnels in the wrong place] in which harm to landscape character has been an important consideration in the appeal being dismissed.
- 70 These cases are a reminder of one of the twelve core principles at paragraph 17 of the National Planning Policy Framework - that plans and decisions should take into account the different roles and character of different areas, and recognise the intrinsic character and beauty of the countryside - to ensure that development is suitable for the local context.’

Harm to the landscape of the AONB

- 71 We think this reminder to the Inspectorate is highly pertinent to the present application. The context in this case is the effect on the landscape of the High Weald AONB. Helpfully, paragraph 5.17 of the Landscape Assessment Review summarises the site as:

‘a statutorily protected landscape, set on a local ridge, exposed to views from a right of way of regional importance and, at least partly, in the setting of the Penshurst Conservation Area.’

- 72 This defines the sensitivity of the site. We note that many objections to the application come from local people who, to quote Brandon Lewis, ‘recognise the intrinsic character and beauty of the countryside’. Paragraph 2.3 of the High Weald Management Plan, which it should be noted is a key Delivery Mechanism for the Council’s Local Plan ADMP Policy EN5 Landscape, stresses the importance of the perception of the people who experience it:

‘The form and pattern of physical components in the landscape can be described objectively while our perceptions of it and the special qualities we value tend to be more subjective and address how we respond to this character through our senses, emotions and intellect.’

- 73 The Review discusses screening measures and ‘mitigation’, both of which are acknowledgement that the development is causing harm to the landscape. Conclusions drawn from technical measurement of impacts are not the only guide to deciding whether, for example, the development satisfies the demanding conditions of ADMP Policy EN5. Our ‘perceptions’ of this huge development are that it is alien to its surroundings. Policy EN5 requires that in AONBs:

‘the form, scale, materials and design [of the development] would enhance the character of the landscape...’

- 74 In our judgment the application fails on every count. It is harmful to the exceptional landscape quality and therefore, if the intrinsic character and beauty of the countryside is to be protected, it is in the wrong place.
- 75 We might add that given the harm to the AONB, there is scant evidence that alternative locations have been researched exhaustively.

Sustainable development

- 76 Paragraph 10 Planning Policy of the Design and Access Statement quotes the NPPF on sustainable development and goes on:

‘This proposal comprises sustainable economic development which is essential...’

- 77 Economic development is one matter but there is no proper consideration of all relevant aspects of sustainable development together. Paragraph 7 of the NPPF says that there are three dimensions to sustainable development: economic, social and environmental, and importantly:

‘These roles should not be taken in isolation because they are mutually dependent.’

- 78 No case is made to demonstrate the sustainability of this development in the balanced sense required by the NPPF. No doubt this is a successful business making a contribution to the national economy but the social benefits are not clear, for example in terms of local employment, neither is the environmental role in ‘contributing to protecting and enhancing our natural, built and historic environment’ locally. Instead we have the recognised harm to the countryside.
- 79 CPRE acknowledges the role that polytunnels can play in the rural economy but in the present case, for reasons of harm to nationally important countryside from inappropriate development, we consider that permanent planning permission should not be granted’.
- 80 Cllr Coleman (Local Member - Representation made prior to being elected) - Objects to the scheme:
- Polytunnels significantly detrimental to the visual amenity;
 - Inconsistent with planning policy;
 - There are other viable alternative uses;
 - Unlikely to bring local economic benefits or employment;
 - Use of agribusiness could be undertaken in more suitable locations without undermining overall economic viability;
 - Local infrastructure unsuitable to support traffic movement, as evidenced by cracked bridge;
- 81 Set a precedent other similar development in the AONB.

Representations

- 82 251 Objections received from both local residents and those further afield -
- Within an Area of Outstanding Natural Beauty the local authority have a duty to protect areas such as this;
 - Green Belt and AONB needs protection;
 - Gives the right to making a village of caravans;
 - Polytunnels are invasive and ugly;
 - No orange site notices; (officer comment: 2 site notices posted on 24 July 2017, 1 at the front access and another on a PROW sign at the junction of Salmans Lane and Penshurst Road;
 - No alternative sites have been properly explored;
 - Damaging affect upon Penshurst character and reputation;
 - Clock House Farm does not contribute to the local economy;
 - Migrant labour being used; Creates noise;
 - Surface water drainage issues;
 - Visual landscape assessment flawed;
 - Belief that land would return to its natural state upon expiry of existing temporary permission;
 - Plants grown in pots - can be grown elsewhere;
 - Damage caused to local bridge - cracks formed;

- Tenant willing to sell off other land that the farm owns in Coxheath to housing developers; (officer comment: this is not a material planning consideration)
- It's a commercial and agri-industrial site;
- Creates a precedent for similar development within the AONB;
- No economic argument can be applied in this case;
- Can be seen everywhere in the village;
- Natural environment will be permanently diminished;
- Farmer is not local; Result in further development within the site;
- Polytunnels create glare;
- Inconsistent with planning policies;
- Affects historic landscape of the village and the 'Tudor Way' (borders site)
- Other land available within Kent, more appropriate for this use;
- No dependence on land;
- Some economic information has been withheld;
- Site is bigger than the O2 arena;
- Creates light pollution;
- Not an agricultural operation;
- Going back on what they promised that the land will return to its former condition;)
- Blight property values;
- Increase of workers on-site - raise security issues;
- No amenities for labourers;
- Questions raised on water quality, micro-climate and growing conditions on-site;
- Economics of case are designed to misled
- References to refused application at Nashes Farm.
- This development should have never been approved.

83 Statement of Opposition from ADU planning on behalf of Protect Penshurst Campaign Group. In summary states -

- Polytunnels are not inappropriate development within the Green Belt;
- AONB should be conserved and enhanced;
- The scale, height, form and appearance of the tunnels fail to protect the visual qualities of the AONB and openness of the Green Belt;
- Nashes Farm appeal decision is of relevance and should be given more weight;
- Absence of a compelling economic case to override the harm to the AONB and Green Belt;
- Several other planning appeal decisions relating to polytunnel development made known.

84 Landscape and Visual Issues report by Liz Lake Associates August 2017 commissioned by Protect Penshurst Campaign Group. In summary states -

- Independent review of proposed and critique of the Landscape Assessment Review submitted with application;
- Would result in permanent and unavoidable long-term harm to the landscape;
- Conflicts with planning policies;

- Erodes distinctive traditional and rural landscape of AONB;
- Reduces the openness of the Countryside;
- Intensification of the site would exacerbate the harmful effects of development and the landscape and visual resources.

85 Letter from Clock House Farms and their Planning Agent in response to objections made. They are in summary -

- Salmans Farm has been producing soft fruit on site for 20 years during this time technological advancement of horticulture has significantly developed;
- Clock House Farm took over agricultural tenancy in 2013;
- Made investment in improving the environment, replacing diesel generator with mains electricity, thus reducing noise and risk of pollution;
- The site has a micro-climate- valuable to growing soft fruit and allows water extraction from River Eden nearby;
- Taken responsibility on wildlife and other environmental factors within the site;
- Member of LEAF – an organisation that helps farmers to produce good quality food with care to high environmental standards;
- Retention of field boundaries, windbreaks and natural vegetation;
- Introduced new habitats and native semi mature woodland;
- Area of tunnels, 15ha of the 22ha that they manage;
- 25% of the land is not in use for the production of soft fruit;
- Some economic information has been withheld because of the sensitivity of the data of a variety of third party businesses and services;
- Payments to local suppliers by farm is approximately £250k and approximately £200k nationally per annum;
- Wages for the workforce at Salmans is approximately £980k per annum;
- Clock House Farm has no intention of developing the site any further;
- 30-40% of sweet blackberries consumed in the UK are produced at Salmans Farm;
- Alternate uses of the site of mono-arable, cattle or dairy farming may not have the potential to bring biodiversity, habitats benefits;
- Existing benefits of employment provision, biodiversity and ecological enhancement and contribution to local and national economy is significant;
- The impacts of development as noted by Liz Lakes Associates are 'grossly underestimated'
- Disputes that the plastic is not being removed outside permissible months of production;
- The tunnel covering does not cover all of the tunnels throughout the permissible months. This is dependent on the strain of crop – between 30-40% of tunnels are only covered between March to July/August – leaving 6-7ha uncovered for 8 months of the year;
- Nashes Farm appeal not comparable - each application judged on its own merits was considered under previous planning policies i.e. pre-NPPF.

86 64 representations of support have been received making the following points, in summary:

- This is a farming community and the land should continue to be used as such;
- UK farming should be maintained and encouraged against imports which are expensive and carbon creating;
- Efficient and well run business and causes no disturbance;
- Ecological enhancement to the site;
- To run a commercial operation sustainably, you need to make profit;
- Less vehicular movement since the new tenant has taken over the site;
- Polytunnels are only visible from viewing above them;
- The application is a smaller area than the previous;
- Assists in the local and national economy both directly and in-directly;
- Reduction in 'food-miles';
- Less use of pesticides and water when grown in pots;
- Increase in Class I yields – greater than 80%;
- Using containers to grown plants keep production costs down;
- Farming has to innovate;
- Well-screened site;
- No change to what the village has been accustomed to;
- Previously 16ft hop poles and wires were used on-site and no-one complained about them;
- Has to be a balancing exercise between landscape and economic benefits;
- NPPF gives strong support to sustainable growth in the countryside.

87 2 responses from National Farming Union supporting the application on the following grounds -

- The tunnels play a very important role in the growth and production of fruit on this farm for marketing which in turn can benefit the community as a whole;
- 'Current fruit and vegetables' sector faces one of the largest trade deficit; where imports cost £8.7bn in 2014 while exports were worth £0.9bn, trade gap of £7.8bn. – could expose UK customers to extreme price variations;
- Environmentally friendly way of giving the British public accessibility to good quality British fruit;
- Local farmers should be supported and allowed to pursue their livelihood;
- Polytunnels increase growing season and picking season, allowing to produce top quality and to meet high customer satisfactions, enabling the farm to produce a competitive quality product which can be supplied on time to the UK market which would otherwise be supplied by foreign farmers and generate economic stability for rural communities;
- Without polytunnels it is not economically possible to meet customer demands;
- Soft fruit needs to be grown in this country and not imported;

Chief Planning Officer's appraisal

Principle Issues

Background

- 88 The farm is run as part of a larger farming business operated by Clock House Farm Ltd based in Coxheath, Maidstone. The site is used for the production of soft fruit. Polytunnels have been in use for this purpose on the farm for some years since 2004. Their use extends the growing season and improves the overall quality and crop yields of the harvested fruit.
- 89 Currently the farm produces approximately 340 tonnes of raspberries and approximately 75 tonnes of sweet blackberries from this site, which makes up approximately 10% of the total business revenue of Clock House Farm Ltd. The applicant's planning statement states that the production of the blackberry variety produced by Clock House Farm makes up to 30-40% of the overall tonnage produced in Kent and represents approximately 31% of the total of consumption of sweet blackberries in the UK this year.
- 90 Successional tunnels are used where the crop is planted into pots. The tunnel framework stays in place for successive crops (i.e. the individual plants are replaced from time to time) and is intended to remain as long as soft fruit is grown in that field. When the tunnels are not in use, the polythene is rolled back exposing the frame of the tunnel which is left in-situ.
- 91 Although the use of the soft fruit growing methods in this instance does not rely on planting crops in the ground, this approach to soft fruit growing still falls within the definition of "agriculture" given in the Town and Country Planning Act 1990, Section 336(i):
- "agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly'*
- 92 The tunnels themselves comprise a series of steel framed hoops fixed into the ground at intervals, over which plastic sheeting is provided to protect the crop. The hoops are fixed to the ground by posts screwed into the soil to a depth of 40-60 cm by machinery. They comprise a series of adjoining "bays", depending on the size and shape of the field. The maximum height of the tunnels is 4.3 metres and their maximum width is 7.8 metres.
- 93 Depending on the size of the field, the tunnel can extend up to a maximum of 285 metres in length relating to site circumstances. The tunnels contain 3 rows of pots (1 plant per pot and filled with Coir fibre alternative compost material) per tunnel on a wire trellis system, that allows each cane to be individually managed as it grows. Each row cultivated by a drip feed computer controlled irrigation system. Each pot sits upon the ground so

that rooting does not take place in the ground. This method of planting requires the polytunnels to remain permanently in place.

- 94 In terms of planning law, the erection of polytunnels of the type included in this application is regarded as a building operation. A High Court Judgement, in 2006 (*Tuesley Farm, Surrey - Hall Hunter Partnership v First Secretary of State [2006] EWHC 3482 (Admin)*), in a case which concerned a farm in the Green Belt and in an Area of Great Landscape Value which also abutted the Surrey Hills AONB, ruled that the agricultural polytunnels in that case, which were very similar to those proposed here, in terms of scale and type, were, for the purposes of Green Belt policy, agricultural buildings that are not inappropriate in the Green Belt, as defined in Paragraph 89 of the NPPF.
- 95 It is pertinent to note that some plastic tunnels - of a different design or a lesser scale, for example - might not fall within the Town and Country Planning Act definition of development and thus might not require permission. Indeed some polytunnel developments might benefit from permitted development rights for agricultural buildings contained within Schedule 2, Part 6 of the General Permitted Development Order, and thus avoid the need for a planning application. However, the size of those currently proposed, in this application, both individually and collectively, precludes that in this instance.
- 96 It is part of the applicant's case that polytunnels have been used on the farm for the protection of soft fruit for many years. The applicant contends that they are now seeking planning permission for a continuation of this practice on broadly the same scale as present. They advise that the extent of tunnel coverage since 2004 has been reduced, from 22 hectares to 15 hectares. Further investment has been made in terms of improving the infrastructure within the site and making improvements in biodiversity matters and implementing further landscaping screening measures.
- 97 It is noted that the current tenant, Clock House Farms Ltd, continued the agricultural tenancy from 2014 and made significant investment into the site and the implementation of new farming practice and regime i.e. - renewal of polytunnels, new irrigation system, further landscaping etc.

Principle Issues

- Green Belt
- AONB
- Visual impact on the AONB
- Impact upon heritage assets
- Drainage
- Ecology
- Residential amenity
- Highways

Impact upon the Green Belt

- 98 Section 9 of the National Planning Policy Framework (NPPF) therefore applies. The NPPF requires that when considering any planning application, local planning authorities should ensure that substantial weight is given to

any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

- 99 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF also advises that new buildings within the Green Belt should be considered as inappropriate. However it does set out a number of exemptions and buildings for agricultural and forestry are listed as one of these.
- 100 As mentioned above, the High Court judgement in *Hall Hunter Partnership v First Secretary of State* ruled that agricultural polytunnels similar to those proposed here are, in terms of Green Belt policy, buildings that are not inappropriate in the Green Belt, as defined in Paragraph 89 of the NPPF. We accept that the growing methods used can be reasonably defined as agricultural. For those reasons the proposal would not be contrary to Green Belt Policy, but is appropriate development in the Green Belt.

Impact upon the AONB

National policy

- 101 The Countryside and Rights of Way Act (2000), Section 85 states that:
- ‘In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.’*
- 102 This approach is set out in the National Planning Policy Framework at paragraphs 109, 115 and 116 where advice is given to local planning authorities in relation to the consideration and determination of planning applications in the AONB.
- 103 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, whilst the impacts of the proposal should be primarily judged against the requirements of paragraph 115, 116 of the NPPF. Here the NPPF calls for great weight to be given to conserving landscape and scenic beauty, particularly in the AONB, with consideration given alongside the need to support to a prosperous rural economy.
- 104 Paragraph 116 of the NPPF states that planning permission for major development in designated areas should be refused except in exceptional circumstances and where it can be demonstrated that the development is in the public interest. This is a major development in the AONB.
- 105 Whilst the farm is located in the AONB, these polytunnels are transient and of a temporary nature. This is demonstrated by the fact that the farmer removes the polythene from the tunnels for four months in any year. A further 5-6 hectares of covering is also removed once the early crop has been harvested/picked.

- 106 This is an established site for the purpose of growing soft fruit where there has been significant investment from the farmer over a number of years. This demonstrates that the cost and scope (due to landscape designations) of moving the business is prohibitive.
- 107 The national crop considerations, proposals for additional landscaping and the practices of removing the polythene at certain times during the year, weigh in favour of the proposal. The imposition of reasonable planning conditions may also mean that the proposal is in compliance with para 116 of the NPPF.

Local planning policy

- 108 Policy EN5 of the Allocations and Development Management Plan states that proposals within AONB will be permitted where the form, scale, materials and design would conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.
- 109 Core Strategy Policy LO8 seeks to conserve and enhance the distinctive character of the AONB and the use of appropriate mitigation is provided where damage to local character cannot be avoided. It also supports the maintenance and diversification of the rural economy, that includes agriculture.
- 110 Our local plan policy reiterates, whilst adding some further criteria to the national planning policy approach to development in AONBs. These temporary polytunnels set against a wider landscape, with the planting that has already taken place along with the national crop considerations and the contribution this proposal makes to our rural economy means that on balance it is acceptable.

Supplementary Planning Guidance

- 111 The High Weald AONB Management Plan 2014 - 2019
- 112 The High Weald AONB Management Plan 2014 - 2019, is also a material consideration. It seeks to ensure that the natural beauty of the landscape and vitality of the communities of the High Weald AONB are recognised, valued, strengthened well into the future and in a way which enhances health and well-being and supports much needed sustainable growth and development in a vibrant working rural landscape.
- 113 'Objective FH1 of the Management Plan - To secure agriculturally productive use for the fields of the High Weald, especially for local markets, as part of sustainable land management.

Rationale: To contribute to sustainable domestic food and non-food agricultural production, to support a working countryside, and to reduce the dependency of the UK on non-sustainably managed agricultural land and the need for long-distance transport that produces air pollutants causing harm to health and the environment.'

- 114 The growing of soft fruits under polytunnels meets the aims of this objective squarely in terms of making a significant contribution to domestic food production supporting a working countryside and reduces food miles.

Visual impact on the AONB

- 115 The Landscape Assessment Review submitted by the applicant considered the polytunnels at the land at Salmans Farm in terms of various viewpoints throughout the locality and from nearby public rights of way. It makes comparisons with the Landscape and Visual Landscape Assessment submitted with the 2010 application, and importantly the viewpoints were revisited. This assessment has been carried out to accepted April 2013 guidance developed by the Landscape Institute and the Institute of Environmental Management and Assessment that are used to assess the sensitivity of the landscape and the likely impact of the polytunnels on overall landscape character and in terms of visual impact generally.
- 116 The assessment concludes that the overall views remains unchanged since the 2010 planning permission. The assessment notes that since the polytunnels had been removed from the lower field (southern portion of the 2010 site is now not within the application site) this has considerably reduced the amount of polytunnels in view. This, coupled with the implementation of further landscaping screening measures, has had the effect overall of enhancing views from the base line position.
- 117 The report notes that a number of poplar shelterbelts had been removed since 2010, however this is a positive benefit to the landscape. This means that the field structure has been returned back to its existing pattern as shown on the 1873 OS Survey Map. This complies with one objectives of the High Weald AONB Management Plan seeks to protect/preserve.
- 118 The report considers that the significance of the landscape and visual impacts were minimal to slight adverse (*where the proposal would cause a perceptible but small deterioration and unlikely to be an determinative issue*), and that this effect is temporary due to the nature of the polytunnels use. There were no views that were considered to be moderate adverse (*where the proposal would cause a noticeable and clear deterioration and likely to be a determinative issue especially where combined with other similar rankings*) and recommends that an area of unimplemented planting is planted up and that an annual strengthening of field margins is undertaken. The report also recognises that identified effects of the permanent retention of the polytunnels will continue to gradually reduce if the site is appropriately managed and as the shelterbelt and plantations continue to mature.
- 119 Notwithstanding the above, consideration has been given to the Landscape Visual Issues report by Liz Lake Associates, June 2017 submitted by an objector. This report is generally a critique of the applicant's Landscape Assessment. The objector's report finds fault with the applicant's approach in a number of respects:

- the visual effect of the polytunnels at Salmans Farm have been more harmful than the David Huskisson Report assessed in 2010;
 - The assessed visual effect of the polytunnels was understated at the time the 2010 planning application was submitted and still concludes that the visual effect today is therefore understated.
- 120 However it is important to note that this document is a report and is not a formal assessment carried out in the same way that the applicant's Landscape Visual Assessment. When considering the Assessment and the report there is a clear difference of opinion over the overall significance of the visual impact that the tunnels have in the landscape.
- 121 Having considered the assessments and reports and taking into account the implementation of the post 2010 mitigation measures, the geographical extent of the site and its complex topography, it is concluded that that there will be a noticeable residual impact on the landscape. This conclusion is reached taking account of the mitigating factors highlighted on behalf of the applicants, both in relation to the nature of the development itself (such as the length of time that the site will be covered in plastic, and the seasonal nature of this) and the further specific mitigation measures that are proposed.
- 122 Further consideration of this impact merits examination in order to come to an overall planning judgement.
- 123 The topography of the locality is such that the site is part of an undulating landscape, characterised by fields, woodlands and mature trees/hedgerows. The site itself lies along the southern flank and ridge of a relatively small and intimate valley, which runs north-east to south-west from Peshurst Place to the east.
- 124 Views of the site from the public footpath running along the site's northern boundary and that running from north to south along the western edge are generally well screened by existing foliage and tree cover and the particular relationship between the levels of the land. By and large, this combination of different types of topography and vistas, combined with the presence of existing screening by natural vegetation and historic field patterns, serves to make the impact of the tunnels in these closer range views much less intrusive.
- 125 There are a number of other medium distance views, some of which are reasonably screened by intervening landscaping, for example along Grove Road itself (to the south), from Blowers Hill, a glimpse of the western side of the site is partially in view, but still is partially screened to some extent.
- 126 There are also some long distance views, from Coopers Lane to the south of Poundsbridge and Poundsbridge Hill/The Lane (also known as Fordcombe Lane) to the east of Fordcombe, though again, hedging helps to screen views from the road itself. That said, the lay of the land from these vantage points is higher than the site itself, so the polytunnels would be seen over and above the surrounding landscaping.

- 127 There are also longer distances views from Ide Hill, Riverhill and from other view points on the higher ground to the north. However, the countryside around Peshurst is undulating and interspersed by wooded areas. When viewed from more distant vantage points the site is seen in the context of the wider landscape and forms a relatively small element, with the general appearance of agricultural land amongst a backdrop of fields of varying colours and textures.
- 128 As mentioned above, the polytunnels situated at higher level on the plateau are partly screened by planting on and immediately adjacent to the site. The vantage points where the site can be seen from are vistas that are sited on higher ground than the polytunnels themselves. From these vistas/viewpoints, the polytunnels are considered to have a moderate visual impact upon the working rural landscape of the AONB when viewed within the context of the area.
- 129 The most notable viewpoint of the site is from the public footpath that traverses the ridge to the south of the site on the opposite side of the valley, from SR441. Along part of this footpath there are a few properties that have north facing aspects. These properties include Warren Farm Barn and 1-6 Warren Cottages. Seen across the valley from this position, the site is particularly exposed and the polytunnels to the southern end of the site can be seen even though they are partially screened by an existing tree belt.
- 130 However, as noted on the site visit (mid-August), this part of the site was used for the early crop and the tunnel covers had been rolled back, leaving just the tunnel structures standing. This is considered not to be so harmful to the landscape. If this portion of the site is used for the early crop season, when the tunnels are covered, they would be more obvious especially when the tree belt, that is mostly deciduous, is not in-leaf leaving the southern end site more exposed.
- 131 When considering the impact of this proposal on the landscape character of the AONB, a number of other factors have been taken into account. For example the tunnels would not be permanent features in the landscape as the polythene covers are removed for the winter months. Whilst the supports remain in situ, the visual impact is markedly less. Indeed the support structures are unlikely to be visible from a distance against the backdrop of the natural landscape and woodland.
- 132 The greatest impact of the polytunnels will be during spring and summer (i.e. when covered). This coincides with the natural foliage being in leaf, which in turn helps to screen the site. The proposals would not result in a permanent loss of any natural landscape features or trees.
- 133 Whilst the overall impact is relatively limited/slight adverse, it is accepted that the polytunnels can be seen for considerable distances resulting in some harm to the landscape character of this part of the AONB.

Impact upon heritage assets

- 134 In relation to development that could affect the setting of listed buildings, section 66 of the Planning (Listed Buildings and Conservation Areas) Act

1990 (LBCA Act) places a duty on decision takers to pay special regard to the desirability of preserving that setting before granting planning permission.

- 135 A view from public right of way SR426 to the east of Penshurst Place looking westwards from the top of a ridge has been considered. The polytunnels cannot be seen from this view, due to the intervening topography and interspersed woodlands. Even walkers using the adjacent bridleway walking down the ridge into the Penshurst Place Estate will be unable to see the polytunnel development. From the B2176, Penshurst Road, views of the polytunnel site are obscured by mature landscaping and would not be seen.
- 136 Having regard to the above, the application site would not be seen in the context of the setting of these heritage assets and would not harm their historic significance, due to the distance between the site and the assets, the changes in level and the mature vegetation.
- 137 It is considered unlikely that visitors would avoid Penshurst Place, its grounds, together with the numerous special events that are hosted there and the historic core of Penshurst Village, only because they would see the polytunnel development within the village, as cited by some of the representations received.
- 138 It is concluded that there would be no harm to the significance or setting of these designated heritage assets, as they would be preserved. There would be no conflict with Policy EN4 of the ADMP or the aims and objectives of the NPPF, which seeks to protect the distinctive characteristics of Heritage Assets.

Residential amenity

- 139 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the developments, while ensuring it would not result in excessive overlooking, visual intrusion, vibration, odour, air pollution, vehicle movements, or a loss of privacy and light enjoyed by the occupiers of nearby properties.
- 140 In terms of impact of the proposal on residential amenity, the polytunnels are not located directly adjacent to boundaries with residential properties, with the exception of Abbotsmerry Barn.
- 141 Abbotsmerry Barn is the most significantly affected of those residents in that the property is bounded on two sides by areas of polytunnels. These tunnelled areas, bound part of the northwestern boundary to this property. There is a wide area of track between the tunnelled area and the property's boundary fence with some existing tree screening. Although this particular polytunnel block has been in place in excess of 14 years, if this proposal were to succeed, then it would not be unreasonable to secure strengthening planting measures to this boundary to provide further privacy and ameliorate their concerns relating to security issues to the occupants.
- 142 Loss of outlook from a residential property can be a material planning consideration, although there is no right to a view that can be protected by the planning system. It is sometimes difficult to differentiate between these two concepts. The question is essentially one of distinguishing between

what it is right to protect in the public interest (which is a legitimate planning consideration) and the interests of specific individuals (which, generally, are not). Given the particular size and design of the tunnels, and the separation distances, topography and existing and proposed landscaping measures, it is considered that this is sufficient to protect the outlook of individual dwellings, so far as it is appropriate to do so through the Planning Acts.

Highways

- 143 The site has been in operation for in excess of 14 years, and access to the site is from Salmans Lane which is a private road. Despite the size of the site, traffic movement generated by the proposal is very little. Seasonal workers are transported to and from the site by bus operated by Clock House Farms Ltd. Furthermore the product is taken from the site by one - two daily movements, using a 7.5t lorry. This moves the soft fruit from the site onward to a packinghouse/cold storage.
- 144 It is considered that that the traffic movements associated with the agricultural activities as well as the movement of the workforce is not significantly out of character when seen in the context of the wider area. Traffic generated by the existing use of the site is minimal and well controlled by Clock House Farms Ltd as the workforce is transported to and from the site by bus and deliveries are strictly controlled by the farm itself.
- 145 KCC Highways has raised no objection to the development subject to conditions.
- 146 Representations have been made in relation to the damage to an existing bridge within Salmans Lane and that the farm has caused it to crack, by the use of heavy vehicles going over it.
- 147 The bridge concerned is sited outside the application site and is under ownership of the landlord, which is not Clock House Farms. However, it is understood that works are soon to be undertaken to repair the bridge to which the landlord, Clock House Farms Ltd and KCC Public Rights of Way are to finance. Despite the concerns raised by objectors, the use of this bridge by Clock House Farms Ltd is not a justified reason to refuse the application.
- 148 It has been suggested that the agricultural traffic servicing the polytunnel fields and delivery vehicles accessing the site are a road safety hazard. However, although the lane is sometime narrow, there are many other farming operations in this rural area. There is no restriction on agricultural traffic using this private lane or other roads in general. To place a restriction would have unreasonable consequences on this farm and others in the vicinity.

Ecology

- 149 Paragraph 118 of the NPPF and SP11 of the Core Strategy, G11 of the ADMP sets out that new development should maximise opportunities to build in features which are of benefit to biodiversity as part of good design.

- 150 It is clear that the farmers have embraced the improvement of the site's biodiversity and are committed to improve further on this. The submitted Ecological Management Plan together with recommended further enhancements would positively benefit the land to which High Weald AONB supports. KCC Ecology has raised no concerns.
- 151 The details submitted with this application improve the ecological value of the site in accordance with the advice of policy SP11 of the Core Strategy and GI1 of the ADMP.

Drainage

- 152 It seems that there have been problems with some surface water flooding onto the private lane bordering the site as cited in the representations. However, there is no evidence to suggest that this is as a direct result of polytunnel operations. The site has implemented the 2010 drainage scheme and a review of the existing drainage system by a report by Monson Engineering. This recent report concluded that there were no existing issues with the system employed within the site and the lead flood authority has raised no objection subject to condition.

Other Issues

- 153 Representations have referenced the economic connections between tourism and protected landscapes, the polytunnels would have a detrimental impact to contribution of tourism to the rural economy; however no clear evidence has been presented to support this especially when the polytunnels have been present on site for many years.
- 154 Consideration has been given to the submission of various appeal decisions by the planning agent acting for Protect Peshurst. These submissions mostly related to planning enforcement appeals and a few pre- and post-NPPF decisions some of which are smaller developments outside our district.
- 155 The objectors have drawn our attention, to the 2007 appeal decision at Nashes Farm, in Peshurst and the 2005 Tuesley Farm decision in Surrey, both notably pre-NPPF and both were dismissed.
- 156 In particular the Nashes Farm appeal in 2007 was dismissed under different Development Plan policies and before the introduction National Planning Policy Framework. The appeal Inspector makes reference to the polytunnels being more visually prominent and that the landscape cover is insufficient to effectively screen them. The significant harm identified to the landscape character of the AONB could not be overcome by the economic case presented.
- 157 In assessing the planning application on Salmans Farm in 2010, we gave full regard to the earlier Nashes Farm appeal decision. It was considered then, as now, that Nashes Farm occupies a very different siting to Salmans farm. Nashes Farm is located close to the valley bottom, on the edge of a relatively open and exposed plain, it is far more exposed in the landscape than Salmans Farm, which is located within a more intimate and confined valley. As a consequence, Salmans Farm has a more limited visual impact on the landscape. Therefore whilst the Nashes Farm is clearly relevant as an

appeal dismissed for polytunnels in Penshurst, the actual harm to the AONB between the two schemes is considerably different due to their different locations.

- 158 The case of *Hall Hunter Partnership* (referred to earlier), however, is a binding legal decision of the High Court and thoroughly tested the appropriateness of polytunnels in designated landscape areas.
- 159 Concern has been raised over light pollution. However, no external lighting is proposed under this application.
- 160 Local residents have also raised concerns over noise disturbance from the polytunnels. However, the proposed polytunnels are some distance from the nearest dwellinghouses. For the past 5 years, the use polytunnels and their associated activities has operated without any complaints relating to noise disturbance to our environmental health or enforcement teams. The continued use of the polytunnels and associated activities is not proposed to change. Therefore the development will not result in noise disturbance or harm to residential amenity.

The planning balance exercise

- 161 The development plan comprises the Sevenoaks Allocation Development Management Plan (2015) and the Sevenoaks Core Strategy (2011). Both documents contain district wide policies that regulate development. This application is local policy compliant in relation to policies that support agricultural development, and rural development that benefits the economy. However the scheme also involves major development in an AONB, where great weight should be afforded to conserving the landscape and scenic beauty of the AONB.
- 162 As detailed above the NPPF in paragraph 116 allows major development in exceptional circumstances and where it can be demonstrated they are in public interest. Such considerations relate to:
- need for the development, including national considerations and impact on local economy if permit and as well if refused;
 - cost and scope for development elsewhere outside the designated area, or meeting the need in some other way;
 - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 163 The NPPF is a material consideration and in paragraphs 6 to 10, it explains that the purpose of the planning system is to achieve sustainable development. These paragraphs also set out three dimensions, economic, social and environmental, that contribute to such development and confirm that these roles should not be considered in isolation. The policies of the Framework are to be taken as a whole when considering what sustainable development means in practice for the planning system.
- 164 Paragraph 14 of the NPPF states a presumption in favour of sustainable development, on strands of economic, social and environment

considerations. It then cites for decision taking purposes that ‘*approving development proposals that accord with the development plan without delay*’. Therefore the NPPF implies this as a material consideration as form of national policy when determining planning applications especially when a proposal conforms to development policy.

- 165 However, as previously mentioned in this report, the proposal does not comply to the letter of then appropriate planning policy, as there is some negative visual impact of the development upon the High Weald AONB. This does not automatically imply that the proposal should fail, as there are other material planning considerations that could indicate otherwise. The planning balance is whether “*any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*”
- 166 In term of the economic/social role the proposal, the case put forward by the applicant is, essentially, that soft fruit production on this farm would be uneconomic without the protection afforded to the crops by polytunnels at the level proposed. This is because they would no longer be able to supply fruit of the quality and consistency demanded by the major retail outlets that they supply. It is further argued that the contribution that the farm makes to the economy, both locally and more widely, both directly and indirectly, is significant and that this would be lost if soft fruit production were to cease.
- 167 Objectors to the development, on the other hand, argue that the economic arguments are flawed, based on inaccurate or unsubstantiated data. It is stated that the use of polytunnels merely serves to enhance the profitability of the farm and that this benefits a relatively small number of people. It is also maintained that the opportunities for diversification into other crops and activities have not been fully explored. Notwithstanding this, if an alternative farming regime was undertaken on this site, such as intensive arable or livestock farming, it may include detrimental and irrevocable changes to the historic landscape through a need to increase field sizes to maximise crop yields, or the positioning of animal shelters resulting in ecological impacts/loss of habitats.
- 168 Our agricultural advisor has stated, as before with the previous applications that agronomic justification for using polytunnels is entirely appropriate. The applicant submission demonstrates that the extensive use of polytunnels is necessary for the continued economic viability of soft fruit production on the scale that takes place at Clock House Farm Ltd. The current operation of the farm makes a very significant contribution to the local and regional economy and that no reasonable alternative agricultural regime would sustain similar levels of economic benefit.
- 169 The High Weald Area of Outstanding Natural Beauty Management Plan is also of relevance. The section “Field and Heath” relates to the management of the land, particularly through agricultural uses. One of the key objectives outlined above is “To secure agriculturally productive use for the fields of the High Weald AONB, especially for local markets, as part of sustainable land management.” Part of the rationale for this is to reduce dependency of

the UK market on less sustainable sources of produce e.g. imports from further afield including abroad.

- 170 Three of the four indicators of success of this objective are given as an increase in added value to agricultural products, an increase in production that directly benefits the environment and increased demand for locally produced products. This in turn broadly accepts the principle of agricultural practices within the High Weald.
- 171 Paragraph 28 of the NPPF recognises the importance to support sustainable growth and expansion of business/enterprises in rural area and further promote development of agricultural and other land-based rural businesses to which this proposal complies to which significant weight is attached.
- 172 It has to be recognised that there is a distinct difference between a situation where an agricultural enterprise is seeking to establish a new business based on polytunnels within the AONB and this case, where the applicant has been operating his fruit growing business for many years. There has been significant investment in the necessary infrastructure i.e. irrigation, water tanks etc to ensure that business meets the stringent demands that the major supermarkets, who drive this market, now impose.
- 173 The conclusion is that if planning permission is refused, there would be prospect of the loss of the agricultural jobs that the farm presently supports. Soft fruit growing and picking is labour intensive and seasonal. Nonetheless, these workers have a valuable part to play in the local economy. Whilst the origin of the workers may not be local, the enterprise as a whole is contributing to the economic well-being of the county/country.
- 174 Clock House Farms Ltd has in their planning statement stated that they have invested heavily in the machinery and equipment necessary for soft fruit growing since they took over the tenancy from Shorter Farms in 2014. Polytunnels were first introduced in 2004, before it was established that they required planning permission, hence the subsequent temporary permission. This is a well-established agricultural enterprise which, if planning permission is refused, would result in the closure of this part of the business as it exists today which in turn would have a consequential impact upon the overall turnover of this existing enterprise.
- 175 The sweet blackberries that are grown on site are a variety which Berry Gardens, the growing conglomerate that Clock House Farm Ltd are members of, have unique growing rights to. In 2014/2015 all of Clock House Farms Ltd in-house field scale crop management trials were carried out at Salmans and have led to the enterprise achieving some of the highest yields with this variety of blackberry that are grown in polytunnels. Between 30 to 40% of the sweet blackberries consumed in the UK come from Clock House Farm.
- 176 The growth of this strain of blackberry has constantly achieved over 30 tonnes per hectare at Salmans. Using the same cultural methods developed at Salmans, on other sites that the enterprise runs, they have got close to, but not achieved the yield that Salmans site constantly produces, further proving the excellent growing conditions that this site offers.

- 177 The proposal has benefits for the local economy, for UK food production, for sustainable food distribution and improving the nation's food security. It is accepted that the polytunnels are important to the growing of soft fruit, extending their season, ensuring competitive prices and reducing the reliance on imported fruits thus reducing food miles. Clock House Farm Ltd's contribution of 30 - 40% of sweet blackberries grown in the UK is nationally significant, as well as other soft fruit that it grows.
- 178 In summary, it is considered that a strong economic argument exists to support the permanent retention of the tunnels despite the representations made by objectors.
- 179 Objectors consider that this operation should be sited elsewhere i.e. on brownfield sites, or that other sites have not been adequately explored. However, these comments fail to recognise the importance of the topography of the land and the climate associated with it and the economics and constraints of pursuing such an operation on previously developed land i.e. land values, land contamination risks etc.
- 180 From the information submitted it is clear that the polytunnels have enabled greater quantities and better quality soft fruit to be produced. This has contributed to the success and viability of the business and contributed to our rural economy, hence the polytunnels remain on-site and their permanent retention sought.
- 181 Salmans Farm is one of principal members of the Berry Gardens Growers Co-operative. Berry Gardens is a marketing subsidiary of the Co-Operative that provides selling, technical and support services to UK Growers.
- 182 A supporting letter from Berry Gardens states that UK growers have been successful in substituting imported produce and confirms that the use of polytunnels is essential to the soft fruit growing industry to meet market demands.
- 183 The historic agricultural productiveness of the Kent countryside has earned it the title "The Garden of England". The countryside has for many years included a great divergence of crops grown in a variety of ways: through plastic, hop poles, fleece or cloches and polytunnels. It is not unreasonable to anticipate that the farm will need to adapt to modern day farming techniques, such as the use of polytunnels.
- 184 The tunnels have been located on this site for more than 14 years. During that time further mitigation measures have been employed by Clock House Farm and its predecessor. For example the planting of tree belts and the reduction of the area covered by the polytunnels has been reduced since 2010, from approximately 22 hectares to 15 hectares, mainly by the removal of tunnels that were located to the east of the site.
- 185 The AONB designation here and in other parts of the county covers much land that is intensively farmed. In this case, the growing of soft fruit. There is inevitably a tension in AONBs where there are working landscapes. It is therefore a challenge for all involved parties to manage this effectively, bearing in mind the changing agricultural land uses and practices. The High Weald Management Plan recognises the need for active management of the

landscape. Clock House Farm Ltd supports the local landscape character by already adopting extensive ecological and landscape management plans/policies. Additional strategic planting will help to mitigate the impact, as set out in the report by Huskisson Brown Associates.

- 186 However, as already discussed, the polytunnels are appropriate development in the Green Belt and are defined as agricultural buildings for the purposes of growing soft fruit crops. The polytunnels are transient and of a temporary nature. The national crop considerations, proposals for additional landscaping and the practices of removing the polythene at certain times during the year, weigh in favour for the proposal.
- 187 Whilst some harm can be identified to the visual quality of AONB, it does not necessarily imply that planning permission should be refused. Further to this, Part 9 of the Natural Environment and Rural Communities Act 2006 clarifies that land used for agriculture, woodlands, parkland or with physiographical features partly the product of human intervention in the landscape, is not prevented from being treated as an area of natural beauty from public locations. This implies that human intervention within the landscape is accepted.
- 188 In this instance significant weight is attributed to the importance of conserving the landscape and scenic beauty of the AONB. It is acknowledged that some limited harm results from the development and to some extent its impact can be mitigated by further landscaping to screen the development.
- 189 Exceptional circumstances do exist in line with paragraph 116 of the NPPF to allow a major development in the AONB, as there are national considerations in terms of the extent of specific fruit growth on site, the impact on the local economy, the uniqueness of the location of the site with optimum growing conditions and that any detrimental effect on the landscape could be moderated.

Conclusion

- 190 In summary, all the material planning considerations that have been identified in the report need to be balanced to come to a conclusion in this case. It is clear that there would be economic, social and environmental benefits arising from the scheme. Equally there are areas of harm identified, such as some visual harm to the AONB.
- 191 It is concluded that this harm is outweighed by the economic needs of the agricultural business, the benefits to the local economy, in terms of the sustainable use of the agricultural land and the environmental and the ongoing viability and vitality of a well-established agricultural business and the appropriate land-use of agricultural land in this location.

Recommendation

- 192 That planning permission is granted subject to conditions

Background papers

Site and block plan

Contact Officer(s): Sean Mitchell Extension: 7349

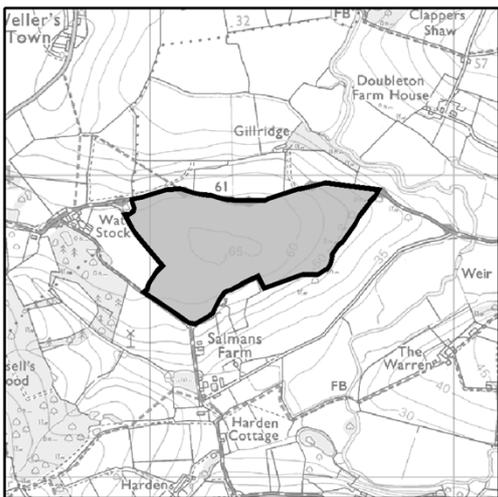
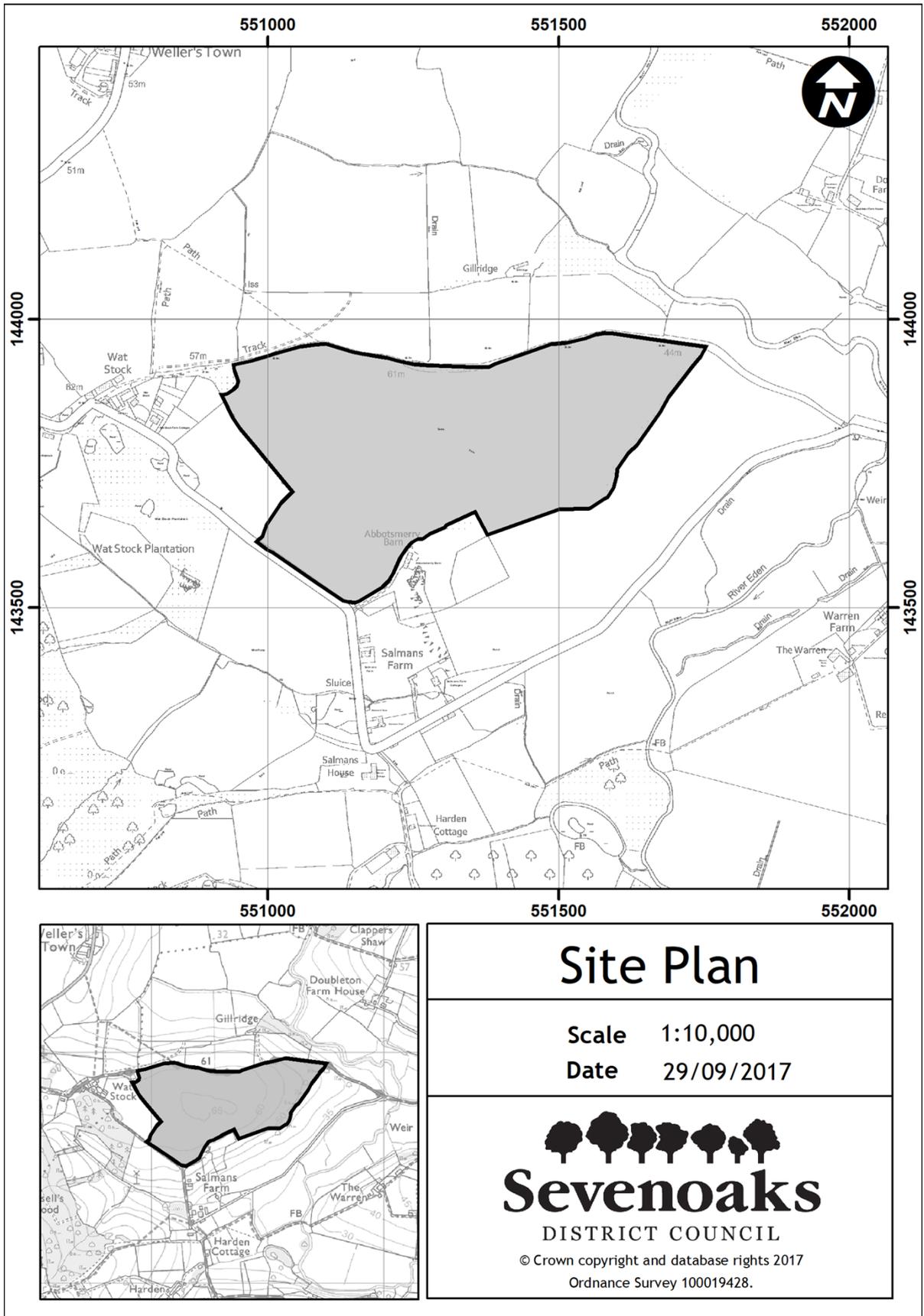
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OSKPWKBKLPO00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OSKPWKBKLPO00>



Site Plan

Scale 1:10,000

Date 29/09/2017



DISTRICT COUNCIL

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Ordnance Survey 100019428.

