

Proposal: Proposed new barn and silage clamp together with enlargement of existing brown water lagoon and new harvested clean water attenuation lagoon

Location: Faulkners Hill Farm, Yorks Hill, Ide Hill TN14 6LG

Ward(s): Brasted, Chevening And Sundridge

ITEM FOR DECISION

This application has been referred to Development Control Committee as the applicant is a relative of a member of staff.

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

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

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) The materials to be used in the construction of the development shall be those indicated on the application form.

To ensure that the appearance of the development is in harmony with the existing character of the existing buildings as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

3) No lighting shall be installed to serve the approved development until a 'lighting design strategy for biodiversity' has been submitted to and approved in writing by the local planning authority. The lighting strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and maintained thereafter in accordance with the strategy.

To ensure the development is not detrimental to protected species in accordance with Policy SP11 of the Core Strategy and the NPPF.

4) Prior to the commencement of any development hereby approved, details of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include, but not be limited to:

- a) Bat roosting features within the buildings on the site;
- b) Bat boxes with adjacent vegetation;
- c) Bird boxes on the buildings/adjacent vegetation;

- d) Soft landscaping to promote native species;
- e) Water plants within the new clean water lagoon.

The proposed enhancements shall be installed prior to the first occupation or use of the development hereby approved or to a timetable submitted to and approved in writing by the Local Planning Authority and maintained as such thereafter.

To ensure there is no net loss of biodiversity on the site and to provide enhancements in accordance with Policy SP11 of the Core Strategy and the NPPF.

5) Prior to the commencement of development, a precautionary mitigation statement for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:

- a) immediate maintenance of low vegetation cover (max 10cm) on site where the silage clamp will be built from the start and until the end of development works to prevent the works area becoming suitable for reptiles;
 - b) no construction materials or vehicles stored directly adjacent to the vegetated or grass areas;
 - c) any holes covered overnight to prevent any animals falling in;
 - d) any lights to be directed away from the southern vegetated boundary, and;
 - e) the southern vegetated boundary to be protected during construction works.
- The development shall be carried out only in accordance with approved precautionary mitigation statement.

To protect biodiversity and to comply with policy SP11 of the Core Strategy and the NPPF.

6) The development hereby permitted shall be carried out in accordance with the following approved plans: 03, 04, 05RevA date stamped 20 February 2018, 06RevB date stamped 26 February 2018 and 02RevE date stamped 23 April 2018.

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

Informative

1) A public right of way may be affected by this proposal and planning permission does not authorise its stopping up or diversion (even temporarily). There is a separate and sometimes lengthy procedure to deal with this and you should contact Kent County Council for further information. It is an offence to obstruct a public right of way. It would be advisable to ensure any Diversion Order is approved by the relevant authority and that any new route is provided before any development under this planning application is commenced.

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 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 of small scale issues which arose during the process of the application and was given time to address it.

Description of proposal

- 1 The application proposes the following development within the existing farm complex:
 - Construction of a 60m x 15m steel farm building for cattle with height of 5m to eaves and 7m to ridge
 - Construction of a 25m x 10m silage clamp to replace existing clamp
 - Enlargement of existing brown water lagoon to capacity of 3000m³
 - Construction of a new clean water lagoon for rainwater harvesting - of an approximate 3500m³ capacity to receive rainwater from the roof of the new farm building and existing buildings to re-use on the farm
 - Associated site level alterations as follows:
 - Reduction in levels by 0.6-1.6 metres to accommodate new barn
 - Infilled level to accommodate silage clamp and drainage into brown water lagoon of between 1-2.8 metres.

Description of site

- 2 The site comprises a well established farm unit situated on the eastern side of Yorks Hill, within the Green Belt and Kent Downs Area of Outstanding Natural Beauty.
- 3 The site is accessed by an approximate 100m track which slopes slightly upwards towards the east. The site levels are varied across the site, with the land sloping steadily downwards again towards the existing brown water lagoon.

Constraints

- 4 Ancient Woodland (to the north, east and south-east of the site but not affected by proposals)
- 5 Area of Outstanding Natural Beauty (AONB) - Kent Downs
- 6 Area of Special Control of Advertisements
- 7 Biodiversity Opportunity Area
- 8 Metropolitan Green Belt
- 9 Public Right of Way (PROW) - SR206 to the north and SR257 within the site.

Policies

Core Strategy (CS)

10 Policies:

- LO8 The Countryside and Rural Economy
- SP1 Design of New Development and Conservation
- SP2 Sustainable Development
- SP11 Biodiversity

Allocations and Development Management (ADMP)

11 Policies:

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN5 Landscape
- EN6 Outdoor Lighting
- T1 Mitigating Travel Impact
- T2 Vehicle Parking

Other

12 National Planning Policy Framework (NPPF)

Para 14 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development that accords with the development plan should be approved unless material considerations indicate otherwise. (See paras 11, 12, 13 of NPPF.)

Para 14 of the NPPF (and footnote 9) also advises that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless there are specific policies in the NPPF that indicate that development should be restricted. This applies to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

- 13 Sevenoaks Development in the Green Belt Supplementary Planning Document (SPD)
- 14 Sevenoaks Countryside Character Area Assessment SPD

Relevant Planning history

- 15 86/00297/HIST - Conversion from poultry house to fish curing plant and storage - Granted
- 06/02567/AGRNOT - Provision of cattle buildings through the conversion of existing grain store and construction of concrete and metal buildings - Refused
- 08/00423/AGRNOT - Erection of new grain store - No Objection Lodged
- 09/01619/AGRNOT - Erection of general purpose steel framed building - Withdrawn
- 09/01822/AGRNOT - Erection of general purpose storage building - No Objection Lodged
- 12/01251/AGRNOT - Erection of general purpose steel framed building, length 18.2m, breadth 12m and height to ridge 7.5m - Prior Approval Not Required
- 16 Land at Winkhurst Grainstore:
- 17/00676/AGRNOT - Extension of 2 general purpose buildings and 1 grainstore - Withdrawn
- 17/00818/AGRNOT - Extensions to a general purpose steel framed building - Prior Approval Not Required
- 17/03446/FUL - Proposed barn and silage clamp together with enlargement of existing brown water lagoon and new harvested clean water attenuation lagoon - Withdrawn.

Consultations

First consultation:

Sundridge Parish Council

- 17 No response received.

Council's Rural Agricultural Consultant

- 18 Comments as follows, which remain the same as under the previous 2017 withdrawn application:
- 400ha rented and owned land with arable cropping, grassland for 300 beef cattle and dairy heifers and sheep

- Faulkners Hill Farm main operational base with existing buildings accommodating 150 cattle with others located elsewhere in Crockham Hill
- New farm building and associated facilities would accommodate an increase in the herd of 50 cows and their progeny
- New building broadly appears of appropriate size and design for these purposes - assist the further efficient development and sustainability of this farm unit.

Kent County Council (KCC) Ecology

19 Comments as follows:

- Suitable habitat for protected/notable species where silage clamp to be built and adjacent to footprint of proposed development - risk at construction period
- No ecological survey required but if permission is granted, a precautionary mitigation approach must be implemented during the construction works, secured by condition.
- Proposed condition for lighting strategy in relation to potential bats using the site
- Condition for ecological enhancements if permission granted, including water plants for the new clean lagoon.

KCC Public Rights of Way

20 Comments as follows:

- SR157 runs to the west and south and would be directly affected by the enlargement of the existing lagoon - this is a material consideration
- Development would necessitate the diversion of this route - landowner would need to apply to KCC to divert the path
- If planning permission is granted, request condition to ensure no development takes place until the Diversion Order has been confirmed and diversion works completed.

Officer note - It is understood that an application has been made to KCC for a Diversion Order.

Environment Agency

- 21 Insufficient information has been provided to ensure the proposal meets the Silage, Slurry and Agricultural Fuel Oil Regulations (SSAFO).

Forestry Commission

22 Comments as follows:

- Standard advice and information regarding ancient woodland

- Advice for encouraging green infrastructure and locally sourced construction materials.

Natural England

23 No objection, with the following comments:

- Proposed development will not have significant adverse impacts on designated sites or protected landscapes (AONB, SSSI)
- Further advice regarding determining applications in the AONB and advice regarding protected species
- Advice regarding impact on area of Ancient Woodland.

Kent Wildlife Trust

24 No response received.

Second Consultation - following additional information and amended site plan submitted to deal with Environment Agency's concerns and comments:

Sundridge Parish Council

25 No response received.

Rural Planning Consultant

26 Minor revision so previous advice still applies.

Kent County Council (KCC) Ecology

27 Comments of 21 March 2018 still valid.

KCC Public Rights of Way

28 No response received.

Environment Agency

29 No objection - Approve of the details outlined in the amended site plan 129-02E.

Forestry Commission

30 No response received.

Natural England

31 Advice provided in previous response equally applies to the amendment - unlikely to have significant different impacts on the natural environment than original proposal.

Kent Wildlife Trust

32 No response received.

Representations

33 No other representations have been received.

Chief Planning Officer's appraisal

Principal issues

- Presumption in favour of sustainable development
- Impact on the Green Belt
- Visual Impact on the AONB landscape
- Impact on residential amenity
- Highways and parking
- Trees and landscaping
- Biodiversity
- Other Matters - drainage
- Access Issues - Public Right of Way
- CIL

Presumption in favour of sustainable development

- 34 Para 14 of the NPPF confirms that the NPPF has a presumption in favour of sustainable development, and that development that accords with the development plan should be approved unless material considerations indicate otherwise. (See paras 11, 12, 13 of NPPF.)
- 35 Para 14 of the NPPF (and footnote 9) also advises that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless there are specific policies in the NPPF that indicate that development should be restricted. This applies to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.
- 36 In addition, paragraph 28 of the NPPF relates to supporting a prosperous rural economy. It states that plans should take a positive approach to sustainable new development and promote the development of agricultural and other land based rural businesses and also support sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing building and well designed new buildings.

Impact on the Green Belt

- 37 The NPPF supports the protection of the Green Belts and seeks to restrict development. Paragraph 79 states that the fundamental aim of Green Belt

policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

- 38 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.
- 39 The advice states that there is a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt.
- 40 At paragraph 89 the NPPF states that “A local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt.” There are exceptions to this, such as ‘buildings for agriculture and forestry’.
- 41 This is supported by Section 8 of the Council’s Development in the Green Belt SPD which states that new buildings that are demonstrably essential for agricultural or forestry purposes are considered to be appropriate development in the Green Belt. It also states at paragraph 8.2 that new agricultural buildings should, where possible, form part of a group, rather than stand in isolation.
- 42 The proposed new farm building would be located within an established farm unit. It would have a design and form expected of such an agricultural building to house the required number of cattle. While it would have additional bulk created through the overhanging roof to create a covered cattle area, this would essentially have an open appearance as it would not be enclosed at the sides, allowing a view through. The Council’s Agricultural Consultant has confirmed that the development would broadly be of an appropriate size and that this would assist with the further efficient development and sustainability of the farm unit.
- 43 It is clear that effort has been made to locate the new building as closely as physically possible to the existing confines of the other agricultural buildings. In addition to this, the building would be stepped into the ground so it would be at a lower level when viewed from the wider landscape. As such, the building would be seen in context with these other buildings, grouped together to reduce encroachment into the Green Belt, consistent with the requirements of the Council’s Development in the Green Belt SPD.
- 44 The proposed silage clamp would be located on slightly elevated ground due to the proposed rise in land levels. However, this would be required to aid the drainage into the brown water lagoon from the wash down area between the barn and silage clamp. The silage clamp would have modest height at 3 metres tall.
- 45 Due to the above, the proposed new barn and silage clamp would be of an appropriate size for the intended use and need of the farm which would

support the sustainable continuation of the business as supported by the NPPF and as appropriate development in the Green Belt.

- 46 The proposed extension to the brown water lagoon would not result in additional bulk within the Green Belt due to its nature of being dug down into the land. This is also the case for the proposed clean water attenuation lagoon which would also be set within the ground and would not result in any significant alterations to land levels which would harm the openness of the Green Belt.
- 47 The proposed development would therefore be appropriate development within the Green Belt, consistent with the NPPF and the Council's Development in the Green Belt SPD.

Visual impact on the AONB landscape

- 48 The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.
- 49 Policy EN5 of the ADMP states that the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design will conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance.
- 50 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the character of the area in which it is situated. Policy EN1 of the ADMP expands upon this and states that development should respond to the scale, height, materials and site coverage of the area and respect the character of the site and surrounding area.
- 51 The Development in the Green Belt SPD is also of relevance as it states that agricultural development should respond well to landscape features such as local topography and not harm views of the skyline.
- 52 The Sevenoaks Countryside Assessment SPD identifies the site as within the Low Weald landscape context, a gently undulating, generally poorly draining landscape with distinctive field pattern with a traditionally pastoral landscape pattern. Biodiversity targets include improved management of hedges and increase through new planting and encourage suitable grazing regimes to maintain conditions for flora and fauna. Within this landscape character, the site falls within the Charcott Farmlands, an area comprising a working landscape with mixed farming to a large part of the area. It is generally considered to be a landscape in very good condition although its ecological interest is considered to fall short of its full potential. The landscape is considered to have low sensitivity.

- 53 The proposed farm building would be large due to its elongated form. However, it would have an appropriate size for its purpose and would be seen against the context of the existing agricultural buildings.
- 54 The building would clearly be agricultural in form and thus characteristic of a working agricultural landscape, as identified within the Countryside Assessment.
- 55 The proposed materials consisting of fibre cement sheets for the roof, a steel frame with concrete panels around the base and Yorkshire boarding above would be a commonplace palette of agricultural materials which would not appear out of place within the immediate landscape. In addition, the lowered levels to accommodate the building would further reduce the built form of the building within the landscape.
- 56 The proposed silage clamp would replace the existing clamp, thus its impact on the landscape would be similar to the existing situation.
- 57 The proposed clean water lagoon would have a positive impact on the landscape and could introduce the potential for ecological enhancements, thus resulting in enhancements within the AONB landscape. These will be discussed in the biodiversity section below.
- 58 No details of any lighting for the barn have been provided, with the Application Form stating that this is not applicable. This is welcomed as the provision of excessive lighting within the AONB landscape can often harm its character. If however at a later date external lighting is required then further details of this can be secured by condition.
- 59 Due to the above, the proposed works are considered to comply with Policy EN5 of the ADMP and the NPPF and the development would conserve and enhance the AONB.

Neighbouring amenity

- 60 Policy EN2 of the ADMP requires proposals to provide adequate residential amenities for existing and future occupiers of the development, while ensuring it would not result in excessive overlooking, visual intrusion, noise, vibration, odour, air pollution, vehicle movements, or a loss of privacy and light enjoyed by the occupiers of nearby properties.
- 61 The nearest neighbour to the farm is 'The Wagon Lodge', located approximately 120 metres to the west of the farmhouse and 170 metres away from the proposed agricultural barn.
- 62 The proposed new barn would be sited within the existing agricultural complex, and while it would result in the increase of 50 cattle, the new building would be at a distance which would not result in the material increase in any excessive noise or odour, particularly as the barn would partially be obscured by the existing farm buildings.
- 63 The silage clamp would essentially be a replacement structure so any odour from this structure would be similar to the existing use of the clamp.

- 64 The proposed lagoons would be located even further from nearby dwellings, set within the landscape so would not harmfully impact on amenity.
- 65 The proposal would therefore comply with Policy EN2 of the ADMP.

Highways and parking

- 66 Policy EN1 and T1 of the ADMP states that new developments should mitigate any adverse travel impacts and proposals should ensure satisfactory means of access and adequate parking.
- 67 Policy T2 of the ADMP states that vehicle parking provision should be made in accordance with the current Kent County Council (KCC) vehicle parking standards in Interim Guidance Note 3 to the Kent Design Guide.
- 68 From the information provided the proposed barn, silage clamp and lagoons would not require any additional employees for the farm. In any case, if more employees were required the existing access is sufficiently wide enough with established visibility and with more than enough room within the site to accommodate parking of vehicles. Therefore it is considered that the proposals would not be likely to have any significant impact on highway conditions when compared against the existing use.

Trees and Landscaping

- 69 The site is bordered by belts of Ancient Woodland. The proposed works would not result in any loss of trees within these areas of woodland. The closest of the works to Ancient Woodland known as 'Eastwood Wood' would be the proposed clean water lagoon which would be located between 9 - 11 metres at its closest to the bank of the proposed lagoon. Neither Natural England nor the Forestry Commission have objected to the proposed works and it is considered that there would not be harm to these important areas of woodland.
- 70 Ecological enhancements as discussed below would aid to promote the use of the area around the new lagoon and the water within the lagoon itself in relation to any species which reside within the Ancient Woodland.

Biodiversity

- 71 Section 11 of the NPPF relates to conserving and enhancing the natural environment and includes discussion relating to biodiversity. Paragraph 118 explains that the planning system should protect and enhance valued landscapes, minimise impacts on biodiversity and provide net gains in biodiversity where possible.
- 72 Policy SP11 of the Core Strategy states that the biodiversity of the District will be conserved and opportunities sought for enhancements to ensure no net loss of biodiversity.
- 73 The surrounding land is actively farmed and this limits the potential for habitation by protected species, as identified by the KCC Ecology team. It is acknowledged that there could be some species present around the existing brown water lagoon and site for the clean water lagoon, thus a

precautionary mitigation approach would be appropriate to secure via condition upon any grant of permission.

- 74 The KCC Ecology team has indicated that there could be the potential for bats to be using the area, particularly as the site lies close to belts of woodland. No lighting is proposed as part of this application. Details of a lighting strategy would be reasonable to condition as part of any grant of permission to ensure any lighting used does not harmfully affect potential bat flight paths.
- 75 In addition, the proposals provide the opportunity to increase the biodiversity value of the site, particularly through the creation of a clean water lagoon. It is therefore considered that ecological enhancements should also be secured by condition upon any grant of permission to ensure compliance with Policy SP11 of the Core Strategy and the NPPF in this regard.

Other Matters

Drainage and contamination

- 76 The proposed alterations to the brown water lagoon and the creation of the rainwater harvesting lagoon would require alterations to the way the site is drained. This would result in changes to the site levels to ensure sufficient natural drainage capability.
- 77 The Environment Agency initialled commented that insufficient information had been provided to establish whether the proposed silage clamp and lagoons would comply with the associated legislation and guidance for Silage, Slurry and Agricultural Fuel Oil Regulations (SSAFO). Following the submission of additional information and clarification over site levels on the proposed block plan the Environment Agency is now satisfied that the proposed silage clamp, clean water lagoon and alterations to the existing lagoon would comply with the SSAFO regulations. Due to this, the proposal would not result in harm to the surrounding land in regard to drainage and contamination.
- 78 In addition, the proposed clean water lagoon would provide a more sustainable solution to water use, enabling rainwater to be harvested and used throughout the farm, assisting in the aims of Policy SP2 of the Core Strategy and the NPPF's sustainability goals.

Access issues

Public Right of Way

- 79 The proposal would result in the need to divert the Public Right of Way which runs through the site. KCC has indicated that the applicant will need to formally apply for an alteration to this route. They have asked that any planning permission should be conditioned so that the new route is created before works start on site.

- 80 It is understood that discussions have already occurred with KCC and an application for a Diversion Order may already be underway. As this is a matter that sits outside planning legislation it would be reasonable to include an informative upon any grant of permission to ensure the applicant is aware that it would be advisable to ensure the Right of Way is made available prior to any works being undertaken.

CIL

- 81 The proposal is not CIL liable.

Conclusion

- 82 There is sufficient agricultural justification for the proposed works to be appropriate development within the Green Belt.
- 83 The proposed new building, silage clamp and associated lagoons would not harm the character of the AONB landscape as they would be expected features within the immediate landscape, set within the existing confines of a well established agricultural site.
- 84 Due to the siting of the proposed building and silage clamp, these would not harmfully impact on amenity when compared to the existing situation.
- 85 The proposed drainage would be acceptable and the proposals would not result in harmful land contamination.
- 86 The areas of Ancient Woodland would not be harmfully affected and ecological enhancements alongside a lighting strategy for bats via condition would result in increased benefit to the biodiversity of the site.

Background papers

Site and block plan.

Contact Officer(s): Sarah Cottingham Extension: 7481

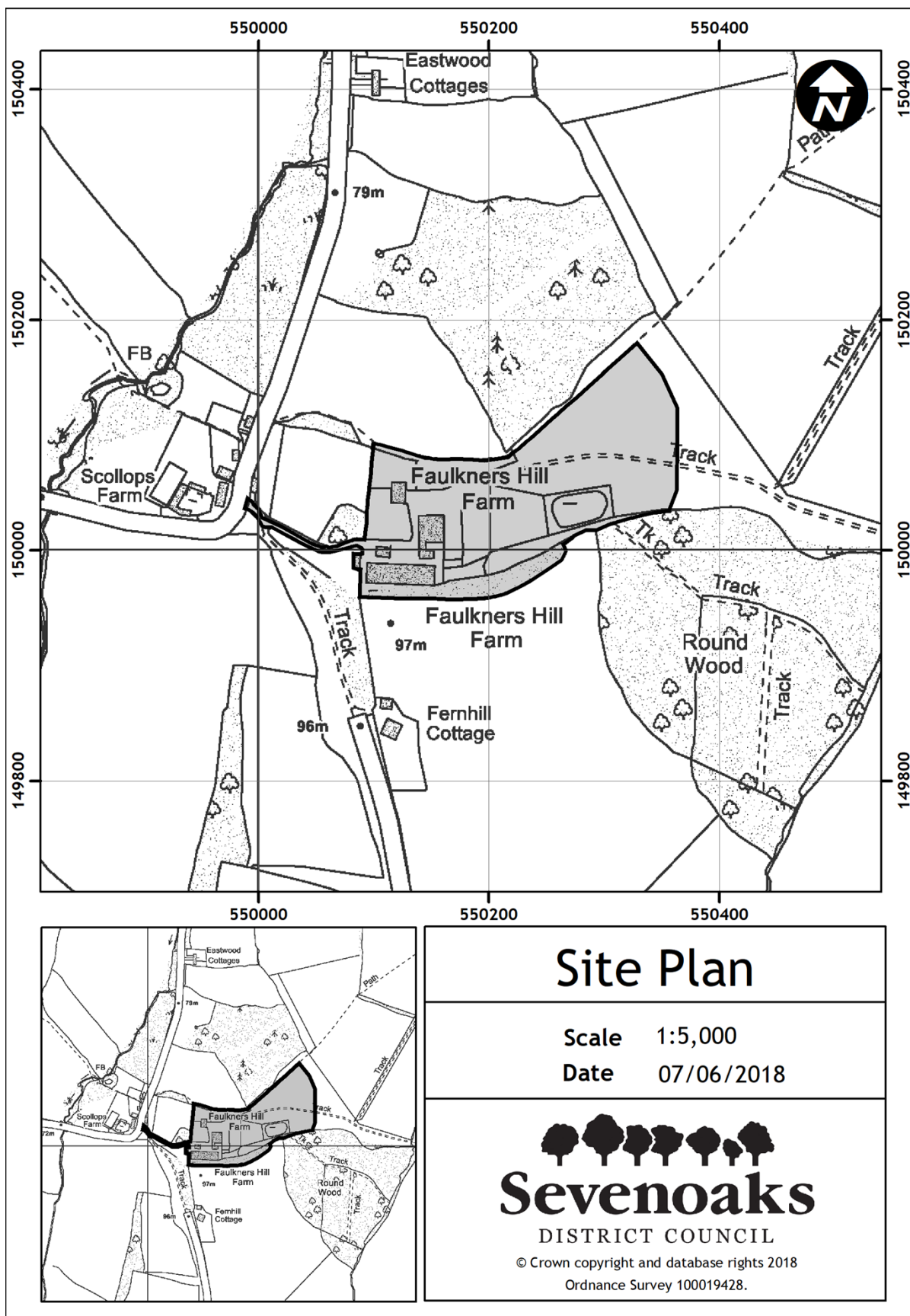
Richard Morris
Chief Planning Officer

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P4GKN6BKGTR00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P4GKN6BKGTR00>



Block Plan

