

4.1 20/02892/FUL Revised expiry date 1 February 2021

Proposal: Proposed retention of existing farm building and change of use to enable a horse cremation facility.

Location: Sevton, Powder Mill Lane, Leigh KENT TN11 9AR

Ward(s): Leigh & Chiddingstone Causeway

Item for decision

Referred to Planning Committee by Councillor James Osborne-Jackson whom fully supports objections raised by residents and Leigh Parish Council. Concerned about the impact upon residential amenity and highway safety due to increase traffic, noise and smells.

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) Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) or The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Orders replacing or superseding this Order, the use of the buildings shall be limited to a horse cremation facility and for no other use or purpose.

In the interests of highway safety and residential amenity.

3) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Site Location and Block Plans 846/05, Proposed New Access Road Site Plan 602/02 Rev B, Proposed Ground and Roof Plans 846/03C, Proposed Elevations and Section 846/04B, Existing SW Drainage Details 846/07, Bird and Bat Boxes 846/08, Addfield Environmental Systems Ltd Product Details Cremation Machine, Addfield Environmental Systems Ltd Statement Regarding Odour 22/08/2019, Venta Acoustics Sound Level Measurements, MRL Acoustics Noise Assessment December 2020,

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

4) Prior to the use of the site commencing the only vehicular access to and egress from the site shall be by way of the access to Powder Mill Lane, which was approved as part of planning permission SE/16/00683/ARGNOT. This access shall be permanently retained as such thereafter.

In the interests of pedestrian and highway safety and residential amenity and to accord with Policy T1,T2, EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan.

5) Use of the site shall limited to one cremation per day.

In the interests of pedestrian and highway safety and residential amenity and to accord with Policy T1,T2, EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan.

6) Cremations and deliveries to the site shall only take place during the following hours: Monday - Saturday 08:00 to 19:00 hours and no cremations and deliveries shall take place on Sunday and Bank Holidays.

In the interests of highway safety and residential amenity.

7) No external lighting shall be installed on site without the prior written approval of the Local Planning Authority. Details of the siting, type, illumination and beam trajectory shall be submitted should external lighting be sought. Any approved external lighting shall be carried out in accordance with the approved details.

To ensure the dark skies of the area and residential amenity is maintained in accordance with Policy EN2 of the Sevenoaks District Council Allocation and Development Management Plan.

8) Prior to use of the site commencing, full details of ecological enhancements to the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

To maintain and enhance the biodiversity of the site in accordance with Policy SP11 of the Core Strategy

9) No open backed loaded vehicles used in connection to the horse cremation operations shall leave the site unless they are securely sheeted or otherwise covered. All horse carcasses are to be moved in a DEFRA approved sealed trailer.

In the interests of highway safety and residential amenity.

10) Prior to the use commencing a sign directing all HGV and farm vehicles to turn right into Powder Mill Lane shall be erected at the site exit and maintained in position for the duration of operations.

In the interests of highway safety and residential amenity

Informatives

1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

2) 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.

Public Rights of Way & Access Service
West Kent PROW
8 Abbey Wood Road Kings Hill
West Malling, ME19 4YT
Web site: www.kent.gov.uk
Phone: 03000 41 40 89

National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

Description of site

- 1 The application site comprises part of a farm holding located to the east of PowderMill Lane in Leigh. The site is made up of three buildings, two of

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which are much larger than the third, and an apron of hard standing that surrounds the buildings. Planning permission was granted in 2015 (15/01940/FUL) for a link extension between two existing barns. This was constructed shortly after permission was granted in accordance with the permitted drawings. However, it would appear that Condition 5, regarding surface water drainage, was overlooked and was not discharged. As the building has been erected for in excess of four years, it is immune from enforcement and so lawful. Accordingly, this application refers to 'retention of existing building and change of use' to enable the position to be regularised.

- 2 The site lies within the Metropolitan Green Belt, Flood Zone 2 and an Area of Archaeological Potential.

Description of proposal

- 3 The application site seeks to diversify the agricultural business at Sevton Farm by installing an equine cremation machine within the 2 existing barn buildings. The application anticipates in the order of 2 to 3 cremations would take place per week. As part of this, the only visible change to the barn buildings will be the installation of a small flue pipe. The proposed pipe would have a maximum height of around 7 metres when measured from ground level which is around 0.319 metres higher than the existing pitched roof of the barn building.
- 4 The cremation process for a horse takes some 8 hours, and additional time is required for cooling of the machine and processing of ashes, the maximum number of cremations in any day is proposed as one.
- 5 The existing vehicle access is to remain unaltered and was constructed as part of approved application 16/00683/ARGNOT. Vehicles are able to access the site from the north via Leigh Road / Powder Mills, and opposite via Burton Avenue. Burton Avenue is part of a Bellway estate that is currently private, and yet to be adopted by KCC Highways.
- 6 During the course of the application additional reports, a supplementary planning statement and amended plans to address points raised regarding noise, pollution, drainage and highways issues were submitted.

Relevant planning history

- 7 15/01940/FUL Extension to link two existing barns. Granted 17/08/2015
- 8 16/00683/ARGNOT Proposed new farm access. Prior Approval Not Required 01/04/2016
- 9 18/02585/ARGNOT Haybarn. Prior Approval Not Required 10/09/2018

Policies

- 10 National Planning Policy Framework (NPPF)

11 Core Strategy (CS)

- L01 Distribution of Development
- L07 Development in Rural Settlements
- L08 The Countryside and the Rural Economy
- SP1 Design of new development
- SP2 Sustainable Development
- SP8 Economic Development and Land for Business
- SP11 Biodiversity

12 Allocations and Development Management Plan (ADMP)

- SC1 Presumption in Favour of Sustainable Development
- EN1 Design Principles
- EN2 Amenity Protection
- EN4 Heritage Assets
- EN7 Noise Pollution
- EMP5 Non Allocated Employment Sites
- GB7 Re-use of a Building within the Green Belt
- T1 Mitigating Travel Impact
- T2 Parking

13 Other:

- Development in the Green Belt Supplementary Planning Document (SPD)

14 Constraints

The following constraints apply:

- Metropolitan Green Belt.
- Area of Archaeological Potential
- Flood Zones 2 and 3

15 Consultations

16 Leigh Parish Council comments dated 22 April 2021-

“The Parish Council reiterates its strong objection to this application and the additional documents submitted by the applicant have not changed this view. The Parish Council believes that this development is inappropriate in its proposed location. This is an emotive and controversial development on the edge of a new large rural housing estate. It is closer to any residential housing developments of this size and nature than any other similar facility in the country. In fact, the nearest dwelling not connected to this site is only 65m away. This last point alone seems to demand closer scrutiny of the plans, and more environmental and health detail to be provided, but overall given the number of concerns and questions, the Parish Council believes there is inadequate information on which to make a considered decision at

this time. Regarding the applicant's new Supplementary Statement, the Parish Council comments as follows:

- a) Need - the applicant stated that there will be 2-3 horse cremations per week. However, the Parish Council has learnt that the area is already more than adequately served by 4 existing equine crematoriums in Kent and several others in neighbouring counties. This calls into question the viability of the application by the applicant for purely equine purposes. Statistics: there are about 800,000 horses in UK and of that 30,000-40,000 are in Kent (Kent Downs Draft Management Plan 2020-25 <https://s3-eu-west-1.amazonaws.com/explore-kentbucket/uploads/sites/7/2018/04/18113849/KDAONB-Management-Plan.pdf>). With an average life expectancy of 13 years, this gives 60 equine deaths per week. Of these at least 30% will go to Slaughter Houses etc. Some are gifted to zoos for feeding, some are given to local hunts for the dogs. So less than 40 horses per week in Kent are cremated. Currently there are 4 equine crematoria in Kent and numerous others that serve Kent. Machines to be economic need to run 5 to 7 days a week and each cremation will have 1 or 2 horses, say 10 per week. Therefore there is no obvious need for another crematorium in Kent. The application states that there will be 2 or 3 lorry deliveries per week, but no storage facilities. Dead horses have to be removed from wherever they fell as soon as possible and protected, hence disposal services are 24 hr operations. The proposed operation must be collecting from a storage facility unless the estimation of 2 or 3 lorry deliveries is unachievable. This should be clarified by the applicant as part of the application process. If the applicant is expecting to remove and collect the dead horses directly from where they fell and bring them onto the Sevton site, this will involve transportation outside of normal operation hours of 9am to 5pm, which would be unacceptable to local residents causing noise, disturbance and distress. The application includes a fuel storage of 3500 litres. Looking at machine specification, about 700l of diesel is required per large horse. Therefore fuel deliveries will not be "occasional" but at least weekly. This equates to 1800kg CO2 per horse. It would seem appropriate to have an environmental impact assessment. The transportation of fuel and size of this vehicle has not been considered by the Kent Highways Authority with regards to this suitability of the local roads and nearby residential area. Growth in the Equine industry has already damaged the Kent Downs Landscape character (source: <https://s3-eu-west-1.amazonaws.com/explore-kentbucket/uploads/sites/7/2018/04/18113849/KDAONB-Management-Plan.pdf>), therefore the Parish Council would not wish to encourage further growth by providing additional equine crematorium services that are not needed.
- b) Services - Three of the existing Kent Equine Crematorium Services also offer other pet / livestock cremation services. This is of major concern

to the Parish Council as we would strongly object again to any increased use or different use by the applicant should, as we suspect, the need for horse cremations not be as the applicant has stated. Any additional use would mean more traffic movements, more pollution, noise disturbance etc.

- c) Flood risk - The design and access statement lacks the required detail that the Parish Council would expect to see. The application states it is in flood Zone 2, but it is very close to Zone 3. It is noted that Sevenoaks District Council does not have a flood constraints map. Climate change impact is normally assessed by increasing the 1% storm by 35% which, where zone boundaries are close, this would extend Zone 3 plus climate change over Zone 2, hence the flood risk would change from less than 1% to less than 2 to 3%. Normally there should be a more detailed assessment that covers climate change.
- d) Environmental / Green Belt Impact caused by Chimney Stack - The chimney stack / flue has been increased to a height of 7 metres, this is much higher than before, and is now far more imposing and has a higher obtrusive visual impact than originally envisaged. The Parish Council believes it will have a significant effect upon the rural character of the area and is out of keeping with the agricultural context of the site in the Green Belt. The applicant stated 'Regarding potential emissions of fumes and smell, the cremation machine is designed specifically to avoid such emissions', this is misleading as it suggests there will be zero emissions and zero impact. The truth is that there will be emissions (which is the reason for the chimney stack) and that those emissions will not comprise pure clean air. The applicant's new DL stack calculation refers to the presence of particulates in the emissions and other pollutants such as sulphur dioxide and carbon monoxide. Accordingly, even though the cremator may be DEFRA approved, it will still produce emissions containing harmful pollutants, and so there will inevitably be an impact on air quality. Any impact on air quality is unacceptable in view of the exceptionally close proximity of the site to neighbouring residential properties, as that impact will increase in scale and severity the closer you are. The Parish Council fully supports the Hunter Seal Residents Association, which has made very detailed comments and commissioned a technical air quality assessment review of the planning application. Please see their report which is attached to their comments "Air quality assessment review - April 2021". This report has been completed by Holford Clark Associates (Chartered Environmental Health Practitioner) and has highlighted very concerning information which leads the Parish Council to believe that there is insufficient evidence to demonstrate the impact of the chimney stack emissions from the proposed development on local residents. The applicant's new noise report does not provide sufficient detail to the type of industrial noise / drone which will be produced and its psychological impact on local residents. The Parish Council would ask Sevenoaks District

Council to review this air quality report in full and commission a new detailed environmental report to answer our concerns.

- e) Impact on local residents - mental health and wellbeing - We have raised our concerns over such a sensitive facility being so close to a large residential housing area. The Parish Council believe that this is a real issue that needs further consideration and measurement. There will be a detrimental impact on local residents, such examples are:
- Distress in seeing regular transportation of closed horse boxes, which the residents know contain dead horses. Local residents have voiced their concerns to the Parish Council regarding the regular movement of such closed horsebox / trailers which will serve as a constant reminder of death (dead horses). This will affect their mental health and wellbeing.
 - Distress, concern and anxiety over air pollution. Noise from the facility.
 - Use of gardens that face the barn directly, residents have already voiced their concerns to us in this respect.
 - Increased traffic due to not only the horse transportation but also waste removal and fuel deliveries. The Parish Council is concerned about the nature of the waste generated by this proposed use and how the applicant would intend to dispose of it. The roads are already of concern to local residents due to their narrow nature, bends and use by children, dog walkers, cyclists, horse riders, local bus, and increased home deliveries.
 - The Parish Council is surprised that such an application would be considered in this area due to the close proximity of a new large residential housing estate, 1811 Bellway Homes. The use of this site was changed from industrial to residential by the building of the Bellway housing estate, this served by Burton Avenue. The 1811 site embraces its location next to mature woodland and it is designed for families to be able to get out and fully appreciate the rural setting they are living in. Footpath links, woodland and river walks are included on the development blending 1811 easily with the existing Leigh village community and Tonbridge. One of these routes is SR437 which runs between Hunter Seal and the site where the proposed Cremation machine will be located. This ROW is heavily used by school children, cyclists, dog walkers, families, commuters, and many others. Such concern and anxiety has led to very high numbers of objections to the application.
 - Many local residents are now working from home, encouraged by more flexible working arrangements due to Covid, and they are taking more regular local walks, traffic has increased, home deliveries have also increased to the area, and this trend and behaviour is likely to continue. This application will therefore have a greater impact on local residents, both their physical and mental health.
 - Creating an accessible, inclusive built environment that enables everyone to play an equal role in society is important in protecting and enhancing everyone's well-being and mental health.

- One of the four factors to ensure that local residents' mental health and well-being are properly considered is: Safe places - A sense of safety and security is integral to people's mental health and wellbeing. Dangers include traffic, environmental pollutants, and risks posed by other people.
 - The NPPF <https://www.gov.uk/government/publications/national-planning-policy-framework--2> highlights the importance of engagement between plan making bodies and health organisations to ensure that health strategies and infrastructure are supported and considered in local plans. It identifies the Director of Public Health as the first point of contact on population health and wellbeing issues for planners. It states that they should be consulted on any planning applications that are likely to have a significant impact on the health and well-being of the local population, in order to work together on any necessary mitigation measures using a health impact assessment where appropriate.
 - In light of the significant number of very upset and concerned local residents and families affected by the proposal, the Parish Council requests that Sevenoaks District Council commission a health impact assessment prior to any further determination of this application.
- f) Transportation and increased local road use - this proposal will have a negative impact on local roads due to the increased traffic by the applicant, fuel deliveries and waste disposal services. The Parish Council has not been provided with details of the size and type of vehicles that will be accessing the site with regards to waste disposal and fuel deliveries. Local residents have already complained to both the Parish Council and Kent Highways regarding existing agricultural traffic on the residential private road, Burton Avenue, TN11 9FB. This is a private road that has not yet been adopted by Kent Highways and has reportedly been damaged by heavy and high agricultural vehicles, damaging overhanging trees, mounting residential pavements on corners, damaging raised cobbled speed restriction zones. The Parish Council understands that drivers of such agricultural vehicles have removed barriers on the same roads which have been in place whilst repairs were made to these surfaces, thus resulting in further reported damage. Please contact laura.mckenzie@kent.gov.uk who has a record of such reported incidents, together with photographic evidence. Burton Avenue is not suitable for constant use of heavy or high vehicles. Children play outside and there is a real danger of serious injury or death to a child / pedestrian by a large vehicle moving through the residential housing area. The road network around the farm also includes Leigh Road and Powder Mill Lane, both roads are narrow with sharp blind corners, and height restrictions on the bridge on Leigh Road. These roads are not suitable for increased farm traffic created by fuel deliveries, waste disposal collections and dead horse transportations / collections. The Parish Council does not think that Kent Highways have assessed the impact on the local roads adequately. They refer to the applicant's videos of large hay lorries accessing the site. These videos do not show the previous damage to trees, mounting pavements and damage caused by other agricultural

vehicles, also their movement of road repair barriers to allow them to have adequate access. The local residents and home owners of Burton Avenue have approached SDC and Kent Highways with a view to keeping Burton Avenue as a private road as opposed to it being adopted. Residents would like for the road to be used for residents only and the small bus service. The Parish Council would therefore ask Sevenoaks District Council to gain a further transportation assessment and also prohibit the use of Burton Avenue. The Parish Council believe that this site is unsustainable and wholly unsuitable for this type of use. The close proximity of a large housing development and narrow rural lanes should prohibit the proposed change of use.

17 The Parish Council reiterates its strong objection to this application, but if the application were to be approved, we would like to see the following conditions:

- There must be no relaxing of the criteria due to lack of use i.e. no other animals or items can be incinerated at this site.
- The hours of use must be strictly Monday to Friday 9am to 5pm only.
- The development rights to allow future expansion must be removed.
- There must be no access to the site from Burton Avenue.
- There should be ongoing environmental and health monitoring of the site. The Parish Council requests that a health impact assessment, an environmental impact assessment and a transportation assessment are carried out prior to determination.”

18 Sevenoaks District Council Environmental Health (updated comments by email 29 April 2021) - I have reviewed the report commissioned by local residents objecting to the proposal and revisited the site and surrounding area. I am satisfied with my initial response and have no objection to the proposal. If granted the equipment and activity will require a permit under the Environmental Permitting Regulations and I am satisfied that the permit will result in the plant performing within required emission constraints.

19 Kent County Council Transport and Highways (updated comments dated 19 May 2021) - Further to previous comments, I am aware of concerns from local residents of Powder Mill Estate regarding the current use of Burton Avenue for the use of larger farm vehicles. During previous correspondence with the applicant's agent, I understand that that existing access was constructed as part of application 16/00683/ARGNOT. Vehicles are able to access the site from the north via Leigh Road / Powder Mills, and opposite via Burton Avenue. Burton Avenue is part of a Bellway estate that is currently private, and yet to be adopted by KCC Highways. I understand that the vehicles from the proposal equine cremation facility will be smaller than the current farm vehicles. Powder Mill Lane is a wholly suitable route to access the site, thus avoiding the residential area of Burton Avenue. The existing farm vehicles accessing the site are a separate issue that have been raised with Bellway Homes and KCC Highways Agreements Engineers. As

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previously noted, the estate is currently private, pending adoption by KCC Highways whereby any access issues and potential damage by large vehicles will need to be addressed accordingly. In line with the above, and previous comments, I confirm I raise no objection to the proposal, subject to the following Conditions (in the interest of highway safety and local amenity):

- Prior to the bringing into use of the new equine crematorium facility, the only vehicular access to and egress from the site shall be by way of the access to Powder Mill Lane, which was approved as part of planning permission SE/16/00683/ARGNOT.
- No open backed loaded vehicles shall leave the site unless they are securely sheeted or otherwise covered.
- Within 6 months of the date of this permission, a sign directing all HGV and farm vehicles to turn right into Powder Mill Lane shall be erected at the site exit and maintained in position for the duration of operations.

- 20 Kent County Council Public Rights of Way Officer (updated comments 01 April 2021) - I note that "Environmental Health reviewed the further submissions regarding stack height, noise assessment and odour etc. and now have no adverse comments or observations regarding the application and therefore have no objection to the grant of planning permission". I would endorse that recommendation.
- 21 Kent County Council Ecological Advice Service- proposed development has limited potential to result in ecological impacts and as such we are satisfied that there is no requirement for an ecological survey to be carried out at this time. We have taken this view because our understanding is that no external works are proposed and the barn is currently in active use, so reducing the potential for ecological interest. In accordance with Paragraph 175 of the NPPF "*opportunities to incorporate biodiversity improvements in and around developments should be encouraged*", we advise that measures to enhance biodiversity are secured as a condition of planning permission, if granted. These could include the installation of bat and bird boxes within the wider site.
- 22 Environment Agency (updated comments 2 March 2021) - We have reviewed the additional documentation and email submitted as part of this application. It is understood that only clean roof water drains into the soakaway already present onsite and that all cremation related activities are to be conducted within the barn which has an impermeable concrete floor. Based on this we have no objection to the proposed change of use as long as long as current storage regulations are adhered to and that good environmental practice is maintained.
- 23 South East Water Ltd- No comments
- 24 Southern Water - The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. The impact

of any works within the highway/access road on public apparatus shall be assessed and approved, in consultation with Southern Water, under a NRSWA enquiry in order to protect public apparatus. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

- 25 Tonbridge and Malling Borough Council - Raise no objection to the principle of the proposal. However, no objection is raised to the detail of the proposal subject to the submission and acceptability of the additional information sought by the Sevenoaks District Council Environmental Protection Officer.

Representations

- 26 89 comments in objection have been received relating to the following issues:
- Harmful smells and harmful to air quality
 - Unsafe and unsuitable vehicle access
 - Increased traffic congestion
 - Roads too narrow and unsuitable for this type of use
 - Distressing impact on walkers and residents
 - Impact on property prices
 - Restraints needed to ensure limited cremations occur and use is limited
 - Results in water and land contamination
 - Likely to be a 24 hour a day operation harmful to nearby residents
 - Process generates numerous harmful air pollutants, including particulate matter (PM), sulphur dioxide (SO₂), nitrogen oxides (NO_x), volatile organic compounds (VOCs), and heavy metals. These pollutants could have severe effects on the surrounding environment and human health.
 - There is no shortage of crematoriums in Kent and beyond that offer horse cremation services
 - Emotional and mental health impact on residents
 - Adverse visual impacts
 - Harmful impact on local public house due to smells and traffic
 - How will it be monitored and complied with if approved?
 - The existing barns have not been used and are not agricultural
 - Hildenborough Parish Council, have also raised concerns about the impact on neighbouring properties and also the nearby public right of way because of air quality, noise, possible odour and traffic. They state that similar facilities already exist in the area and there is no need for this one.
- 27 2 comments neither in support or objecting have been received.
- 28 2 comments in support have been received and these are summarised as follows:

- Fully support the diversification of agricultural land to financially support its occupant.
- Do not believe that this will have any detrimental effect on the surrounding area or residents.
- Every farm should have an incinerator and putting inside a barn is the best place.
- Why do they need planning permission to change usage of the barn as it will still be a barn with incinerator in it.

Chief Planning Officer's appraisal

29 The main planning consideration are:

- Principle of Development
- Impact on the Green Belt
- Design and impact on the character and appearance of the area
- Impact on residential amenity
- Impact on highways safety and parking provision
- Impact on the Public Right of Way
- Other Issues

Principle of Development

30 The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open: the essential characteristic of Green Belts are their openness and their permanence.

31 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.

32 Paragraph 145 and 146 of the NPPF allows for the extension/ alterations of buildings and the re-use of buildings provided that the alterations do not result in a disproportionate addition over and above the size of the original building, and for the re-use of a building provided it is of permanent and substantial construction and development preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt.

33 Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.

34 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.

- 35 In this case, the re-use of these buildings would, by definition, constitute appropriate development in the Green Belt. The proposal would however also need to comply with local planning policy.
- 36 Paragraph 80 of the NPPF states that planning decisions should help create the conditions in which business can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 37 As this proposal results in the creation of what could be considered as partly a new business use Policy EMP5 of the Allocations and Development Management Plan is partly relevant. This supports the redevelopment on existing unallocated business sites, providing the proposal includes a significant element of business use. In this case the existing buildings are currently vacant agricultural barns no longer serving a purpose for the existing farm and are easily accessible from the existing vehicle access.
- 38 Policy LO1 of the Core Strategy identifies that development will be focused within the built confines of existing settlements and provides a hierarchy of development areas. In this case, Sevton Farm and the application site is located outside of the built confines of Leigh which is located further towards the west. However the more recently constructed rural housing development is located close towards the south and west of the site.
- 39 Policy LO1 gives priority to protecting the rural character of the District, including the Green Belt and AONB. Policy LO8 does support the maintenance and diversification of the rural economy including small scale business. However, this is balanced by the provision that the development protects the Green Belt and AONB landscape.
- 40 As a result of the sites location, the principle of development is tied to the sites location within the Green Belt. Policy EMP5 does not specify uses, only that employment opportunities would be the significant factor in the redevelopment of the site. Currently, the site contains vacant agricultural barn buildings which are not of any significant architectural merit and do not contribute to the character of the area or street scene. This proposal would result in the diversification of the existing use of the agricultural buildings and farm to help provide some further income for the occupants of Sevton Farm.
- 41 The proposal would comply with paragraph 80 of the NPPF which provides significant weight to supporting the diversification of the economy. The buildings are vacant, if left unoccupied and unused they would fall into disrepair and this proposal ensures the buildings are maintained and utilised.
- 42 The building would not significantly change in terms of its appearance

apart from the installation of an external flue pipe which would be partially visible above the existing pitched roof of the barn building. The footprint of the building would not be extended.

- 43 The building was previously used for the storage and maintenance of farm machinery. There are a number of other buildings within the farm complex which can be utilised for agricultural purposes. From the site visit and details provided it is clear that the existing building is structurally sound and can accommodate the proposed use without any substantial alterations or rebuilding.
- 44 As such, I consider the alterations to the building and its use as proposed would still be acceptable in principle resulting in diversification of the existing use of the building to support the rural economy.
- 45 It is however necessary to assess whether or not the proposed scheme would impact upon the character of the area, residential amenity or have a greater impact on the openness of the Green Belt when compared with the existing development at the site in terms of height, footprint, bulk and scale.

Impact on the Green Belt

- 46 As stated above paras 145 and 146 of the NPPF allows for the extension/alterations of buildings and the re-use of buildings provided any alterations are of a suitable size and scale.
- 47 In this case, I am satisfied that the proposed form of development would be, by definition appropriate development in the Green Belt. The proposal would however also need to comply with local planning policy.
- 48 Policy L08 of the Council's Core Strategy applies and states that the extent of the Green Belt will be maintained. The policy also states that the countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible. Development should cause no adverse impact on the character of the countryside or the openness of the Green Belt.
- 49 The building is a conversion of the existing structure and the only visible alteration proposed to the building would be as described above, the installation of a flue pipe to connect to the cremation equipment.
- 50 External areas and the curtilage for the site would remain with the improvements to the vehicle access and landscaping already having been undertaken as part of a previously permitted application as detailed above.
- 51 In terms of the criteria for the re-use of a building and Policy GB7 of the Allocations and Development Management Plan this stipulates that the re-use of a building may be acceptable provided the new use along with

any associated use of land surrounding the building, will not have a materially greater impact than the present use on the openness of the Green Belt or harm the existing character of the area. In relation to the division of the land around the building, the size and extent of the proposed curtilage is minimal and would not change as a result of the proposals.

- 52 Due to the proposed use not resulting in any changes to the size of the building or the general site layout, with existing hard and soft landscaping and the surrounding fields / farm land being retained, I do not consider that the proposed use would have a materially greater impact than the present use on the openness of the Green Belt or character of the area.
- 53 The flue due to its diminutive size, as part of the proposed development is not disproportionate.
- 54 Any grant of planning permission would ensure that hours of use are restricted and any permitted development rights would be removed for any further changes of use so that the harm to the Green Belt as a result of development in the future would not be increased.
- 55 Therefore, taken as a whole, given the planning history of the site it is not considered that the conversion of the buildings and the associated space around the buildings would harm the openness of the Green Belt or be contrary to the aims and objectives of Policy GB7, or L08.

Design and impact on the character and appearance of the area

- 56 The changes to the elevations of the building are subservient in height scale and bulk. They are minimal and as explained above only include the installation of a flue pipe.
- 57 The NPPF and Policy SC1 of the Core strategy both express that a 'presumption in favour of sustainable development' should be used when deciding applications. Policy SP1 of the Core Strategy, Policy EN1 of the ADMP and the NPPF highlight that new developments should be of a high standard of design that responds to the character of the locality.
- 58 The alterations to the building to accommodate the new uses respects the character of the existing building and fits unobtrusively with the building and its settings. The form of the alterations are well proportioned and respond to the scale, height and materials of the building.
- 59 As such the proposal would be in keeping with the character and appearance of the area and is in compliance with policy SC1 and EN1 of the Local Plan.

Impact on residential amenity

- 60 Policy EN2 of the ADMP states that proposals will be permitted where they

would provide adequate residential amenities for existing and future occupiers of the development and would safeguard the amenities of existing and future occupants of nearby properties.

61 Policy EN7 of the ADMP states that proposals which meet the following criteria will be permitted:

a) development would not have an unacceptable impact when considered against the indoor and outdoor acoustic environment including existing and future occupiers of the development and the amenities of existing and future occupants of nearby properties; and

b) development would not result in unacceptable noise levels from existing noise sources that cannot be adequately mitigated.

62 The nearest dwelling is the Applicants, approximately 70 metres from the northern entrance to the building. Houses on the north side of Hunters Seal are a minimum of 90 metres distant. The cremation machine is designed specifically to avoid any significant emissions.

63 A LAPPC Part B permit before cremation activities commence is required but this is not something covered under planning legislation. The applicant is aware that a permit will be required before operation of the cremation machine. The manufacturer/suppliers of the machine have confirmed that this is normally applied for once the machine has been installed but before operation. If planning consent is obtained the applicant will make an application for the permit.

64 The same access roads and car parking as currently exists on site would be used. The proposed development would not result in a more intensive use of the site in terms of visitor numbers or activity which could currently take place. Furthermore, conditions restricting cremations on site and hours of operation could be imposed. As such, there would be limited perceived change to the site. The only perceptible external difference would be the flue pipe.

65 A crematorium as an incinerator would introduce an industrial type process. However, this would all be contained within the building with only the flue providing any indication of this activity on the site. The flue due to its diminutive size, as part of the proposed development is not disproportionate, and the emissions from the flue are regulated and have been found to not cause harm to the area. Furthermore, whilst there may be some servicing associated with the use which may generate some additional vehicle movements on the site, this would not be significantly over and above what occurs on site now.

66 Within the details submitted the application explains that there would only be one to three cremations taking place per week. Currently, domestic oil is delivered to the site by this entrance utilising a normal domestic fuel fixed based tanker. The same company will be utilised to deliver the red diesel that fuels the cremation machine in a similar size

tanker.

- 67 The hours of operation would be limited and these can be controlled further by way of a planning condition. Additional traffic is likely to be minimal. Due to the nature of the use proposed it is unlikely that there will be a significant increase in activity at the site which results in harm to residential amenity. The type of vehicles used would be fixed wheel base horse boxes no larger than a normal grocery delivery van. Horse box trailers may also be used but these would be no larger than sheep/stock trailers which the applicant already uses regularly to access the farm. The farm entrance was designed to take large agricultural vehicles plus large hay lorries which have been entering the site since the entrance was constructed in 2016. These lorries are far larger than the vehicles that will be used in relation to the equine cremation.
- 68 The proposed use is one that is required to support rural equestrian activity and accordingly is suitable in principle for a farm location, especially where the farm already produces sheep for slaughter and meat production. Intensification of the use is a matter that can be controlled by condition. Compliance with any conditions can be monitored and enforced upon where necessary.
- 69 With regards to any potential increase in noise and smell, it should be borne in mind that this is a farm where a certain level of noise and smell is to be expected. Compared to the existing use, which involves the storage and repair of heavy machinery, there is a likely reduction in potential noise.
- 70 In regard to noise, a detailed assessment has been undertaken in accordance with the relevant British Standard BS 4143:2014+A1:2019. This is detailed within the submitted document "Sevton Farm, Leigh - Horse Cremation Facility Noise Assessment" produced by MRL Acoustics submitted with the additional information received. As can be seen the results show that the Rating Level of the proposed facility would be considerably lower than the background noise climate. The assessment confirms that neighbouring residents would not be adversely affected by noise.
- 71 Regarding potential emissions of fumes and smell, the cremation machine is designed specifically to avoid such emissions. Following initial concerns raised by Environmental Health a D1 stack calculation was submitted with a supplementary statement. This included Drawing number 846/04B showing the revised flue height as determined by the calculation. Colleagues within Environmental Health have reviewed the application and confirmed that they are satisfied with the details provided.
- 72 Horse carcasses will be collected in a DEFRA approved sealed trailer and will be backed into the building to the incinerator. The carcasses are then lifted via a forklift, from the sealed trailer and placed directly into the incinerator. They will not be placed on the floor or stored on the site or in the building before incineration.

- 73 It has been confirmed that no activity will take place outside of the building and transportation will be in discrete sealed vehicles that do not carry any signage. There will also be no fixed signage that would advertise the facility. Views of horsecarcasses laying on and being lifted off lorries, which has been suggested, will not occur. There would in fact be very little evidence of the activity taking place within the building.
- 74 The impact of the Human Rights Act is acknowledged, as a significant number of planning applications may have potential to result in an impact on property rights and rights to private and family life, particularly those that subject residents to excessive noise or pollution. This is a normal consideration of the local planning authority when dealing with either delegated decisions or committee decisions. In this case as considered above due to the location of the proposed development, its limited use and the nature of the use proposed, it is not considered that there would be any significant adverse impact on amenity in terms of noise and disturbance.

Impact on highways safety and parking provision

- 75 The traffic movements associated with this proposal would be limited by the capacity of the cremation machine and the length of time the cremation and cooling process takes. As detailed in the design and access statement, this limits use to one cremation per day. One return journey by an approved container, plus a potential journey to collect or deliver ashes, plus occasional fuel deliveries would be limited. It should also be considered that currently the potential movements associated with the agricultural use of the building and/or alternative uses for the adjoining buildings, were they to be put to alternative use taking advantage of permitted development rights may be greater. For example, under Part 3, Class R of the GPDO, up to 150 square metres of space can be converted to alternative uses without the need for prior approval, which is a larger area than the 131 sq metres of the current application. Alternative uses within Class A1 (shops), A3 (restaurants and cafes) and B8 (storage and distribution) all have the capacity to generate significantly greater volumes of traffic than is proposed under the current application.
- 76 The vehicles to be used for this facility would be similar in size to vehicles already entering the farm on a daily basis. These do not have any issues in safely negotiating the existing roads and lanes that lead to the Farm. There are many paddocks and stables in the locality that are not connected to the Farm, that use much larger horse boxes and lorries on the surrounding roads.
- 77 The entrance to the farm was constructed in 2016 as a result of a requirement in relation to the Burton Avenue housing development consent requiring the footpath that ran to the south of Sevton Farm being upgraded to a cycle route connecting the Powder Mills to Tonbridge. In agreement with KCC Highways the applicant gave up a strip of his land adjacent to the footpath so that it could be widened. This meant his

existing access onto Hunters Seal was then not suitable for larger vehicles to gain access to the farm as the gates moved closer to his house which made turning into the site impossible. The new access was approved under 16/00683/ARGNOT. Drawing 602/02B which is the approved drawing for this access has been submitted as part of this application. Vehicles entering the site using this access can only enter from two directions i.e. from the North off Leigh Road or directly opposite through Burton Avenue which joins the Leigh Road further to the West. Hunters Seal is a cul-de-sac and the southern end of Powder Mills has been closed off with a row of bollards where it abuts Burton Avenue as part of the Burton Avenue housing development. The farm entrance was designed to take large agricultural vehicles plus large hay lorries which have been entering the site since the entrance was constructed in 2016. These lorries are far larger than the vehicles that will be used in relation to the equine cremation. As stated above, considering the low intensity use of the equine cremation facility, i.e. only one to three cremations a week, and the size of the vehicles to be used there would be no significant adverse impacts upon pedestrian or highway safety.

- 78 Currently, domestic oil is delivered to the site by this entrance utilising a normal domestic fuel fixed based tanker. The same company will be utilised to deliver red diesel that fuels the cremation machine in a similar size tanker. Again, this will only approach the site either from the North off Leigh Road or directly opposite through Burton Avenue and leave in the same direction as there is no access from the South. There is a satisfactory amount of farm yard and access roads around the buildings enabling the tanker to manoeuvre and turn, so that it leaves the site safely as a similar tanker currently does when delivering domestic fuel oil, in a forward direction back through the farm entrance.
- 79 Kent County Council Transport and Highways were formally consulted regarding the application. Within updated comments of 19 May 2021 they confirmed that subject to conditions to restrict access and ensure appropriate signage is installed they raise no objections. With regards to any potential impacts upon the Public Right of Way the Public Rights of Way Officer is satisfied with the proposals and raises no objections.

Other issues

- 80 Concerns have been raised in relation to pollution and contamination as a result of drainage at the site, potential flooding, and the washing down of areas and vehicles after the cremation has occurred.
- 81 The Environment Agency were consulted on the application and within their comments of 2 March 2021 have raised no objections to the proposal.
- 82 Rain water from the barns drains into an existing soakaway which is located towards the south east of the barns. There is no foul drainage to the barns. Planning consent for the centre section of the barn, which is subject to this planning application, contained a condition that surface

water drainage should be approved prior to its construction. This planning condition was never formally discharged and details were never agreed.

- 83 The applicant has submitted Drawing number 846-07 which identifies how the building rainwater is drained from the roofs. The building that is subject to this planning application is an infill between two barns, the rain water from its roof drains into an existing gutter (gutter 3) on the side of the existing barn (barn 2) to the south east. This then drains into the existing drainage system to the soakaway. Around the buildings there are no hard surfaces such as concrete yards or access roads. The building is surrounded by a road planning type access road and yard which is porous. This also means that there are no existing drainage connections to the external access road or yard areas.
- 84 It is not proposed to install any hard surfacing or external drainage as these areas will remain as existing. As explained above, the process relating to the equine cremation, takes place inside the building where there is an existing concrete floor.
- 85 Under the current planning application there are no proposals to modify or alter the surface water drainage. With regards to foul drainage, there is no need in relation to the current proposals for foul drainage to be provided to the building. Horse carcasses will be collected in a DEFRA approved sealed trailer and will be backed into the building to the incinerator. The carcasses would then be lifted via a forklift, from the sealed trailer and placed directly into the incinerator. They would not be placed on the floor or stored on the site or in the building before incineration. As a result of this procedure there is very little chance, if at all, of spillages relating to fluids from the carcass occurring. It should also be noted that the existing floor of the barn is concrete which has been laid on a DPM and therefore if in the unusual situation that a spillage did occur during transferring of the carcass from the sealed trailer to the incinerator, this would be dealt with using a spill kit i.e. sawdust or chemical granules which absorb the moisture. These would then be swept up and placed in the incinerator with the carcass before incineration. Once the carcass has been placed in the incinerator, the inside of the sealed trailer is cleaned also using a spill kit, if fluids are present. Again this is then swept up and placed in the incinerator and incinerated with the carcass. No washing down or cleaning the inside of the incinerator would be required. Everything within it is incinerated leaving just ash. This is swept out into a sealed container/casket after every incineration. There is therefore no need for foul drainage for washing down in any form and no risk of ground water contamination due to the process.
- 86 The only waste product is the ash that remains within the incinerator after incineration. This will be placed into a sealed container or casket. As with human cremations, there is a demand for the ashes to be returned to the owner within a casket. This service will therefore be provided. Ashes that have not been requested to be returned will be

placed in a sealed container and then taken to a licenced waste centre. The ashes are dry and will be within either a sealed container or casket. If they cannot be immediately returned to the owner or taken to the licenced waste centre, they will be stored inside the building which as stated above is dry and has a concrete floor. There is therefore no risk of the ashes becoming wet and residue leaking out.

87 The equine cremation process does not require a storage of polluting materials or chemicals other than the red diesel to fire the cremation machine.

88 It is noted that Southern Water had no objection to the application. Based on the above information and confirmation from the Environment Agency have no objections, there would be no reason to withhold permission on the basis of risk to controlled waters.

Conclusion

89 The proposed scheme fully accords with the development plan, and this is explained in detail above. It follows that the development is appropriate and there would be no adverse impact in granting planning permission for the development.

Background papers

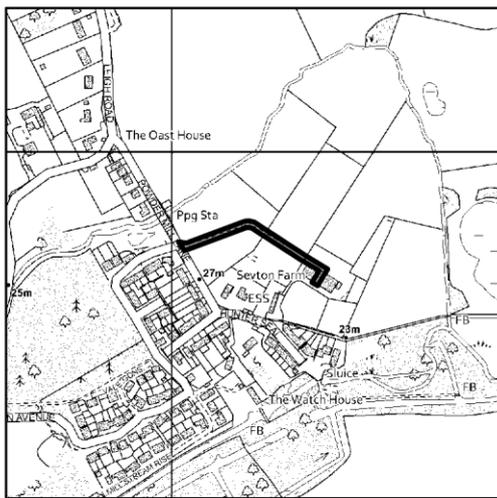
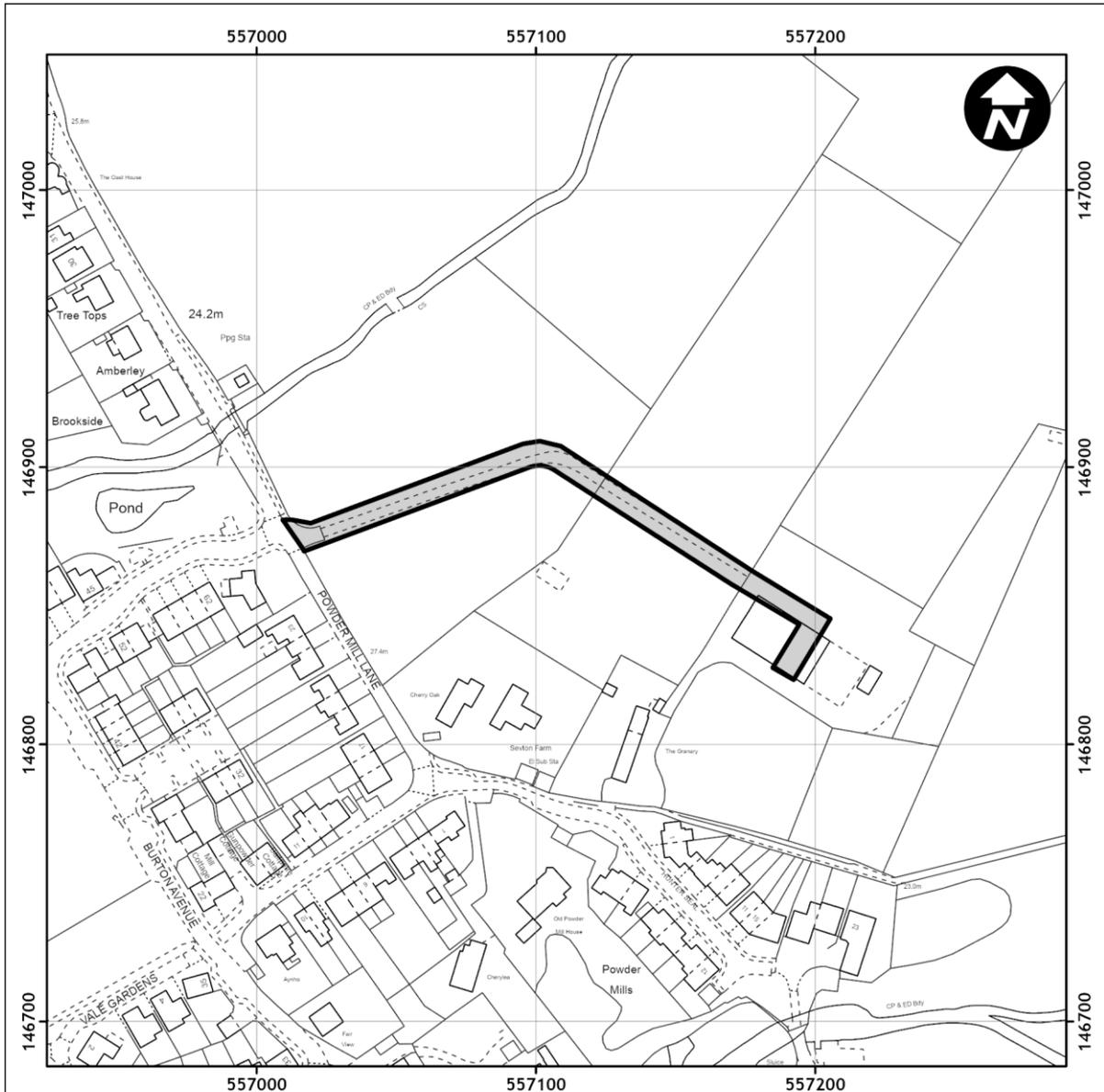
Site and block plan

Contact Officer(s): Mark Mirams : 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



Site Plan

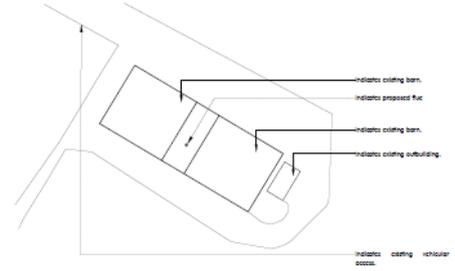
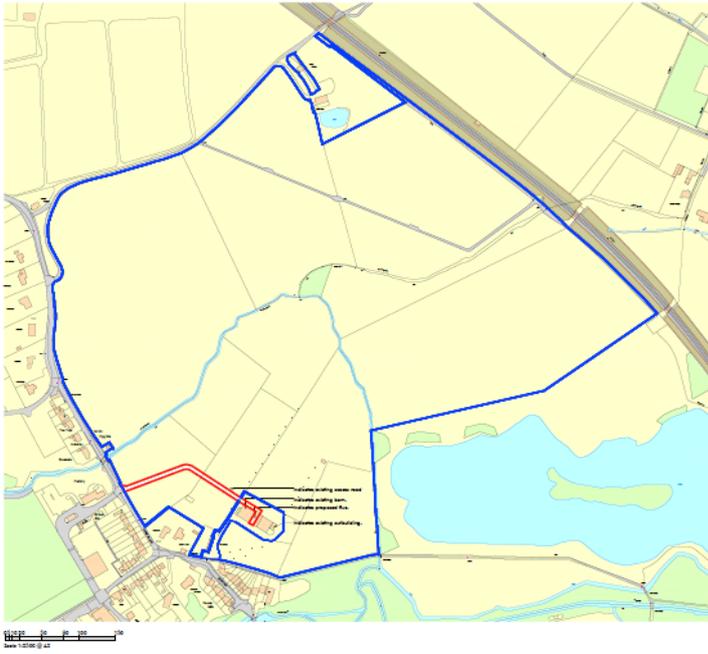
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Date 05/06/2021



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BLOCK PLAN



Block Plan
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