

4.1 20/03119/FUL Revised expiry date 1 October 2021

Proposal: Erection of 2 polytunnels, storage/ potting, office facilities building in connection with a horticultural nursery.

Location: Land South Of Tudor House, Rushmore Hill, Knockholt KENT

Ward(s): Halstead, Knockholt & Badgers Mount

Item for decision

The application has been referred to Committee by Councillor Williamson so that the implications on the openness of the Green Belt, highway conditions and viability can be discussed.

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) Within one month of works commencing on site a detailed landscaping plan with details of management must be submitted to the LPA for approval in writing. The landscaping plan must demonstrate that the recommendation for the 5m vegetated buffer detailed within the Preliminary Ecological Appraisal; (Martin Townsend; January 2021) will be implemented and managed appropriately.

In the interests of the ecology of the site as supported by policy SP11 of the Core Strategy and Government guidance in the form of the National Planning Policy Framework.

3) No external lighting shall be affixed to the building or placed within the site other than in accordance with details which shall first have been submitted to the district planning authority for approval in writing.

In the interests of protected species in particular and the visual amenities of the locality in general, as supported by policies EN1 and SP11 of the Council's Allocations and Development Management Plan.

4) In the event that the agricultural use of the proposed machinery store/potting shed/WC/Office building ceases within 10 years from the date on which the building is first occupied the building must be removed from the land and the land shall, so far as practicable, be restored, to its condition before the development took place, unless planning permission has been granted on an application for purposes other than agriculture, within 2 years from the date on

which the use of the building for the purposes of agriculture within the unit permanently ceased.

To protect the openness and character of the Green Belt as supported by Government guidance contained within the National Planning Policy Framework.

5) For the avoidance of doubt the information to which this decision relates is as follows: Drawings: 01 A, 02 B (25.02.2021), 03 A, 04 A and 05 A; Design and Access Statement (ref: 3191, October 2020) and Preliminary Ecological Appraisal (Feb 2021).

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

Informatives

1) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees, scrub, hedgerows and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Buildings and vegetation are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

2) The applicant is advised that the site wide lighting condition requires a lighting strategy to follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals (link provided below).

<https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lightingcompressed.pdf?mtime=20181113114229>

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 an open field, approximately 0.9 hectares in area, bounded by Rushmore Hill road along the eastern boundary and Randles Lane along the southern boundary, from which access is gained via a pair of metal gates. The site is bounded to the west by open amenity space

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associated with Rushmore Hill Farm and to the north by the boundary to Tudor House. The eastern boundary to Rushmore Hill comprises hedging.

- 2 There is an existing stable block/tack room on the site, with an associated hardstanding. Surrounding the exterior of the site is an open wire mesh fence and within the site post and rail fencing delineating a paddock. At the time of my site visit, adjacent to the stables, was a small horse trailer, with the land used for stabling of horses.

Description of proposal

- 3 The proposals seek the erection of 2no. 6m by 36m long by 3m high polytunnels. They also propose the erection of a 130m² machinery store/potting and packaging area/office/WC facilities building in connection with the establishment of a horticultural nursery.
- 4 The latter would measure 5.7m high and have roller shutter doors to the northern, eastern and southern elevations. The building would be finished in a plastic box profile steel sheeting in dark green under a grey roof. It is also proposed to extend the existing hardstanding to the north of that existing. The existing stables would be retained for storage of compost and fertilizer.
- 5 The proposals seek to establish a horticultural nursery to supply plants for the applicants established retail outlet at East Street Market in London. It is intended to provide a growing environment for winter bedding plants, evergreen hedging plants and ornamental shrubs. This will allow for year round supply of plants. The polytunnels will provide a protected/controlled environment for this to take place, with larger plants moved outside as they grow. Associated machinery would include a mini digger, rotivator, small tractor and trolleys with the applicants van to be parked overnight and loaded in the store building.
- 6 The applicant's agent submitted a letter to clarify the proposed use. In summary it states that:
 - The applicant is a sole trader of a long-standing, family run, permanent market stall in Southwark.
 - The business sells a range of plants sourced from wholesalers or European growers.
 - Since Brexit the business has been sourcing more from the UK and collecting plants themselves and it would be preferable to grown their own plants to provide a regular supply.
 - Vehicles movements would comprise the applicant transit sized van once a day and a vehicle for those employed on the site.

Relevant planning history

- 7 SE/10/02565/FUL: Erection of single stable and tack room for personal use. Granted 28.10.10.
- 8 SE/14/03264/FUL: Erection of a barn. Refused on 5.12.14. Dismissed at appeal 15.4.15. Note: the proposed barn was to be used to store a carriage

related to an equestrian use and was therefore considered inappropriate development in the Green Belt.

- 9 SE/15/03813/FUL: Use of land for dog walking. Refused on 2nd March 2016 on the grounds of adverse impact on residential amenity.
- 10 SE/16/01440/FUL: Change of use of land to dog exercise field. Refused on 4.7.21 on the grounds of adverse impact on residential amenity. Dismissed at appeal 10.2.2017.

Policies

- 11 National Planning Policy Framework
- 12 Core Strategy
 - SP1 Design of New Development
 - SP11 Biodiversity
 - L08 The Countryside and the Rural Economy
- 13 Allocations and Development Management Plan (ADMP)
 - EN1 Design Principles
 - EN2 Amenity Protection
- 14 Other:
 - Development in the Green Belt - SPD Supplementary Planning Document.

Constraints

- 15 The Following constraints apply:
 - Metropolitan Green Belt

Consultations

- 16 Knockholt Parish Council:
- 17 This is yet another attempt to develop this Green Belt piece of land a part of the Rushmore hill estate. There have been multiple attempts by a previous applicant;
 - 2010 - Single stable and tack room - Granted for personal use of the Applicant.
 - 2014 - Erection of a large barn - Refused and dismissed at appeal.
 - 2015 - Dog walking - Refused
 - 2016 - Exercise field - Refused and dismissed at appeal.
- 18 Of interest is the fact that in the 2010 application the planning officer stated that trees bordering the site were noted as being 'block' preserved but recently a large section of trees to the South and East of the site were

removed without permission where it borders Randles Lane.

- 19 We also object on all these points, we think that all of the previous history is relevant, and we object as we did in 2016 to the setting up of a business in the green belt.
- 20 The current application includes use of stables and tack room for storage purposes but surely the tie to personal use of the previous applicant would preclude this. We would also query the hard standing in front of the stables and the over-height intrusive gates accessing the site from Randles Lane, which contribute to further domestication of the Green Belt.
- 21 The applicant refers to the business as Randles Nurseries where no evidence of such a business currently exists.
- 22 We would also refer back to the forced closure of the ‘Randles hanging baskets’ business in the property directly opposite by SDC around 30 years ago.
- 23 SDC Agricultural Advisor:
- 24 “The proposal relates to a parcel of some 0.8 ha (2 acres) of land that is currently in equestrian use, but which the applicant wishes to develop as a small plant nursery, producing bedding plants, hedging plants, and shrubs, supplying his established retail outlet at East Street Market, London.
- 25 The proposed building would include a machinery store/workshop, plant potting, packing and presentation area, office, WC/shower and a small store for kit. The site also has a small existing stable building, which would be used for storage of compost, fertiliser and pots etc.
- 26 The scheme appears to benefit from having an existing ready outlet for the plants, and overall the proposals appear appropriate, in terms of size and design, for their stated agricultural/ horticultural functions.”
- 27 Natural England:
- No comments to make on the application.
- 28 KCC Ecology (In summary):
- 29 Originally raised concern regarding potential for protected species on the site and possible impact on adjacent ancient woodland and therefore requested further information in the form of a preliminary ecological appraisal.
- 30 Following the submission of a preliminary ecological appraisal, KCC Ecology have advised that sufficient information has now been submitted to determine the application. The area of greatest ecological interest is the site boundaries, which are to be retained with a 5m buffer as part of the proposed development. The report includes recommendations on how to create and manage this.

31 A landscaping, condition is recommended together with controls over external lighting.

Representations:

32 Representations have been received from 7 local residents raising the following objections:

- Change of use would be a commercial business and detrimental to the area.
- Site clearly visible to Randles Lane and buildings would result in loss of visual amenity.
- Potentially unsociable working hours to serve site in London would result in noise and disturbance.
- Inadequate access - unsafe in highway terms.
- Previous removal of trees from the site.

Further Representations after second consultation:

33 Letters of representation have been received from 3 local residents raising the following points in summary:

- Proposals are not legitimate and are inappropriate.
- Noise and disturbance from use.
- Access not suitable for large vehicle.

34 Non-planning matters are also raised.

Chief Planning Officer's appraisal

35 The main planning consideration are:

- Principle of development - Green Belt
- Layout, design and impact on street scene and highway conditions
- Impact on residential amenity:

Principle of development - Green Belt:

36 The field contains a stable block and has previously been used for equestrian purposes.

37 For the purposes of planning legislation, the definition of "agriculture" includes horticulture and seed growing.

38 Section 55 of the Planning Act provides the definition of "development". It states that the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used shall not be taken for the purposes of the Act to involve development of the land.

- 39 Therefore, the use of the application site for agricultural purposes does not require planning permission. It follows that if the structures or buildings proposed on site are required to support the use, their *use* does not require planning permission.
- 40 It appears that the polytunnels would remain in situ throughout the year. However, whilst they would have a physical and visual impact, I consider their size and design to be appropriate to enable them to function properly for their use.
- 41 The erection of the office/workshop/maintenance store is a building, which also requires planning permission.
- 42 Current Government advice, in the form of the NPPF, supports the protection of the Green Belts and seeks to restrict development. Paragraph 137 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. Paragraph 138 sets out the purposes of the Green Belt, which includes checking the unrestricted sprawl of large built-up areas and assisting in safeguarding the countryside from encroachment.
- 43 There is a general presumption against inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 44 However, there are exceptions to this. The construction of buildings for agriculture and forestry is appropriate development in the Green Belt.
- 45 The Council's Supplementary Planning Document relating to development in the Green Belt recommends that agricultural buildings should normally form part of a groups, rather than stand in isolation and be close to an existing highway to avoid long obtrusive highways.
- 46 The Council's Agricultural Advisor has reviewed the proposals. It is considered that the building has been designed to reflect its purpose, with the interior allocated suitably to allow for the proposed uses, which include secure storage of vehicles required to maintain the site and space for potting/packing.
- 47 In light of the above, the building is considered to be of a size, design and layout appropriate to its intended agricultural use.
- 48 In light of the above, I consider the proposals would represent appropriate development within the Green Belt.
- 49 However, I am mindful that use of the site is not yet established and that whilst the scale of agricultural use may suit the individual requirements of the applicant, were he to vacate the site, the small size of the site may prevent effective agricultural use by another occupier. In the circumstances, I consider it would be appropriate to require the removal of

the potting/store building from the land in the event that it ceases to be used for agricultural purposes within a period of 10 years.

- 50 I would add that whilst the General Permitted Development Order permits a change of use of agricultural buildings to alternative uses, this only applies where they have previously been in use for agricultural purposes for a period of at least 10 years. Therefore, a condition seeking to restrict a change of use under this specific legislation is not considered justifiable or necessary.

Layout, design and impact on street scene and highway conditions:

- 51 Policy EN1 of the ADMP sets out the general Design Principles which should apply to all development. This includes the requirement that proposals would ensure satisfactory means of access for vehicles and pedestrians and provide adequate parking and refuse facilities.
- 52 Access to the site is long established. This leads to an existing hardsurfaced area, which it is proposed to extend slightly northwards to serve the proposed potting shed/store building. This would have little impact on the appearance of the site.
- 53 It is proposed to site the potting shed/store building to the north of the stable block. Thus it would be set into the site, but with ready access from the highway. Bearing in mind this building is considered acceptable in principle, I do not consider its siting would result in it appearing as an unduly prominent feature outside the site or within the wider street scene. A landscaping condition could ensure that some enhancement of the southern boundary would screen and soften the impact.
- 54 The polytunnels would be set back from the frontage, within the main body of the site. They would be modest in scale and would not extend significantly across the site. I consider their siting and design would be appropriate and they would not appear prominent outside the site. In any event, they would have a functional agricultural appearance appropriate to the use of the site.
- 55 The site is considered to be well located in terms of access to/from the highway. From the information available, use of the site would be low key, intended for use by the applicant in connection with his own established business of plant sales in London. The application forms indicate only one permanent member of staff with one part-time.
- 56 Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 57 Bearing in mind the limited scale of the site, the proposals would not attract a significant number of highway movements and the impact on the highway network would not be severe.

58 There is sufficient parking on site to cater for employees and visitors to the site.

Impact on residential amenity:

59 Policy EN2 of the ADMP states that proposals will be permitted where they would safeguard the amenities of occupants of nearby properties by ensuring that the development does not result in excessive noise, odours, activity or vehicles movements.

60 There are a number of properties in the vicinity of the site, including Tudor House to the north, dwellings on the opposite side of Rushmore Hill to the east of the site and Closeheath Farm to the south. Whilst these properties are all close enough to be impacted, I consider it unlikely that a lawful agricultural use of this site would generate levels of activity and related noise and disturbance that would significantly erode the amenities presently enjoyed by the occupiers of the neighbouring properties.

61 I therefore consider the proposals to be policy compliant in this regard.

Other issues

62 Knockholt Parish Council raised a number of concerns in their consultation response.

63 With regard to the issue of the removal of trees, I would clarify that no part of the site lies within a Conservation Area or is covered by a Tree Preservation Order. Therefore, there is no planning restriction on the removal of trees from the site.

64 Whilst the description on the planning permission for the stables was for personal use, there is no Condition on that permission which restricts the use or requires its removal. In any event, this application provides the opportunity for the Council to consider whether the change of use of the stables is acceptable.

65 With regard to the closure of Randles Hanging Baskets 30 years ago, this is a historical issue which is of little relevance to the consideration of this application, which falls to be considered on the basis of the most up-to-date information available and current local plan policy.

Conclusion

66 In light of the above, I consider the proposals would represent appropriate development within the Green Belt. I would propose a condition to ensure that if the building ceases to be used for agricultural purposes within a period of 10 years, it should be removed from site unless granted express permission for an alternative use.

67 I consider the impact on highway conditions and the amenities of the locality to be acceptable.

Background papers

Site and block plan

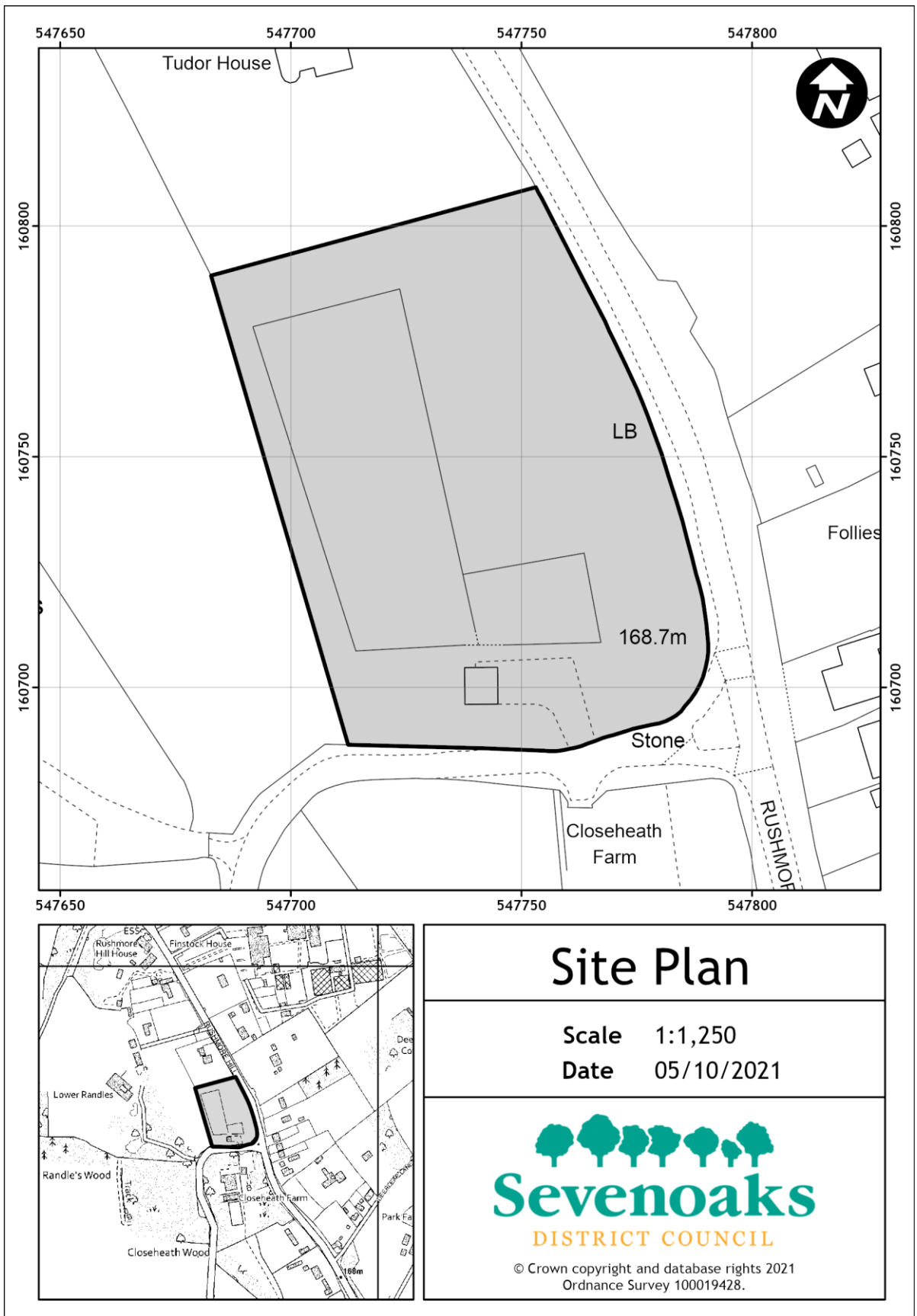
Contact Officer(s):

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Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



Site Plan

Scale 1:1,250
Date 05/10/2021



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Ordnance Survey 100019428.

BLOCK PLAN

