

SECTION '2' – Applications meriting special consideration

**Application No :** 13/00330/FULL1

**Ward:**  
**Cray Valley East**

**Address :** Lower Hockenden Farm Hockenden  
Lane Swanley BR8 7QH

**OS Grid Ref:** E: 549405 N: 168960

**Applicant :** Garnet Properties Ltd

**Objections :** YES

**Description of Development:**

Detached agricultural building (RETROSPECTIVE APPLICATION)

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding

**Proposal**

This application seeks retrospective permission for a detached agricultural building at Lower Hockenden Farm. The building is steel framed and metal sheet clad with concrete walling to the lower parts of the walls. It has a footprint of 24.2m x 19.5m, with a height of 8m to the ridge and 6.2m to the eaves. It includes a full height door to the longest (side) elevation which faces into the open yard. It has a footprint of 472sqm.

The building was erected following a prior approval application for an agricultural building in 2011, however the building constructed is a different size and in a different position from that approved, therefore requiring planning permission. It is stated that its use will be for the storage of grain harvested from the farm and over winter and to accommodate machinery used on the holding.

Due to a lack of detail in the application, further information was requested. The agent provided information as follows:

- a plan showing the extent of the holding ( on file)
- confirmation that the holding has no buildings other than this one
- during the period since 2010 the land has been used for growing cereals and pictures of the the 2012 crop in the barn are provided
- the yield from the farm amounts to 790 tonnes of wheat at 7.9 tonnes per hectare being an average yield.

- the gross margin is £673 per hectare meaning this is a significant agricultural business
- the farm has been operated on a share farming basis by the tenant in partnership with a local farmer, currently Mr A Vale who has a farm at Charton Vale in Farningham. His buildings there have no additional capacity.
- Weald Granary could accept the crop but is too far away and not convenient
- a tonne of wheat has a volume of 1.3 cubic metres and therefore the requirement is 1027 cubic metres, which this building meets
- the building will be available after harvest for storage of agricultural machinery

## **Location**

The site comprises a former farm yard with an area retained for agricultural use adjacent to this building with access onto Hockenden Lane located within the Green Belt. Other buildings at the site benefit from permission for Class B1, B2 and B8 use, and the surrounding land is open, with the exception of Meadow House, which is a listed residential property and its curtilage to the north east also fronting Hockenden Lane. An area of the open yard adjacent to the building is retained for open storage of agricultural equipment.

It is stated in the Design and Access Statement that the land extends to 113 hectares which was left fallow as set aside until 2011 when it was brought back into cultivation for combinable crops.

## **Comments from Local Residents**

Objections have been received from a Planning Consultant on behalf of the residents of Meadow House in Hockenden Lane which is immediately adjacent to the site.

The first letter makes the following points about the application:

- it does not adequately detail the applicants background or tenure to support his intention
- it does not adequately demonstrate the proposal is required for agricultural purposes
- it does not demonstrate the full extent of the holding or its operations
- it does not adequately consider other properties or locations on the holding that could be more appropriate
- it is not suitably built for agricultural purposes
- it fails to consider the heritage asset adjacent (Meadow House)
- it has an adverse impact on the openness of the Green Belt and is contrary to policy

Following receipt of further information in July 2013, a further letter was received raising the following points:

- the shared farming arrangement is a concern. This is quite different from a tenancy and normally a short term arrangement. The building could be rendered unnecessary for agriculture at any time if a new partner farmer has their own adequate storage.
- there is no facility to clean and dry the corn
- the building is only required between July/August and early winter
- unlikely that the farm would grow wheat continuously and it does not address the different volume or storage requirements of other crops
- a gross margin calculation is cited to illustrate the apparent size of the operation, however this does not allow for fixed costs such as rent, labour, machinery and is not a profit figure
- the farmer is unlikely to need to store his equipment at the site and this need is unsubstantiated
- the photograph illustrates that the building does not have adequate grain walling
- the arguments about the distance of Weald Granary are not accepted as it provides excellent storage managed to control moisture and temperature with easy access and help with marketing

### **Comments from Consultees**

The Council's Drainage Consultant suggests a condition regarding submission of drainage details.

The Environment Agency has reviewed a Flood Risk Assessment submitted with the application and have no objections.

The Council's Environmental Health Officer has no objections.

Any comments from the Highway Engineer will be reported verbally.

The Council instructed an independent Agricultural Consultant to consider the application. His initial comments were that although it would be reasonable to provide grain storage facilities at the site, the building that has been constructed does not appear to be designed to serve this purpose. Amongst his concerns are that:

- one bay does not include grain walling
- the building although larger than the prior approval building has less useable storage due to the location of the door in the side elevation
- the useable floor area for grain storage is probably around 378sqm compared to 450sqm previously
- the location of the door does not optimise the floor area for grain storage or make best use of the ridge height for tipping grain trailers and makes loading and unloading awkward. This is not a design previously seen for grain storage
- grain storage is normally Aug/Sept/Oct but in September there was barely any grain in the building in early September 2013 when you would expect it to be full

- the design of the building with gaps would allow rats and birds into the grain

Following receipt of further information from the agent, further comments were provided:

- the building is not well designed as a grain store (for the reasons set out above)
- does not agree with the calculations as an output of 790 tonnes would require 1066 cubic metres of storage but the design of the building means it could only accommodate around 750 cubic metres.
- the building cannot hold the grain that would be produced by the holding

### **Planning Considerations**

The site lies within the Green Belt and the following Unitary Development Plan 2006 (UDP) policies are most relevant:

BE1 General Design of Development  
BE3 Buildings in Rural Areas  
T3 Parking  
G1 Green Belt

The most relevant London Plan (2011) policies are:

6.13 Parking  
7.4 Local Character  
7.16 Green Belt

The National Planning Policy Framework 2012, in particular Chapter 5 regarding the Green Belt (NPPF).

### **Planning History**

The entire site was formerly a farmyard serving the surrounding farmland although under ref. 08/00718/ELUD a certificate of lawfulness was granted in 2009 for buildings 1, 4, 5, 6, 7, 10 and 11 on the site confirming that they had been used collectively as working car repair centre, car body shop repair centre, car storage and parts distribution centre and buildings 2, 3, 12 used collectively as offices and for the storage and maintenance of tree care equipment and for storage and maintenance of non- agricultural equipment and buildings 8 and 9 for storage and maintenance of non- agricultural equipment for the required ten year period.

Permission was granted under ref. 09/03041 for the retention of car parking / manoeuvring space to serve existing business and agricultural uses. The latter is adjacent to the building subject of this application.

Permission was granted under ref. 10/02752 for Change of use of existing buildings from mixed use for car repairs, storage and maintenance of tree care equipment and other non-agricultural equipment and storage and maintenance of

non-agricultural equipment to mixed Class B1 (light industrial/office), Class B2 (general industrial and Class B8 (storage and distribution).

Under ref. 11/03498/AGRIC, siting and appearance were approved for a detached barn.

Application ref. 12/03308 is currently under consideration for a replacement commercial building within the business area of the site.

There are also a number of outstanding enforcement issues at the site including the unauthorised open storage of plant, machinery and materials in and around the business and agricultural yard.

## **Conclusions**

The key issue in respect of this application is whether the proposal is appropriate development in the Green Belt; if it is then whether it causes any actual harm to character or openness. Related to this is the question of whether the building is required for agricultural purposes.

The Council approved siting and appearance for an application for prior approval for a detached agricultural barn in a similar location to this proposal in 2011 under ref. 11/03498/AGRIC. The key difference between the prior approval application and the current application is that the decision on the prior approval application is a matter of detail (siting and appearance), since the permission is effectively granted by the permitted development legislation. Whether the applicant can proceed with the development essentially depends on whether he or she benefits from agricultural permitted development rights.

The proposal to be considered here differs in a number of ways from the permitted development scheme. The size, layout and location of the building is different, and as this is a full planning application, the Council has sought detailed information to be satisfied that the building is genuinely required for agricultural purposes with regard to whether it is appropriate development in the Green Belt.

A number of site visits have been carried out over the past year and there has been only limited evidence of agricultural use of the building. In particular at peak season there was only a small amount of crop in the building. It is understood that the needs for machinery would be relatively limited. The information about the farming arrangements remains vague and there seems no certainty of the length of any arrangement. No substantive detailed evidence of an agricultural business has been provided, other than vague calculations.

Policy G1 of the UDP and the NPPF both state that new buildings for agriculture are appropriate development in the Green Belt. Information has been sought in this case as to the need for the building in relation to its design and construction. If the new building is not designed or needed for agricultural purposes, it would not be appropriate development in the Green Belt.

In summary, taking into account the advice from the Council's agricultural consultant and that submitted on behalf of the neighbour, there is significant doubt in this case as to whether this building is genuinely required or intended for agricultural purposes. It is certainly not suitably designed for such purposes, and site visits over the past year have supported this view. There is little evidence of any part of the yard including the area around the building being used in connection with farming, and until recently there was an array of plant, machinery and materials spread across the open yard, and some within the building itself.

Taking into account the information provided, the evidence of use from site visits and the general design of the building, it is not considered that the case that this building is for agriculture has been adequately made, and therefore this substantial building is considered to be inappropriate development in the Green Belt, harmful to openness due to its size and design, and harmful by definition.

Background papers referred to during production of this report comprise all correspondence on files set out in the Planning History section above, excluding exempt information.

as amended by documents received on 26.07.2013

### **RECOMMENDATION: PERMISSION BE REFUSED**

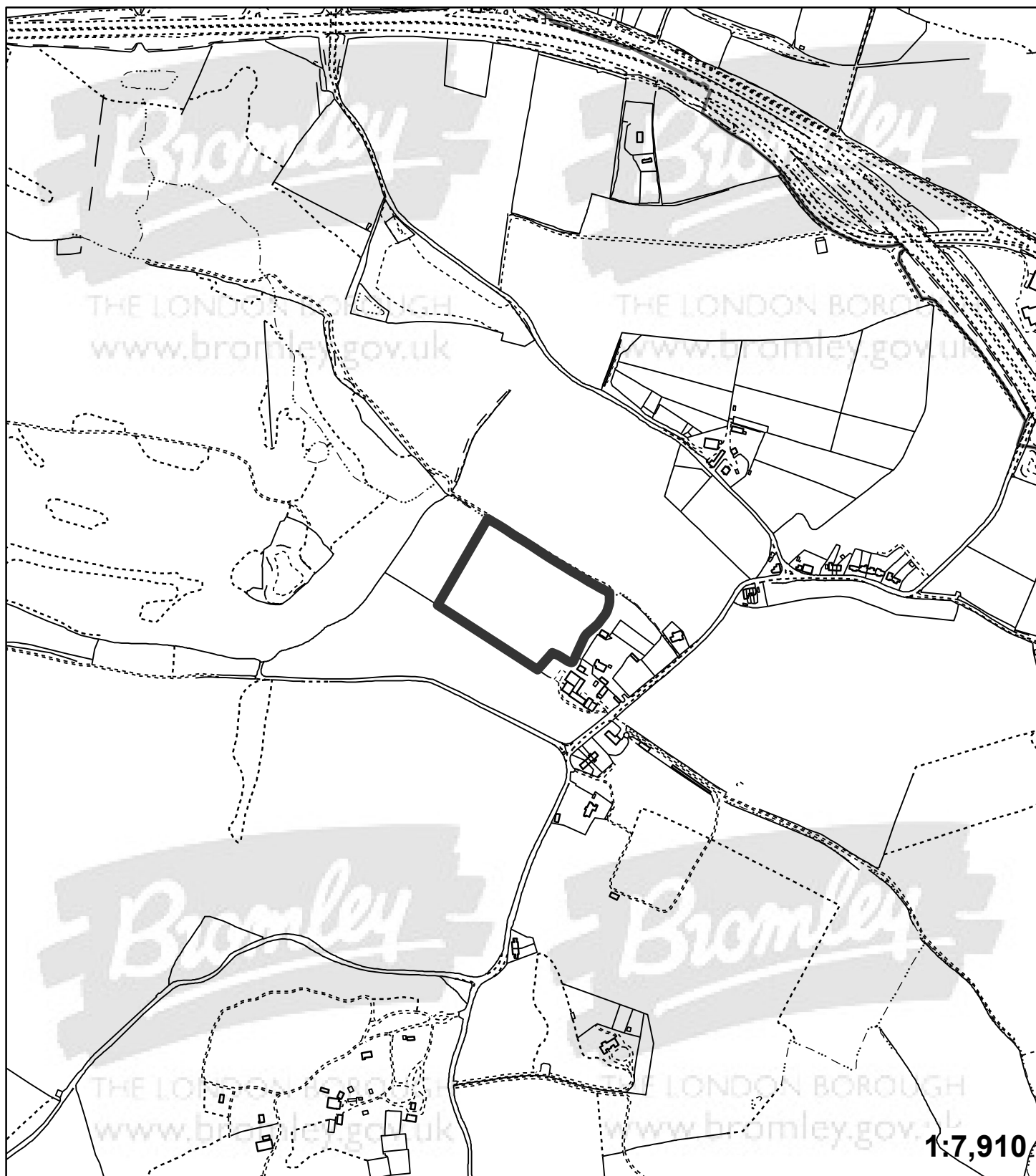
The reasons for refusal are:

- 1 The building constitutes inappropriate development in the Green Belt and by reason of its height, size and design would be harmful to the openness and character of the Green Belt and this rural location in general. No very special circumstances have been provided which would outweigh the harm caused, and it is therefore contrary to Policies BE1, BE3, and G1 of the Unitary Development Plan and the National Planning Policy Framework 2012.

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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