

MC/16/0540

Date Received: 3 February, 2016

Location: 538 Bloors Farm, 538-540 Lower Rainham Road, Rainham, Gillingham, ME8 7TW

Proposal: Retrospective application for construction of a agricultural storage barn with associated toilets, produce store and educational class room

Applicant: Mr Zammit

Agent: Mr M Carter Mark Carter Design Design Studio, Priestfield Stadium Redfern Avenue Gillingham Kent ME7 4DD

Ward Rainham North

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 1 June 2016.**

**Recommendation - Approval with Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers 3047-001/C, 3047-003/D and 3047-004/B received on 29 February 2016.

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

- 2 Within one month of the date of this permission, details and samples of all materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and retained in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 3 The storage use of the building herein approved shall only be for the storage of farm machinery and produce; and the community and educational use shall only operate ancillary to the agricultural use of the farm and shall not be used for any other purposes.

Reason: In the interests of amenity and the integrity of the countryside and areas of local landscape importance in accordance with Policy BNE25 and

BNE34 of the Medway Local Plan 2003.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Class Q or Class S of Part 3 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity and landscape, in accordance with Policies BNE1, BNE2, BNE25 and BNE34 of the Medway Local Plan 2003.

- 5 The use of the building hereby permitted shall not be commenced until the area shown on the submitted layout drawings 3047-001/C and 3047-004/B as vehicle parking has been provided, surfaced, marked out and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude its use.

Reason: Development without provision of adequate accommodation for the parking, loading, off-loading and turning of vehicles is likely to lead to hazardous conditions in the public highway and in accordance with Policy T13 of the Medway Local Plan 2003.

**For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.**

### **Proposal**

Retrospective application for construction of an agricultural storage barn with associated toilets, produce store and educational class room

This application for the construction of an agricultural storage building is proposed on lands to the rear of 538 Bloors Farm Lower Rainham Road. The proposed building which is in part constructed, is located behind a newly refurbished Oast House (MC/13/0515) and would be accessed via a rough track from Lower Bloors Lane.

The proposed agricultural building is partly constructed and would replace the previously demolished barn unit, which was demolished due to its poor structural and architectural quality. The dimensions of the building would be approx. 36m x approx. 10m (approx. 340 sq. m.) and would have a maximum ridge height of approx. 8.2m on the elevation facing the Oast House.

The submitted drawing shows that the building would be divided with approx. 172 sq. m. used for the storage of fruit, approx. 105 sq. m. used for the storage of machinery and approx. 56 sq. m. for community use (education, rest room) and toilets. The application is accompanied by a Design and Access Statement.

## Relevant Planning History

MC/15/3942	Construction of an agricultural storage building - Resubmission of MC/15/2324 Withdrawn by Applicant 11 March, 2016
MC/15/2324	Construction of an agricultural storage building Refused 27 August, 2015
MC/13/0515	Conversion of existing oast building to residential use with associated parking Approved With Conditions 08/10/2013 Adjoining land sharing same access

## Representations

The application has been advertised on site and in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. Kent Wildlife Trust has also been consulted.

**One letter** has been received making the following points in support of the application:

- It will provide a valuable resource for a local community group;
- It is in keeping with the area and with the adjacent building;
- It represents an improvement on the derelict building it replaces;
- The only possible sighting of the building would be on the site itself or from the first floor of the adjoining building.

**One letter** has been received expressing concern that the building is large and could be converted to a dwelling in the future. A condition is requested to the effect that a change of use from agriculture to residential is not allowed for 99 years.

## Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2012 and are considered to conform.

## Planning Appraisal

### *Background*

This application is a re-submission of application MC/15/2324 which was refused by Committee on 27 August 2015 on the grounds that:

*"The submitted application fails to adequately demonstrate the agricultural need for the size of building proposed and is therefore considered to be excessive for the size*

*of the agricultural holding to which it relates contrary to Policy BNE25(i) of the Medway Local Plan 2003"*

The principle change from the previous scheme is the introduction of a community/educational/rest room and toilets and the consequent reduction in the storage area. A new door is proposed on the east elevation to provide access to the community room with a ramp for disabled person's access.

In support of the application, it is submitted that the orchard is being used by Kent Wildlife Trust which has recently had open days for community picking with several tons of fruit picked over several weekends. Kent Wildlife Trust look after and maintain the orchard by keeping the vegetation down and pruning the trees. They have open days to demonstrate how the trees should be pruned and looked after and propose to run courses open to the public.

It is submitted that the building is needed for the storage of the apples picked on the orchard and to store equipment which in the past has gone missing when left outside at night. Also due to the popularity of the orchard, there is a need for toilet facilities which are proposed within the barn, including a disabled person's toilet with a ramped approach. The Trust would also like to open this opportunity to local schools to act as part of their education to see how a farms and orchards are kept and would give them an opportunity to be involved. Therefore a classroom is also proposed which would allow the children to visit on a regular basis.

It is claimed that the orchard is an integral part of the community to survive and be successful it now needs the basic requirements for produce and machinery storage, toilet facilities and a classroom.

The Design and Access Statement includes a copy of a letter from Rainham Community Orchard/Kent Wildlife Trust stating that the volunteers came to an agreement with the owner to take care of the orchards. All proceeds are donated to the KWT. The facilities are needed by the volunteers for shelter, toilets and rest area/lunch break.

In response to concerns raised with the previous application, the applicant advises that there is only an informal agreement with KWT at present. KWT is prepared to enter into a formal agreement, subject to the facilities being provided. The new building would be approx. 2.8m higher to allow adequate space for storage and air movement. The large access door (approx. 4m wide by approx. 2.5m high) is to allow for all the machinery required for the orchard and for the produce. A lower building would restrict its use. Further comments are made on the appearance of the building which are addressed below.

### *Principle*

The site is outside the urban area and within the Gillingham Riverside Area of Local Landscape Importance (ALLI), as identified on the Proposals Map to the Medway Local Plan 2003. The proposal, therefore falls to be assessed under Policies BNE25 and BNE34 of the Medway Local Plan 2003.

Policy BNE25 seeks to protect the countryside from inappropriate development particular encroaching urbanisation. This Policy states that development will only be permitted in the countryside if it maintains and wherever possible enhances the character, amenity and functioning of the countryside, including the river environment, and it offers a realistic chance of access by a range of transport modes. These matters are addressed further below. Policy BNE25 also identifies other criteria for assessing proposals for development in the countryside, one of which is that the proposal is for development essentially demanding a countryside location (such as agriculture, forestry, outdoor or informal recreation).

Policy BNE34 states that within ALLIs development will only be permitted if:

- (i) it does not materially harm the landscape character and function of the area;
- or
- (ii) the economic and social benefits are so important that they outweigh the local priority to conserve the area's landscape.

The proposal seeks the construction of a relatively large agricultural building to replace the previously demolished building, which was run down. The proposed building with a floor area of approx. 340 sq. m. would be constructed of traditional barn materials. The floor area would increase by approx. 40 sq. m. from that of the previous structure and the approach to the design is one of barn type construction. The proposed building would be approx. 2.7m higher and approx. 6m longer. The building would be used predominantly for the storage of farm machinery and produce from the operations of the orchard/farm, and as such would constitute an agricultural building for a use demanding a countryside location. In this regard, the principle of the proposed development would comply with Policy BNE25(iii) of the Medway Local Plan 2003.

However, the current proposal differs from the previously refused scheme in so far as part of the building is to be used as a community facility with toilet facilities. Such a use would not, in itself, demand a countryside location. However, it is submitted that the use of the facility would be ancillary to the primary agricultural use and as such would also demand a countryside location. Under the circumstances, the community use would also comply with Policy BNE25(iii) providing it is only used ancillary to the main use.

The use can be controlled by appropriate conditions, and subject to these conditions, no objection would be raised. In addition a nominal figure of 25% increase (maximum) in floor area is considered appropriate for alterations to buildings in the countryside. The increase in floor area identified is 13%, therefore this is considered proportionate, although it is clear that the building is relatively higher than what was previously in situ. However, it is considered that this would not result in it being detrimental to the character and function of the area as it is not easily seen from lanes to the south/east or to the west of the site.

Development within an ALLI should be sited, designed and landscaped to minimise harm to the area's landscape character and function. The Gillingham Riverside ALLI can be divided in two distinct Landscape Character Areas as defined in the Medway Landscape Character Assessment (March 2011):

1. Riverside Marshes
2. Lower Rainham Farmland.

The latter is the key consideration in this application. Lower Rainham Farmland is characterised by flat, small to medium scale mixed farmland, with a gradual trend towards suburbanisation in some local areas and well managed shelterbelts, cottages and distinctive rural hedge banks, being tranquil in parts.

Key issues in the character area include its importance as a green corridor, its integral links with the Riverside Marshes area and a threat of expansion to urban edges, and a gradual pervasive erosion of rural character. While the key guidelines for the area include the restoration and reinforcement of neglected fields and landscape, discouragement of forms of creeping suburbanisation, resistance of further built development and to consider the area integrally with the marshes for its value as a green buffer, wildlife corridor and link to the wider countryside.

With regard the above policies and the relevant landscape character assessment, the proposal is not considered to materially harm the character and function of the area. Accordingly, the proposal is considered to comply with Policies BNE25 and BNE34 of the Medway Local Plan 2003,

#### *Design and appearance*

The building would be constructed of traditional barn materials, with a tiled barn hip roof, timber weather boarded cladding, together with small windows to match those of the removed building, and in this regard would be similar in character to the previous structure although it would be higher. It is submitted in the Design and Access Statement, this would not be like typical modern agricultural buildings with concrete, metal cladding and eaves of 6m. It would be a traditional agricultural building with a design and materials that would be similar to what would be expected in an agricultural building in a rural location. Therefore, the proposal is considered to be appropriate in terms of design, materials and scale and no objection is raised in this regard under Policy BNE1 of the Medway Local Plan 2003.

The site is located to the rear of 542 Lower Rainham Road (Bloor's Place), which is a substantial medieval manor house, located in extensive garden grounds and is a Grade II\* listed building. The site is also located just outside the Rainham Conservation Area.

The building would be approximately 100m from Bloor's Place and, therefore the impact of the proposal on setting of the Listed Building must be considered under Policy BNE18. The new building would be visible from some parts of the listed building and its curtilage. The proposed building is more akin to a traditional barn type agricultural building as opposed to the unit which has been demolished. Materials are important in this regard, to ensure that the replacement unit would be a traditional barn construction i.e. handmade peg tiles etc. It is, therefore, imperative that the development is carried out in accordance with approved drawings and plans and in the event of planning permission being granted a condition to this effect is recommended.

The building is sited approx. 130m north-west of Bloors Lane and is hidden from Lower Rainham Road by existing buildings. So apart from being visible from the rear of properties in Lower Rainham Road it would scarcely be visible from outside the application site.

Having regard to the above considerations, it is considered that the proposed building would not detract from the character and appearance of the countryside, the neighbouring Listed Building, the Conservation Area or the ALLI and therefore would comply with Policies BNE1, BNE14, BNE18, BNE25 and BNE34 of the Medway Local Plan 2003.

It should be noted that planning permission was granted for a larger, plastisol coated cladded storage building was granted in the neighbouring field on 16 July 2013 (MC/13/1091). The proposed building would be smaller floor area, and would be constructed of more sympathetic and traditional materials.

### *Amenity*

In terms of amenity, the consideration is the impact on the immediately adjoining Oast House, which was granted planning permission for residential use in 2013 (MC/13/0515) and on Bloors Place (542 Lower Rainham Road). Whilst there would be some elements of noise associated with plant movement and other activities related to the orchard, it is considered that this would be not be more than with the previous unit, when considered against the general agricultural activity of the farm. It should, however be noted that the farm operates as a community orchard with agricultural activities being carried out by volunteers rather than farm employees and this is likely to generate more activity than a commercial farm. Further activity would be generated by the educational use, particularly when school children visit the farm. However the level of activity generated in this regard would be intermittent. No objection is, therefore raised in terms of noise and disturbance under Policy BNE2 of the Medway Local Plan 2003.

The Oast House is located to the northeast of the proposed building. Given the various aspects of the building, it is not considered that there would significant loss of light to the garden for the substantial part of the day. There would be some loss of sunlight to the southwest facing façade of the Oast House. However this area is used for car parking and the light loss is not considered to be sufficient reason to justify refusal of planning permission, particularly given the number of aspects the property receives. Accordingly, no objection is raised to the proposal in this regard under Policy BNE2 of the Medway Local Plan 2003.

### *Highways*

A replacement agricultural building would have little impact in terms of traffic generation or highways impacts. However, a community orchard is likely to generate more traffic in so far as there would be volunteers arriving at the site. Furthermore, use of the building by local schools is also likely to generate additional traffic. The application, therefore proposes five car parking spaces and one minibus parking space to serve the development. This level of parking is considered to be satisfactory. Whilst the community use would generate more traffic than a commercial agricultural unit, the level of traffic generated is not considered to be such that it would have an adverse impact on the local road network. Accordingly, no objection is raised under

Policies T1 and T13 of the Medway Local Plan 2003.

### *Other Matters*

A request has been made for a condition to be attached to any planning permission to the effect that a change of use from agriculture to residential is not allowed for 99 years.

Class Q of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 grants permitted development for the change of use of any building from agricultural to a use falling within Class C3 (dwellinghouses) whilst Class S grants permitted development for such a building to be used as a state funded school. A condition is therefore recommended removing any such permitted development rights. A condition is also recommended restricting the storage and community use to a use ancillary to the agricultural use.

### *Local Finance Considerations*

There are no local finance Considerations raised by this application.

### **Conclusions and Reasons for Approval**

The proposal is part retrospective and seeks a replacement agricultural building, with a floor area slightly than the previously demolished building. The design would respect the character and function of the countryside location and the ALLI. There would be no detrimental impact on design and amenity, and the level of traffic generated by the community use is not considered to be detrimental. The application therefore would comply with Policies BNE1, BNE2, BNE14, BNE18, BNE25, BNE34, T1 and T13 of the Medway Local Plan 2003 and is recommended for approval.

This application would normally be determined under delegated powers but is being referred for determination by the Planning Committee on account of the decision of the Planning Committee to refuse the previous application (MC/15/2324).

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### **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess.medway.gov.uk/online-applications/>