



ROBINSON ESCOTT PLANNING LLP



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Head of Planning
Sevenoaks District Council
Council Offices
Argyle Road
Sevenoaks TN13 1HG

26 April 2021

OUR REF: JE/17/199/FD

Dear Mr Morris,

FRANKS HALL FARM, EGLANTINE LANE, HORTON KIRBY DA4 9JL

I enclose on behalf of my client, Mr G Sawyer, a prior approval application for a proposed building for agricultural purposes at the above address. The application is accompanied by appropriate plans to describe the proposed agricultural building together with an agricultural justification prepared by CLM Ltd.

Franks Hall Farm comprises a holding extending to some 21.6 hectares (53.5 acres) of pasture land located to the south of Franks Hall, a Grade I Listed Elizabethan country house. The house and its formal gardens are located on the northern bank of the River Darent whilst the farm/pasture lies predominantly to the south of the River between the River Darent and Eglantine Lane.

Franks Hall, which had previously been in use as offices, was granted planning permission for conversion back to its original use as a dwelling house in 2014. There are no agricultural buildings on the land and the owner has until now, contracted in such farm machinery, as necessary. Class A of Part 6 of Schedule 2 of the GPDO 2015 (as amended) permits on agricultural land comprised in an agricultural unit of 5 hectares or more in area, the erection of a building which is reasonably necessary for the purposes of agriculture within that unit. However, this is subject to certain limitations and conditions.

In relation to the limitations set out in respect of A.1;

- a) The development would not be carried out on a separate parcel of land less than one hectare in area;
- b) The proposal would not consist of the erection of an agricultural building where development under class Q or S of Part 3 has been carried out within a period of 10 years;
- c) The proposal does not consist of the erection of a dwelling;

- d) The building is designed for agricultural purposes;
- e) The ground area of the proposed building would be less than 1,000^{m²};
- f) The building is not within 3.0km of the perimeter of an aerodrome;
- g) The height of the proposed building is less than 12m;
- h) The proposed agricultural building is not within 25m of a trunk road or classified road;
- i) The proposed building will not be used for the accommodation of livestock or for the storage of slurry or sewage sludge;
- j) The proposal does not involve excavations or engineering operations;
- k) The proposed building will not be used for storing fuel or waste from a biomass boiler.

The permissive provisions of class A of part 6 are also subject to conditions. In relation to these conditions set out at A.2,

- 1) (a) Whilst it is not intended to accommodate livestock within the building, as explained in the CLM report, there may be occasions when the building would be used temporarily for livestock in the circumstances described in paragraph D.1 (3) of part 6.

A previous application for prior approval was refused by the Council under reference 20/02631/AGRNOT. The prior approval was refused on three grounds, namely,

- (e) the ground would exceed the 1,000 m² limitation.
- (h) a new access would be formed onto a classified road.
- (i) the building would be used for the accommodation of livestock and would be within 400 m of Eglantine Farm

In response to these points;

- The total internal area of the building would be 409 m² and the proposed hardstanding would be 400 m². The total ground area covered by the proposed development would, therefore, be less than 1,000 m².
- The access onto Eglantine Road is an existing access as the photographs attached demonstrate. The existing access runs for a short distance parallel to Eglantine Lane before then turning northwards adjacent to the field boundary, where the new barn would be positioned.
- It was made plain in the last application and the position also remains the case now that the barn will **NOT** be used to accommodate livestock other than in the circumstances described in exception D.1 (3) i.e., in an emergency or during lambing. The proposal is entirely different from the case of **Glynn Marshall & East Dorset District Council [2018] EWHC 266** where the proposal was to winter house 45 ewes and their lambs and the Judge concluded that the development, therefore, was for the accommodation of livestock. That was the purpose of the development. The Judge however did accept that there may be circumstances where the use of the building/structure as temporary livestock accommodation would be legitimate. That is the provision/exception that is set out in paragraph D.1 (3). The application proposal here is for temporary accommodation of livestock in an emergency. Thus, the proposal does not conflict with A.1 (i) of Class A of Part 6 of the GPDO.

In addition to the photographs attached, I also enclose for your information, a copy of the Marshall judgement. I would hope, therefore, that prior approval can now be granted.

Yours sincerely,

John Escott

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