

Planning Statement

Town and Country Planning (General Permitted Development) (England) Order 2015

Agricultural Prior Notification application for the erection of 3 No. Polytunnels and installation of a track to serve horticultural production on land at The Coblands Garden Centre, Dryhill Lane, Sundridge

Prepared for

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| Contents | Page |
|---|-------------|
| 1. Introduction | 1 |
| 2. Site Description | 2 |
| 3. Background | 3 |
| 4. Legislation | 4 |
| 5. Proposed Development | 5 |
| 6. Are the Works Reasonably Necessary for the Purposes of Agriculture | 5 |
| 7. Consideration of Proposed Works against Allowances and Limitations of the GPDO | 7 |
| 8. Siting, Design and External Appearance of the Building and Siting and Means of Construction of the Track | 9 |
| 9. Summary | 11 |

1. INTRODUCTION

- 1.1. This Planning Statement is submitted in support of an Agricultural Prior Notification application for the proposed erection of 3 interconnecting polytunnels and installation of an associated access track to serve horticultural production on land at Coblands Garden Centre, Dryhill Lane, Sundridge.
- 1.2. It comprises a revised resubmission of application SE/21/02305/AGRNOT. The LPA deemed the works encapsulated in that application did not constitute 'permitted development', on the basis that the proposed polytunnels, together with the footprint of the proposed track, exceeded 1000m².
- 1.3. In response to this, and in light of the pressing need to commence work on the facilities ahead of Autumn, the application proposals have been modified to reduce the length of each tunnel. The floor area of these, as amended, together with the footprint of the proposed track, now totals some 954m².
- 1.4. In addition to this Statement, the application comprises the following plans and documents:
 - Location Plan (Drawing No: 435-02-020);
 - Block Plan (Drawing No: RU538.3);
 - Proposed Plans and Elevations of Building (Drawing No: QU17178-001 Rev 0);
 - Construction Track Details (Drawing No: 435-02-040);
 - Application Forms.
- 1.3. The site comprises a horticultural nursery that extends to some 8.24 hectares, located to the west of Chipstead, and east of Sundridge. It is bordered to the east by Dryhill Lane, and to the north by Main Road (A25).
- 1.4. The land has been used as a horticultural nursery for many years. More recently, a number of buildings on the site have been confirmed as benefitting from a lawful use for retail purposes. Other land and buildings at the site continue to be used for horticultural purposes. Two years ago, the site was placed under new management. This has proved successful and there is an associated commitment to expand the plant growing activities onsite, and in turn, reduce the number of plants brought in for resale. This is coupled with the proposed transfer of horticultural production to the site from of another nursery, located in Trench Road, Tonbridge. This has been identified for allocation for residential development in the emerging Tonbridge and Malling Local Plan (2018).
- 1.5. To support the increased horticultural production at Coblands, there is a requirement to construct additional polytunnels at the site. It is proposed that these be located immediately to the south of existing structures, on existing level land. A new all-weather access is required to serve these buildings, and this is also comprises part of the application works. The latter replicates a track that formerly ran parallel to this, a short way to the south.

- 1.6. The application seeks a determination from the Local Planning Authority (LPA) as to whether prior approval will be required as to the siting, design and external appearance of the building and the siting and means of construction of the track, in accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), and in particular in relation to Class A, Part 6 of Schedule 2. This sets out that certain development works associated with agriculture are 'permitted development', but require the submission of information to the LPA to enable them to determine whether prior approval is required with respect to specific details.
- 1.7. This reports sets out a brief description of the site (Section 2); background to the activities at the holding (Section 3); details of the legislative background to agricultural permitted development rights (Section 4); description of the works (Section 5); consideration of whether the works are reasonably necessary for the purposes of agriculture within the unit (Section 6); an assessment of compliance of the scheme against the allowances and limitations of the General Permitted Development Order (Section 7); and considerations of siting, design, external appearance and means of construction (Section 8). A summary is provided at Section 9.

2. SITE DESCRIPTION

- 2.1. The application site is located approximately equidistant between the settlements of Chipstead to the east and Sundridge to the west. It is south of the M25, and a short way to the west of the interchange of the A25 with the A21.
- 2.2. It is located on the south side of the A25, known locally along this section as Main Road. On the north side of this public highway is a ribbon development of predominantly detached houses, and to the north of this is land in industrial use, lakes, and agricultural land. The site is immediately to the west of Dryhill Lane which runs south from Main Road and is a no-through road. On the east side of this road and the application site, is a property known as the Sevenoaks Garden Centre.
- 2.3. Main Road and Dryhill Lane border the application site to the north and east, there is agricultural land to the south, and a built enclave of mixed residential and commercial properties to the west.
- 2.4. The landholding is an asymmetric area that extends to some 8.24 hectares. It has a boundary with Main Road of some 340m, and a boundary with Dryhill Lane of some 370m.
- 2.5. The property comprises a horticultural nursery, with land used for the growing of plants and trees. There are buildings and hardstanding areas in the centre of the site, and many of these are used for retail purposes, including a cafe area. These structures are characteristic of plant nurseries, including glasshouses and metal framed polytunnel structures.
- 2.6. The site is served by an access off Dryhill Lane, set back some 170m from its junction with Main Road.

- 2.7. There is a Public Right of Way that crosses the site in a broadly east-west direction, immediately to the north of the main built form on the site (reference SR180)
- 2.8. The proposed site of the new polytunnels and associated track is to the south of the main group of buildings, with land that rises in a southerly direction towards the boundary of the site. This area is bounded to the north by the main buildings of the garden centre; to the east by Dryhill Lane, and an area of hardstanding that serves the wider enterprise; to the south by a mature hedgeline, beyond which is agricultural land, and to the west by agricultural land and existing polytunnel structures used for horticultural production and associated storage.

3. BACKGROUND

- 3.1. The use of land at the application site as a horticultural nursery has subsisted for well in excess of 30 years.
- 3.2. In 1989, planning permission was granted by Sevenoaks District Council for the commercial production and sale of horticultural products with associated offices, toilets and parking facilities (application reference SE/89/1961).
- 3.3. Aerial imagery indicates that by 1990, the application site was in intensive horticulture production, with the main buildings, comprising glasshouses located centrally within the site, to the west of the vehicular access on to Dryhill Lane.
- 3.4. More recently, in April 2019 a Lawful Development Certificate was granted to confirm that the central part of the site, including many of the buildings had been used for a period in excess of the previous 10 years for retail purposes (application reference 18/02431/LDCEX).
- 3.5. The Officer's report in relation to that application confirmed that the site was bought by Glendale Horticulture in 2005, and at that time the site was used for both horticultural and retail uses, and that this had continued up to the time of the application. It was noted that the application submissions stated that the retail use included the central part of the site comprising car park, external plant display area, central avenue of glasshouses, polytunnels and shade tunnels which were used for the display of plants, containers and sundry landscape goods and an external yard for the display of trees.
- 3.6. The plan attached to the certificate confirms that this lawful retail use is limited to the central part of the site and extends to some 1.78 hectares.
- 3.7. Coblands is part of the Glendale Horticulture Ltd group which produces over 18 million plants per annum for the UK market, ranging from bedding plants, soft fruits, vegetables and herbs, herbaceous perennials, shrubs, trees and hedging. They also contract grow for bespoke projects. Their customers include major retailers, independent garden centres, landscape professionals, garden designers, estates, local councils, universities and utility providers.
- 3.8. As detailed in section 1, the group also currently operate from a nearby nursery in Trench Road, Tonbridge. That site employs 6 full-time staff together with additional seasonal employees. It grows over 400,000 shrubs and perennials which are sold to some 50 businesses in the local

area. It benefits from circa 2000m² of polythene polytunnels which are supplemented by 'mypex' growing beds with overhead irrigation which varies seasonally from 5000m² to 15,000m².

- 3.9. The site is located adjoining the built up of Tonbridge. It has been identified for residential-led development of some 319 dwellings to meet local housing need, in the emerging Tonbridge and Malling Local Plan¹. There is thus a requirement to relocate this operation to the Sevenoaks site in the near future.
- 3.10. As detailed in Section 1, this application is a revised resubmission of scheme submitted in July 2021 (LPA reference SE/21/02305/AGRN0T). That scheme was deemed by the LPA not to constitute permitted development on the basis that the floor area of the proposed buildings (768m²), when calculated with the footprint of the proposed track comprised some 1263m². It was this concluded this contravened the limitation of Class A.1(e)(ii) of Part 6 of Schedule 2 of the GPDO.
- 3.11. Given the pressing need to commence works ahead of the weather deteriorating in Autumn, and instead of progressing via a full planning application, this submission comprises an amended agricultural prior notification application. The scheme has been amended via the truncation of each of the 3 proposed polytunnels from the previously proposed length of 31.7m to 19.5m. These would now extend to some 474m², and together with the proposed track (calculated to have a footprint of 482m²) would total works to an area of some 956m².

4. LEGISLATION

- 4.1. The Town and Country Planning (General Permitted Development) (England) Order 2015² (GPDO) came into force on 15th April 2015.
- 4.2. Part 6 of Schedule 2 relates to agricultural and forestry development. Class A relates to agricultural development on 5 hectares or more. This notes that permitted development includes the carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of works for the erection, extension or alteration of a building (Part 6, Class A(a)), and any excavation or engineering operations (Part 6, Class A(b)), which are reasonably necessary for the purposes of agriculture within that unit.
- 4.3. Class A.1 sets out a series of limitations to the permitted development, whilst Class A.2 sets out a series of conditions which must be adhered to, for the works to be considered permitted development.
- 4.4. Part 6, Class A.2(2)(i) states that this includes a requirement that, before beginning the development, an application must be submitted to the Local Planning Authority for a determination as to whether the prior approval of the Authority will be required, (i) in relation to the 'erection, extension or alteration of a building' as to the siting, design and external

¹ Policy LP25 of the Regulation 19 Pre-Submission Tonbridge Malling Local Plan (September 2018)

² Statutory Instrument 2015: No: 596

appearance of the building siting, and (ii) in relation to the 'formation or alteration of a private way' as to the siting and means of construction of the private way.

5. PROPOSED DEVELOPMENT

- 5.1. The application relates to works for the erection of 3 interconnecting polytunnels and the provision of a track to connect these to the wider site, including the main site access and hardstanding area to the east and growing tunnels to the west.
- 5.2. The polytunnels would be formed from metal hooped frames and polythene sheeting. They would each be 19.5m in length (north-south) and 8.1m in width (east-west). Overall, this would provide a covered growing area of some 474m².
- 5.3. They would be a maximum of 3.96m in height. The sides would have roll-up 'curtains' up to 1.5m in height to enable control on ventilation etc.
- 5.4. The polytunnels would be located a short way to the south of existing structures on site, on level ground.
- 5.5. In order to enable year-round access to the proposed polytunnels it is necessary to create a new track. This would be located at the southern end of the buildings and run in a broadly east-west direction. It would connect the proposed polytunnels to the main access and hardstanding of the site to the east, and the existing growing tunnels to the west. It would also connect to an existing north-south track which provides connectivity to the growing area at the northern part of the holding. The current east-west access runs through the retail area, which creates logistical challenges and health and safety risks, and would not provide connectivity to the proposed polytunnels.
- 5.6. The track would run extend for a length of some 146m. It would generally be 3.3m in width. Overall the footprint of the proposed track would cover 481.8m². It would be formed by the laying of 225mm well-consolidated layer of clean crushed brick (new bricks that are rejected for quality control purposes); overlain with 100mm layer of MOT black and white recycled Type 1.

6. ARE THE WORKS REASONABLY NECESSARY FOR THE PURPOSES OF AGRICULTURE

- 6.1. Class A of Part 6 of Schedule 2 of the GPDO requires that the works proposed to be carried out under permitted development, must be *"reasonably necessary for the purposes of agriculture within that unit."*
- 6.2. The definition of 'agriculture' as set out in Section 336 of the Town and Country Planning Act 1990:

"includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadowland, osier land, market gardens and nursery grounds, and the use of land for

woodlands where that use is ancillary to the farming of land or for other agricultural purposes, and 'agricultural' shall be construed accordingly."

- 6.3. This confirms that land used for horticulture, including nursery grounds, falls within the definition of agriculture.
- 6.4. The land has long been used for horticultural purposes, as confirmed in the Lawful Development Certificate submissions of 2018. The defined area of the property that has been used for retail purposes, excludes the land that is subject of this application. The application site, and land to the north, beyond the retail area has solely been used for horticultural purposes.
- 6.5. The proposed works are part of a reinvestment in the site and to facilitate the relocation of existing horticultural production at a nearby site in Tonbridge, which has been allocated for residential development.
- 6.6. The polytunnels are proposed to be located on land that has historically been used for the growing of plants, shrubs and trees. The site, as it appeared in circa 2005 is detailed in Image 1. This shows the southern area of the holding intensively used for horticultural production. It also confirms that there was formerly a track that ran broadly east-west some 40m to the south of the proposed trackway providing connectivity and access to the southern part of the site.



- 6.7. The poly tunnels are functionally designed for the purposes of horticultural production. The land owners produce over 18 million plants a year for the UK market, and some 400,000 are currently produced in Tonbridge. This production is to be substantively transferred to the application site. Having regard to this, it is considered that the proposed works are required to support horticultural activities on the holding.

7. CONSIDERATION OF PROPOSED WORKS AGAINST ALLOWANCES AND LIMITATIONS OF THE GPDO

- 7.1. Class A.1 sets out the limitations of development that is permitted under Class A of Part 6. Each of these are now considered in turn below.

A.1(a) Development is not permitted if it would be carried out on a parcel of land forming part of the unit which is less than 1 hectare in area.

- 7.2. The works relate to a planning unit which in total extend to 8.24 hectares. This can be broadly subdivided into two parts, separated by the retail area. This application relates to the southern area of land and this comprises a parcel of land that is 3.35 hectares in area.

A.1(b) Development is not permitted if it would consist of the erection or extension of an agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 of this Schedule) where development under Class Q or S of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which development under Class A(a) begins.

- 7.3. The proposed works include the proposed erection of an agricultural building. However, no part of the agricultural unit has been the subject of development under Class Q or S of Part 3 of the GPDO.

A.1(c) Development is not permitted if it would consist of, or include the erection, extension or alteration of a dwelling.

- 7.4. The proposed works relate to the erection of an agricultural building and an engineering operation. They do not relate to a dwelling.

A.1(d) Development is not permitted if it would involve the provision of a building, structure or works not designed for agricultural purposes.

- 7.5. The proposed building work comprises 3 interconnecting poly tunnels to support horticultural production, together with an associated access track. The works are evidentially designed, and suitable, for agricultural purposes.

A.1(e) Development is not permitted if the ground area which would be covered by (i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations; or (ii) any building erected or extended or altered by virtue of Class A, would exceed 1,000m², calculated as described in paragraph D.1(2)(a) of this Part.

- 7.6. The proposed works do not relate to any works or structure for accommodating livestock or any plant or machinery arising from engineering operations. The works envisage the erection of a building and this would comprise some 474m². The proposed track extends to some 146m at a width of 3.3m. It covers an area of 482m². Collectively the floor area of the proposed buildings, together with the footprint of the track amounts to 956m². This is less than 1000m².
- 7.7. Paragraph D.1(2)(a) requires a cumulative assessment of new building floorspace within 90m of the building, within the last 2 years. There has been no such other development.

A.1(f) Development is not permitted if the height of any part of any building, structure or works within 3km of the perimeter of any aerodrome would exceed 3m.

- 7.8. The proposed works exceed 3m in height, extending to some 3.96m above existing ground level. However, there are no known aerodromes within 3km of the site.

A.1(g) Development is not permitted if the height of any part of the building or structural works, not within 3km of the perimeter of an aerodrome would exceed 12m.

- 7.9. The proposed works would not exceed 12m in height above existing ground level.

A.1(h) Development is not permitted if any part of the development would be within 25m of a metalled part of a trunk road or classified road.

- 7.10. The nearest trunk/classified road in relation to the development is Main Road. This is located in excess of 180 m to the north of the proposed development.

- 7.11. Dryhill Lane is located to the east of the proposed works. This is not a trunk or classified road.

- 7.12. Notwithstanding this, the nearest part of the development, comprising the eastern end of the access track, would not be within 25m of the metalled part of this road.

A.1(i) Development is not permitted if it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400m of the curtilage of a protected building.

- 7.13. The scheme relates to the provision of an agricultural building and access track for horticultural production. It does not therefore relate to any works that would be used in association with either the accommodation of livestock or for the storage of slurry or sewage sludge.

A.1(j) Development is not permitted if it would involve excavations or engineering operations on or over Article 2(4) land which are connected with fish farming.

- 7.14. No part of the proposed works relate to fish farming.

A.1(k) Development is not permitted for any building for storing fuel or waste from a biomass boiler or an anaerobic digestion system - (i) that would be used for storing waste

not produced by that boiler or system, or for the storing of fuel not produced on land within that unit; or (ii) is or would be within 400m of the curtilage of a protected building.

- 7.15. The proposed development does not relate to a building for storing fuel or waste from either a biomass boiler or an anaerobic digestion system.
- 7.16. Works that are permitted under Class A of Part 6 of the GPDO are subject to a number of conditions, as set out in paragraph A.2 of the GPDO. Each of these are now considered in turn below.

A.2(1)(a) Where development is carried out within 400m of the curtilage of a protected building, any building, structure, excavation or works resulting from the development are not used for the accommodation of livestock except in the circumstances described in paragraph D.1(3) of this Part or for the storage of slurry, or sewage sludge, for housing a biomass boiler, or an anaerobic digestion system for storage of fuel or waste from that boiler or system, or for housing a hydro-turbine.

- 7.17. Whilst the development is within 400m of a 'protected building', the development is not to be used for the accommodation of livestock, or for the storage of slurry or sewage sludge, or for housing a biomass boiler, or an anaerobic digestion system, or for the storage of fuel or waste from that boiler or system, or for housing a hydro-turbine.

A.2(1)(b) Where the development involves (i) the extraction of any mineral from the land (including removal of any disused railway embankment); or (ii) the removal of any mineral from a mineral-working deposit, the mineral is not moved off the unit.

- 7.18. The development does not involve the extraction of mineral from the land, or the removal of any mineral from a mineral-working deposit.

A.2(1)(c) Waste materials are not brought on to the land from elsewhere except for deposit for use in works described in Class A(a) or in the provision of a hard surface and any materials so brought are incorporated into the building or works in question.

- 7.19. No waste materials are to be brought on to the land. The materials to be used in the construction of the track do not constitute 'waste' material.

8. SITING, DESIGN AND EXTERNAL APPEARANCE OF THE BUILDING AND SITING AND MEANS OF CONSTRUCTION OF THE TRACK

- 8.1. Paragraph A.2(2)(a) and (b) states that development consisting of the erection of a building and the formation of a private way, are permitted by Class A, subject to a number of conditions. These include that A.2(2)(i) the developer must, before beginning the development, apply to the Local Planning Authority for a determination as to whether the prior approval of the Authority will be required (i) in relation to the 'erection, extension or alteration of a building' as to the siting, design and external appearance of the building and (ii) in relation to the 'formation or alteration of a private way' as to the siting and means of construction of the private way.

- 8.2. Each of these are now considered in turn.

Siting Of The Polytunnels

- 8.3. The polytunnels are proposed to be sited immediately to the south of existing structures on the site. This is within a central part of the holding, and comprises level land, that is readily suitable for the proposed works.
- 8.4. It benefits from a southerly aspect, unfettered by any buildings or boundary planting etc and is in a well-drained part of the site (there is an existing drainage immediately to the north).
- 8.5. The polytunnels are aligned north south, to reflect the arrangement of all existing similar structures on the site.
- 8.6. The proposed siting serves to cluster built form on the site, away from boundaries and in a location that has the least impact on public views, in particular from the A25 and residential properties to the north, and the Public Right of Way which crosses the site in an east-west direction immediately to the north of the existing buildings.

Design And External Appearance Of The Polytunnels

- 8.7. The polytunnels are formed of metal hoops, set into concrete footings, and covered with clear polythene. The sides (east and west) elevations of the structure comprise a 'curtain' that can be rolled up, in order to provide and control ventilation and the overall temperature within the structure.
- 8.8. The polytunnels would be a maximum of 3.96m in height, in order to allow requisite access, including by small scale horticultural machinery. They would be aligned north-south, to reflect the layout of other existing structures on the site, and to enable ease of access from the southern end.
- 8.9. It is important to have 3 polytunnels, in order to offer flexibility in the growing and production within them, and for ease of access
- 8.10. The polytunnels are of lightweight, functional, utilitarian appearance. They are the most appropriate structures to facilitate year-round horticultural production on the site. They reflect other polytunnels on the site, and those at the nursery in Tonbridge, where significant existing growing is to be transferred from.
- 8.11. The structures would readily assimilate into the site and its wider setting. They would not appear prominent or discordant in any local public views, or the local landscape.

Siting Of The Track

- 8.12. The proposed track is orientated in a broadly east-west direction immediately to the south of the proposed polytunnels. It would provide year-round access to these buildings and the wider southern block of agricultural land within the applicant's ownership.
- 8.13. It would connect to the existing hardstanding and main access to the site to the east, and would extend to connect to an existing track a short way to the west. The latter runs north-

south and provides access to the northern part of the holding, without traversing the retail area, which is open to the public.

- 8.14. The alignment of the track reflects a similar access route that previously existed a short way to the south (Image 1).
- 8.15. The track would be located close to the proposed buildings, and provides a logical, functional siting of the track to serve the buildings and this part of the holding.
- 8.16. The proposed route is relatively low-lying and is screened on two sides by existing built form, on the third side by hardstanding beyond which is hedging, and on the fourth side by rising land and a mature hedgeline.
- 8.17. The visual impact of the proposed track would be both limited and acceptable.

Means of Construction

- 8.18. The track is proposed to be constructed via a well-consolidated layer of crushed brick, some 225mm in depth, overlain with 100mm of MOT black and white recycled Type 1.
- 8.19. This is a visually recessive, porous, granular track that will be flush with surrounding ground levels.
- 8.20. This approach has been successfully used elsewhere on other agricultural holdings where access tracks are required throughout the year. This includes on projects that fall within defined Areas of Outstanding Natural Beauty (AONB). Photographs of examples of these tracks are detailed on drawing 435-02-040.
- 8.21. It is submitted that the proposed details, as evidenced in the attached photographs, demonstrate that the tracks will readily, and acceptably assimilate into the local landscape.

9. SUMMARY

- 9.1. It is considered that the erection of 3 interconnecting polytunnels and the associated provision of a track 146m in length and 3.3m in width of granular, porous hardcore, on a longstanding horticultural unit comprises a scheme that falls wholly within the allowances of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 9.2. In particular, the works are reasonably necessary for the horticultural operation of the holding. Horticulture falls within the definition of agriculture for the purposes of the Act, and for the purposes of the application of the GPDO.
- 9.3. On this basis, the application seeks a determination from your Authority as to whether prior approval is required with respect to the siting, design and external appearance of the polytunnels and the siting and means of construction of the track. It is submitted that they sited in a functional, logical location, close to, and screened by, existing built form, including buildings. The track in broad terms reflects a former access route that previously existed on the site.

- 9.4. The proposed design and external appearance of the poytunnels is functional for horticultural production and has little impact on the wider locality, in particular public views.
- 9.5. The means of construction of the track, is visually recessive, and has been successfully used elsewhere in sensitive AONB locations, and has been shown to quickly assimilate into the landscape.
- 9.6. It is therefore respectfully submitted that no further prior approval should be required from your Authority for the undertaking of these works.
- 9.7. In accordance with the requirements of the GPDO, we look forward to receipt of a positive determination of this proposal within 28 days.