

GSP Ref: 3937.SC

PLANNING & HERITAGE STATEMENT

COURT LODGE FARM, DALE ROAD, SOUTHFLEET, DA13 9NQ

October 2023

1.0 INTRODUCTION

1.1 This Planning and Heritage Statement is prepared on behalf of Mr M Gedney of D & M Gedney Ltd in support of a planning application for the continued use of existing buildings for importation, processing, cold-storage, packaging and dispatch of produce including ready-meals/produce, on land at Court Lodge Farm, off Dale Road, Southfleet.

2.0 SITE CONTEXT

2.1 The buildings to which the application relates are located within the main farmstead area at Court Lodge Farm. The proposed use will occupy a range of buildings, with the total floorspace to be used extending to approximately 3000 m². The same buildings and land as the application buildings and land within the yard have been used for the importation, cold storage, processing, packing and distribution of agricultural and non-agricultural produce for many years. The farmstead is accessed from Dale Road via the existing road that serves the farmstead. The site area including the access road as far as Dale Road extends to approximately 1.5 ha.

2.2 Court Lodge Farm House and a converted Oast house, in the applicants' ownership as family residences are located to the east of the farmstead and beyond these lie Southfleet village.

2.3 The application site lies within the Green Belt. The land immediately to the east including the dwellings is located within the Southfleet Conservation Area. The Farmhouse and a Granary are Grade II Listed buildings. The converted Oast is curtilage listed. The nearby Southfleet Parish Church further to the north east is listed Grade I.

3.0 PLANNING HISTORY

3.1 Court Lodge Farm has an extensive previous planning history. A schedule is attached at **Appendix One**.

3.2 The farmstead and a range of the buildings within it has been used for many years for the importation, processing, cold-storage, packaging and dispatch of produce. Initially this was by the applicants who started importing and processing produce not grown on the holding in the 1980s this changed from ready to eat salad/vegetable packs/Thai ready meals into the importation/processing of a wide variety of fruit packs over the years with the processing run on behalf of the current applicants by Berry World from 2006/7, then Prep World from 2010. Day to day management of the operations passed to Prep World in 2016 until late 2022 when they moved off site.

3.3 Pre-application advice was sought from the Council prior to the submission of this application and the advice received from Emma Eisinger Development Manager on 4 October 2023 is attached at **Appendix Two**. The advice given was that in principle the proposed use could be considered appropriate in the Green Belt, provided there was no unacceptable impact on the openness of the Green Belt and that it was

demonstrated by means of an acoustic assessment that the uses would not have an adverse impact on the residential amenity of nearby occupiers.

4.0 PROPOSALS

4.1 Permission is sought for the continued use of the existing buildings for the importation, processing, cold-storage, packaging and dispatch of produce including ready-meals. The intended occupier is PrepKitchen who would produce ready-to-eat food packs. PrepKitchen prepare and market pre-ordered and prepared meals/produce (in a similar manner to ‘Hello Fresh’ or ‘Gusto’).

4.2 The same range of buildings that have been used for many years would still be used for the on-site operations. No external changes to the buildings would be required to accommodate PrepKitchen.

4.3 The proposed PrepKitchen occupation would also see activity on the site considerably reduced from that of PrepWorld as can be seen from the table below.

SITE OPERATOR	OPERATING YEARS ON SITE	PRODUCTS BEING PROCESSED	PROCESSES ON SITE	PEAK STAFF ON SITE	DAILY STAFF VEHICLE MOVEMENTS	DAILY HGV MOVEMENTS	DAILY SMALL VEHICLE DELIVERIES
D&M.GEDNEY LTD & PREP DIRECT	1961 - 2016	READY TO EAT SALAD PACKS VEGETABLE PACKS THAI READY MEALS FRUIT PACKS	WASHING DICING SLICING DRYING PROCESSING PACKING DISTRIBUTION	140	80 CARS AM AND PM 160 TOTAL + 3 BUSES	30 HGV's CONTRACTED + 3 OWNED, 7.5 TONNES	APPROX 20
PREP WORLD	2010-2022 (Tenancy 2016-2022)	FRUIT PACKS	WASHING DRYING PEELING PROCESSING PACKING DISTRIBUTION	450	120 CARS AM AND PM 240 TOTAL + 8 MINIBUSES	60 HGV's CONTRACTED + 20 @ 7.5 TONNES	APPROX 40
PREP KITCHEN	TBC	READY TO EAT FOOD PACKS	SLICING COOKING PACKING DISTRIBUTION	80	40 CARS AM +PM 80 TOTAL	10 HGV's	APPROX 5

4.4 As indicated on the site/building layout plan submitted with the application, production levels are likely to be 100,000 meals (packs) and 164 pallets of finished goods **per week**. This compares to the average of **200 pallets per day and 1.2 million packs per week** that were produced and sent out by D&M Gedney and/or PrepWorld from the site.

4.5 As can be seen from the table above, proposed staffing levels would be much reduced from those associated with PrepWorld as would likely vehicle movements from both cars and HGVs and smaller goods vehicles.

4.6 The proposed working arrangements would also the applicant Mr Gedney growing some of the produce used in the food packs on Court Lodge Farm to improve sustainability and reduce the carbon footprint of the business as much as possible.

5 PLANNING POLICY

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 It is also necessary to refer to the National Planning Policy Framework and associated guidance.
- 5.3 Paragraph 2 of the National Planning Policy Framework reiterates this, whilst paragraph 12 of the Framework is clear that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 5.4 Paragraph 38 of the Framework states that local planning authorities should approach decisions on proposed development in a positive and creative way, as well as work with applicants to secure developments that will improve the economic, social and environmental conditions of the area. They should also seek to approve applications for sustainable development where possible.
- 5.5 Annex 1 of the Framework confirms that for the purposes of decision-taking, the policies in the plan should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. It adds that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, with greater weight being given to those policies that are closer to the policies in the Framework.
- 5.6 The relevant policies are collected together under separate topic headings. The Development Plan comprises the 2011 Dartford Core Strategy (CS) and the 2017 Dartford Development Policies Plan (DPP). The applicable policies are; Core Strategy: CS13 and Development Policies Plan: DP2, DP5, DP12, DP22 . Copies of the relevant policies are attached at **Appendix Three**.
- 5.7 The Council submitted for examination the Pre-Submission (Publication) Dartford Local Plan on 13 December 2021. The examination hearings have now concluded as has consultation on the proposed Main Modifications. The Inspector is now considering the consultation reposes as part of the process involved in preparing and issuing the final report that will consider whether the emerging plan is 'Sound' in due course. Policies in this emerging plan are a material consideration in the determination of planning applications, but have reduced weight compared to an adopted plan.

The relevant Policies are:

SC: Climate Change Strategy

M1: Good design for Dartford

M2: Environmental and amenity protection

M13: Green Belt
M15 Biodiversity and Landscape

Green Belt

- 5.8** The site is located within the Green Belt and the relevant policies would seem to be:
- 5.9** The NPPF 2023 which at Paragraphs 149 and 150 sets out the types of development that may be regarded as appropriate in the Green Belt subject to certain caveats being met.
- 5.10** Policy CS13 of the 2011 Core Strategy reiterates the intention to resist inappropriate development and to manage the Green Belt as a recreational and ecological resource. It identifies a number of projects, which it seeks to implement but none of these affect the application site. In addition, it recognises the need to protect agricultural land uses within the Green Belt.
- 5.11** At Policy DP22 of the Development Policies Plan 2017 the Council provide further guidance on development in the Green Belt, reiterating that they will resist inappropriate development. Appropriate new development should be sited and designed to minimise impacts notably, the intensity of the use; the impact of any increase in activity and disturbance; impact on biodiversity and wildlife; the visual impact and the infrastructure required by the development.

Heritage Assets

- 5.12** The NPPF at Paragraph 194 indicates that when determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposals on their significance.
- 5.13** Policy DP12 requires a similar approach to that identified in the NPPF.
- 5.14** In respect of designated heritage assets, the impact on that heritage asset will need to be assessed and in cases where substantial harm or total loss of significance is found, permission will be refused. In cases where a proposal will lead to less than substantial harm, this will be weighed against the public benefits of the proposal.
- 5.15** Policy DP2 of the Development Policies Plan is also relevant as it refers to the impact of development on Heritage Assets

Amenity

- 5.16** Policy DP5 of the Development Policies Plan addresses environmental and amenity protection, and advises that new development will only be permitted where it will not have an adverse impact on the environment or the amenity of neighbouring uses.

6.0 PLANNING ISSUES

- 6.1** It is considered that there are 3 main planning issues in this case, and these are

addressed below under separate sub-headings.

Green Belt

6.2 The NPPF at paragraphs 137 and 138 clearly sets out the purposes of the Green Belt.

'137. The Government attaches great importance to Green Belts. 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.

138. Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'*

6.3 In terms of the impact of the development on the purposes of the Green Belt as set out in the NPPF, it is clear that the proposed development will not be contrary to the stated purposes of the Green Belt:

- It will not add to the sprawl of a large built up area.
- It will not result in neighbouring towns merging into one another.
- It will have no impact on the countryside in terms of encroachment. The existing buildings have been on the site for many years. and are located within a larger farmstead.
- It will not have any impact on the setting and special character of a historic town.
- It will not have any impact on urban regeneration.

The proposals will have limited impact on the openness of the Green Belt in the sense as set out in Paragraph 137 of the NPPF given that the site is already occupied by the buildings to which the application relates.

6.4 It is also necessary to consider whether the development constitutes inappropriate development in line with the advice of the NPPF and if so, whether there are Very Special Circumstances that exist that are of sufficient weight to outweigh other considerations.

'147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green

Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

149. *^A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

a) buildings for agriculture and forestry;

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

150. *Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*

a) mineral extraction;

b) engineering operations;

c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

- 6.5** The application seeks the re-use of existing buildings which are permanent and of substantial construction, albeit for broadly the same uses they have been used for many years. The proposals are therefore considered to be appropriate development by virtue of Paragraph 150(d).
- 6.6** As indicated above (paragraph 6.3) it is not considered that the proposals conflict with the purposes of including the land within the Green Belt.
- 6.7** It is also necessary to consider the impact of the proposals in terms of the openness of the Green Belt which has a spatial and visual aspect.
- 6.8** Spatially, no new building work is proposed and there will be no further encroachment of built development.
- 6.9** From a visual aspect, the main impacts will, as recognised by the Council in their pre-application response, be any external changes within the farmstead itself as there are no changes proposed to the buildings. External changes would be potentially confined to car parking, external storage and lighting. The proposed car parking area will be located within the farmstead to the south of the building complex. This area has been used for parking, on a more intensive basis than now proposed, for many years. This area is shielded from public vantage points and as such any impact on openness will be minimal. In the same way any external storage (it is not anticipated that this would be substantial) would also be largely concealed from public vantage points. Furthermore, given the nature of the produce coming into the site as well as the products being dispatched they are not suitable for open storage in any event. Existing external lighting that is within the farmstead and around the buildings is restricted to that needed for safety and security after-hours. It is not proposed to install any additional lighting. Such matters can be conditioned in any event.
- 6.10** It is considered that the proposals will preserve the openness of the Green Belt and that they constitute appropriate development. As such it is not necessary to demonstrate Very Special Circumstances.

Impact on Heritage Assets

- 6.11** A Heritage Statement is attached at **Appendix Four**. The proposals relate to the continued use of a range of existing buildings for similar uses and purposes that they have been used for since they were erected. No new building works are proposed and the physical relationship with nearby designated Heritage Assets (the listed buildings and the Conservation Area) will therefore be unchanged. It is also considered that there would be very limited, if any inter-visibility between these heritage assets and any external elements of the proposed use. In comparison to a busy modern farmyard, it is not considered that the proposed uses would result in harm (substantial or less than substantial) to the setting of the heritage assets.

Impact on Amenity

- 6.12** The closest dwellings to the site are to the east and are occupied by members of the applicants' family. It is also the case that the farmstead even in full agricultural use would generate noise and activity and that this would be able to take place without restriction in terms of hours of operation.
- 6.13** Reference is again made to the comparison table in paragraph 4.3 earlier in this statement. The proposed occupiers will operate on a much reduced basis to the previous occupiers PrepWorld and indeed the applicants themselves prior to this.
- 6.14** Nevertheless and in response to the pre-application advice received the applicants have commissioned an acoustic assessment, which accompanies and is submitted alongside this application. The report has been prepared using the methodology set-out in BS4142:2014+A1 2019 'Methods for Rating and Assessing Industrial and Commercial Sound.' The likely requirement from the Council is that noise from any external equipment shall be at least 5dB below the background noise level at the nearest or most noise affected residential window.
- 6.15** The assessment finds that;

'6.2 The rating level for the site at the receptor during daytime operational hours is - 22dB. This result shows that the operational noise will comply with the likely requirements of Dartford Borough Council.....

6.5 In terms of rating for BS4142 the results show that there will be a low impact and no noise control system is required to protect the nearest receptor.

6.6 The nearest receptor is at least 80m from the external activities and is screened from all of them by the existing commercial units at the site. The combination of distance and screening ensures that the nearest receptor is unaffected by any vehicle movements or activities. While at the receptor during the survey there were some HGV movements, which were inaudible while in the garden.

6.7 The fabric of the units themselves also provide a reasonable level of sound attenuation to prevent internal activities impacting upon the receptor. The assumption made is that the sound generated inside the units by Prep Kitchen will be similar to that of a fruit and vegetable warehouse. The calculations at the Receptor due to the sound breakout from the commercial unit have not taken into account the metre high solid boarded fence that screens the house from Court Lodge Farm. If this were to be taken into account the impact would be even lower at the receptor.'

- 6.16** It is not considered therefore that the use will result in any unacceptable harm on residential amenity or the amenity of the area in general.

Other Issues

- 6.17** The application does not have any implications for the surface or foul water drainage as these systems are already in-place.

6.18 In terms of traffic generation, the proposed use will generate significantly less traffic than PrepWorld who previously occupied the site and also below that generated by the applicants in the past.

7.0 CONCLUSIONS

7.1 The proposals are considered to be appropriate development in the Green Belt as they re-use existing sound buildings. Furthermore, there will also be no unacceptable impact on the openness of the Green Belt.

7.2 The proposed development is appropriately sited within the site, maintaining existing boundary screening and planting along the boundary with the dwellings at Court Lodge Farm. The continued use of the complex for similar purposes it has been used for, for a number of years, will not result in any change to the setting of the Southfleet Conservation Area, and the Listed Buildings at Court Lodge Farm and the Parish Church.

7.3 Continued activity at the site within the buildings will not result in any unacceptable impact on the amenities that occupiers of the nearest dwellings at Court Lodge Farm, could expect to be able to continue to enjoy.

7.4 In this respect, it meets the aspirations of the relevant planning policy.

7.5 For all these reasons, the Council are respectfully requested to grant planning permission for this development.

APPENDIX ONE

Schedule of Planning History

Court Lodge Farm Southfleet Planning History

[Erection Of A Building For The Packing & Storing Of Vegetables.](#) : Ref. No: 73/00374/FULA1 | Status: Application Permitted

[Amended Proposals For Erection Of A Building For The Packing & Storing Of Vegetables. \(Da/74/96\).](#): Ref. No: 73/00374/FULA2 | Status: Application Permitted

[Details Of A Landscaping Scheme In Connection With Above. \(Treat As Withdrawn\)](#) : Ref. No: 74/00374/FULAB1 | Status: Application Permitted

[Proposed Storage Building](#) : Ref. No: 75/00526/FULA1 | Status: Application Permitted

[Extension Of Covered Area Of Existing Farm Building.](#); Ref. No: 75/00579/FULA2 | Status: Application Permitted

[4 Agricultural Workers Dwellings - Outline](#) : Ref. No: 7/00544/FULA1 | Status: Application Refused

[Farm Managers House - Outline. \(STC\)](#) : Ref. No: 78/00111/FULA1 | Status: Application Permitted

[Submission Of Details Pursuant To App DA/78/111. Erection Of Farm House & Garage.\(Details\)](#) : Ref. No: 80/00647/FLA1 | Status: Application Permitted

[Erection Of A Detached Building To Provide Food Production Plant With Associated Offices And Alterations To Access.](#) :Ref. No: 90/00478/FUL | Status: Application Permitted

[Application For Listed Building Consent For The Erection Of A Detached Building To Provide Food Production Plant With Associated Offices.](#) : Ref. No: 90/00539/LBC | Status: Granted

[Erection Of A Detached Building To Form An Onion Washing Shed, Canteen, Office And Toilet Facilities.](#) Ref. No: 91/00664/FUL | Status: Application Refused

[Erection of a single storey building to provide offices and mess rooms.](#): Ref. No: 91/00708/FUL | Status: Application Withdrawn

[Retention Of An Access Road Onto The C275.](#) :Ref. No: 92/00041/FUL | Status: Application Permitted

[Application under schedule 2 part 6 of the General Development Order 1988 to determine whether planning permission is required for an extension to existing storage shed.](#) :Ref. No: 94/00697/AGR | Status: Prior Approval Not Required

[Provision of a covered area to provide weather protection for vacuum cooler plant.](#) :Ref. No: 95/00026/FUL | Status: Application Permitted

[Erection of a single storey extension to provide W.C's and mess room and relocation of existing portable building](#) :Ref. No: 97/00666/FUL | Status: Application Permitted

[Erection of a new packing & distribution complex north of farm, adjacent railway line, to replace existing buildings to be demolished upon completion of building works.](#) :Ref. No: 98/00917/OUT | Status: Approval of Outline Permission

[Change of Use of site from agriculture to use as an operating centre for goods & public services vehicles](#) :Ref. No: 02/00366/FUL | Status: Application Refused

[Revised siting of new packing and distribution complex approved under planning permission DA/98/00917/OUT and submission of reserved matters relating to the design, external appearance & landscaping .](#) :Ref. No: 02/00603/REM | Status: Approval of Details

[Application for the Variation of Condition 3 of Planning Permission DA/98/00917/OUT in respect of allowing a further 5 years to implement permission for erection of a new packing & distribution complex north of farm, adjacent railway line, to replace existing buildings to be demolished upon completion of building works.](#) : Ref. No: 04/01058/FUL | Status: Variation of Condition

[Submission of details relating to Construction Management Scheme pursuant to Condition 7 of Planning Permission DA/98/00917/OUT for the erection of a new packing and distribution complex](#) :Ref. No: 07/00786/CDNA | Status: Approval of Details for Conditions

[Application under Schedule 2 parts 6 & 7 of the Town and Country Planning \(General Permitted Development\) Order to determine whether prior approval is required for the erection of a storage barn](#) : Ref. No: 08/00252/AGR | Status: Prior Approval Not Required
IMPLEMENTED

[Submission of details relating to wheel washing \(Condition 10\), storage of refuse and waste \(Condition 11\) and surface water drainage for parking and servicing areas \(Condition 12\) pursuant to Planning Permission DA/98/00917/OUT for the erection of a new packing and distribution complex](#) : Ref. No: 09/01442/CDNA | Status: Approval of Details for Conditions

[Application under Schedule 2 parts 6 & 7 of the Town and Country Planning \(General Permitted Development\) Order to determine whether prior approval is required for the erection of a single storey extension to existing agricultural building](#) : Ref. No: 11/01499/AGR | Status: Prior Approval Not Required
IMPLEMENTED

[Application under Schedule 2 parts 6 & 7 of the Town and Country Planning \(General Permitted Development\) Order to determine whether prior approval is required for the erection of a single storey detached building to provide replacement farm office](#) :Ref. No: 14/00648/AGR | Status: Prior Approval Not Required
NOT IMPLEMENTED

[Application under Schedule 2 parts 6 & 7 of the Town and Country Planning \(General Permitted Development\) Order to determine whether prior approval is required for the erection of a single storey detached building to provide a farm office and food sampling/testing facility together with the formation of a private way](#) : Ref. No: 14/01208/AGR | Status: Prior Approval Not Required
NOT IMPLEMENTED

[Application under Schedule 2 parts 6 & 7 of the Town and Country Planning \(General Permitted Development\) Order 1995 to determine whether prior approval is required for an extension to provide additional facilities for preparation of vegetables, staff changing room, an extension to cold room and provision of chemical store](#) : Ref. No: 14/01397/AGR | Status: Application Withdrawn

[Erection of a single storey building to provide changing rooms, showers, WCs and canteen facilities for staff at the farm](#) :Ref. No: 14/01799/FUL | Status: Application Permitted
IMPLEMENTED

[Erection of a detached single storey building to be used as a cold store for fresh produce](#) :Ref. No: 16/00094/FUL | Status: Application Permitted
NOT IMPLEMENTED

[Application under Schedule 2 part 6 of the Town and Country Planning \(General Permitted Development\) \(England\) Order 2015 to determine whether prior approval is required for erection of an agricultural building for use as a packaging store](#) : Ref. No: 16/02034/AGR | Status: Prior Approval Not Required
IMPLEMENTED

[Application under Schedule 2 part 6 of the Town and Country Planning \(General Permitted Development\) \(England\) Order 2015 to determine whether prior approval is required for erection of a cold store building](#) : Ref. No: 18/01116/AGR | Status: Prior Approval Not Required
NOT IMPLEMENTED

[Extension of farm yard, realignment of access road to farm yard, construction of a bund and realignment of public footpath. Provision of a temporary car park whilst the works are undertaken in respect of the permanent development \(part retrospective\)](#): Ref. No: 19/00279/FUL | Status: Application Withdrawn

[Application under Schedule 2 part 6 Class A of the Town and Country Planning \(General Permitted Development\) \(England\) Order 2015 to determine whether prior approval is required for erection of an agricultural storage building](#) Ref. No: 20/00507/AGR | Status: Prior Approval Not Required

[Erection of a greenhouse, office/storage/workshop/flower studio building, compost store and water tank together with associated hardstanding and formation of new access off existing farm access road in association with a horticultural nursery](#) Ref. No: 20/01343/FUL | Status: Application Permitted

[Change of use of land to a temporary staff car park with associated hardsurface \(retrospective\)](#) Ref. No: 22/00207/COU | Status: Application Refused

[Application for variation of condition 2 of planning permission DA/20/01343/FUL to allow the substitution of drawing Nos. 3573. and 3573 and to allow completion of the development without compliance with conditions 03 \(site levels\), 04 \(Archaeological watching brief\) and 05 \(Surface water drainage\)](#) Ref. No: 22/00666/VCON | Status: Pending Consideration

[Application for a Lawful Development Certificate existing for the use of the land and buildings at Court Lodge Farm as identified on the site location plan for a mixed use of agriculture and the cold storage, processing, packing and distribution of agricultural produce](#) Ref. No: 23/00530/LDC | Status: Pending Consideration

APPENDIX TWO

Pre-application advice dated 4 October 2023
DBC ref: 23/01084/PREAPP

Pre-application advice

Advice provided to: Steve Clarke, GSP

Documents considered: letter dated 14th September 2023 and site plan received 27th September 2023

1. Proposal & Planning Policy Overview

- 1.1 The proposal is for the use of existing buildings and adjacent land for the mixed use for importation, processing, cold-storage, packing and dispatch of produce including ready-meals by 'PrepKitchen'. They prepare and market pre-ordered and prepared meals/produce (similar to Hello Fresh and Gusto). The proposal would be concentrated within the former PrepWorld buildings and surrounding land which occupies a large proportion of the 'farmyard'. Parking would be provided for employees to the south of the main cluster of buildings.
- 1.2 Court Lodge Farm lies within the Green Belt, immediately to the east of Southfleet Conservation Area and the Grade II listed farmhouse. A Grade I listed church also lies to the east of the farm with the boundaries of the churchyard adjoining the farm to north.
- 1.3 The relevant planning policies are: CS1 (Spatial Pattern of Delivery); CS7 (Employment Land and Jobs); CS8 Economic Change); CS13 (Green Belt); CS15 (Managing Transport demand); CS16 (Transport Investment); CS23 (Maintaining carbon Emissions); CS24 (Flood risk); CS25 (Water Management); DP1 (Presumption in Favour of Sustainable Development); DP2 (Good Design); DP3 (Transport Impacts of Development); DP4 (Transport Access and Design); DP5 (Environmental and amenity Protection); DP12 (Historic Environment Strategy); DP13 (Designated Heritage Assets); DP21 (Securing community Facilities); DP22 (Green Belt in the Borough) and; DP25 (Nature Conservation and Enhancement).

2.0 Relevant Planning History

- 2.2 There is an extensive planning history for agricultural development at Court Lodge Farm. The most recent relevant planning history is:

23/00530/LDC - Application for a Lawful Development Certificate existing for the use of the land and buildings at Court Lodge Farm as identified on the site location plan for a mixed use of agriculture and the cold storage, processing, packing and distribution of agricultural produce – withdrawn following consideration of the evidence which did not convince Officers that a mixed-

use was lawful. It is therefore our view that the lawful use of the land and buildings at Court Lodge Farm remain as agricultural.

- 2.3 This part of the farm has been known as 'Prep World' for some years but they vacated the site in late 2022. PrepWorld used the buildings at Court Lodge Farm for the processing, packing, storage and distribution of mainly strawberries and raspberries to local supermarkets. The majority of the produce was imported from the wider UK and abroad. It is understood that PrepWorld employed approximately 450 staff and included offices, staff welfare facilities and approximately 130 staff parking spaces.
- 2.4 Since vacating the site, the buildings have been largely vacant although it is understood that PrepKitchen may already be running operations from the site.

3.0 Overview/Principle of development

- 3.1 For the purposes of this advice, I have consider the proposed new use as non-agricultural. Although there are clearly links to produce grown on farms and some of that produce might be grown on Court Lodge Farm, the principle use is more akin to a commercial/industrial enterprise. As such, planning permission is required for the lawful operation of the PrepKitchen use.
- 3.2 The proposed development would be located within the Green Belt where inappropriate development, harmful to the Green Belt is resisted, unless there are very special circumstances to outweigh the harm. The construction of new buildings within the Green Belt is inappropriate. However, this proposal would not involve the erection of a new building or any other operational development. Paragraph 150 of the NPPF refers to material changes of use of land and the re-use of buildings. Provided that the new use preserves the openness of the Green Belt and does not conflict with the purposes of including land within it, development would be considered to be 'appropriate'. Any buildings to be re-used should be of permanent and substantial construction.
- 3.3 Clearly the buildings in this case are of permanent and substantial construction. The key question is therefore whether the proposed use by PrepKitchen would preserve the openness of the Green Belt and whether there would be any conflict with the purposes of the Green Belt.
- 3.4 As well as the impact on the Green Belt, of key importance to this proposal is the impact on the setting of the Grade I listed church, the Grade II listed farmhouse and Southfleet Conservation Area.

4.0 Key Issues

- 4.1 The key issues are: the impact on the openness and purpose of the Green Belt; the impact on the setting of the designated heritage assets; impact on highway safety and amenity and the impact on residential amenities.

Green Belt

- 4.2 In terms of the impact on the openness of the Green Belt, the main impacts will be any external changes. There are no alterations to the buildings themselves and so external changes would be confined to car parking, external storage and lighting. Your letter sets out a comparison between the previous PrepWorld use and the new PrepKitchen use. There would now be approximately 80 members of staff as opposed to 450. There would be approximately 40-80 cars as opposed to 120-240. There would be 10 HVGs as opposed to 60 HGVs and 20 7.5 tonne vehicles. There would be approximately 5 daily small deliveries as opposed to 40. Clearly in comparison to PrepWorld, PrepKitchen would have a significantly reduced impact in terms of levels of activity, traffic movements and car parking. However, as the former Prepworld use has not been established as being lawful, this comparison holds limited weight in my view. It is clear to me however, that the operations at Court Lodge Farm have, for a significant number of years prior to Prepworld, operated with elements that were akin to an industrial/commercial process. Indeed, a busy modern farm, still agricultural in use, may well generate the need for a large number of staff, staff parking, external storage, lighting and vehicular activity. I therefore consider it only reasonable to consider how the proposed use might compare to a busy modern farm with elements akin to a more industrial enterprise.
- 4.3 In this respect, I note that the 'farm yard' area is fairly well contained by the buildings themselves and vegetation. Car parking would be located upon an existing area of hardstanding to the south of the main building and would be largely concealed from public vantage points. Any external storage would also be likely to be concealed to a large extent from views from outside the site. However, some views might be gained from the PROW D134. This could be mitigated to some degree through restrictions on the height of items stored. External lighting could be designed so as to minimise light spill and brightness could be controlled. Generally, I consider that a new use of the site by PrepKitchen would be likely to be considered as appropriate development

within the Green Belt for the reasons set out and subject to the restrictions and controls suggested.

Heritage Assets

- 4.4 The site lies within the setting of listed buildings and a conservation area. An assessment of the impact on the setting of these heritage assets would need to be undertaken with the assistance of a Heritage Statement required to be submitted with any future planning application. However, given my conclusions in respect of views into the site as set out above, I consider that the inter-visibility between heritage assets and the external elements of the proposed use would be very limited. In comparison to a busy modern farmyard, subject to the findings of the Heritage Assessment, I do not consider that the proposed use would introduce harm (substantial or less than substantial) to the setting of the heritage assets.

Highway safety and amenity

- 4.5 The PrepKitchen use clearly has a reduced parking demand and reduced vehicular activity in comparison to PrepWorld. However, this is not the lawful use. Any comparison for the purposes of the impact on highway safety and amenities must be mindful of this fact. However, as above, a busy modern farm may well have a similar parking and highway demand and impacts as the proposed use. We would need to consult Kent Highways on any future planning application. They are likely to take into consideration the previous uses of the site, the previously agreed access arrangements and the reduced parking demand. I cannot provide any further comment on the highway impact without the input of Kent Highways or a Transport Statement, but I think it unlikely that they would raise an objection given the history of the site. They may suggest conditions to encourage HGVs to use certain routes to the site i.e. via Dale Road as opposed to passing through Southfleet village. I would also encourage the submission of a Travel Plan to secure opportunities for sustainable modes of transport for staff.

Residential amenities

- 4.6 The closest dwellings to the site are to the east. It is understood that some of these dwellings are occupied by those associated with Court Lodge Farm. Mindful that a working farm (the lawful use) can generate a notable level of noise and activity without restrictions on operations times, I consider that the proposed PrepKitchen use would be unlikely to have an increased harmful impact on residential amenities. However, it is likely that should a future

planning application be submitted, it should be accompanied by the Noise Assessment and we would need to consider imposing conditions on the hours of use so as to ensure that noise and activity does not generate a harmful impact late at night or in the early hours of the morning. This is necessary to ensure that the new use does not intensify to the point where there is unacceptable harm.

5.0 Other issues

- 5.1 Any new drainage should take account of the location of the site above a Groundwater aquifer and Source Protection Zone 3. You ask whether any specialist inputs would be required in respect of drainage. I think this is unlikely as long as there would be no change to the drainage arrangements and the proposed use would not increase parking demand on parts of the site that have not previously been used for parking.
- 5.2 The proposal being on agricultural land should consider whether there would be a loss of best and most versatile agricultural land and whether this loss would be significant referring to paragraph 174 and 175 (and footnote 58) of the NPPF and clause 9 of Policy DP22.
- 5.3 You ask if elevations would be required for the buildings for any future planning application. If it is the case that there are no changes to the elevations the I do not think that this is necessary.

6.0 Conclusion

- 8.1 I think it likely that the new use would be considered to be appropriate development within the Green Belt. I also consider that, subject to limitations on the height of external storage, there would be no harm to the setting of heritage assets. Subject to conditions on the hours of operation, I consider that there would no unlikely to be a harmful impact on residential amenities. Lastly, subject to controls in respect of the management of vehicles associated with the proposed use, I consider it unlikely that there would be any harm to highway safety and/or amenity.
- 8.2 In the circumstances I hope this is of assistance. Please do not hesitate to contact me should you require any further information. I would stress that the above information is an expression of officer opinion and will not prejudice or compromise the decision of the Council with regard to this or any other officer advice.

7.0 Disclaimer and Confidentiality

Disclaimer

7.1 Any advice given by Council officers for pre-application enquiries does not constitute a formal response or decision of the Council as local planning authority or guarantee the grant of a planning permission.

Any views or opinions expressed are given in good faith, without prejudice to:

- any changes that may come to light after the advice is issued;
- the formal consideration of any planning application, which is subject to public consultation and decision by the Development Control Board or officers acting under delegated authority.

The Council will not be liable for any loss or damage including without limitation, indirect or consequential loss or damage arising from or in connection with reliance on the advice.

Pre-application confidentiality

7.2 Under the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004 (EIR), we may receive a request from a third party to disclose information regarding enquiries for pre-application advice or the advice given.

7.3 Information can only be withheld under the legislation if the information falls under an exemption (FOIA) or exception (EIR). Before reaching a final decision on the request, we will consult with the applicant. The final decision on whether the information should be disclosed or withheld is the Council's.

8.0 Documents to be submitted with planning application

8.1 The Council's validation checklist can be seen on the website. I consider that the following should be submitted with the application:

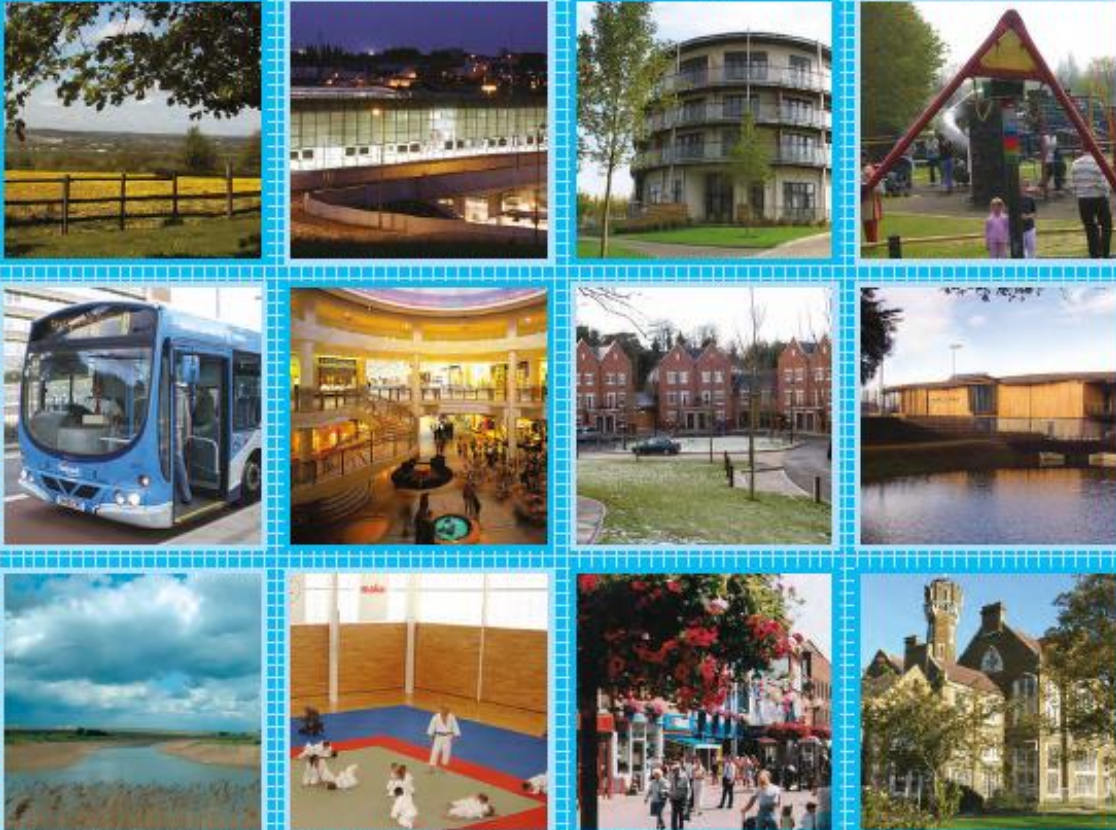
- Application form and Plans: (see national checklist included in the validation checklist)
- Design and Access statement
- CIL additional information form
- Planning Statement
- Heritage Statement
- Noise impact assessment

- Transport Statement
- Travel Plan
- Ventilation/Extraction Statement

APPENDIX THREE

Development Plan Policies

Dartford Core Strategy



Adopted September 2011

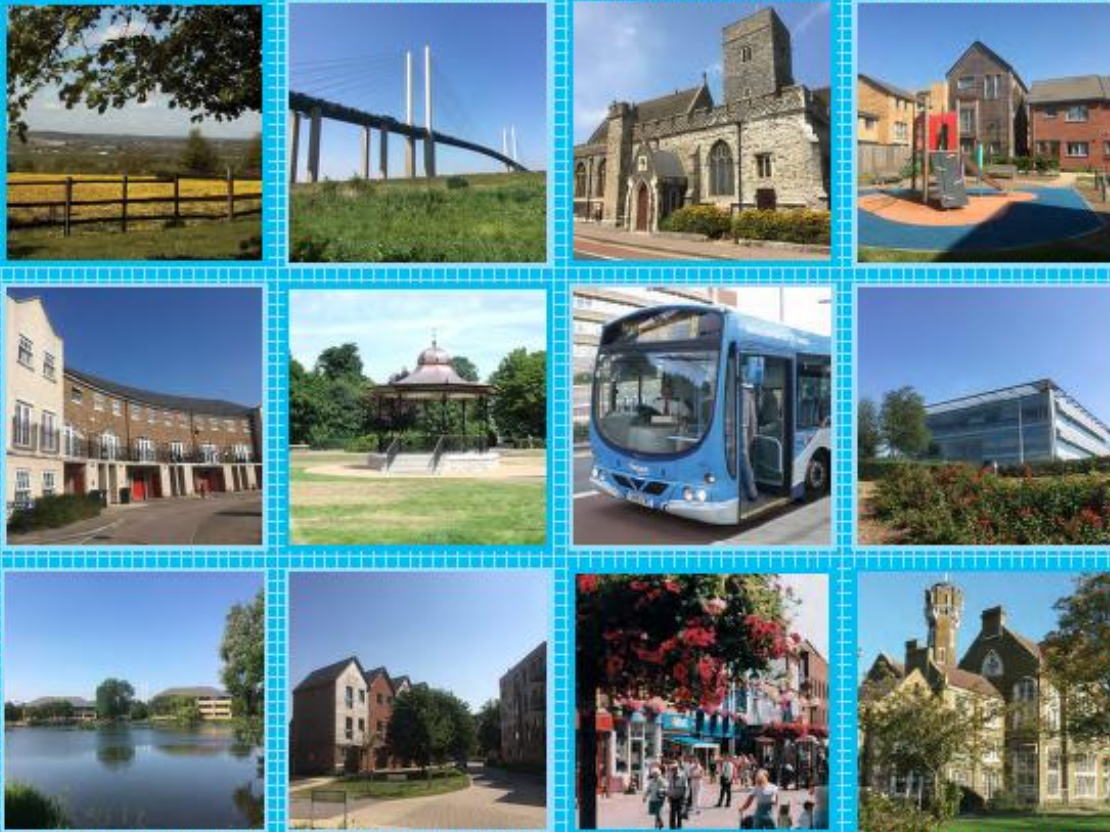
Part of Dartford's Local Development Framework

DARTFORD
BOROUGH COUNCIL

Policy CS 13: Green Belt

1. In order to protect the openness of the Green Belt the Council will:
 - a. Resist inappropriate development, in accordance with PPG2, through its development control decisions.
 - b. Work with its partners to actively manage the Green Belt as a recreational and ecological resource, through the provision of green recreational and biodiversity networks linked with the urban area. The following projects will be implemented:
 - Enhancement of rural reaches of the Darenth Valley
 - New Countryside Gateway at South Darenth Lakes
 - Dartford Heath –restoration of heathland
 - Darenth Country Park improvements
 - Darenth Woods natural habitat enhancements
 - Beacon Woods Country Park improvements
 - Former Mabledon Hospital – enhancement of areas of ecological value
 - Better connectivity between Dartford and Gravesham countryside through Ebbsfleet Valley and A2 corridor
2. Agricultural land uses within the Green Belt will be protected. More detailed policies will be set out in the Development Management DPD.

Dartford Development Policies Plan



Adopted July 2017

Dartford Local Plan Document

DARTFORD
BOROUGH COUNCIL

Policy DP1: Dartford's Presumption in Favour of Sustainable Development

1. The Development Plan, which has been prepared in Dartford in accordance with national objectives to deliver sustainable development, is the statutory starting point for decision making. Planning applications that accord with the policies in the Dartford Core Strategy and this Plan, and policies in neighbourhood plans (where relevant), will be approved wherever possible, unless material considerations indicate otherwise.
2. A positive approach to considering development proposals will be taken in Dartford Borough, reflecting the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF) and the development needs of the Borough identified in the Core Strategy. The Local Planning Authority will work proactively with applicants to find design and mitigation solutions to enable appropriately located development that improves the economic, social and environmental conditions in the Borough.

Policy DP2: Good Design in Dartford

1. Development will only be permitted where it satisfies the locally specific criteria for good design in the Borough:
 - a) Responding to, reinforcing and enhancing positive aspects of the locality. Opportunities to create high quality places should be taken, particularly using prominent physical attributes (including the Borough's distinctive riverside environments, cliff faces, extensive network of open spaces and tree coverage).
 - b) Ensuring appropriate regard is had to heritage assets (see policies DP12 and DP13); and that the character of historic settlements, including the market town of Dartford, is respected.
 - c) Facilitating a sense of place, with social interaction, walking/ cycling, health and wellbeing, and inclusive neighbourhoods, through a mix of uses and careful design and layout. Good design should be reinforced and enhanced through integrating new development with the public realm, open space and natural features including rivers and lakes/ ponds. Within large developments, public art reflecting local character and heritage should be included.
 - d) Providing permeability through clear pedestrian and cycle linkages, and where appropriate, active frontages, and a fine grain mix of buildings and spaces. Commercial and public facilities should be well integrated into their surroundings, both within the site and the wider locality.
2. In determining planning applications, the Local Planning Authority will consider how the height, mass, form, scale, orientation, siting, setbacks, access, overshadowing, articulation, detailing, roof form, and landscaping of the proposals relate to neighbouring buildings, as well as the wider locality. Appropriate weight will also be given to outstanding or innovative design that will help raise design standards in the wider area. Materials should support a sense of place, and be locally sourced or recycled from within the site where possible. Development shown to be suitable in these respects, and the principles in clause 1 above, will be permitted.

DP2 ContinuedDesign and Heritage

3. In areas of additional design sensitivity, and where heritage assets (e.g. Conservation Areas) or their setting is affected, and within Areas of Special Character, developments will need to demonstrate accordance with policies DP12 & DP13 as applicable. Particular consideration should be given to design objectives, including in paragraph 6.2. In these areas, proposals incorporating energy efficiency measures and micro-renewables that yield clear net benefits (in line with Policy DP11:2) will normally be viewed positively, provided that good design mitigates the impact on the townscape and they are in accordance with policies DP12 & DP13.

Safe and Accessible Design

4. Spaces should be designed to be inclusive, safe and accessible for all Dartford's communities, including young, elderly, disabled and less mobile people. The design of buildings, open space and the private and public realm should, where appropriate, reduce the fear of, and opportunities for, crime, paying attention to the principles of Safer Places⁶ (or any future equivalent) otherwise development will not be permitted.

Designing for Natural Resources, Flood and Waste Management

5. Layout and design should allow the efficient management/ reuse of natural resources and waste, in order for development to be permitted. Early consideration should be given to the achievement of on-site flood alleviation. Development will also be required to provide adequate and convenient arrangements for the storage of refuse and recyclable materials as an integral part of its design.

Advertisement and Signage Design

6. Signage and advertisements should be of a scale and design that is sympathetic to the building and locality, particularly in the designated Area of Special Advertisement Control, and should not have a negative impact on visual amenity, public safety or the safe and convenient movement of pedestrians, cyclists and vehicles, otherwise permission will not be granted.

Policy DP5: Environmental and Amenity Protection

1. Development will only be permitted where it does not result in unacceptable material impacts, individually or cumulatively, on neighbouring uses, the Borough's environment or public health. Particular consideration must be given to areas and subjects of potential sensitivity in the built and natural environment (including as highlighted on the Policies Map) and other policies, and other potential amenity/ safety factors such as:
 - a) air and water quality, including groundwater source protection zones;
 - b) intensity of use, including hours of operation;
 - c) anti-social behaviour and littering;
 - d) traffic, access, and parking;
 - e) noise disturbance or vibration;
 - f) odour;
 - g) light pollution;
 - h) overshadowing, overlooking and privacy;
 - i) electrical and telecommunication interference;
 - j) HSE land use consultation zones;
 - k) land instability;
 - l) ground contamination.
2. Development should not materially impede the continuation of lawfully existing uses. Where any impacts cannot be adequately mitigated, planning applications are not likely to be permitted.
3. Planning applications on or in the immediate vicinity of landfill sites must be accompanied by a full technical analysis of the site and its surroundings, in accordance with Environmental Health and Environment Agency requirements for permitted sites. Analysis must establish that landfill gas will not represent a hazard on development of the site or that development will not cause adverse impacts on groundwater. Development will only be permitted where it has been clearly demonstrated that the proposed development can be safely, satisfactorily and fully achieved, including:
 - a) avoidance of risks to neighbouring uses/ the wider area; and
 - b) design quality, infrastructure objectives and other policy requirements such as affordable housing are not compromised as a result of high remediation costs.

Policy DP12: Historic Environment Strategy

1. Development should contribute to the conservation and enjoyment of the Borough's historic environment. The Local Planning Authority will work with developers on strategies to realise this in the context of site heritage opportunities and constraints.
2. Where heritage may be at risk, landowners will be expected to work proactively with the Local Planning Authority in bringing forward proposals to preserve or enhance these assets, to facilitate their successful rehabilitation and seek their viable reuse consistent with their heritage value and special interest.
3. Development proposals which may affect the significance of heritage assets (both designated and non-designated) or their setting should demonstrate how these assets will be protected, conserved or enhanced as appropriate. Proposals should aim to reflect and interpret the historic character of a site and conserve its most significant historical and/or architectural aspects.
4. A heritage statement should accompany all planning applications affecting heritage assets. On archaeological sites, a desk-based assessment will be required as a minimum. Applications affecting designated heritage assets will be assessed under Policy DP13. Applications affecting non-designated assets will be assessed against the criteria below.

Non-Designated Heritage Assets

5. The Borough's non-designated heritage assets include:
 - a) Archaeological sites, including sites holding an interest as defined in the NPPF;
 - b) Applicable sites within Areas of Special Character, as defined on the Policies Map;
 - c) Sites with significant industrial heritage;
 - d) Land with historic landscape character;
 - e) Historic open space, parks and gardens.
6. Development proposals affecting non-designated heritage assets should establish the asset's significance. Development should conserve or enhance those aspects that have been identified as significant and, where possible, should seek to better reveal an asset's significance.
7. In determining planning applications affecting non-designated assets, the effect of the proposal on the asset's significance will be taken into account. A balanced judgement will be taken having regard to the significance of the heritage asset and the scale of any harm or loss of significance. Development resulting in a total loss of significance will not normally be permitted.

Policy DP22: Green Belt in the Borough

1. Dartford's Green Belt is shown on the Policies Map, and its essential characteristics are its openness and permanence. Inappropriate development in the Green Belt will be resisted in accordance with national planning policy.
2. Inappropriate development is by definition harmful to the Green Belt and will only be approved in very special circumstances. Very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
3. In assessing other harm, the Local Planning Authority will use the following criteria:
 - a) the extent of intensification of the use of the site;
 - b) the impact of an increase in activity and disturbance resulting from the development, both on and off the site, including traffic movement and parking, light pollution and noise;
 - c) the impact on biodiversity and wildlife;
 - d) the impact on visual amenity or character taking into account the extent of screening required;
 - e) impacts arising from infrastructure required by the development.
4. Where developments are considered not inappropriate in line with national planning policy, they will be supported where they contribute to the Core Strategy (CS13) policy objective of conserving the Green Belt as a recreational, ecological and agricultural resource. Such developments will also be assessed against the following clauses where applicable.

Re-use of Buildings

5. Applications for re-use should relate to lawful permanent buildings of substantial construction. They should take into account the character and scale of the existing building(s). In circumstances where character and scale are important to the local setting, excessive external alterations and additions will not be permitted.

Replacement Buildings

6. The replacement of a building will be permitted where:
 - a) The replacement building remains in the same use; and
 - b) The replacement building will not be materially larger than the existing

DP22 Continued

building it replaces, taking into account bulk, height, massing and scale. As a replacement, the building should be limited to an expansion of no more than 30% volume of the original³¹ building.

Extensions to Buildings

7. Extensions to buildings will be permitted where:

- a) They are proportionate and subservient in appearance, bulk, massing and scale of the original building; and
- b) The proposal would not result in a disproportionate addition to the original building. The extension must constitute no more than a 30% volumetric increase over and above the original building, and maximising the footprint of the building will not be appropriate in every circumstance.

Infilling or Redevelopment of Previously Developed Sites

8. Proposals should not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Developments that lead to over-intensification of the site will not be permitted.

Agricultural Development

9. Development should not result in the loss of the best and most versatile agricultural land and should not impede the continuation of a lawfully existing agricultural development and/ or land use.
10. The change of use of an agricultural building should, where planning permission is required, demonstrate it is no longer needed for its current or intended agricultural use and should not result in a need to create any further building(s) to replace it.
11. New agricultural buildings will be permitted where it can be demonstrated that there is a need for the proposed development and where they are sited and designed to minimise their impacts as outlined in clause 3.
12. Proposals for farm diversification, including shops, processing, workshops or sports and recreation, should be ancillary to the existing main use. It should be demonstrated that the activity is related to the main farm use and that the proposal will not create the need for new buildings or supporting infrastructure and facilities that may harm rural character.

DP22 Continued

Equine Development

13. Proposals for the use of land for horses or for the erection of stables and associated facilities and/ or operational development will be carefully considered. Assessment will include the location/ layout of all structures; and quality of the provision and landscaping proposed.

Development for Outdoor Sport and Recreation

14. Proposals for outdoor sport and recreation should not materially impact on the character and amenity of the locality or result in the deterioration of the land, landscape or biodiversity. The scale, siting, design, use and level of activity of built recreation development will be taken into account when assessing the impact of a proposal.
15. Supporting infrastructure and facilities should not unacceptably harm local character. They should be directly associated with the main use and be of a scale, quality and design to minimise their impact.

Policy DP25: Nature Conservation and Enhancement

1. Development on the hierarchy of designated sites, featuring nationally recognised and locally protected sites, shown on the Policies Map will not be permitted. Development located within close proximity to designated sites, or with likely effects on them, should demonstrate that the proposal will not adversely impact on the features of the site that define its value or ecological pathways to the site.
2. Proposals should seek to avoid any significant adverse impact on existing biodiversity features. Any potential loss or adverse impact must be mitigated, including with reference to the following guidance points:
 - a) Where mitigation measures require relocation of protected species this will only be acceptable when accompanied by clear evidence that the proposed method is appropriate and will provide for successful translocation.
 - b) Proposals should include provision for protection during construction, and mechanisms for on-going management and monitoring.
3. Developments will be expected to preserve and, wherever possible, enhance existing habitats and ecological quality, including those of water bodies, particularly where located in Biodiversity Opportunity Areas. Particular regard should be had to points a) and b) below. Development proposals where the primary purpose is to enhance biodiversity will normally be permitted where:
 - a) New biodiversity areas make use of native and local species as set out in the Kent Biodiversity Strategy and consider ecological links and adaptability to the effects of climate change
 - b) Biodiversity features strengthen existing green and ecological corridors; and contribute to the creation and enhancement of the Green Grid.

Large residential development and North Kent European Protected Sites

4. Large residential developments located within 10km from the North Kent European Protected sites that are located outside the Borough will be required to undertake a Habitats Regulation Assessment to demonstrate that the mitigation measures proposed are satisfactory to avoid potential adverse recreational effects to protected features. Information on mitigation options is available on the Council's website.

Trees

5. In all development proposals existing trees should be retained wherever possible. If retention is demonstrated not to be feasible, replacement provision should be of an appropriate tree species and maturity and/ or canopy cover taking into account the tree that is being replaced and the location.

APPENDIX FOUR

Heritage Statement



HERITAGE STATEMENT

Court Lodge Farm, Dale Road, Southfleet DA13 9NQ.

November 2023

1.0 INTRODUCTION

- 1.1 This statement is prepared in support of a planning application for the continued use of existing buildings for importation, processing, cold-storage, packaging and dispatch of produce including ready-meals/produce, on land at Court Lodge Farm, Dale Road, Southfleet DA13 9NQ.
- 1.2 This statement is intended to provide an overview of the relevant heritage planning policy framework and explain whether the development will adversely affect the heritage assets that are identified as being within the locality.

2.0 SITE CONTEXT

- 2.1 This is set out in the accompanying Planning Statement.

3.0 PROPOSED DEVELOPMENT

- 3.1 This is set out in the accompanying Planning Statement.

4.0 PLANNING POLICY FRAMEWORK

- 4.1 This section of this statement sets out the legislation and planning policy considerations and guidance at both the local and national level, which specifically relate to the application site, with a focus on those policies relating to the protection of the historic environment.

Legislation

- 4.2 Legislation relating to the Built Historic Environment is primarily set out within the Planning (Listed Buildings and Conservation Areas) Act 1990 which provides statutory protection for Listed Buildings and Conservation Areas.
- 4.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

“In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

- 4.4 In the 2014 Court of Appeal judgement in relation to the Barnwell Manor case, Sullivan LJ held that:

“Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there

would be some harm, but should be given “considerable importance and weight” when the decision-maker carries out the balancing exercise.”

- 4.5 A Court of Appeal judgment (‘Mordue’) has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134, see below), this is in keeping with the requirements of the 1990 Act.
- 4.6 Notwithstanding the statutory presumption set out within the Planning (Listed Buildings and Conservations Area) Act 1990, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

- 4.7 In terms of the Development Plan for Dartford Borough Council (DBC), this comprises of the following documents that are relevant to this application:
- Adopted Core Strategy (CS) (2011);
 - Adopted Development Policies Plan (DPP) (2017).
- 4.8 In the DPP, the following heritage related policies are considered relevant:
- DP12: Historic Environment Strategy;
 - DP13: Designated Heritage Assets.

Other Material Considerations

The Framework

- 4.9 Section 16 of the Framework sets out policy guidance in respect to conserving and enhancing the historic environment. In determining applications, LPAs should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting (paragraph 194).
- 4.10 Paragraph 197 of the Framework sets out that in determining applications, LPAs should take into account:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities, including their economic viability, and;
 - The desirability of new development making a positive contribution to local character and distinctiveness.
- 4.11 Proposals that preserve elements that make a positive contribution to or better reveal the significance of heritage assets should be treated favourably (paragraph 206).

- 4.12 Paragraph 201 sets out that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.
- 4.13 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 202).
- 4.14 The effect of development on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (paragraph 203).
- 4.15 LPAs are advised to take a positive approach to decision taking, looking for solutions rather than problems, and should seek to approve applications for sustainable development. LPAs should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 38).
- 4.16 In addition to the Framework, sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building and conservation area, their setting or any features of special architectural or historic interest which they may possess.

National Planning Practice Guidance (NPPG)

- 4.17 The NPPG elaborates upon the Framework and was initially introduced in 2014. It has been updated to reflect the subsequent updated versions of the Framework. The following sections of NPPG are relevant to this proposal.
- 4.18 NPPG expands on the issue of the conservation of heritage assets. Conservation is an active process of managing change, requiring a flexible and thoughtful approach to get the best out of heritage assets. Part of the public value of heritage assets is the contribution that they can make to our understanding and interpretation of our past. Consequently, where complete or partial loss of an asset is justified, the aim would be

to capture and record the evidence of the significance which is to be lost, to interpret its contribution to the understanding of our past and to make that information publicly available (paragraph ID 18a-002-20190723).

- 4.19 NPPG advises that ‘significance’ (as defined in the glossary of the Framework) is important in decision taking. An assessment must be made in respect of the nature, extent and importance of the significance of the heritage asset, and the contribution of its setting in understanding the potential impact and acceptability of development proposals (paragraph ID 18a-007-20190723). Setting of a heritage asset is defined in the glossary of the Framework as follows: “The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”
- 4.20 In order to assess the significance of a heritage asset it is important to consider both the heritage asset’s physical presence as well as its setting. Whether a proposal causes substantial harm will be a judgment for the decision taker. Substantial harm is a high test, so it may not arise in many cases. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting (paragraph ID: 18a-018-20190723).
- 4.21 In order to avoid or minimise the harm to the significance of a heritage asset a clear understanding of that significance and its setting is necessary (paragraph ID: 18a-008-20190723).
- 4.22 As per the Framework in paragraph 196, public benefits should be used to justify the proposal where it is likely to lead to less than substantial harm to the significance of a heritage asset. The NPPG advises that public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits. Public benefits may include heritage benefits, such as: (i) sustaining or enhancing the significance of a heritage asset and the contribution of its setting; (ii) reducing or removing risks to a heritage asset; (iii) securing the optimum viable use of a heritage asset in support of its long term conservation (paragraph ID: 18a-020-20190723).

5.0 METHODOLOGY

- 5.1 In determining applications, paragraph 194 of the Framework requires applicants to describe the significance of any heritage assets affected by development proposals. The level of detail should be proportionate to an assets’ importance and no more than is sufficient to understand the potential impact of any alteration on its significance.
- 5.2 Historic England’s Good Practice Advice in Planning provides information on good practice to assist in implementing historic environment policy in the Framework and the NPPG. The second edition of advice note 3 (‘The Setting of Heritage Assets’) was

published in December 2017. The importance of the setting lies “in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.” Paragraph 9 then sets out a number of considerations that assist in understanding setting and significance. These include:

- (a) Change over time;
- (b) Cumulative change;
- (c) Access and setting;
- (d) Buried assets and setting;
- (e) Designed settings;
- (f) Setting and urban design;
- (g) Setting and economic viability.

5.3 In accordance with the levels of significance articulated in the Framework, four levels of significance are identified:

1. Designated heritage assets of the highest significance, as per paragraph 194(b) of the Framework, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites;
2. Designated heritage assets of less than the highest significance, as identified in paragraph 194(a) of the Framework, which includes grade II listed buildings, or grade II registered parks or gardens;
3. Non-designated heritage assets, as defined within the PPG including “buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets.”
4. No heritage significance, covering the sites, buildings or areas that do not fall within any of the other levels.

5.4 In respect of levels of harm, the following may be identified:

1. **Substantial harm or total loss.** It has been clarified in a High Court Judgement of 2013 that this would be harm that would ‘have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced’, and;
2. **Less than substantial harm.** Harm of a lesser level than that defined above;
3. **No harm or preserve the significance of heritage assets.** A High Court judgment in 2014 concluded that with regard to preserving the setting of a listed building or preserving the character and appearance of a conservation area, ‘preserving’ means doing ‘no harm’, which permits change. What matters is whether that change is neutral, harmful or beneficial to the significance of an asset.

5.5 Part 2 of the note sets out a methodology for a proportionate approach to decision taking with respect to the contribution made by setting to significance, with paragraph 19 noting: “Amongst the Government’s planning objectives for the historic environment is that conservation decisions are based on proportionate assessment of the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset. Historic England recommends the following broad approach to assessment, undertaken as a series of steps that apply proportionately to complex or more straightforward cases:

- Step 1: identify which heritage assets and their settings are affected;
- Step 2: assess the degree to which these settings and views make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated;
- Step 3: assess the effects of the proposed development, whether beneficial or harmful, on the significance or on the ability to appreciate it;
- Step 4: explore ways to maximise enhancement and avoid or minimise harm;
- Step 5: make and document the decision and monitor outcomes.”

6.0 BUILT HERITAGE ASSESSMENT

Assessment of Impact

Impact on Designated Heritage Assets

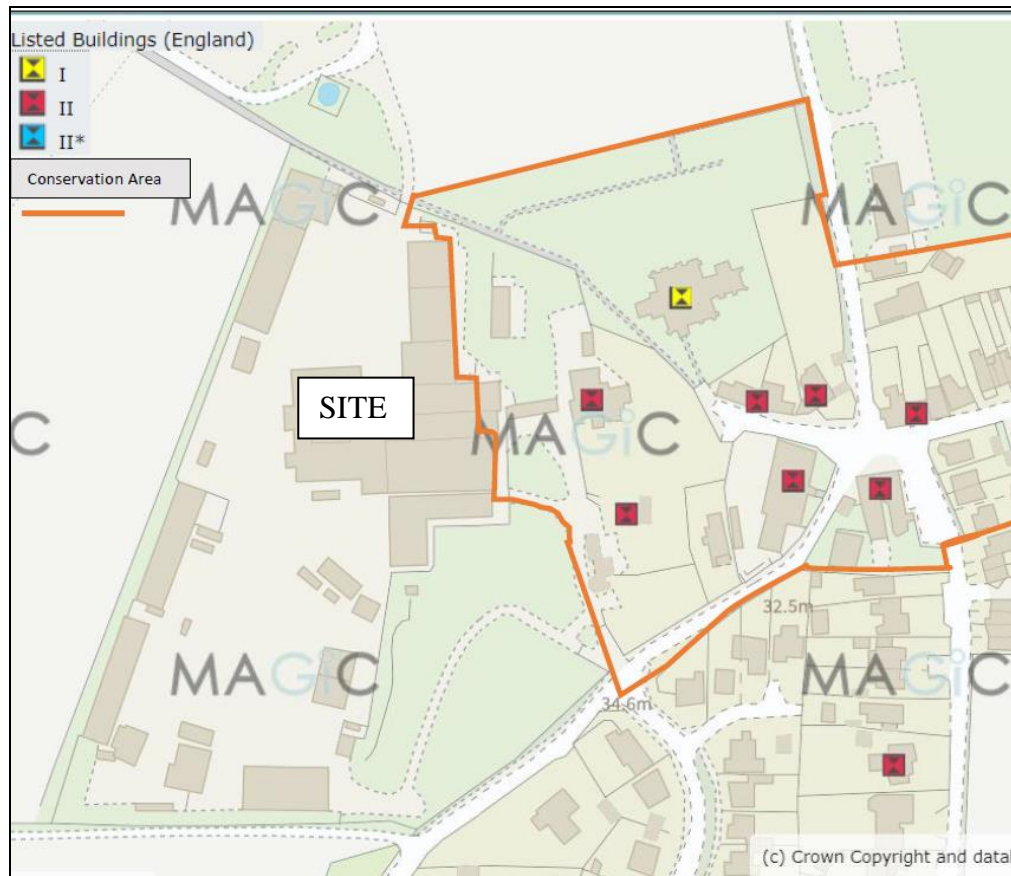
6.1 Due to the existing built form and landscape framework of the surrounds of the Site, visibility of the Site from the surrounding area is very limited. It was thus considered that any potential impacts on designated heritage assets would be isolated to Listed Buildings within the immediate vicinity of the Site and the Southfleet Conservation Area. The Listed Building include the following,

Grade I: Church of St. Nicholas, Church Street (NHLE ref. 1337465) approximately 63m east of the site

Grade II Court Lodge Farmhouse, Hook Green Road (NHLE ref. 1336451) approximately 25m east of the site

Grade II Granary approximately 40m south of Court Lodge Farmhouse (NHLE ref. 1085794) approximately 40m east of the site.

The approximate locations of these buildings relative to the Site are indicated on the DEFRA Magic Map extract below, onto which has been added the boundary of the Southfleet Conservation Area..



- 6.2 During a site visit it was ascertained that as a result of existing boundary treatments landscaping and the juxtaposition of buildings, there is only limited intervisibility between the Church and the Site and the buildings at Court Lodge Farm and the Site. The application proposals which involve a change of use, with no alterations to or enlargement of the existing buildings, will not directly affect or change this relationship and thus the setting of the buildings will remain as it currently is.
- 6.3 The application site has been an active farmstead for a considerable period of time and activity associated with this use and the other long-standing uses that have occurred on the site, provide the setting for the Conservation Area and the listed buildings to its east. This relationship will also not change as a result of the proposals.
- 6.4 The Conservation Area at this point coincides with the established curtilages of the listed and curtilage listed buildings at Court Lodge Farm and is private land and thus not publicly accessible. The relationship of the Site to the churchyard which lies within the Conservation Area, will also remain unchanged. The proposed continued use of the buildings which involves no further built development will not result in any change to the setting of the Conservation Area.
- 6.5 It is considered that the development as proposed would not introduce harm either substantial or less than substantial to the setting of the Heritage Assets

Impact on Non-Designated Heritage Assets

- 6.6 Policy DP2 states that in areas of additional design sensitivity, and where heritage assets (e.g. listed buildings) or their setting is affected, and within Areas of Special Character (ASC), developments will need to demonstrate accordance with policies DP12 (Historic Environment Strategy) and DP13 (Designated Heritage Assets). Policy DP12 confirms that non-designated Heritage Assets in Dartford includes Areas of Special Character.
- 6.7 ASC's are defined in the DPP as being: "Areas in the Borough which have individual local character and historic Character interest, although not meriting formal Conservation Area status. Many convey a predominantly residential environment in their established character." Additionally, the individual ASC SPG's make clear that their designation is not based on the interest of individual buildings.
- 6.8 The Southfleet ASC lies to the south of the site and to the south of the Conservation area, along Hook Green Road. Given that no new building works are proposed and the Site lies within the existing farmstead which will also not be enlarged and which is effectively screened from Hook Green Road, it is the view of the applicants that the proposed development will have no notable effect on the ASC.

7.0 CONCLUSIONS

- 7.1 The buildings within the Site are not considered to be of architectural or historic interest, and none are considered to be representative of non-designated heritage assets (i.e. are of no heritage significance).
- 7.2 Whilst the Site is located close to designated Heritage Assets, Given the nature of the proposals which solely involve a change of use, it is considered that the scheme would not result in any perceivable harm to these assets..
- 7.3 No designated heritage assets will be impacted upon by the proposed development through a change in their setting, including Listed Buildings within the surrounds of the Site and the Conservation Area itself.
- 7.4 As such, proposals are considered to be in accordance with the statutory requirement set out within the Planning (Listed Buildings and Conservation Areas) Act 1990, the Framework, NPPG and Development Plan policy.