

Development Management
Sevenoaks Council

19th March 2024

Dear Mr Sperryn

Re: Application for prior approval under Schedule 2, Part 6, Class A of The Town and Country (General Permitted Development) Order 2015 (as amended).

Franks Hall Farm, Eglantine Lane, Horton Kirby. DA4 9JL

Proposed agricultural barn.

I am instructed by Mr George Sawyer to advise and to prepare this revised prior approval application for your consideration.

I am familiar with the site and surrounding area, and with the provisions of the General Permitted Development Order. I have also reviewed the planning history for the site and application 24/00323/AGRNOT that was determined on 28th February 2024. It was refused because the barn was found to be 20-21m back from Eglantine Lane which is a classified road (C271) and therefore failed to comply with Class A.1 (h).

Previously application 21/01335/AGNOT was determined as follows:

You are advised that on the basis of the information available, the Council is of the view that the proposed works above would not constitute permitted development under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Thus this Agricultural Notification, seeking a view as to whether Prior Approval is required, does not fall to be considered.

This is because, on the basis of the information available, the proposed building (and associated works (yard area) and associated access would exceed the 1000m² limitation set out under Class A.1(e), as interpreted by Class D.1(2)(a).

In addition, but perhaps most significantly, it is the Council's view that the proposals would fail to comply with Class A.1(i), as use of the building for livestock is not permitted within 400m of a protected building (adjacent dwellings on Eglantine Farm).

Therefore, I am advising you that no further action will be taken on this Agricultural Notification application.

This is a revised application to address the issues raised in both the 2024 application and the 2021 application. Mr Sawyer remains committed to managing his land himself.

We have ensured that the area proposed is as required for the business needs and within the required criteria. We can also confirm that the barn is not needed for and will not be used for housing livestock. The farm is to be used for grazing sheep and hay production. The grazing sheep, used as part of the land management, belong to a neighbouring farmer who will use his own buildings for lambing and emergency accommodation if needed.

The following drawings are attached to show the proposed development.

Drawing No 129 PD01 Rev A	Proposed Elevations
Drawing No 129 PD02 Rev A	Proposed Floor Plan
Drawing No 129 PD06 Rev B	Proposed Site Plan
Drawing No 129 PD07 Rev A	Location Plan
Planning information contained within this letter.	
Agricultural Justification Statement prepared by CLM Ltd.	

Site Description

Franks Hall Farm comprises a holding of 79.99 acres including 53.5 acres of pasture land. The remainder is woodland and amenity land. The land is located to the south of Franks Hall, a Grade I Listed Elizabethan country house. The house and its formal gardens are located on the northern bank of the River Darent whilst the farm/pasture lies predominantly to the south of the River between the River Darent and Eglantine Lane.

The site location plan shows the farm area outlined in red:



Site choice and proposed barn

The site has been chosen for the following reasons:

It is close to the existing access that is already used to manage the land. Please see the photograph below of the gated access:

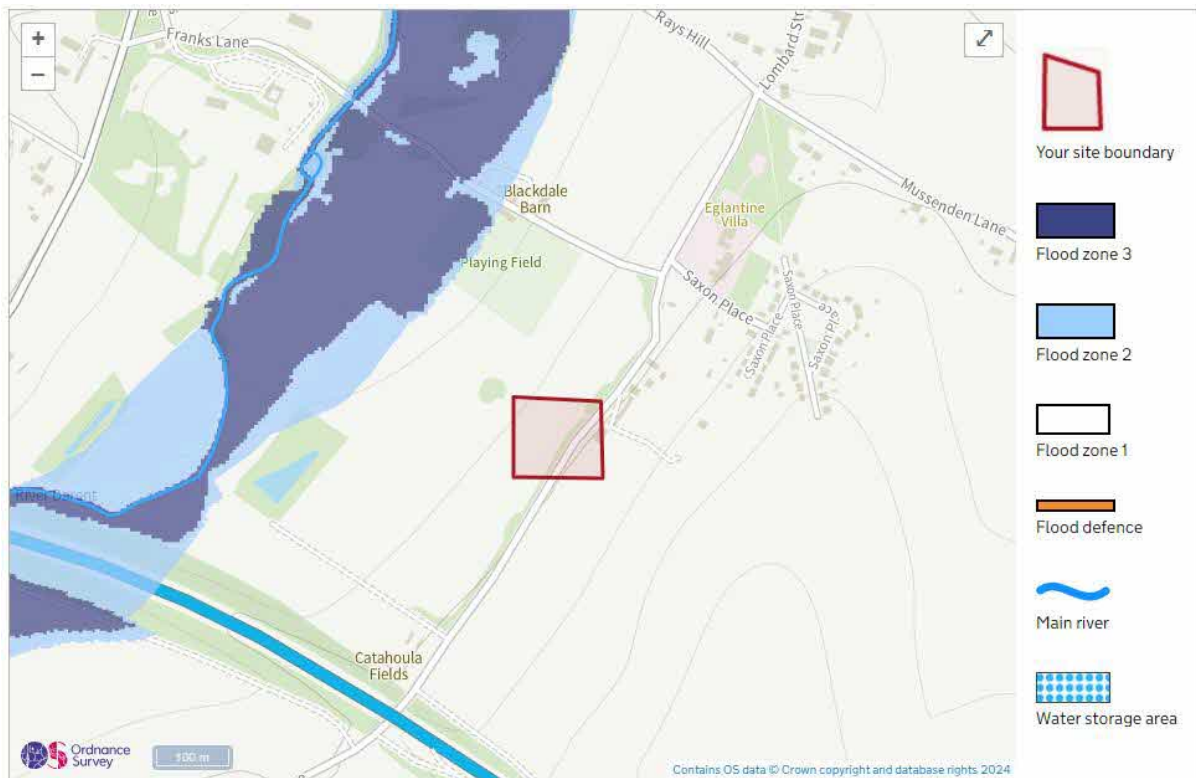


It is well screened from the road by a substantial hedgerow including mature trees.

It occupies the lower grade agricultural land within the holding. Please refer to the agricultural statement that includes a map showing the quality of agricultural land within the holding.

The site is within flood zone 1, above the area of higher flood risk within zones 2 and 3 that are closer to Franks Hall.

The flood map extract below illustrates this.



Franks Hall, which had previously been in use as offices, was granted planning permission for conversion back to its original use as a dwelling house in 2014. There are no agricultural buildings on the land and the owner has until now, contracted in such farm machinery, as necessary. He now wishes to manage the farm himself using his own workers and equipment.

An agricultural justification statement accompanies this application and explains the situation and need for an agricultural barn. We have adhered to the advised size of new accommodation needed. The report concludes:

“We have considered the agricultural need set out above which is clear. After making an allowance for the proper handling and storage of both produce and machinery, in addition to the use of common construction parameters, our recommended building size is 375m².

A building of this size would, in our opinion, provide adequate undercover storage space for a range of agricultural equipment, stores and ancillary operations associated with the holding

without significantly exceeding justifiable space requirements. Common activities associated with the storage of forage such as the use of tractor mounted grabs or squeezes are accounted for in the above calculations and safe working conditions are available at all times.

There is an evident need for an agricultural building in order to facilitate the growth of the extant agricultural business by both preventing rural crime and the spoiling of the stored forage. Any proposed building should be commensurate with our recommendations in order to be considered to meet the credible need that exists on the holding at this time.”

Permitted Development consideration.

We have taken account of the provisions of Class A of Part 6 of Schedule 2 of the GPDO 2015 (as amended) that permits on agricultural land comprised in an agricultural unit of 5 hectares or more in area, the erection of a building which is reasonably necessary for the purposes of agriculture within that unit.

This is subject to certain limitations and conditions. Details of compliance are set out below, with the wording from the Order in *italic text*.

*A.1; Development is **not** permitted if:*

- a) *the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area;*

The parcel of land is larger than 1ha – criterion met.

- b) *it would consist of the erection or extension of any 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.*

No recent new development – criterion met.

c) *it would consist of, or include, the erection, extension or alteration of a dwelling;*
The proposal is not for a dwelling – criterion met.

d) *it would involve the provision of a building, structure or works not designed for agricultural purposes.*

The building is designed for agricultural purposes – criterion met.

e) *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 1,000 square metres, calculated as described in paragraph D.1(2)(a) of this Part.*

The proposed barn is not for accommodating livestock or any plant and machinery arising from engineering operations.

The ground area of the proposed building and hardstanding proposed is 375m², as detailed on drawing No 129-PD-06 Rev A.

Criteria met.

f) *the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres.*

Criterion met.

g) *the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres.*

The proposed height to the ridge is 7.304m – criterion met.

h) *any part of the development would be within 25 metres of a metalled part of a trunk road or classified road.*

Criterion met – the proposed barn is not within 25m of Eglantine Road (C271).

- i) *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 400 metres of the curtilage of a protected building.*

The proposed building will not be used for accommodation of livestock or storage of slurry or sludge.

- j) *it would involve excavations or engineering operations on or over article 2(4) land which are Commented [S302]: Replaced by 2018 No. 343 (Page 106 of 275) connected with fish farming; or any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system—*

(i) would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit; or

(ii) is or would be within 400 metres of the curtilage of a protected building

No such development is proposed – criterion met.

The permissive provisions of class A of part 6 are also subject to conditions set out at A.2, 1) (a). An extract from the Order is pasted below followed by the exception circumstances described in Paragraph D.1 (3):

Conditions

A.2—(1) Development is permitted by Class A subject to the following conditions—

- (a) where development is carried out within 400 metres 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;

D.1— (1) For the purposes of Classes A, B and C—


- (3) The circumstances referred to in paragraphs A.2(1)(a) and B.5(1) of this Part are—
- (a) that no other suitable building or structure, 400 metres or more from the curtilage of a protected building, is available to accommodate the livestock; and
 - (b)
 - (i) that the need to accommodate the livestock arises from quarantine requirements, or an emergency due to another building or structure in which the livestock could otherwise be accommodated being unavailable because it has been damaged or destroyed by fire, flood or storm; or
 - (ii) in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure because they are sick or giving birth or newly born, or to provide shelter against extreme weather conditions.

The proposed barn will **not** be used to accommodate livestock. The proposal does not conflict with A.1 (i) of Class A of Part 6 of the GPDO.

In conclusion, prior approval is respectfully sought for a policy complaint proposal.

Please let us know if you find that you require any further information or wish to visit the site.

Yours sincerely



Jo Tasker BSc (Hons) BTP MRTPI

