

Land at

Planning Statement on behalf of David Holt

Application for a change of use of the land to allow the retention of shipping containers for storage purposes.

HPPC Ref: 31148

Date: July 2019



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1 INTRODUCTION

- 1.1 This application is submitted for the retention of 23 shipping containers that have been placed on Yew Tree Farm for general storage by the farm and small local businesses. The placing of the containers for storage purposes represents a material change of use of the land and planning permission is required.

2 SITE AND LOCATION

- 2.1 Yew Tree Farm is located to the west side of Stone Street approximately 1.7km north of Junction 11 of the M20. The site is in open country side but not designated as an Area of Outstanding Natural Beauty. The site lies within the village settlement boundary and consists of a farm complex containing a variety of large buildings (grain stores) farm offices, smaller buildings in office use and a large area of hard standing.
- 2.2 The storage containers the subject of this location are located to the southern boundary of the farm yard tucked along the large conifer hedge that screens the whole of the yard from Kennett Lane to the south. There are a few dwellings on the opposite side of the road here but due to the large hedge the containers and farm yard / buildings are not at all visible.

3 PLANNING HISTORY

- 3.1 The site has a number of applications relating to the agricultural yard and buildings which is set out below. The main application of interest is Y/09/0925 which was for the retention of 11 storage containers for storage and distribution (Class B8) and retention of the farmhouse offices. This application was permitted on the 24th December 2009 with conditions.
- 3.2 Condition 1 stated that the eleven storage containers had to be removed and the land restored to its former condition on or before the 1st January 2015. The grounds for the imposition of the condition were that the authority wished to review the situation at the expiry of the permission given that the storage containers are not intended for permanent retention in the interests of the visual amenity of the countryside and to control their use.

Full Planning History

- **ERECTION OF A HOUSE AND GARAGE.**

Ref. No: 86/0598/SH | Status: Approved with conditions

- **APPLICATION FOR ESTABLISHED USE CERTIFICATE FOR USE OF BUILDINGS FOR STORAGE AND DISTRIBUTION OF AGRICULTURAL PRODUCTS AND SUNDRIES.**

Ref. No: 91/0815/SH | Status: Acceptance

- **ERECTION OF AN AGRICULTURAL STORAGE BUILDING AND USE OF EXISTING AND PROPOSED BUILDINGS FOR THE CLEANING DRYING AND STORING OF CEREALS.**

Ref. No: 92/0778/SH | Status: Approved with conditions

- **INCREASE IN HEIGHT OF PART OF ROOF OF EXISTING STORAGE BUILDING.**

Ref. No: 93/0078/SH | Status: Approved with conditions

- NOTIFICATION OF PROPOSED DRIER EXHAUST BAFFLE AND DUST CONTAINMENT SHELTER.
Ref. No: 94/7111/SH | Status: Acceptance
- ERECTION OF A LEAN-TO EXTENSION TO FORM FARM MACHINERY STORE.
Ref. No: 96/0280/SH | Status: Approved with conditions
- Change of use of existing agricultural building to offices.
Ref. No: 97/0988/SH | Status: Approved with conditions
- Erection of extensions to existing grain stores.
Ref. No: Y03/1447/SH | Status: Withdrawn
- Erection of an extension to existing grain store.
Ref. No: Y04/0601/SH | Status: Refused
- Retention of 11 storage containers for storage and distribution (Class B8) and retention of use of the farmhouse offices (Class B1a)
Ref. No: Y09/0925/SH | Status: Approved with conditions
- Change of use of the land for car parking in connection with the farm business and for local resident parking, together with the erection of fencing and construction of hard surface netpave area.
Ref. No: Y10/0601/SH | Status: Refused
- Extension to grain store (28 day agricultural notification).
Ref. No: Y10/0616/SH | Status: No objection
- Erection of a replacement agricultural barn, following removal of old concrete framed building.
Ref. No: Y10/0858/SH | Status: Approved with conditions
- Retrospective application for the change of use of the land for the retention of 23 storage containers for storage and distribution (class B8) in association with approved application Y09/0925/SH.
Ref. No: Y18/0608/FH | Status: Withdrawn
- O/A ERECT GENERAL PURPOSE BUILDING
Ref. No: SH/77/600 | Status: Approved with conditions
- DETAILS TO ERECT OF BUILDING
Ref. No: SH/78/814 | Status: Acceptance
- ERECTION OF 2 POLES
Ref. No: SH/79/556 | Status: Acceptance

4 PROPOSAL

- 4.1 The current situation is that the 11 storage containers originally permitted by application Y09/0925 have time expired and an additional 12 have been brought onto site. This application seeks to regularise all of the containers.
- 4.2 Containers were first brought to the farm here in 2001 with 3 arriving. In 2005 a further 4 were added. In 2010 an additional 8 were brought in. 2 arrived in 2015 and finally 6 in 2017 giving a total of 23. For the purposes of the planning application form where commencement and completion of development must be entered, a start date for the containers arriving was stated as 1st January 2001 and an end date for the last container as 1st January 2017. In reality the first container arrived sometime in 2001 and the last sometime in 2017, exact dates are unknown.
- 4.3 The containers are used for the following purposes:-
- General storage for the farm – 7 containers
 - Cardboard storage – 1 container
 - Storage for a graffiti removal firm – 5 containers
 - Storage for a wedding company – 2 containers
 - Storage company – 1 container
 - Local builder – 1 container
 - Local carpet shop – 2 containers
 - Local Kitchen fitter – 1 container
 - Local Plumber – 1 container
 - Local Garden company – 1 container
 - Empty / unused – 1 container
- Total 23 containers.
- 4.4 All of the containers are sited in a long line in the farm yard and adjacent to the hedge that separates the farm yard from Kennet Lane.

5 PLANNING POLICY

- 5.1 At the highest level the National Planning Policy Framework (NPPF – February 2019) provides a national guidance for all development proposals and is a material consideration in decision making for all local planning authorities.

5.2 Introduction

The National Planning Policy Framework (February 2019) sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions

5.3 The presumption in favour of sustainable development

Paragraph 8 states that the purpose of the planning system is to contribute to the achievement of sustainable development. At its heart the Framework has three overarching objectives:

An economic objective

A social objective

An environmental objective

Paragraph 11 states that for decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

It goes on to say that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission. Unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

5.4 Building a strong, competitive economy

Paragraph 80. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

5.5 Supporting a prosperous rural economy

Paragraph 83. Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the

countryside; and

d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

- 5.6 Paragraph 84. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

5.7 **Making effective use of land**

Paragraph 117. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

- 5.8 Paragraph 118. Planning policies and decisions should:

a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;

b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and

e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

5.9 Conserving and enhancing the natural environment

Paragraph 170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

5.10 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that a planning application must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.11 The relevant Development Plan for the site comprise the **Shepway Core Strategy (2013)** and the **saved policies of the 2006 Local Plan**. The emerging **Places and Policies Local Plan**, which was submitted to the Secretary of State on 28th September 2018 with the Examination in Public held in May 2019, carries some weight for decision making purposes. **The Core Strategy Review** has recently completed the Regulation 19 stage (in March 2019) and will therefore also carry some limited weight.

5.12 **The Shepway Local Plan Review 2006** has now been largely superseded by the Core Strategy (2013), but a number of the policies in the 2006 Local Plan Review were 'saved' until these were either subsequently replaced or superseded by policies in the new system.

5.13 Shepway Core Strategy (2013)

The Core Strategy contains a number of strategic policies, and those which relate specifically to Development Management. Of most relevance are the following local policies:

5.14 **Policy CSD3 - Rural and Tourism Development of Shepway**

Proposals for new development in locations outside of the Settlement Hierarchy may only be allowed if a rural or coastal location is essential, and to meet green infrastructure requirements. Development in these locations will only be acceptable in principle if forming a site for:

- a. affordable housing (rural exceptions as per CSD1, or allocated sites)
- b. agriculture, forestry or equine development
- c. sustainable rural diversification, and tourism enterprises as set out below
- d. local public/essential services and community facilities in line with policies SS3/4
- e. replacement buildings (on a like for like basis)
- f. conversions of buildings that contribute to the character of their location
- g. sustainable rural transport improvements
- h. essential flood defences or strategic coastal recreation.

To underpin the sustainable development of the countryside, the loss of facilities in the centre of any village will be resisted unless appropriately demonstrated to be unviable, and rural economic diversification will be supported, especially through the re-use or refurbishment of redundant rural buildings.

Tourist, recreation and rural economic uses will be appropriately protected and new development allowed within defined settlements in the Settlement Network. Where sites are unavailable within settlements - and development is proportionate in scale/impact and also accessible by a choice of means of transport - it may also be acceptable on the edge of Strategic Towns and Service Centres, and failing that, Rural Centres and Primary Villages.

Rural economic development must be consistent with green infrastructure (GI) and coastal/water environment principles.

The Core Strategy Review Submission Draft is also relevant.

5.15 **Folkestone and Hythe Places and Policies Local Plan, Submission Draft**

5.16 **Policy E2 - Redevelopment of Existing Employment Sites**

Existing employment sites are protected for business purposes under classes B1 and B8. Proposals to fully or partly redevelop existing employment sites for alternative uses will be permitted provided that it is demonstrated that:

- 1. The existing or former employment use is no longer appropriate in terms of neighbouring uses or impacts on the natural environment; or*
- 2. The site or premises has been subject to sustained marketing over a six month period prior to the submission of the planning application but the site or premises has remained unlet or unsold for all appropriate types of B class employment use and nor reasonable offers have been received;*

3. It does not prevent or limited opportunities for any remaining land left undeveloped coming forwarded for employment purposes;
4. Any established businesses are relocated to appropriate alternative premises within the local area; and
5. The site is unviable for redevelopment for an alternative employment use.

In addition, proposals should demonstrate that the proposed new use does not undermine neighbouring employment uses or their future development.

5.17 Policy E6 - Farm Diversification

Planning permission will be granted for the diversification of farm businesses where:

1. The proposal is compatible with surrounding buildings and the location in terms of scale and design;
2. There would be no detrimental impact on local amenity or the character, appearance or nature conservation value of the rural landscape. This criterion will be given additional weight in the Kent Downs Area of Outstanding Natural Beauty, and nature conservation designations;
3. Adequate provision is made for access, servicing and parking;
4. Any retailing proposed relates to the sale of farm produce and would not harm the viability of retail facilities in nearby centres in accordance with Policy RL8: Development Outside Town, District and Local Centres;
5. The proposal would not prejudice the agricultural working of the farm unit; and
6. Where practicable, the proposal re-uses an existing agricultural building.

5.18 Policy E7 - Reuse of Rural Buildings

Planning applications for the conversion of existing rural buildings and/or the creation of new buildings that support the development and expansion of the rural economy or tourist industry (including visitor accommodation), will be approved where:

1. The building is of permanent and substantial construction and the proposed conversion is sympathetic to the building's intrinsic character, appearance and setting and is capable of being implemented without significant extensions or alterations to the existing building and would not damage the historic fabric, character or setting of a historic asset;
2. Development would not prejudice the agricultural working of a farm unit or the vitality and functioning of nearby rural towns and villages;
3. Access, servicing and parking requirements can be met without detriment to the visual or other amenities in the locality;
4. Where the proposal is within the Kent Downs Area of Outstanding Natural Beauty or its setting, it is of a high quality of design of buildings and surrounding space and reinforces local distinctiveness to help maintain the Area of Outstanding Natural Beauty as a special place;
5. There is no detrimental impact on residential amenity; and

6. *There is no detrimental impact on the protected species, sites or features of nature conservation interest.*

Where a rural building can accommodate a business reuse in accordance with criteria 1 to 3 above, proposals for conversion to a residential use which is not ancillary to a scheme for business reuse, will need to be justified through a statement detailing the efforts made to secure a business reuse in the first instance and, in addition, the proposal would involve the re-use of a traditional building of architectural or historic merit that is worthy of retention.

5.19 Policy T2 - Parking Standards

Planning permission will be granted for non-residential and commercial schemes where parking is provided in accordance with Table 13.2 above.

A Transport Assessment (TA) will be required in support of planning applications where appropriate and required by the local planning authority in accordance with defined thresholds on development size and in accordance with national planning policy. For smaller schemes a Transport Statement may be satisfactory, subject to agreement with the District Council and Local Highway Authority at the pre-application stage.

The purpose of an assessment in reference to residential parking is to provide a clear indication of how the proposed scheme impacts on any existing adjoining on-street residential parking. Wider issues, such as highway capacity and highway safety and accessibility by non-vehicle modes, must also be considered as part of an assessment.

The dimensions for a car parking space are 2.5m (width) by 5m (length), unless the space is adjacent to a structure or obstruction (e.g. wall or fence), in which case the width measurement needs to be increased by 0.2m for every obstruction.

5.20 Policy NE3 - Protecting the District's Landscapes and Countryside

Landscape Character Areas

Proposals should demonstrate that their siting and design are compatible with the pattern of natural and man-made features of the Landscape Character Areas, including their cultural and historical associations. Opportunities for remediation and improvement of damaged landscapes will be taken as they arise.

6.0 Key Issues

6.1 The key issues are;

- Need for the development;
- Appropriateness of Location;
- Character and Appearance;
- Landscape impact;
- Traffic and Access;

- Other matters

Need for the Development

- 6.2 Seven of the containers are used for general farm storage with the remaining 16 used exclusively by very small business who use them for storage purposes. These are businesses that are fairly small and do not have their own industrial units or other storage areas, nor do they have such a turnover or storage requirement as to warrant renting out a purpose built storage facility elsewhere. The containers are an ideal solution to the storage requirements of very small local businesses.
- 6.3 The shipping containers allow for a small amount of diversification for the farm. The yard has not been increased in size to accommodate them and they have been sited at the periphery of the yard, tucked under a conifer hedge and out of sight from the public and surrounding countryside. The containers help diversify the farms income in accordance with planning policy, and they provide a valuable low cost storage option for local firms, which again supports local business and the rural economy.
- 6.4 The containers are an ideal solution to the small storage needs of local businesses.

Appropriateness of Location

- 6.5 The containers are well sited within the farm complex and behind a very tall conifer hedge that totally screens them from the road. The planning officer's report for the 2009 application stated that:-

The containers would not be prominent in their location, sited between two large industrial buildings and a tall hedge, tucked in close to the hedge. They are not excessively tall and whilst there are eleven, they are sited in a row, and visually do not look untidy in the farm yard.

The report went on to say:-

They would have no visual impact on the wider landscape, being well screened by the hedge and tall farm buildings. Therefore in visual terms considered acceptable.

The situation is exactly the same today as it was in 2009.

Character and Appearance

- 6.6 The containers are sufficiently far away from any neighbouring properties and well screened by the hedge. They are largely invisible outside of the farm yard and as such their impact on the character and appearance of the area is negligible.

Landscape Impact

- 6.7 Being within a well screened and large working farmyard the containers have no impact on the wider landscape.

Traffic and Access

- 6.8 The use of the containers is extremely infrequent, they are visited perhaps once or twice per month. The farm has a large area of hard standing within the site and ample room for the

users of the containers to park and access them. The farm has an existing access with good visibility in both directions along Stone Street and as such the development has little impact on the traffic and access along this stretch of road.

Other Matters

- 6.9 The original planning officers report permitted the containers on a temporary basis of 5 years on the grounds that, *'these containers are sea containers and not designed and intended for permanent retention'*
- 6.10 However, some of the containers have been on site for 18 years and are still perfectly serviceable. The average life of a shipping container is 25 to 30 years and more if treated or rustproofed. Shipping containers provide a very practical and secure storage solution. In addition, as they are easily moveable structures they can be replaced as and when required. In the circumstances a permanent permission is sought for the use of the land for the storage of the shipping containers.

7.0 Conclusion

- 7.1 Shipping containers have been on this site for the last 18 years and during all of that time the owner is not aware of any complaints about them being made. The containers are very discreetly sited and virtually unseen from outside of the site.
- 7.2 The National Planning Policy Framework strongly supports a prosperous rural economy and states at paragraph 83 that planning policies and decisions should enable the development and diversification of agricultural businesses.
- 7.3 Paragraph 83 states that planning policies and decisions should recognise that sites to meet local businesses needs in rural areas may have to be found adjacent or beyond existing settlements. The use of sites that are well related to existing settlements should be encouraged. The site is extremely well located, being just 1.7 km from Junction 11 of the M20.
- 7.4 The containers form a vital storage solution for local small businesses who would be hard pressed to find similar storage facilities elsewhere. These businesses form a small but key part of the local economy and rely on farm sites such as this, who in turn rely on the small element of income that the diversification provides.
- 7.5 It is requested therefore, that planning permission be granted for the continued use of the land for the siting of shipping containers for storage purposes.