

**A03**

**F/TH/23/0883**

**PROPOSAL:** Variation of condition 3 of approved planning permission for F/TH/22/1454 'Temporary change of use of agricultural land to store timber' to extend the time of the permission to store timber on the site for a further 12 months (until 30th June 2024)

**LOCATION:** Land East Of Parking Bay Canterbury Road West Minster RAMSGATE Kent

**WARD:** Thanet Villages

**AGENT:** Mr Richard Limmer

**APPLICANT:** Mr Ben Manterfield

**RECOMMENDATION:** Approve

Subject to the following conditions:

1 The proposed development shall be carried out in accordance with the submitted application and the approved drawings numbered 1448/001 and 1448/002 Revision A.

**GROUND**

To secure the proper development of the area.

2 At the expiration of a period ending on 30th June 2024 the storage of timber stacks shall be removed and the land restored to its former condition in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.

**GROUND**

In view of the temporary nature of the proposal and to prevent the uncontrolled and unacceptable storage of timber within the site that could adversely impact upon visual amenity and landscape character contrary to policy SP26 of the Local Plan.

3 The height of timber stored on the site shall not exceed 6m above ground level.

**GROUND**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02, SP24 and SP26 of the Thanet Local Plan.

**SITE, LOCATION AND DESCRIPTION**

The application site is located to the northern side of the Thanet Way (A299) and layby at Minster and forms part of the southern strip of agricultural land. The site is to the west of Smugglers Leap Park and the Holiday Inn (Prospect Inn Grade II listed).

To the dual carriageway boundary there is some vegetation that separates the site and the layby/road.

The entrance and exit for vehicles to the site is via the layby that has two gated accesses at either end.

## RELEVANT PLANNING HISTORY

F/TH/22/1454 - Temporary change of use of agricultural land to store timber (Retrospective Application) Granted 28/02/2023

## PROPOSED DEVELOPMENT

Planning permission was granted for the temporary change of use of agricultural land to store timber on the 22nd February 2023 (F/TH/22/1454 refers). Condition 3 of planning application (F/TH/22/1454) relates to the temporary consent given. This required the storage of timber to cease on the land on the 30th June 2023 unless a further consent was approved.

This application seeks to vary condition 3 of the permission to allow a further temporary consent to be granted until 30th June 2024. The timber is stored for Kent Renewable Energy Limited (KRE) power station at Sandwich. This site is stated to hold a current capacity of 7,500 tonnes which equates to 10 days fuel for the power station.

The justification for this further temporary period is stated as being due to the continued need for ad-hoc storage facilities to ensure that the power station keeps running and continued supply issues from global conflict. The application proposes further alterations to the planning permission for the additional period:

- Limit the height of the timber stacks to 6m.
- Limit the overall storage capacity of the site to 6,000 tonnes.

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan 2020**

- SP24 - Development in the Countryside
- SP26 - Landscape Character Areas - Manston Chalk Plateau
- SP30 - Biodiversity and Geodiversity Assets
- SP36 - Conservation and Enhancement of Thanet's Historic Environment
- SP43 - Safe and Sustainable Travel
- SE04 - Groundwater Protection
- HE03 - Heritage Assets

E15 - Farm Diversification  
E16 - Best and Most Versatile Agricultural Land  
QD02 - General Design Principles  
QD03 - Living Conditions

## NOTIFICATIONS

Letters were sent to adjoining occupiers, a site notice posted close to the site. No representations were received.

**Minster Parish Council:** No objection.

## CONSULTATIONS

**Environment Agency:** This application relates to conditions that were not requested by us, we therefore have no comments to make with regards to the variation of conditions.

**KCC Highways:** I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.

**KCC Ecological Advice Service:** We provided the following comments for application F/TH/22/1454 and at the time we were satisfied that no ecological information was required. We understand that the site has continued to be used to store wood since we previously commented and therefore we advise that we have no comments to make on the proposed extension of time.

## COMMENTS

The application has been called to the planning committee at the request of Councillor Smith for members to consider the impact on the neighbours and concerns about safety measures at the incinerator site.

### **Principle**

The site was previously used for agricultural purposes prior to the earlier temporary consent; the storage of timber which is felled off site, falls within Use Class B8 of the Use Classes Order.

The National Planning Policy Framework is generally supportive of economic development within rural areas, especially where development is small scale. Policy E15 is supportive of Farm diversification provided that it would meet the following criteria

- 1) The proposal is compatible with the agricultural operations on the farm, and is operated as part of the farm holding.
- 2) The loss of the best and most versatile agricultural land is minimised.
- 3) The likely traffic generation could be safely accommodated on the local highway network.

In terms of best and most versatile agricultural land policy E16 is relevant this states planning permission will not be granted for significant development which would result in the irreversible loss of best and most versatile agricultural land unless it can be clearly demonstrated that:

- 1) the benefits of the proposed development outweigh the harm resulting from the loss of agricultural land,
- 2) there are no otherwise suitable sites of poorer agricultural quality that can accommodate the development, and
- 3) the development will not result in the remainder of the agricultural holding becoming not viable or lead to likely accumulated and significant losses of high quality agricultural land.

Policy SP24 (Development in the Countryside) of the Local Plan states that development on non-allocated sites in the countryside will be permitted for either: 1) the growth and expansion of an existing rural business; 2) the development and diversification of agricultural and other land based rural businesses; 3) rural tourism and leisure development; 4) the retention and/or development of accessible local services and community facilities; or 5) the redevelopment of a brownfield site for a use that is compatible with its countryside setting and its surroundings. Isolated homes sites in the countryside will not be permitted unless they fall within one of the exceptions identified in the National Planning Policy Framework. All development proposals to which this policy applies should be of a form, scale and size which is compatible with, and respects the character of, the local area and the surrounding countryside and its defining characteristics. Any environmental impact should be avoided or appropriately mitigated.

The storage of timber is a B8 use. It is recognised that the use relates to a relatively long narrow strip of land and is for a further temporary period. Given the temporary nature of the permission, it was not considered previously that the loss of agricultural land was irreversible nor therefore contrary to E16. Timber storage was accepted previously as a temporary use that is compatible with a rural location and, therefore, it is in principle an acceptable use of land subject to other material considerations also being satisfied.

### **Character and Appearance**

Paragraph 174 of the NPPF stipulates that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. The site is within the countryside and designated within the Manston Chalk Plateau as defined in Policy SP26 of the Local Plan 2020 - Landscape Character Areas. Key characteristics of the Manston Chalk Plateau Landscape Character Area is generally flat or gently undulating landscape, with extensive, unenclosed fields under intensive arable cultivation. The preamble to the policy confirms that this character area contains the highest point on the island at Telegraph Hill. The elevated plateau results in long distance panoramic views to the south over Minster Marshes and across Pegwell Bay and, in the west, across the Wantsum. The elevated central chalk plateau also forms a skyline in many views back from lower landscapes in Thanet, including the coast and marshlands. It is considered that the policy and its supporting evidence is fully in accordance with the NPPF and should be afforded full weight in the determination of the application.

As set out above, the application site is part of a wider site in agricultural use - although containing some hard surfaced and, therefore, not all cultivated land. The site is adjacent to the Thanet Way and lay-by and has some soft landscaping to this boundary but not to the farmland to the other side.

Policy SP26 of the Thanet Local Plan states that development proposals should demonstrate how they respect and respond to the character, key sensitivities, qualities and guidelines of the relevant landscape character areas, as detailed in the Landscape Character Assessment (LCA), and that all development should seek to avoid skyline intrusion and the loss or interruption of long views of the coast and the sea.

The Council considers that the Landscape Character area is a valued landscape as described by paragraph 174 of NPPF and that the site contributes to and forms part of the Landscape Character area.

As stated above, this application seeks to extend the temporary period until June 2024, with a reduction in the height of the logs stored (7metres to 6metres) and also a reduction in the capacity of the site brought about largely by this reduction in height of the stacks.

The site is open to the field side but with some soft vegetation to the road side and hard surfaced in part. The layby area has less vegetation with the field, so the timber would be visually more apparent here and even with the reduction in height will still be visible, although not as prominent as before. The top of the timber stacks with the reduction in height will be less visible from the road above the existing vegetation due to boundary screening, it is considered that the timber stacks must be considered to still have some visual impact due to the stark contrast in appearance to the surrounding green fields and their height (albeit reduced).

There are stacks of timber sited along the access track at the time of a site inspection most of the timber stacks were behind hedging and therefore not so apparent from the road. The timber under this current application would be stacked no higher than 6m above ground level.

The visual impact of the timber storage proposal has not attracted objection on visual amenity grounds. The Parish Council have confirmed that they do not have an objection to the proposal. The proposed 6m timber stacks would be screened to some degree from public view by the existing vegetation that bounds the field, although it is appreciated that the stacks are seen above this and between some gaps in the field boundary. Consent was granted previously for a temporary period of time owing to concerns about the landscape harm the long term storage would have on landscape character.

In this case it is considered that the applicant needs to find a long term storage solution for the timber outside of the side. Officers consider that a further temporary consent could be granted but between now and before the end of June 2024 the applicant needs to find a more suitable and permanent storage solution for the timber. A further temporary permission would not be supported by officers' on this site, due to the long term impact on the landscape character area.

On balance, it is considered that the harm to the landscape character area would be temporary and limited and therefore is considered acceptable.

As such, it is appropriate to control the period of time for the stacking of timber on this site through a restrictive condition requiring the full removal by the end of June 2024.

For these reasons, the continued storage of timber for a temporary period is acceptable when considered against Policies SP24 and SP26 of the Local Plan, subject to it being stored only within the areas indicated on the proposed plans and at a height not exceeding 6m.

### **Living Conditions**

Paragraph 119 of the NPPF states that planning 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.

Policy QD03 (Living Conditions) states that All new development should: 1) Be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure. 2) Be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04. 3) Residential development should include the provision of private or shared external amenity space/play space, where possible. 4) Provide for clothes drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass.

There are no immediately adjoining residential properties, however, there are a number of properties nearby with Smugglers Leap. The distance from the site to these residential properties is over 300 metres, therefore no impact is caused on living conditions in terms of creating a sense of enclosure from the storage.

As previously recognised the most likely impact on neighbours comes from the increase in activity on the site from the change of use, this harm is considered to be no different than previously acceptable owing to the distance of separation and also taking into account the existing noise and activity along the A299 and use of the layby.

On this basis, the impact on neighbour amenity is considered to be acceptable with regards to residential amenity in regard to existing residents, in accordance with Policy QD03 of the Thanet Local Plan and the National Planning Policy Framework.

### **Transportation**

Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe.

Policy QD02 relates to general design principles and states amongst other principles that developments must incorporate a high degree of permeability for pedestrians and cyclists, provide safe and satisfactory access for pedestrians, public transport and other vehicles, ensuring provision for disabled access and improve people's quality of life by creating safe and accessible environments, and promoting public safety and security by designing out crime.

Given the location and use of the A299, the proposal was previously assessed over potential highway safety concerns over the local highway infrastructure and access and egress onto the A299. The Highway Authority previously requested that the access gate be relocated 3m into the site to allow sufficient space for a 16.5m lorry to fully exit the A299/layby slip road and, therefore, safely stop to open the gate. This was carried out previously and highways have confirmed they have no objection to the continued temporary use of the site.

As such the access onto the public highway provides for a good level of visibility and access/egress to and from the site is not considered to represent a highway safety issue, even with an increase in vehicle movements.

The impact upon highway safety is therefore considered to be acceptable.

### **Heritage Assets**

In line with paragraph 194 of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act (1990), there is a legal duty to protect listed buildings and their setting. S.66 of the Planning (Listed Buildings and Conservation Areas) Act (1990) states: 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority should have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historical interest which it possesses.' The setting of a heritage asset is defined in the glossary of the NPPF (2019) as '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.'

The NPPF makes it clear that the extent of the setting of a heritage asset is not fixed and may change as the asset and its surroundings evolve. Guidance published by Historic England in 2011 outlines the planning considerations relating to the conservation of listed buildings and their setting, with specific detail provided as to the potential impact of cumulative changes, stating: 'Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset'

Local Plan HE03 sets out that the Council supports the retention of local heritage assets, including structures, features and gardens of local interest. Proposals that affect both designated and non-designated heritage assets will be assessed by reference to the scale of harm or loss of the significance of the asset in accordance with the criteria set out in the NPPF

The site is in close proximity to the Prospect Inn (now Holiday Inn) that is Grade II listed. This is on the opposite side of the carriageway and closer in proximity to the roundabout than the site. Previously it was considered that the proposal would not harm the setting of the listed building. Given that this proposal reduces the height of the timber I consider that there would be a lesser impact. As such, given that it is on the opposite side of the road, some distance from the listed building and the reduction in height of the timber stacks, they would not harm its setting. The proposal is therefore considered to be in accordance with policy SP36 and HE03.

### **Ecology and biodiversity**

The proposed amendments will not have an impact upon ecology and biodiversity as set out in planning consent F/TH/221454. As such there would be no adverse impact on ecology or biodiversity as a result of the granting of a further temporary consent.

### **Other matters**

Concerns have been raised in relation to the operation of the incinerator site, which the application site serves as storage of timber used on the site. Any concerns on a separate site regarding health and safety would be dealt with under separate legislation, whilst being subject to separate planning controls. It is not relevant or reasonable to consider this in assessing the current application before the Council.

### **Conclusion**

The storage of timber is considered to be a use that is compatible with the rural area, whilst some landscape character harm would occur this would be temporary and reversible. The storage element would not result in any adverse impact upon local residential amenity, with properties being some distance away. No adverse impact should occur to highway safety or to the setting of the designated heritage asset- Prospect Inn. It is therefore recommended that a further temporary planning permission be granted subject to conditions.

### **Case Officer**

Gillian Daws



TITLE:

F/TH/23/0883

Project

Land East Of Parking Bay Canterbury Road West Minster RAMSGATE Kent

