

Case Officer: Jessica Harrison

Canterbury City Council

(by email to: planning@canterbury.gov.uk)

Dear Jessica,

22/02055: Land Southwest of Canterbury Business Park, Highland Court Farm, Coldharbour Lane, Bridge, CT4 5HL

Hybrid planning application for expansion of Canterbury Business Park comprising detailed proposal for 11,900 sqm winery with associated parking and landscaping; and outline proposal with all matters reserved except access for up to 8,000 sqm of warehousing (use class B8 alongside winery)

We are writing with respect to the above application to be determined by planning committee Tuesday 25th July.

CPRE Kent only became aware of this application just as it previously went before the Planning Committee on 4th April 2023. Upon review of the decision, we also considered challenging it, though in the event it became known to us that a challenge was in place and that the Council were to consent for the decision to be quashed.

As part of this communication, it became apparent we are not alone in having concerns as to the scope of the original consultation. We are therefore somewhat surprised that this application is being returned to committee for a new decision without further consultation nor advertisement.

We were also extremely surprised to learn yesterday that we would not be able to address the planning committee with our concerns as only one group is allowed to speak against the development and this opportunity has already been taken.

We are therefore writing to you today to ensure the planning committee are aware of our concerns ahead of re-determining the application.

Whilst we are aware that Council conceded to quashing the decision on heritage grounds only, CPRE Kents primary concern was, and still, is with respect to what we consider to be a clear misapplication of the NPPF Policy test for development within the AONB as set out under Paragraph 177.

Specifically, it is clear to CPRE Kent that exceptional circumstances do not exist to justify the proposed development in the AONB and that the development would not be in the public interest. We are therefore extremely concerned to read the revised committee report remains unchanged on these points. Our full planning objection is appended to this letter.

The Council may be aware that defending the AONB from inappropriate development is a significant campaigning issue for CPRE Kent and is an issue we have previously taken to the Supreme Court¹. More recently, we were a formal party to a significant decision of the Secretary of State who agreed both Tunbridge Wells Borough Council and the Planning Inspectorate had misapplied the NPPF Policy AONB exceptional circumstances test under Paragraph 177².

Regardless of who the first occupier of the proposed development may be, to CPRE Kent this is significant point of planning policy principle. The Planning Committee are in no way bound by the previous decision and need to be convinced themselves that exceptional circumstances exist and that the policy test under NPPF Paragraph 177 are met. On the facts, CPRE Kent can not see how this could be the case.

Should the Council make the right decision and refuse this application, members. CPRE Kent will continue to be support the Council in their decision.

Yours sincerely,



Dr Hilary Newport

Director

CPRE Kent



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The Kent Branch of the Campaign to Protect Rural England is a registered charity (number 1092012), and is also a company limited by guarantee, registered in England (number 4335730).

Registered address: Queens Head House, Ashford Road, Charing, Ashford, Kent TN27 0AD

Enc: CPRE Kents planning objection.

CC: Canterbury City Council Planning Committee members, Head of Planning, Legal Services

¹ *Dover District Council (Appellant) v CPRE Kent (Respondent)*; Judgment date. 06 Dec 2017 Neutral citation number. [2017] UKSC 79 ; Case ID. UKSC 2016/0188

² Secretary of State in Called in Decision - Land Adjacent to Turnden, Hartley Road Cranbrook - APP/M2270/V/21/3273015, dated 6th April 2023



The countryside charity

Kent

Application: 22/02055: Land Southwest of Canterbury Business Park, Highland Court Farm, Coldharbour Lane, Bridge, CT4 5HL

Proposal: Hybrid planning application for expansion of Canterbury Business Park comprising detailed proposal for 11,900 sqm winery with associated parking and landscaping; and outline proposal with all matters reserved except access for up to 8,000 sqm of warehousing (use class B8 alongside winery)

We are CPRE, the countryside charity. Formed in 1926, CPRE is a registered charity and one of the longest established and most respected environmental groups in England, with over 40,000 members and supporters living in our cities, towns, villages and the countryside. CPRE Kent is the largest of the CPRE County branches with over 1,300 members, including over 160 parish councils, civic societies and other Kent organisations and companies.

Our vision is of a beautiful and thriving countryside that enriches all our lives, and our mission is to promote, enhance and protect that countryside.

We believe that the planning system is a toolbox for achieving better – for people, nature and the economy – while supporting the delivery of more badly-needed homes to end the housing crisis.

Overall, it is our position that local planning authorities should seek to ensure that the impact of development on the countryside, both directly and indirectly, is kept to a minimum and that plan led development is sustainable and in accordance with national planning policy.

We therefore object to this application on the following grounds:

- 1) The development is within the AONB and is contrary to NPPF paragraph 176 and 177. There are not exceptional circumstances to justify the proposed development nor is the development in the public interest.**

NPPF paragraph 177 states that major developments should be refused in AONBs except in exceptional circumstances and where it can be demonstrated that they are in the public interest. It is significant that neither the Kent Downs AONB Unit nor Natural England accept that the test under the test under NPPF Paragraph 177 has been met and great weight should be assigned to the views of these statutory bodies. CPRE Kent entirely concur with both.

Specifically, consideration of the exceptional circumstances and public interest tests for major development applications should include an assessment of:

- i. the need for the development;
- ii. the cost of – and scope for – developing outside the AONB or meeting the need in some other way;
- iii. detrimental effects.

We do not accept that a need for the development within the AONB has been identified. In this respect, we would point to the Economic Development and Tourism Study of June 2022 undertaken by Lichfield's for the Council in support of their emerging plan. This therefore

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constitutes the most up-to-date evidence base with respect to land available within the Canterbury district for employment uses.

As set out within this document, there is currently some 146,277 sqm of employment floorspace potentially available within the district. These are either existing site allocations or extant planning permissions. It is anticipated that almost without exception, this existing supply will be outside of the AONB.

Whilst we note that the planning officer considers the applicants assessments of alternatives to be robust, no reasons are given as to why. From our reading of the report, significant weight seems to be given to matters of convenience and preference of applicant. There is little evidence to us as to how the detrimental effects of the proposed development have been weighed against such preferences. It is also not clear if this assessment was updated following the changes to the application.

Moreover, this assessment has limited itself to sites already identified. With 72.2% of the District falling outside of the AONB, we simply cannot accept the applicants assertion that the application site is the only option that can deliver this employment land.

Rather, and in justifying the need for the development, the committee report seems to be placing significant emphasis that Chapel Down are intended to be the first occupier of the site. The planning application however is not specific to Chapel Down being the occupier and therefore limited if any weight should be attributed to this aspect of the case for justifying exceptional circumstances. Likewise, assertions regarding the potential for grapes to be grown in close proximity to the site are also matters outside the scope of the application in front of the committee and accordingly should also be afforded limited if any weight.

It is notable that the application as originally submitted included a 21,250sqm 'rural employment zone, comprising a minimum of 8,000sqm of warehousing, up to 4,000sqm of business and light industrial space and up to 1,000sqm commercial and community uses. We assume that this remains the longer-term intention of the site promoter and that the strategy now is to seek a grant of this application to establish the principle to allow this further development within the AONB.

- 2) **The development is contrary to Policy LB1 of the adopted Local Plan.** The policy states that major developments and proposals that conflict with the objective to conserve and enhance the AONB or that endanger tranquility will not be permitted except in exceptional circumstances, where it is demonstrated to be in the public interest, the need is shown and any detrimental effect is moderated or mitigated. This development patently does not conserve or enhance the AONB and for the reasons set out above cannot be considered to constitute exceptional circumstances.
- 3) **The development is contrary to Policy LB2 and of the adopted Local Plan.** The application site is also located within the North Kent Downs Area of High Landscape Value (AHLV). Policy LB2 sets out that within Area of High Landscape Value, development will be assessed against the extent to which its location, scale, design and materials would impact upon landscape character, heritage and nature conservation interests. Whilst it is noted that the planning officer agrees that the proposed scheme would harm the North Kent Downs AHLV by virtue of its location, scale and nature and therefore be contrary to LB2, we strongly disagree that this harm is low. Rather, we wholeheartedly endorse the views of the AONB unit who are of

the view the development would result in a major adverse impact to landscape character. Specifically, they state:

“The proposal would result in the direct loss of the currently undeveloped countryside, by introducing built development of what would effectively comprise an industrial estate with large scale industrial and storage/warehouse buildings, on a site where there currently is no built development which would undermine its characteristically open, undeveloped and rural nature, failing to contribute to or re-enforce the landscape character”.

4) The development is contrary to Policy EMP2 and Policy EMP4 (b) of the adopted local plan.

Policy EMP4 (b) of the Local Plan supports the in-situ expansion and extension of existing businesses onto adjoining land, unless there would be significant environmental, amenity, landscape, transport or other planning harm. It is our view that there will be significant landscape and planning harm for the reasons set out above.

Likewise, Policy EMP2 of the Local Plan only supports economic uses such as this where they are not being contrary to Local Plan policies relating to landscape and nature conservation. Again, for the reasons above it is our view the development would be contrary to Local Plan policies relating to landscape and nature conservation.

5) The development is contrary to Policy EMP12 of the adopted local plan.

The application site is made up of Grade 2 agricultural land. Policy EMP12 (Agricultural Land) of the Adopted Local Plan (2017) says that “The City Council will seek to protect the best and most versatile farmland for the longer term. Where significant development of unallocated agricultural land is demonstrated to be necessary to meet a housing, business or community need, planning permission may be granted on best and most versatile land if a suitable site within the urban area or on poorer quality land cannot be identified.”

The proposal would therefore result in the loss of the best and most versatile agricultural land, in conflict with policy EMP12 of the Local Plan 2017. The loss of BMV would weigh against the application.

6) The development is contrary to Policy DBE9 of the adopted local plan.

Policy DBE9 (Outdoor Lighting) of the Adopted Local Plan 2017 says that proposals for new outdoor lighting or new developments which include outdoor lighting will only be permitted where it can be demonstrated that:

- a. It has been designed to minimise light glare, light trespass, light spillage and sky glare through using the best available technology to minimise light pollution and conserve energy.
- b. It does not adversely impact residential amenity;
- c. It does not adversely affect sites of nature conservation interest and/or protected and other vulnerable species and heritage assets;
- d. It does not adversely impact on protected landscapes or those areas where darks skies are an important part of the nocturnal landscape;

e. The lighting levels do not exceed the levels recommended by the ILE in the relevant environmental zone as set out in Appendix 5; f. It does not have an adverse impact on long distance views or from vantage points.

NPPF 185(c) requires planning policies to limit the impact of light pollution on intrinsically dark landscapes and nature conservation, and to limit the impact of light pollution from artificial light on local amenity.

CPRE has long been a leading voice in the campaign against light pollution. We have a special interest in this issue: darkness at night is one of the key characteristics of rural areas and represents a major difference between what is rural and what is urban. Whilst we accept that the existing business park means there already is a localised impact, this does not give justification to exacerbate the situation. As noted by the AONB unit, all light pollution, no matter how small contributes to the general erosion of dark night skies in the AONB and the urbanization and loss of tranquility of the rural landscape.

7) The development is contrary to NPPF Paragraph 194, 195 and 199 and Policy HE1, HE4 and HE6 of the adopted with respect to heritage harm.

Whilst the committee report acknowledges that the development will have a negative impact upon nearby heritage assets, it remains that the extent of the objection from Historic England is still being significantly underplayed. This includes that they continue to have concerns about the application and have maintained an objection to the sites inclusion within the emerging Canterbury Local Plan.

We would agree that the application does propose any heritage benefits which would apply to the weighing exercise of harm against public benefit as described in paragraph 202 of the NPPF. The heritage harms as identified by Historic England should therefore be strongly weighed against the proposal.

8) Limited weight should be given to the sites inclusion within the Regulation 18 version of the emerging Local Plan.

CPRE Kent was one of a vast number of objectors to the Regulation 18 version of the Local Plan and specifically we objected to the proposed allocation of employment space at Highland Court Farm on the following grounds:

- *The site lies within the Kent Downs Area of Outstanding Natural Beauty;*
- *The site lies within an Area of High Landscape Value;*
- *It is the countryside;*
- *It would have an adverse impact on the Highland Court Conservation Area and Listings;*
- *It is not in a sustainable location;*
- *It would worsen air quality;*

In our view there are no 'exceptional circumstances' to justify the scheme. Allowing development of this scale would not be consistent with the Council's aim to conserve and safeguard the AONB. The proposed development will, in our view, be contrary to the Kent Downs AONB Management Plans Sustainable Development policies.

The site is almost 8km from the centre of Canterbury. The main pedestrian / cycle route is via the North Downs Way which is used by Cycle Route 16. The North Downs Way is

an unlit single lane rural road with no pedestrian footways. It is questionable if people will choose to walk this route during wet weather or during hours of darkness.

There is a limited working population within a 2km radius of the site. The footpaths are not ideal for walking to and from work – they are unlit country paths.

Given the rural location of the site, its good access to A2, limited public transport service, possible nature of proposed employment, including hours of operation, attraction of the city for tourists staying at the holiday village, it is likely that people will travel to and from the site by car or motorbike. CPRE Kent are concerned that the development might worsen levels of air quality within the present AQMA Canterbury 3, as well as any future expansion, and be contrary to the National Planning Policy Framework and the Local Plan.

These considerations remain and are entirely relevant to the proposed development. CPRE Kent will therefore continue to strongly resist the industrialisation of this AONB site.

Conclusion

It is our view that, for the above reasons that the proposal remains contrary to the development plan as a whole and therefore should be refused.

Yours sincerely

CPRE Kent



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