

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	06/07/18
Planning Development Manager authorisation:	AN	16/7/18
Admin checks / despatch completed	AL	17/7/18

ER

Application: 18/01028/AGRIC **Town / Parish:** Great Bromley Parish Council

Applicant: H Fairley & Son

Address: Park Farm Hilliards Road Great Bromley

Development: Erection of an agricultural building replacing existing dilapidated building following demolition.

1. Town / Parish Council

Great Bromley Parish Council No comment.

2. Consultation Responses

N/A

3. Planning History

00/00122/FUL	Steel frame portal building to be used for the replacement of an existing agricultural building	Approved	15.03.2000
93/00247/FUL	(Park Farm, Great Bromley) Erection of an agricultural building for storage of straw	Approved	08.04.1993
94/01111/FUL	(Park Farm, Great Bromley) To retain works carried out on existing building and complete with the continued use for pig husbandry	Withdrawn	01.11.1994
95/00302/FUL	(Park Farm, Great Bromley) To retain works (infilling of open front by block and metal cladding with roller screen over door) to existing agricultural building	Approved	23.05.1995
97/00644/FUL	Improvements to pig unit	Refused	13.01.1998
98/01086/FUL	Improvements to pig unit	Refused	03.11.1998
99/01873/AGRIC	Replacement of an existing agricultural building	Determination	13.01.2000
03/01247/FUL	To amend eaves height, close	Approved	11.08.2003

	access and new planting. (Variation to design of building as approved under reference TEN/97/0644)		
04/00343/FUL	Proposed re-build of former agricultural building to form production centre (B1 Use)	Approved	15.04.2004
05/01415/AGRIC	Construction of agricultural reservoir.	Determination	16.09.2005
07/01247/FUL	Extension to existing building and change of use to B2	Withdrawn	22.10.2007
07/02002/AGRIC	Extension to an existing building.		18.12.2007
07/02035/AGRIC	Erection of replacement agricultural building.	Determination	17.01.2008
09/00274/AGRIC	Construction of agricultural reservoir.	Determination	27.04.2009
13/00329/FUL	Change of use of redundant farm buildings for B2 and B8 purposes and the retention of container to be used as an office.	Approved	20.05.2013
15/00186/FUL	General purpose farm storage building.	Approved	25.03.2015
15/00741/FUL	Change of use of part redundant farm building for B2 purposes for a light metal fabrication company.	Approved	10.07.2015
15/01592/AGRIC	Steel framed agricultural barn building.	Determination	18.11.2015
16/00425/FUL	Change of use of farm building for B2 purposes for a metal fabrication company. Erection of ancillary office building.	Approved	09.05.2016
18/00277/AGRIC	Erection of an agricultural store building in place of existing dilapidated building.	Determination	22.03.2018

4. Relevant Policies / Government Guidance

N/A

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. Importantly the Inspector has confirmed that the housing requirement for Tendring of 550 new homes per annum for the period up to 2033 is based upon sound evidence. There are however concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal

Site Description

The application site is located on the northern side of the A120 and forms part of the wider Park Farm holding. The application site itself is located away from the main focus of buildings associated with Park Farm but currently accommodates a dilapidated grain store and is screened by mature vegetation. The site is accessed via an existing track from the A120. The A120 in this location is currently being upgraded through the construction of a new roundabout.

Description of Proposal

This is a 'prior notification' under Part 6 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The applicant is seeking the Council's determination as to whether 'prior approval' is required.

This application is for a new portal frame barn building to replace the existing grain store. The building will occupy the same footprint as the existing building and would measure 774m² (36m x 21.5m) and 9.1m in height.

The building will be finished in red brick cladding with a green plastisol sheeting above and the roof construction will be from the same sheeting material albeit in grey.

History

Under planning reference 18/00277/AGRIC, a similar scheme was considered acceptable as complying with the terms of Part 6 of the Order. The difference between the two schemes is that the measurements totalled 464m² (21.6m x 21.5m) and 9m in height. However, since this decision, changes to the General Permitted Development Order in April 2018 have meant the overall permitted floor space has increased from 465m² to 1000m².

Assessment

Class A of Part 6 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 allows works for the erection, extension or alteration of a building or any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within an agricultural unit of 5 hectares or more providing that a number of criteria are met, which are related to the location, size and use of the building.

As the area of the agricultural holding is in excess of 5 hectares the proposed extension falls to be considered under Class A.

The proposal may be permitted development. However, details must be submitted to the local planning authority for a determination as to whether the proposal would comply with the criteria set out in Class A and whether the prior approval of the authority will be required to the siting, design and external appearance of the building, as stated in Condition A.2 (2) of Part 6, Class A.

General Permitted Development Order:

The proposed agricultural building is not permitted development if the criteria set out in Part 6 (Class A) cannot be met. This criterion is set out and addressed below;

(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 where the development is to be located is in excess of 1 hectare.

(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;

Not applicable in this instance.

(c) it would consist of, or include, the erection, extension or alteration of a dwelling;

The proposal is for a storage barn and is not for the erection, extension or alteration of a dwelling.

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

The building is clearly designed for agricultural use.

(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. This includes any development within 90 metres which occurred in the preceding two years.

The proposed building will measure 774 square metres and therefore does not exceed 1,000 square metres. There are no other buildings on the holding recently constructed. As such this criteria is 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;

The building is 9.1 metres in height but is not within 3 kilometres of the perimeter of an aerodrome.

(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 development is not within 3 kilometres of the perimeter of an aerodrome and is 9.1 metres in height.

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

The development is not sited within 25 metres of a classified road.

(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 the accommodation of livestock.

(j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or

The proposed building is not to be used in connection with fish farming.

(k) 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.

The proposed building is not to be used for storing fuel for or waste from a biomass boiler or an anaerobic digestion system.

Siting

The proposed building would continue to be accessed via the re-configured A120 and would be largely inconspicuous in views from the highway due to the extensive vegetation surrounding the site and the bunding in situ alongside the carriageway. In long distance views from the north the building may become apparent, however in the context of the countryside where there are other agricultural buildings in the vicinity the proposal would not be detrimental to the character and appearance of the area.

Design

The proposed building would have the appearance of a traditional agricultural building. The materials and design proposed are considered to relate acceptably to the rural area and would not appear incongruous in this location given that there are several other agricultural buildings sited in the locality and due to the screened nature of the surrounding land.

Conclusion

Prior approval is not required by the Local Planning Authority for the siting or design of the above development as it is permitted by Part 6 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015.

6. Recommendation

Prior Approval not required.

7. Condition

- 1 The proposed store building complies with Town and Country Planning (General Permitted Development) England Order 2015, Schedule 2, Part 6 Agricultural and Forestry and the Council's prior approval is not required for the siting, design or external appearance of the development as proposed.

8. Informatives

N/A