



TENDRING DISTRICT COUNCIL

Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

AGENT: Mr S Norman
37 Gilderdale Close
Colchester
Essex CO4 0NL

APPLICANT: Toad Hall Free Range Eggs
Bush Farm
Hall Road
Great Bromley
Colchester
Essex
CO7 7TR

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 18/00778/FUL

DATE REGISTERED: 15th May 2018

Proposed Development and Location of Land:

**Erection of a storage building.
Bush Farm Hall Road Great Bromley Colchester**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY REFUSE PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted for the following reason(s)

- 1 The proposed agricultural storage building is contrary to saved Policies EN1 and EN16 of the Tendring District Local Plan (2007). Policy EN1 (Landscape Character) states that the quality of the District's landscape and its distinctive local character will be protected and, where possible, enhanced and any development which would significantly harm landscape character or quality will not be permitted. Policy EN16 relates to agricultural and related development and states that permission will be granted if the applicant can suitably demonstrate that the proposed development is reasonably necessary for the purposes of agriculture being carried out on that holding and the design, siting, size and materials of construction, including hard surfacing, ensure that the development would not have an adverse visual impact on the local countryside, landscape character or to nature conservation interests.

Emerging Policy PP13 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) states that development may be granted in areas outside of defined settlement boundaries if the buildings are essential to support agriculture and farm diversification schemes.

Proposals for farm buildings must be reasonably necessary for the purposes of agriculture within that unit. This is to ensure that any impact on landscape character or openness is minimised and will be considered in addition to detailed matters of size, siting and design.

In this instance it is not considered that the application has been submitted with adequate supporting information to justify the siting, design or size of the proposed structure. Furthermore, it has not been adequately demonstrated that the building is reasonably required for the purposes of agriculture.

The proposed agricultural storage building would measure 12m x 6m in floor area and would be sited at the southern end of the site. The extent of the site to which the building is related is limited to 1.5 hectares in size and already contains two large agricultural buildings and has planning permission for several more open sided storage buildings similar to that proposed now. Given the modest size of the site and the number of current/consent buildings on the land it is not considered that a further building can be suitably justified. As such the development, if approved, would result in an excessive accumulation of storage buildings on this rural site without a demonstrated need.

Without a detailed submission outlining the need for a further building of the size, design and siting proposed and a full justification detailing the current working practises at the agricultural holding it cannot be accepted that this building is reasonably required for the purposes of agriculture, contrary to the afore-mentioned local plan policy and government guidance.

DATED: 10th August 2018

SIGNED:

Catherine Bicknell

Catherine Bicknell
Head of Planning

IMPORTANT INFORMATION :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN16 Agricultural and Related Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL3 Sustainable Design

PPL3 The Rural Landscape

PP13 The Rural Economy

EN1 Landscape Character

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
 - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by the Secretary of State.

ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.