

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	15/08/2018
Planning Development Manager authorisation:	SCE	15.08.18
Admin checks / despatch completed	AS	15/8/18

*WAL*

**Application:** 18/01193/AGRIC **Town / Parish:** Little Bentley Parish Council

**Applicant:** H D Cobbald & Sons

**Address:** Hall Farm Church Road Little Bentley

**Development:** Change existing grain store into agricultural chemical store.

### 1. Town / Parish Council

Little Bentley Parish Council Have not commented on this application

### 2. Consultation Responses

N/A

### 3. Planning History

02/01074/OUT	Farm managers dwelling	Refused	02.09.2002
93/00651/FUL	Removal of mineral & surplus topsoil and ancillary matters including the construction of an access and haulroad associated with the construction of an agricultural reservoir	Determination	30.09.1993
94/00182/CMTR	Removal of mineral and surplus topsoil and ancillary matters including the construction of an access and haulroad associated with the construction of an agricultural reservoir		24.10.2000
03/01807/FUL	Conversion of redundant agricultural building to Dental Technician premises.	Approved	03.11.2003
07/01984/FUL	Conversion and alteration of agricultural buildings to B1 and B2 use. Construction of new vehicular access.	Withdrawn	15.04.2008
08/00661/FUL	Conversion and alterations of agricultural buildings to B1, B2 and	Approved	14.08.2008

	B8 use. Continued use of agricultural buildings to B2 and B8 use and dog grooming salon (sui generis use). Construction of new vehicular access, as amended by drawing No. 477/105 received on 23rd June 2008.		
10/00423/AGRIC	General purpose agricultural building.	Determination	17.05.2010
11/01227/LBC	Alterations to existing wall to include new opening and gates.	Approved	21.03.2012
11/01228/FUL	Realignment of existing farm access, construction of new agricultural access and alterations to existing wall to include new opening and gates.	Approved	21.03.2012
15/01020/FUL	Demolition of existing redundant agricultural buildings and erection of two B1(c) buildings incorporating three units, including courtyard, parking, landscaping and natural amenity area.	Approved	29.09.2015
17/00727/FUL	Variation of condition 14 of 15/01020/FUL, to increase the overall height of building 1 by 659mm.	Approved	28.07.2017

#### 4. Relevant Policies / Government Guidance

N/A

#### Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) 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 48 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. They raise 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 48 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 (including Site Description and Proposal)**

### Site Description

The application site is located off Church Road, within the parish of Little Bentley. The area is rural in character with a scattering of residential properties and agricultural structures. There are several outbuildings used for agricultural uses by Hall Farm, although a number of these have been granted planning permission for change of use from agricultural/industrial use.

### 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 general purpose agricultural building for the storage of an agricultural chemical store, which will measure 7.9m in height, 36 metres in width and 21.6m in depth. The building will be finished in green profile sheeting for the external walls and the existing roof retained.

### 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 an agricultural building 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 approximately 777.6 square metres. Therefore it does not exceed the 1,000 square metres limit.

The history of the site demonstrates that there has been no agricultural development within 90 metres of the proposal within the last two years.

- (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 7.9 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 7.9 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 is sited within 400 metres of the curtilage of a listed building, however will not be used for the accommodation of livestock.

- (i) 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

(iii) is or would be within 400 metres of the curtilage of a protected building.

The proposed building is sited within 400 metres of the curtilage of Little Bentley Hall, however will not be used for storing fuel for or waste from a biomass boiler or an anaerobic digestion system as confirmed by the agent.

### Siting

The proposed store building is located approximately 47 metres away from Church Road and will be sited behind 1 and 2 Lodge cottages as well as two barns. Only partial views of the building will be possible due to the distance and backdrop of the existing buildings. Any views of the building from the south will be against a backdrop of the existing buildings and farm complex again resulting in no landscape harm. Approximately 138 metres to the north is a Grade II Listed Building known as 'Little Bentley Hall'. However, given that there are existing buildings closer to the listed property and screening the proposal from views, there will be no change or impact to the setting of the listed building.

### Design

The proposed building would have the appearance of an agricultural building. Whilst there is a Grade II Listed Building to the north taking on the very different appearance of a traditional rural dwelling, there are other existing agricultural buildings in the immediate locality of a similar design that ensure the proposal would not appear out of character. The materials and design proposed are therefore considered to relate acceptably to the rural area and would not appear incongruous in this location, with the green materials enabling it to merge in with the existing rural landscape to the west.

### 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**

Determination prior approval not reqred

## **7. Conditions / Reasons for Refusal**

- 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

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	<b>YES</b>	<b>NO</b>
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<b>Are there any third parties to be informed of the decision?</b> If so, please specify:	YES	NO