

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	07/08/18
Planning Development Manager authorisation:	AN	14/8/18
Admin checks / despatch completed	AW	15/8/18

**Application:** 18/01238/AGRIC **Town / Parish:** Thorrington Parish Council  
**Applicant:** Mr Jake Gibbon  
**Address:** Marsh Farm Marsh Farm Lane Thorrington  
**Development:** Erection of general purpose agricultural building.

### 1. Town / Parish Council

Thorrington Parish Council No comment.

### 2. Consultation Responses

N/A

### 3. Planning History

00/01515/LBC	Erection of two timber upright posts in kitchen	Approved	17.10.2000
96/01604/FUL	(Great Marsh Farm, Great Marsh Lane, Thorrington) Proposed conversion of existing building for residential use	Refused	11.03.1997
99/01482/LBC	1) Removal of existing wall and rebuild in different location to enlarge bedroom (stud wall) and new ceiling 2) Replacement of 'modern' window to sash type 3) Installation of woodburning stove to include lining the chimney and new pot	Approved	07.03.2000
04/00222/FUL	Additions to house	Approved	06.12.2004
04/00223/LBC	Additions to house	Approved	06.12.2004
04/01492/AGRIC	Agricultural building	Determination	27.08.2004
05/01693/FUL	Additions to house	Refused	21.11.2005

05/01696/LBC	Additions to house	Refused	21.11.2005
06/01654/LBC	Construction of 2 storey extension to replace existing single storey sub-standard part to west elevation.	Refused	18.01.2007
06/01655/FUL	Construction of 2 storey extension to replace existing single storey sub-standard part to west elevation (domestic use).	Refused	30.11.2006
07/01828/FUL	Construction of single storey extension to replace existing sub-standard single storey part to west elevation and replacement windows and doors on the lounge extension.	Approved	14.01.2008
07/01829/LBC	Construction of single storey extension to replace existing sub-standard single storey part to west elevation and replacement windows and doors on the lounge extension.	Approved	14.01.2008
11/01157/FUL	Re-erection of roof on existing former farm building and conversion to summer house/dining room for use in connection with existing dwelling. The existing house is a Grade 2 listed former farm house.	Approved	05.12.2011
11/01158/LBC	Re-erection of roof on existing former farm building and conversion to summer house/dining room for use in connection with existing dwelling. The existing house is a Grade 2 listed former farm house.	Approved	05.12.2011

#### 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**

### **Site Description**

The application site is Marsh Farm which is located on Marsh Farm Lane within the parish of Thorington. The application site itself is located to the northern section of the overall holding.

### **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 grain, which will measure 12m in height, 18.3m in width and 25m in depth.

The building will be finished in green profile sheeting for the external walls and dark profile sheeting for the roofing.

### **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 458 square metres. Therefore it does not exceed the 1,000 square metres limit.

It is acknowledged that the building will adjoin an existing building with a ground area of approximately 450 square metres and a further proposed agricultural building (planning reference 18/01239/AGRIC) with a ground floor area of 463 square metres, resulting in a total 1,370 square metres. However, the buildings are all separate in use. Therefore the floor space relating to these buildings cannot be considered in the determination of this application.

(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 12 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 12 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.

(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 sited within 400 metres of the curtilage of a listed building, however will not be used for storing fuel for or waste from a biomass boiler or an anaerobic digestion system.

### Siting

The proposed store building is 100 metres from Marsh Farm Lane and is sited directly adjacent to existing agricultural buildings. Only partial views of the building will be possible due to the distance and backdrop of existing buildings. Approximately 55m to the west is a Grade II Listed Building known as 'Great Marsh Farmhouse'. However, given there is an existing building screening the listed building and the proposed building, there will be no impact to the buildings existing setting. The impact of the building upon the landscape character would therefore be minimal.

### Design

The proposed building would have the appearance of an agricultural building. Whilst there is a Grade II Listed Building to the west 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 east.

### 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