

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	09/08/2018
Planning Development Manager authorisation:	AN	14/8/18
Admin checks / despatch completed	RJ	15/8/18

**Application:** 18/01206/AGRIC **Town / Parish:** Great Bentley Parish Council *the*

**Applicant:** Mr Anthony Irwin - Moonlight Hollow Ltd

**Address:** St Marys Farm St Marys Road Great Bentley

**Development:** Proposed general purpose agricultural building/store.

### 1. Town / Parish Council

Not applicable.

### 2. Consultation Responses

Not applicable.

### 3. Planning History

09/00961/FUL	Demolition and replacement of single glazed conservatory with new modern thermally efficient hardwood conservatory.	Withdrawn	12.11.2009
09/00962/LBC	Demolition and replacement of single glazed conservatory with new modern thermally efficient hardwood conservatory.	Withdrawn	12.11.2009
10/00774/AGRIC	Proposed reservoir.	Determinati on	26.08.2011
11/00849/FUL	Construction of straw barn.	Approved	20.09.2011
11/00850/FUL	Cattle shed.	Approved	30.09.2011
11/00851/FUL	Construction of slurry store.	Approved	14.09.2011
13/01079/LBC	Alterations to the existing ancillary buildings linked to the main St Mary's Hall to convert them into an annexe accommodation to the main property.	Refused	20.11.2013
14/00850/LBC	Alterations to an existing ancillary building (coach house) to the main St Mary's Hall including to convert	Approved	12.08.2014

	existing coach house into an annexe accommodation for the use of a family member.		
14/00858/FUL	Cattle building.	Approved	29.08.2014
14/01323/COUNOT	Proposed minor demolition and the internal conversion of the remainder of the building to form a 4 bedroom dwelling.	Determination	05.11.2014
15/01906/FUL	Conversion of farm buildings with associated alterations to form 2 No. residential dwellings, St Mary's Hall Farm.	Approved	27.02.2017
16/01254/DISCON	Discharge of conditions 3 (details of doors, windows and ventilation), 4 (type and colour(s) of paint) and 5 (details of staircase) of Listed Building Consent 14/00850/LBC.	Approved	07.09.2016

#### **4. Relevant Policies / Government Guidance**

Not applicable.

#### **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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 Context**

The application site is located outside of the defined settlement boundary of Great Bentley as defined within both the adopted and emerging Tendring District Local Plans. The site is not within any other land designations. The site is a working farm, with existing farmhouse (St. Marys Hall)

and other farm buildings. Public footpaths run to the west and east of the application site. A private access road runs to the south of the application site.

#### 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 store building as more covered spaced is required for crops and machinery. Alongside will be an area of hardstanding.

The proposed building will measure 7.5m in height (5m to eaves), 41.959m in length and 23.594m in depth.

The building will be finished with grey fibre cement roofing with a combination of green tin/concrete/timber panels to the external walls.

#### 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 990 square metres. Therefore falls within the 1,000 square metres limit.*

*The history of the site demonstrates that there has been no development within 90 metres of the proposal within the last 2 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 7.5 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 7.5 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 115 metres of the listed farmhouse, 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 115 metres of the listed farmhouse, 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 over 220 metres from St Marys Road to the south and will be sited behind existing buildings of a similar size. Therefore, no views of the proposed building will be possible from the main road. A public right of way runs through the site alongside the proposed building and clear views from this vantage point will be possible. However, the proposed building is closely related to the existing farm complex and does not significantly harm the landscape views due to its siting tucked alongside the existing buildings. Any views of the building from the north will

be against a backdrop of the existing buildings and farm complex again resulting in no landscape harm. Approximately 115 metres to the east is the Grade II Listed farmhouse. 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 and be of similar appearance and finish to adjacent buildings. Whilst there is a Grade II Listed Building to the east 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 and grey finishes enabling it to merge in with the existing rural landscape.

#### 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 required.

#### **7. Conditions**

- 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**

Not applicable.