

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	04/10/2018
Planning Development Manager authorisation:	AN	4/10/18
Admin checks / despatch completed	KLO SB	05/10/18

Application: 18/01503/AGRIC **Town / Parish:** Tendring Parish Council

Applicant: Mrs V Patten

Address: Manor Field Thorpe Road Tendring

Development: Proposed lambing & sheep shelter.

1. Town / Parish Council

Tendring Parish Council No comments received

2. Consultation Responses

n/a

3. Planning History

18/01503/AGRIC Proposed lambing & sheep shelter. Current

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site comprises of a 2.75 hectare parcel of land to the south of Walnut Lodge, Lodge Lane. The land is currently laid to grass and is used for grazing sheep. This land along with a further parcel of land located to the south of Thorpe Road forms part of a 10.57 hectare sheep farm. The supporting information confirms that the sheep farm comprises of 87 sheep including a pedigree Suffolk Ram and a Beltex Cross Ram.

The applicant previously had a lambing shelter at Church House but the land has since been sold on.

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.

The application proposes the erection of a lamb shelter. The shelter would measure 7.5m wide, 18m in length and 4.2m to the ridge. The barn would be clad in black timber cladding with corrugated olive green metal sheeting to the roof.

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.

A holding plan and a detailed clarification from the applicant confirms that the extent of the agricultural holding is over 5 hectares in size. As such the proposed building 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. The site plan provided shows this area measure 2.75 hectares.

(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 lamb shelter 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. The applicant has provided a letter which confirms her agricultural holding number and outlines the extent of the sheep farm.

(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 135 square metres and therefore does not exceed 1000 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 4.2 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 4.2 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 be for the accommodation of livestock and is situated within 400m of a protected building.

However, the GPDO 2015 states;

A.2—(1) Development is permitted by Class A subject to the following conditions -

(a) where development is carried out within 400 metres of the curtilage of a protected building, any building, structure, excavation or works resulting from the development are not used for the accommodation of livestock except in the circumstances described in paragraph D.1(3) of this Part.

Section D.1(3) states;

The circumstances referred to in paragraphs A.2(1)(a) and B.5(1) of this Part are -

(a) that no other suitable building or structure, 400 metres or more from the curtilage of a protected building, is available to accommodate the livestock; and

(b) (i) that the need to accommodate the livestock arises from quarantine requirements, or an emergency due to another building or structure in which the livestock could otherwise be accommodated being unavailable because it has been damaged or destroyed by fire, flood or storm; or

(ii) in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure because they are sick or giving birth or newly born, or to provide shelter against extreme weather conditions.

In this instance the applicant has confirmed that the shelter is required for lambing purposes due to the lack of any other buildings and the exposed nature of the site. Therefore as there are no other suitable buildings available to provide accommodation and the structure is required for sheep giving birth the structure is considered to meet the requirements of this section.

(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 building would be located to the south of Walnut Lodge and adjacent to a belt of vegetation that runs from north to south along the extent of the holding. Consequently, the building would not be highly visible from the B1035 to the west. The low ridge height of the building and the presence of mature hedgerows along Lodge Lane will also limit views of the structure.

The siting is therefore considered to be acceptable and would not be detrimental to the countryside setting.

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.

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. Reason

- 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

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