

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	16/10/18
Planning Development Manager authorisation:	AN	18/10/18
Admin checks / despatch completed	AN	23/10/18

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Application: 18/01684/AGRIC **Town / Parish:** Weeley Parish Council

Applicant: Bretts Hall Farms

Address: Hawk Fruit Farm Hawk Lane Weeley

Development: Proposed erection of a general purpose agricultural building.

1. Town / Parish Council

Weeley Parish Council No comment.

2. Consultation Responses

N/A

3. Planning History

00/02101/OUT	Farmer's market and garden centre. (To replace existing farm shop, toilets & childrens play area)	Refused	08.03.2001
91/00677/FUL	Use of land as play area in connection with farm sales.	Approved	16.07.1991
91/00987/FUL	Erection of brick wall 7'6 - 8' high to northern boundary, kitchen garden and entrance drive gates and walling.	Approved	08.10.1991
91/01129/ADV	Three 'Advance signs' for Pick Your Own Business. (Adj to A133 at Weeley between Crown Lane and The Crematorium).	Refused	19.11.1991
93/00447/FUL	(Hawk Fruit Farm, Weeley) Retention of caravan for an essential farm worker for the holding (renewal of permission TEN/0425/90)	Approved	25.05.1993
94/01153/FUL	(Hawk Fruit Farm, Weeley) Continued use of land as play area in connection with farm produce sales (Renewal of permission TEN/91/0677)	Approved	18.11.1994
95/01516/OUT	(Hawk Farm, Weeley) To build a single detached dwelling at the site	Approved	05.03.1996

	of the existing temporary caravan accommodation for occupation by farm management/employee		
96/00716/FUL	Creation of 0.1 ha lake for nature conservation purposes	Approved	31.07.1996
96/00760/FUL	(Hawk Fruit Farm, Weeley) Retention of caravan for an essential farm worker for the holding (renewal of planning permission TEN/93/0447)	Approved	11.07.1996
96/01487/FUL	Car boot sales on 28 days. Temporary consent for 1 year	Refused	21.01.1997
97/01297/FUL	Car boot sales on 28 days each year. Temporary consent for 5 years	Approved	02.12.1997
99/00182/DETAIL	Single detached dwelling for occupation by farm management/employee	Approved	25.05.1999
99/01071/FUL	Farmworkers dwelling (revised siting)	Approved	29.03.2000
99/01691/FUL	Car boot sales on 28 days each year - renewal of temporary consent TEN/97/1297 for five years	Approved	10.01.2000
04/00464/FUL	Detached garage.	Approved	21.04.2004
04/00647/FUL	New extensions	Approved	21.05.2004
04/02276/FUL	Car boot sales on 28 days each year. Temporary consent for 5 years (Renewal of TEN/99/01691)	Approved	25.01.2005
05/01291/FUL	Conservatory	Approved	15.09.2005
10/00047/FUL	Use of land for car boot sales on 28 days each year (variation to temporary planning permission TEN/04/02276/FUL).	Approved	28.04.2010
14/30029/PREAPP	Change of use from old milking parlour/ cold store/ office to farm shop selling produce and open woodland area.	Refused	18.03.2014

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 Hawk Fruit Farm which is located on Hawk Lane within the parish of Weeley. The application site itself is located to the north-western section 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 an agricultural building for the storage of straw and farm machinery, which will measure 7.2m in height, 20m in width and 40m in depth.

The building will be finished in tantalised Yorkshire timber boarding for the external walls and grey fibre cement 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 800 square metres. Therefore it does not exceed 1,000 square metres.

(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 7.2 metres in height, however is sited 7 kilometres away from 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 but is 7.2 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 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 not to be used for storing fuel for or waste from a biomass boiler or an anaerobic digestion system.

Siting

The proposed building is sited within proximity to other buildings, namely to the east and south-east. Only partial views of the building will be possible due to the distance and backdrop of existing buildings. 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. The materials and design proposed are considered to relate acceptably to the surrounding 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. 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

N/A