

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	02/11/18
Planning Development Manager authorisation:	AN	13/11/18
Admin checks / despatch completed	PW	13/11/18

ER

Application: 18/01733/AGRIC **Town / Parish:** Wix Parish Council

Applicant: Cooper Bros (Wix) Ltd

Address: Spring Farm Colchester Road Wix

Development: Agricultural lean-to for the storage of farm machinery.

1. Town / Parish Council

Wix Parish Council No comment.

2. Consultation Responses

N/A

3. Planning History

06/00380/FUL	Change of use from redundant agricultural to light industrial B1/B2.	Withdrawn	02.10.2006
06/01132/FUL	Change of use to light industrial.	Withdrawn	14.02.2007
07/00859/FUL	Change of use of existing agricultural buildings to B1, B2 and B8, and alterations to existing vehicular access, as amended by drawing nos A/36277/9B, A/36277/10 AND A/36277/2J, a Bat Survey Report dated 4th November 2008, and application form, design and access statement and supporting statement received on 7th May 2008.	Approved	15.07.2009
10/01449/AGRIC	New reservoir.	Determination	14.01.2011
12/01407/FUL	Installation of single micro scale wind turbine (14.97m to hub, 5.6m diameter blades).	Approved	11.02.2013
13/00464/AGRIC	Proposed machinery store.	Determination	29.05.2013
13/00712/FUL	Erection of agricultural lean-to on	Withdrawn	29.08.2013

	land to be retained as parking space under 07/00859/FUL.		
16/01261/AGRIC	General purpose agricultural building.	Determination	01.09.2016
17/01207/FUL	Variation of Condition 2 of 07/00859/FUL - amendments to car parking provision.	Approved	13.09.2017
18/00377/CMTR	Change of use of B2 building to waste recycling centre (Sui Generis). (ESS/04/18/TEN)	Determination	19.03.2018

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 Spring Farm which is located on Colchester Road within the parish of Wix. The application site itself is located to the southern 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 farm machinery, which will measure 5.5m in height, 27.4m in width and 9.1m in depth.

The building will be finished in green profile sheeting for the external walls and natural grey fibre cement for the roofing.

History

Under planning reference 13/00464/AGRIC, a proposal for an agricultural building on this application site was refused on the grounds that it was to be located on the parking area for units 8-11 approved under planning permission 07/00859/FUL, thereby representing a risk for vehicles entering and exiting the site.

However, this previously approved layout was revised under planning permission 17/01207/FUL and the application site in question is now not allocated for the parking of vehicles, and the proposed agricultural building would not represent a highway safety risk as was the case previously.

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 249 square metres. However the building will adjoin an existing building with a ground area of approximately 266 square metres, resulting in a total 515 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 5.5 metres in height but is 3.8 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 5.5 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 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 proposal is situated to the east of Spring Farm. Although it is rather open and visible, it is well set back and set against a backdrop of other farm buildings, in particular the building it will connect to, and thus will not create a negative impact to the surrounding area.

Design

The design will see green profile sheeting, with grey fibre cement roofing. These materials and the overall design proposed are considered to relate acceptably to the rural area and would not appear incongruous in this location given that there are several other agricultural buildings sited in the locality.

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