

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	12/12/18
Planning Development Manager authorisation:	AN	13/12/18
Admin checks / despatch completed	AN	18/12/18

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**Application:** 18/02014/AGRIC **Town / Parish:** Brightlingsea Town Council

**Applicant:** Mr Carter

**Address:** Land North of Morses Lane Morses Lane Brightlingsea

**Development:** Proposed agricultural storage barn.

### 1. Town / Parish Council

Brightlingsea Town Council No comment.

### 2. Consultation Responses

N/A

### 3. Planning History

00/00032/CMTR Retrospective variations to Condition 2 and 7 of planning permission ESS/08/99/TEN and variation to Condition 8 of planning permission ESS/08/99/TEN Withdrawn 04.01.2007

00/00463/TELCO M Replace existing pole structure with a 15m lattice telecommunications tower and related equipment cabin Withdrawn 05.05.2000

00/01129/CMTR Variation of Condition 6 of TEN/97/1571 (ESS/88/97/TEN) - relating to removal of bund/hedge and replace with a landscape strip Determination on 21.12.2000

00/01130/CMTR Variation of Condition 1 of planning approval TEN/99/00579/CIR (ESS/08/99/TEN) to extend period of consent until 31 July 2001 Determination on 21.12.2000

00/01131/CMTR Variation of Conditions 2, 7 and 8 of planning permission TEN/99/00579/CIR (ESS/08/99/TEN) Determination on 21.12.2000

01/01235/CMTR Deletion of Condition 1 imposed upon planning permission ESS/08/99/TEN to allow permanent use of site for storage and processing of hardcore, rubble Determination on 17.12.2001



and wood (ESS/29/01/TEN)

02/00494/FUL	Erection of telecommunications base station including a 20m lattice tower.	Refused	21.05.2002
94/01376/CMTR	(Express Skips, Morses Lane, Brightlingsea) Continued use for skip storage and provision of transfer station	Determination	11.04.1995
97/01456/FUL	() Additional use of skip storage and transfer station for sorting and recycling of waste materials. Change of use of land from part haulage depot for open storage of skips	Withdrawn	01.12.1997
97/01571/CMTR	() ESS/88/97/TEN - Additional use of skip storage and transfer station for sorting and recycling of waste materials: Change of use of land from part haulage depot for open storage of skips	Determination	09.04.1998
99/00579/CMTR	ESS/08/99/TEN To use site to store clean hardcore and rubble already received at adjoining waste transfer station and to store wood for chipping and store chipped material pending re-use.	Determination	26.05.1999
99/01846/RES	Vary condition 6 imposed upon ESS/88/97/TEN relating to earth bund and hedgerow planting - Express Skips	Determination	16.03.2000
02/02337/FUL	5m extension to existing telecommunications tower, 3 No. additional 4 stack antennae, 2 No. 0.6m airwave 02 dishes and extension to compound area.	Approved	31.01.2003
11/00727/CMTR	Retrospective approval of 2 x weighbridges and weighbridge office as inherent part of existing site operations.	Determination	24.08.2011

#### 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 land to the north of Morses Lane which is located within the parish of Brightlingsea. The application site itself is located to the south-eastern corner 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 store building for the storage of machinery and hay, which will measure 8m in height, 18m in width and 25m in depth.

The building will be finished in green profile sheeting for the external walls and green 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 450 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 8 metres in height but is 8.4 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 8 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 along Morses Lane, to the north of an existing large agricultural unit. The site itself is open and grassed, with mature vegetation to its boundaries, notably its western boundary adjacent to Morses Lane. It is accepted there will be minor views of the proposed building, especially given its 8 metres height, however it will be seen in relation with the existing larger unit, whilst the overall site is generally well set back from the main street scene along either Morses Lane or Samsons Road. Therefore, the unit is sited in an appropriate location.

#### Design

The design will see green profile sheeting for the external walls and green profile sheeting for the roofing. These materials and the overall design proposed are considered to relate acceptably to the semi-rural area and would not appear incongruous in this location given the close proximity of a larger agricultural unit adjacent to the south.

#### 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