

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	08/02/19
Planning Development Manager authorisation:	AN	21/2/19
Admin checks / despatch completed	AN SB	22/02/19 22/02/19

Application: 19/00155/AGRIC **Town / Parish:** Elmstead Market Parish Council

Applicant: Allens Farm Partnership

Address: Allens Farm Tye Road Elmstead Market

Development: Proposed multi-purpose agricultural storage building including weighbridge office and welfare facility.

1. Town / Parish Council

Elmstead Market Parish Council No comment.

2. Consultation Responses

N/A

3. Planning History

00/01344/FUL	New building for storage of crops and machinery	Approved	17.10.2000
01/02185/FUL	New machinery and box store.	Approved	07.02.2002
02/01170/FUL	Use of agricultural reservoir for diving, fishing and rowing purposes, retention of access road and siting of portacabin for shelter and storage purposes (renewal of planning permission TEN/99/1767)	Approved	23.08.2002
90/00258/CMTR	To excavate sand and gravel and remove from site in order to construct an agricultural irrigation reservoir.	Determination	16.05.1994
91/01282/FUL	Erection of new potato storage building.	Approved	21.01.1992
93/00784/FUL	Retention of office and WC and change of use from residential to farm office	Approved	31.08.1993
93/00785/LBC	Retention of extension to form office and WC	Approved	31.08.1993
95/01161/FUL	(Allens Farm, Crockleford Heath, Elmstead Market) Proposed farm	Approved	07.11.1995

	storage building		
95/01501/FUL	(Allens Farm, Tye Lane, Elmstead Market) Retention of two storey rear extension and front entrance porch and erection of single storey sun lounge at rear	Refused	20.02.1996
95/01502/LBC	(Allens Farm, Tye Lane, Elmstead Market) Retention of two storey rear extension and front entrance porch and erection of single storey sun lounge at rear	Refused	20.02.1996
96/00109/FUL	(Allens Farm, Tye Lane, Elmstead Market) Farm storage building	Approved	15.05.1996
96/00903/CMTR	(Land adjacent to Allens Farm, Elmstead Market) ESS/41/96/TEN - Construction of agricultural irrigation reservoir including removal of sand and gravel	Determination	20.12.1996
96/00912/LBC	(Allens Farm, Tye Lane, Elmstead Market) Restoration, improvement and preservation of derelict farmhouse	Withdrawn	17.08.1996
96/01052/LBC	(Allens Farm, Tye Lane, Elmstead Market) Retention of two storey rear extension, restoration and improvement of farmhouse	Approved	29.10.1996
96/01053/FUL	(Allens Farm, Tye Lane, Elmstead Market) Retention of two storey rear extension, restoration and improvement of farmhouse	Approved	29.10.1996
96/01054/LBC	(Allens Farm, Tye Lane, Elmstead Market) Retention of two storey rear extension, rebuilding of porch, restoration and improvement of farmhouse	Approved	29.10.1996
96/01055/FUL	(Allens Farm, Tye Lane, Elmstead Market) Retention of two storey rear extension, rebuilding of porch, restoration and improvement of farmhouse	Approved	29.10.1996
97/00141/FUL	(Allens Farm, Tye Lane, Elmstead Market) Farm storage building extension	Approved	03.04.1997
98/00499/LBC	Erection of small TV satellite dish on rear elevation at eaves level	Approved	09.06.1998
98/00918/LBC	(Allens Farm, Tye Lane, Elmstead Market) Erection of fences, walling and gates to enclose garden	Approved	10.09.1998

98/01461/CMTR	(Land adj. Allens Farm, Elmstead Market) ESS/60/98/TEN - Variation of Condition 2 (ESS/41/96/TEN) to allow extension of time for completion of development until 31 December 1999	Determination	29.01.1998
99/00110/FUL	Farm storage building	Approved	17.03.1999
99/00812/LBC	New conservatory	Approved	07.07.1999
99/00813/FUL	New conservatory	Approved	07.07.1999
99/01767/FUL	Use of agricultural reservoir for diving and fishing purposes, retention of access road and siting of portacabin for shelter and storage purposes.	Approved	15.03.2000
05/00451/FUL	Demolition and replacement of existing single storey side extension. Detached garden room/pool plant room and outside swimming pool.	Refused	05.05.2005
05/00471/LBC	Demolition and replacement of existing single storey side extension. Detached garden room/pool plant room and outside swimming pool.	Refused	05.05.2005
06/00711/LBC	Single storey rear extension, detached garden room, plant room and outdoor swimming pool.	Approved	12.06.2006
06/00712/FUL	Single storey rear extension, detached garden room, plant room and outdoor swimming pool.	Approved	13.06.2006
07/01723/FUL	Continued use of former agricultural building for Class B8 purposes.	Refused	27.03.2008
11/01028/FUL	Refurbishment and extension to clubhouse used by family, fishermen and as a centre for the disabled for water based activities on the reservoir.	Approved	13.12.2011
11/01044/FUL	The installation of a 50 kWp solar PV system, comprising of 200 solar panels on to the south facing roof of agricultural building. Area of solar panels 340 m ² .	Approved	20.12.2011
12/00960/FUL	Erection of a combined heat and	Approved	21.12.2012

	power bio-gas plant comprising anaerobic digester, silage clamp and digestate store.		
13/00922/DISCON	Discharge of condition 3 (scheme to dispose of surface water) of planning permission 12/00960/FUL - FOR INFORMATION ONLY.	Withdrawn	10.04.2014
13/01424/NMA	Repositioning of sub-station and realignment of cable route.		16.12.2013
14/00078/FUL	Variation of Condition 2 of 12/00960/FUL, to substitute drawing no's 120/D, 121/A and 122 for drawing no's 120/E, 121/B and 122/A to allow relocation of sub-station adjacent to the anaerobic digester for ease of connection and also to realign the cable route from the sub-station to the National Grid connection.	Approved	08.04.2014
14/00300/CMTR	The importation of 10,000 tonnes of inert waste to fill a void left from the extraction of blue clay utilised during the construction of a digestate store, part of a combined heat and power bio-gas plant (already approved at this site).	Determination	07.05.2014
14/00305/CMTR	The extraction of 4000 tonnes of sand and gravel to facilitate the construction of a digestate store, part of a combined heat and power bio-gas plant (already approved at this site). Together with the on-site screening and exportation of some of the materials extracted (retrospective).	Determination	07.05.2014
14/00519/DISCON	Discharge of condition 2 (surface water disposal scheme) of planning permission 14/00078/FUL.	Approved	20.05.2014
15/00207/AGRIC	An extension to existing silage clamps comprising an area of structural pavement with containment and division walls.	Determination	06.03.2015
15/00597/AGRIC	Steel portal framed building with 15 degree pitch.		11.05.2015
15/00607/FUL	Erection of second combined heat and power bio-gas plant comprising anaerobic digester, additional co generation unit and substation.	Approved	15.06.2015
15/00711/FUL	Erection of agricultural building to	Approved	18.06.2015

	be used in connection with recently constructed anaerobic digester.		
15/01670/FUL	Revised application for erection of agricultural building to be used in connection with recently constructed anaerobic digester.	Approved	05.01.2016
15/01679/FUL	Revised application for erection of second combined heat and power bio-gas plant comprising anaerobic digester, digester dome, CHP engines, substation, operations area and new digestate store to replace planning permission 15/00607/FUL to be revoked in favour of this application.	Approved	05.01.2016
16/01436/FUL	To develop a small scale standby electricity generation plant in a new portal framed building and installation of ancillary equipment.	Approved	01.11.2016
16/01443/FUL	To develop a small scale standby electricity generation plant in a new portal framed building and installation of ancillary equipment.	Approved	01.11.2016
17/01271/FUL	Erection of a second bio-gas plant comprising anaerobic digester, cogeneration unit, grid entry unit and digestate store to replace previous approval 15/01679/FUL.	Approved	20.12.2017

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 relates to Allens Farm, which is land located to the east of Wivenhoe Road within the parish of Elmstead Market.

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 multi-purpose agricultural storage building to be used for a variety of agricultural uses including a weighbridge office, welfare facilities, storage and archiving. The building will measure 8.3 metres in height, 5.5 metres in width and 15 metres in depth.

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 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 applicant has confirmed in the application form that 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.

(c) it would consist of, or include, the erection, extension or alteration of a dwelling;

The proposal is for the erection of an agricultural building to be used for a variety of agricultural purposes and 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;

Whilst it is acknowledged that the proposed use of the building is in relation to agricultural purposes, the design of the building is not considered to take on the characteristics of agricultural buildings, particularly those existing within Allens Farm. The scale, proportions and fenestration gives the appearance of a residential dwelling and therefore fails to adhere to the above criterion.

(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 be 82.5 square metres. While an extension to existing silage clamps was granted consent at this site (planning reference 15/00207/AGRIC), this decision was in excess of two years ago and was also in excess of 90 metres apart in distance, so therefore is not taken into consideration. Therefore the proposed works will not exceed 1,000 square metres and this criterion 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 8.3 metres in height but is not within 3 metres 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 8.3 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 from the nearest 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 not for the accommodation of livestock, storage of slurry or sewage sludge.

(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 to be located to northern section of the site. While there are a number of other existing agricultural buildings relating to Allens Farm, the siting of the building will be highly prominent from views from the north and west. However, given the existing built form it is considered that, on balance, an agricultural building in this location would not be significantly detrimental to the character of the surrounding area.

Design

The proposed building is to be designed with black weatherboarding, a red brick plinth and metal tile effect roof sheeting. The design, which also includes two doors, a false door and a number of Georgian style windows at ground and first floor levels, is considered to reflect a residential scale and character and does not adopt the appearance of an agricultural building. The design thereby fails to reflect the agricultural use, appearing incongruous and out of character in this rural location.

Conclusion

Prior approval is required and is refused by the Local Planning Authority for the design and external appearance of the above development permitted by Part 6 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 as amended.

6. Recommendation

Prior approval required - deemed application refused

7. Reason for Refusal

- 1 Paragraph 170 of the National Planning Policy Framework (2018) states the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and should maintain the character of the undeveloped coast.

Saved Policy EN16 states that the countryside will be protected from inappropriate forms of development. EN16b) states planning permission for agricultural buildings will only be granted if the design, siting and size would not have an adverse impact on the local countryside, or landscape character. Saved Policy EN1 states any development which would significantly harm landscape character or quality will not be permitted. Saved Policy QL9 and Emerging Policy SPL3 state all new development should protect or enhance local character and relate well to its site in relation to scale, form and design.

Policy PPL3 of the Emerging Plan (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) states that the council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character and appearance.

The detailed design of the proposed building includes two personnel doors, a false door and a number of Georgian style windows at ground and first floor levels. The scale, proportions and fenestration reflect that of a residential dwelling and do not reflect an agricultural building. The design thereby fails to reflect the agricultural use, appearing incongruous and out of character in this rural location.

The proposed agricultural building is therefore considered contrary to the provisions of the above local and national policies.

8. Informatives

N/A