

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	22/03/19
Planning Development Manager authorisation:	AN	28/3/19
Admin checks / despatch completed	ER	29/3/19

**Application:** 19/00354/AGRIC **Town / Parish:** Ardleigh Parish Council

**Applicant:** E Halsall & Sons Ltd

**Address:** Goodhall Farm Coggeshall Road Ardleigh

**Development:** Proposed steel framed general purpose agricultural building.

### 1. Town / Parish Council

Ardleigh Parish Council No comment.

### 2. Consultation Responses

N/A

### 3. Planning History

00/01518/AGRIC	Farm Building		31.12.2002
93/00813/FUL	Close off existing front gate on dangerous bend. Create new front entrance away from bend.	Approved	31.08.1993
13/00081/FUL	Single storey extension & alterations.	Approved	17.05.2013
13/00082/LBC	Single storey extension & alterations.	Approved	17.05.2013
13/00945/FUL	New vehicular access, removal of a section of garden wall and construction of new boundary wall.	Approved	
13/00946/LBC	New vehicular access, removal of a section of garden wall and construction of new boundary wall.	Approved	
13/01054/FUL	New vehicular access, removal of a section of garden wall and construction of new boundary wall.	Approved	14.11.2013
13/01055/LBC	New vehicular access, removal of a section of garden wall and construction of new boundary wall.	Approved	14.11.2013
14/01035/DISCON	Discharge of Conditions 03 (Materials) and 04 (Brickwork) of	Approved	06.08.2014

	approved planning application 13/01054/FUL.		
14/01036/DISCON	Discharge of Conditions 03 (Materials) and 04 (Brickwork) of approved Listed Building Consent 13/01055/LBC.	Approved	08.08.2014
14/01616/NMA	Non material amendment to planning permission 13/01054/FUL to allow alterations to section of wall.		30.10.2014
15/00225/FUL	Alterations to boundary wall.	Approved	17.04.2015
15/00226/LBC	Alterations to boundary wall	Approved	01.04.2015
18/01816/FUL	Conversion of existing outbuilding into a single 2-bedroom dwelling, including 1.2m high boundary fencing.	Approved	18.12.2018
18/01817/LBC	External and internal amendments following conversion of existing outbuilding into a single 2-bedroom dwelling.	Approved	18.12.2018

#### **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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 relates to land to the east of Goodhall Farm, Coggeshall Road, which lies within the parish of Ardleigh.

### 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 general purpose agricultural building to store machinery, hay, straw and agricultural products. The building will measure 7.9 metres in height, 54 metres in width and 15.8 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 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 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 storage 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;

*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 be 869 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 7.9 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 7.9 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 sited approximately 75 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 proposal is situated to the east of Goodhall Farm. The site currently includes a number of agricultural buildings, all of which are located adjacent to the north-west and south-west. While the proposed building will be set further apart from these existing buildings, there is only an approximate 10 metre separation. Therefore any views of the proposal, which are likely to be fleeting from the south-east along Harwich Road, will be seen in conjunction with the existing development, thereby not creating a negative impact to the surrounding area.

## Design

The design will see concrete walling and timber cladding for the walls, and natural fibre cement sheeting 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, particularly given that it will replicate other existing agricultural buildings in Goodhall Farm.

## 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