

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	10/05/19
Planning Development Manager authorisation:	AN	13/5/19
Admin checks / despatch completed	SB	14/05/19

GR

Application: 19/00620/AGRIC **Town / Parish:** Great Oakley Parish Council

Applicant: Mr & Mrs Mark DeRoy

Address: Field No 4989 Colchester Road Great Oakley

Development: Proposed agricultural storage building.

1. Town / Parish Council

Great Oakley Parish Council No comment.

2. Consultation Responses

N/A

3. Planning History

06/01883/AGRIC	Erection of store building.	Determination	11.12.2006
07/00134/AGRIC	Chain link fencing and concrete base to form secure enclosure for geese.	Determination	02.02.2007
07/00921/FUL	Erection of detached goose building.	Refused	31.08.2007
07/01795/FUL	Erection of detached goose building.	Approved	17.01.2008

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 a plot of land approximately 250m to the east of Friths Farm, which is located on the southern side of Colchester Road within the parish of Great Oakley.

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 an agricultural building to provide storage for hay and agricultural equipment/machinery. The building will measure 7 metres in height, 8 metres in width and 20 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 the storage of agricultural equipment, machinery and hay, 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 total 160 square metres and therefore does not exceed the maximum 1,000 square metres allowance. Accordingly this criterion has been 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 7 metres in height but is not within 3 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 7 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 the eastern section of the site. While there are a number of other existing agricultural buildings relating to Friths Farm, these are sited to the western side of the site, approximately 250m apart. The siting of this tall building, which will also be visible along Colchester Road, will therefore be isolated from these buildings, appearing incongruous in this setting, resulting in harm to the open landscape character.

Design

The design will see black weatherboarding for the walls and grey/green profiled metal cladding for the roof. These materials and the overall design proposed are considered to relate acceptably to the rural area and would not appear incongruous in this location.

Conclusion

Prior approval is required and is refused by the Local Planning Authority for the siting 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. EN16(b) 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 proposed building is to be located to the eastern section of the site. While there are a number of other existing agricultural buildings relating to Friths Farm, these are sited to the western side of the site, approximately 250m apart. The siting of this tall building, which will also be visible along Colchester Road, will therefore be isolated from these buildings, appearing incongruous in this setting, resulting in harm to the open landscape character.

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

8. Informatives

N/A