

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AN	16/5/19
Planning Development Manager authorisation:	AN	30/5/19
Admin checks / despatch completed	XNE SB	31/05/19 31/05/19.

Application: 17/01897/FUL **Town / Parish:** Great Bromley Parish Council

Applicant: Mr S Brazier - Toad Hall Free Range Eggs

Address: Land East of Hall Road Great Bromley

Development: Variation of condition 2 of planning permission 17/00865/FUL to permit the erection of a Garden room addition.

1. Town / Parish Council

Great Bromley Parish Council Great Bromley Parish Council had no objection to this application.

2. Consultation Responses

n/a

3. Planning History

08/01012/FUL	Erection of agricultural free range poultry building to accommodate 3000 chickens with packing and collecting facility.	Refused	30.10.2008
08/01013/FUL	Erection of 23.5m x 18.3m free range egg unit to accommodate 3500 laying hens.	Refused	30.10.2008
08/01014/FUL	Erection of 23.5m x 18.3m free range egg unit to accommodate 3500 laying hens.	Refused	30.10.2008
09/00721/FUL	Proposed free range poultry unit and required storage areas including extension of track - Phase 1.	Approved	16.10.2009
09/00724/FUL	Proposed free range poultry unit - Phase 3.	Approved	16.10.2009
09/00725/FUL	Proposed free range poultry unit - Phase 2.	Approved	16.10.2009
09/00804/AGRIC	Proposed new access track.	Determination	07.09.2009
09/01042/FUL	Erection of 29.5m x 18.3m free range egg unit to accommodate	Approved	28.01.2010

	additional laying hens (phase 5).		
09/01043/FUL	Erection of 29.5m x 18.3m free range egg unit to accommodate additional laying hens (phase 4).	Approved	28.01.2010
10/00196/FUL	Erection of a 29.5m x 18.3m free range egg unit to accommodate additional laying hens (Phase 4).	Refused	18.05.2010
10/00197/FUL	Erection of a 29.5m x 18.3m free range egg unit to accommodate additional laying hens (Phase 5).	Approved	17.05.2010
10/00585/FUL	Proposed change of use of land for the stationing of a mobile home to supervise the development of free range poultry enterprise.	Approved	15.09.2010
10/00946/FUL	Proposed free range poultry unit and required storage areas including extension of track - Phase 1 - (resiting of building granted permission under 09/00721/FUL).	Approved	
10/00947/FUL	Proposed free range poultry unit - Phase 2 (resiting of building granted permission under 09/00725/FUL).	Approved	
10/00948/FUL	Proposed free range poultry unit - Phase 3 (resiting of building granted permission under 09/00724/FUL).	Approved	
10/00949/FUL	Erection of a 29.5m x 18.3m free range egg unit to accommodate additional laying hens. (Phase 4) - Resubmission of 10/00196/FUL.	Approved	
10/00950/FUL	Erection of a 29.5m x 18.3m free range egg unit to accommodate additional laying hens. (Phase 5) - Resiting of building granted permission under 10/00197/FUL.	Approved	
10/01290/FUL	Erection of a 29.5m x 18.3m free range egg unit to accommodate additional laying hens (phase 5) - resiting of building granted permission under 10/00197/FUL.	Approved	21.01.2011
10/01291/FUL	Proposed free range poultry unit and required storage areas including extension of track - phase 1 - (resiting of building granted permission under 09/00721/FUL).	Approved	21.01.2011
10/01292/FUL	Proposed free range poultry unit -	Approved	21.01.2011

phase 2 - (resiting of building granted permission under 09/00725/FUL).

10/01293/FUL	Erection of a 29.5 m x 18.3m free range egg unit to accommodate additional laying hens (phase 4) - resubmission of 10/00196/FUL.	Approved	21.01.2011
12/01450/FUL	Proposed change of use of land for the siting of a mobile home to supervise a Free Range poultry unit.	Approved	07.06.2013
13/00980/FUL	Erection of four bedroom agricultural dwelling to replace temporary mobile home approved under 10/00585/FUL.	Withdrawn	01.11.2013
13/01452/FUL	Erection of an agricultural dwelling to replace temporary mobile home approved under 10/00585/FUL.(Re-submission of 13/00980/FUL)	Approved	10.02.2014
14/01581/FUL	Variation of approved plans Condition 02 of planning permission 13/01452/FUL to permit changes to the design of the approved dwelling.	Approved	08.12.2014
16/00312/FUL	Erection of 2 field shelter structures and 2 storage buildings.	Approved	31.05.2016
16/00653/FUL	Proposed erection of a cart lodge structure for use in connection with, ancillary/incidental to the use & occupation of the dwelling house granted planning permission under reference 14/01581/FUL.	Approved	24.06.2016
16/00874/FUL	Renewal of temporary planning permission for change of use of land for the siting of a mobile home to supervise a Free Range poultry unit.	Approved	31.08.2016
16/01308/FUL	Variation of condition 2 of planning permission 14/01581/FUL to permit changes to the design of the approved dwelling.	Approved	31.10.2016
16/01534/OUT	Development of land for residential purposes.	Refused	15.11.2016
16/01974/FUL	Proposed erection of a cart lodge structure for use in connection with, ancillary/incidental to the use & occupation of the dwelling house granted planning permission under	Approved	30.01.2017

	reference 14/01581/FUL (revisions to 16/00653/FUL).		
17/00068/AGRIC	Proposed agricultural storage building.	Determination	08.02.2017
17/00509/OUT	Development of land for residential purposes. (Resubmission of 16/01534/OUT)	Refused	17.05.2017
17/00865/FUL	Variation of condition 2 of planning permission 16/01308/FUL. To permit an addition to the approved dwelling.	Approved	13.07.2017
17/01897/FUL	Variation of condition 2 of planning permission 17/00865/FUL to permit the erection of a Garden room addition.	Current	
17/01898/NMA	Non-material amendment to application 16/01974/FUL - addition of 4 Velux rooflights.	Approved	30.11.2017
18/00055/FUL	Erection of an agricultural dwelling to replace temporary mobile home approved under 16/00874/FUL	Approved	28.02.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG9 Private Amenity Space

HG18 Permanent Dwellings for Agricultural Workers

EN1 Landscape Character

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL1 Managing Growth

SPL3 Sustainable Design

- LP3 Housing Density and Standards
- LP4 Housing Layout
- PP13 The Rural Economy
- PPL3 The Rural Landscape
- CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested

at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal

Site Description

The site lies outside any defined settlement boundary on the north side of Hall Road. The site currently comprises two 20,000 bird poultry units, two agricultural manager's caravans and an agricultural building which is currently under construction.

Proposal

This application proposes a variation of the approved plans condition (condition 02) of planning permission 17/00865/FUL to allow changes to the design of the approved agricultural worker's dwelling - to erect a Garden room. Permitted development rights for householder extensions were removed by condition 10 of planning permission 17/00865/FUL in order to ensure the dwelling remains affordable as an agricultural dwelling and commensurate with the size of the holding.

Appraisal

The principle of siting an agricultural dwelling in the location has already been established in the original planning permission 13/01452/FUL. Later permissions in 2014 (1401581/FUL), 2016 (16/01308/FUL) and 2017 (17/00865/FUL) concerned variations to the original scheme approved in 2013.

The cumulative impact of these variations and additions have resulted in a dwelling considerably larger than that originally approved - and therefore permitted development rights were removed under the most recent permission to prevent further enlargements.

The proposal that forms this application is commensurate with a previous planning application in 2013 (13/00980/FUL) which was withdrawn because the applicant was unable to demonstrate that the dwelling was affordable as an agricultural dwelling and commensurate with the size of the holding. Consequently, this application will be reassessed against Local Plan policy HG18, which states that:

Outside the defined settlements, new permanent dwellings for agricultural or forestry workers will only be granted planning permission if:

- i. there is a proven need for the dwelling to be located within the relevant agricultural or forestry unit as demonstrated by the applicant through both a "functional" and "financial" test*;**
- ii. the applicant is able to demonstrate that the size of the proposed dwelling is commensurate with the functional requirement of the agricultural unit and that the monetary income from the enterprise is able to sustain the cost of building and maintaining the dwelling;**
- iii. the enterprise has been carried out for a period of at least three years prior to the date of the planning application; and**
- iv. alternative accommodation, which would also meet the functional requirements of the enterprise, is not available.**

The necessary information required to assess the proposal against the above criteria was not submitted with the application, and although the information has been requested the applicant has been unable to provide it. The proposal is therefore considered to be contrary to saved policy HG18, as the applicant has been unable to demonstrate that the size of the proposed dwelling is commensurate with the functional requirement of the agricultural unit and that the monetary income from the enterprise is able to sustain the cost of building and maintaining the dwelling.

Other Considerations

Great Bromley Parish have raised no objection to this application.

No other representations have been received.

Conclusion

As the application has not been supported by the necessary information to demonstrate that the proposal complies with policy HG18, this application is recommended for refusal.

6. Recommendation

Refusal - Full

7. Reasons for Refusal

- 1 The site lies outside of the Settlement Development Boundary as defined by the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

Although the principle of a new agricultural workers dwelling has been accepted previously, under planning permission 13/01452/FUL, numerous variations and additions have been subsequently granted planning permission. The proposal is now considerably larger than that originally assessed and approved under Policy HG18. It is therefore appropriate to assess the current proposal against the policy, which states, inter alia, that permission will only be granted if the applicant is able to demonstrate that the size of the proposed dwelling is commensurate with the functional requirement of the agricultural unit and that the monetary income from the enterprise is able to sustain the cost of building and maintaining the dwelling.

No evidence has been submitted by the applicant in support of the proposal, and therefore the proposal does not satisfy paragraph ii of Policy HG18 with regards to the functional requirement or the financial sustainability of a dwelling of that size.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	NO
Are there any third parties to be informed of the decision? If so, please specify:	NO