

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	6 <sup>th</sup> Sept
Planning Development Manager authorisation:	AN	10/9/19
Admin checks / despatch completed	AP	11/9/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	11/9/19

**Application:** 19/01231/AGRIC **Town / Parish:** Ardleigh Parish Council

**Applicant:** Mr Percival

**Address:** Land rear of Hollydene Spring Valley Lane Ardleigh

**Development:** Proposed agricultural building.

### **1. Town / Parish Council**

No comments received

### **2. Consultation Responses**

No comments received

### **3. Planning History**

02/00181/TELCOM      Erection of one 15 metre monopole mast complete with six sector antennas, two dish antennas and one radio equipment cabin      Determination      19.03.2002

19/01231/AGRIC      Proposed agricultural building.      Current

### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Guidance  
The Town and Country Planning (General Permitted Development) (England) Order 2015

### **5. Officer Appraisal (including Site Description and Proposal)**

PART 6 - Agricultural and forestry

Class A – agricultural development on units of 5 hectares or more

A. The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of –

- (a) works for the erection, extension or alteration of a building; or
- (b) any excavation or engineering operations

which are reasonably necessary for the purposes of agriculture within that unit.



Development not permitted

A.1 Development is not permitted by Class A if –

- (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 development would not be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area. **The proposal complies.**

- (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.

It would not consist of the erection or extension of any agricultural building on an established agricultural unit 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. **The proposal complies.**

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

It would not consist of, or include, the erection, extension or alteration of a dwelling. **The proposal complies.**

- (d) it would involve the provision of a building, structure or works not designed for agricultural purposes

It would not involve the provision of a building, structure or works not designed for agricultural purposes. **The proposal complies.**

- (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 465 square metres, calculated as described in paragraph D.1(2)(a) of this Part

The ground area which would be covered by any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations or any building erected or extended or altered by virtue of Class A would not exceed 465 square metres. **The proposal complies.**

- (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 height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would not exceed 3 metres. **The proposal complies.**

- (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 height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would not exceed 12 metres. **The proposal complies.**

- (h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road



No part of the development would be within 25 metres of a metalled part of a trunk road or classified road. **The proposal complies.**

- (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 proposal would be within 400m of the curtilage of a protected building but would not 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. **The proposal complies.**

- (j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or

It would not involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming. **The proposal complies.**

- (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 proposal would be within 400m of the curtilage of a protected building but would not involve any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system. **The proposal complies.**

#### Conditions

A.2 (1) Development is permitted by Class A subject to the following conditions –

- (a) where development is carried out within 400 metres of the curtilage of a protected building, any building, structure, excavation or works resulting from the development are not used for the accommodation of livestock except in the circumstances described in paragraph D.1(3) of this Part or for the storage of slurry or sewage sludge, for housing a biomass boiler or an anaerobic digestion system, for storage of fuel or waste from that boiler or system, or for housing a hydro-turbine.

Development is being carried out within 400 metres of the curtilage of a protected building but the building would not be used for the accommodation of livestock except in the circumstances described in paragraph D.1(3) of this Part or for the storage of slurry or sewage sludge, for housing a biomass boiler or an anaerobic digestion system, for storage of fuel or waste from that boiler or system, or for housing a hydro-turbine. **This condition is met.**

- (b) where the development involves -

- (i) the extraction of any mineral from the land (including removal from any disused railway embankment); or
  - (ii) the removal of any mineral from a mineral-working deposit, the mineral is not moved off the unit

The development does not involve the extraction or the removal of any mineral(s). **This condition is met.**



- (c) waste materials are not brought on to the land from elsewhere for deposit except for use in works described in Class A(a) or in the provision of a hard surface and any materials so brought are incorporated forthwith into the building or works in question.

The development does not propose bringing waste materials on to the land from elsewhere for deposit except for use in works described in Class A(a) or in the provision of a hard surface and any materials so brought are incorporated forthwith into the building or works in question. **This condition is met.**

(2) Subject to sub-paragraph (3), development consisting of –

- (a) the erection, extension or alteration of a building
- (b) the formation or alteration of a private way
- (c) the carrying out of excavations or the deposit of waste material (where the relevant area, as defined in paragraph D.1(4) of this Part, exceeds 0.5 hectares)
- (d) the placing or assembly of a tank in any waters,

is permitted by Class A subject to the following conditions –

- (i) the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be.

The developer has, before beginning the development, applied to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building. The siting of the is such that it would be located in proximity to other forms of functional buildings, whilst also be satisfactorily separated from the dwellinghouse. The building is of a form, scale and external appearance which is entirely appropriate for its intended use. **The developer has met this condition and the prior approval of the authority is not required.**

- (ii) the application must be accompanied by a written description of the proposed development and of the materials to be used and a plan indicating the site together with any fee required to be paid;

A written description of the proposed development and of the materials to be used are given in Question 4 of the application. Drawing numbers 1665 S02, 1665 S01b and 1665 S03b indicate the site and the fee required was paid on 15<sup>th</sup> August 2019. **The developer has met this condition.**

- (iii) the development must not begin before the occurrence of one of the following-

- (aa) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required
- (bb) where the local planning authority give the applicant notice within 28 days following the date of receiving the applicant's application of their determination that such prior approval is required, the giving of such approval; or
- (cc) the expiry of 28 days following the date on which the application under subparagraph (2)(ii) was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination

The application was received on 15<sup>th</sup> August 2019; a period of 28 days following receipt of the application is 12<sup>th</sup> September. **The developer must meet this condition (see condition 1).**



(iv) where the local planning authority give the applicant notice that such prior approval is required, the applicant must

(aa) display a site notice by site display on or near the land on which the proposed development is to be carried out, leaving the notice in position for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant; and

(bb) where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in subparagraph (iv)(aa) has elapsed, the applicant is treated as having complied with the requirements of that sub-paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement.

The local planning authority consider that such prior approval is not required; the display of a site notice is not required. **The Local Authority have met this condition.**

(v) the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out -

(aa) where prior approval is required, in accordance with the details approved

(bb) where prior approval is not required, in accordance with the details submitted with the application; and

Prior approval is not required; the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application. **The developer must meet this condition (see Condition 2).**

(vi) the development must be carried out -

(aa) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given;

(bb) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (d)(ii).

**The developer must meet this condition (see Condition 3).**

(3) The conditions in sub-paragraph (2) do not apply to the extension or alteration of a building if the building is not on article 2(4) land except in the case of a significant extension or a significant alteration.

(4) Development consisting of the significant extension or the significant alteration of a building may only be carried out once by virtue of Class A(a).

(5) Where development consists of works for the erection, significant extension or significant alteration of a building and

(a) the use of the building or extension for the purposes of agriculture within the unit permanently ceases within 10 years from the date on which the development was substantially completed; and

(b) planning permission has not been granted on an application, or has not been deemed to be granted under Part 3 of the Act, for development for purposes other than agriculture, within 3 years from the date on which the use of the building or extension for the purposes of agriculture within the unit permanently ceased, then, unless the local planning authority have otherwise agreed in writing, the building or, in the case of development consisting of an extension, the extension, must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing between the local planning authority and the developer.



- (6) Where an appeal has been made, under the Act, in relation to an application for development described in sub-paragraph (5)(b), within the period described in that paragraph, that period is extended until the appeal is finally determined or withdrawn.
- (7) Where development is permitted by Class A(a), within 7 days of the date on which the development is substantially completed, the developer must notify the local planning authority in writing of that fact. **The developer must meet this condition (see Condition 4).**

**6. Recommendation**

Determination prior approval not required

**7. Conditions / Reasons for Refusal**

- 1 The development must not begin before the 12th September 2019.
- 2 The development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application.
- 3 Where approval has been given by the local planning authority the development must be carried out within a period of 5 years from the date on which approval was given
- 4 Where development is permitted by Class A(a), within 7 days of the date on which the development is substantially completed, the developer must notify the local planning authority in writing of that fact.

**8. Informatives**

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO