

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	30/09/2019
Planning Development Manager authorisation:	TF	01/10/2019
Admin checks / despatch completed	ER	01/10/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SB	01/10/19.

**Application:** 19/01334/AGRIC                      **Town / Parish:** Elmstead Market Parish Council

**Applicant:** D.W. Hunter Farms

**Address:** Allens Farm Wivenhoe Road Elmstead

**Development:** Proposed agricultural grain storage building.

### 1. Town / Parish Council

Not applicable.

### 2. Consultation Responses

Not applicable.

### 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.	Determinati on	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 storage building	Approved	07.11.1995
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96/00912/LBC	(Allens Farm, Tye Lane, Elmstead Market) Restoration, improvement and preservation of derelict farmhouse	Withdrawn	17.08.1996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	Approved	20.12.2011



	of agricultural building. Area of solar panels 340 m2.		
12/00960/FUL	Erection of a combined heat and power bio-gas plant comprising anaerobic digester, silage clamp and digestate store.	Approved	21.12.2012
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,	Approved	15.06.2015



	additional co generation unit and substation.		
15/00711/FUL	Erection of agricultural building to be used in connection with recently constructed anaerobic digester.	Approved	18.06.2015
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
19/00155/AGRIC	Proposed multi-purpose agricultural storage building including weighbridge office and welfare facility.	Determination	22.02.2019
19/00461/AGRIC	Proposed multi-purpose agricultural storage building including weighbridge office and welfare facility.	Determination	17.04.2019
19/00502/AGRIC	Proposed agricultural storage building.	Determination	18.04.2019
19/00544/FUL	Erection of two buildings to be occupied under a B8 Storage and Distribution use.	Approved	04.07.2019

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

Not applicable.



## **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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 (including Site Description and Proposal)**

### **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 an agricultural storage building to be used for the storage of grain, fertiliser, straw and machinery. The building will measure 11.655 metres in height (8 metres to eaves), 25 metres in width and 37 metres in length.

The building will be finished in a profiled plastisol coated grey metal roof cladding and green wall cladding to the upper half and concrete grain walling panels to the lower half.

### **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.

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.

The proposal can be assessed as follows;



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.

*An email received from the Agent on 30<sup>th</sup> September 2019 has confirmed that the building is to be erected on a parcel of land forming part of the unit which is not less than 1 hectare in area (detailed provided on the application form incorrect). This criterion is met.*

- 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.

*The proposed building 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. This criterion is met.*

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

*The proposed building would not consist of or include, the erection, extension or alteration of a dwelling. This criterion is met.*

- 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. This is demonstrated by the height, design, appearance and materials together with the description of its intended use. This criterion is met.*

- 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.

(amended from 465 square metres to 1,000 square metres under The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018 UK Statutory Instruments 2018 No. 343)

*The proposed building will be 925 square metres falling under the 1,000 square metre threshold. It is noted there are other recent consents at this site within the last 2 years (planning references 19/00502/AGRIC and 19/00461/AGRIC). However both are in excess of 90 metres from the proposed building as demonstrated by the submitted drawing 'DRG No. 120. PJ.' and are not taken into account in the calculation of the overall floor area. 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

*Although the height of the building exceeds 3 metres, it is not situation within 3 kilometres of the perimeter of an aerodrome. Therefore, this criterion is met.*



- 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 overall height of the building is 11.655 metres. This criterion is met.*

- 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. This criterion is met.*

- 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. The building will not be sited within 400 metres of the curtilage of a dwelling (protected building). This criterion is met.*

- 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. This criterion is met.*

- 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. This criterion is met.

#### Siting, Design and External Appearance

The proposed building is to be located to north of the site positioned to the north west of existing buildings.

Views of the building would be in conjunction with the existing complex with views across the open landscape from the north and west being against a backdrop of the existing buildings thereby reducing its impact and helping it to assimilate well within its surroundings. The proposed building is of a similar scale, design and appearance as the adjacent buildings.

Therefore, an agricultural building of the proposed design and scale in this location would not be significantly detrimental to the character of the surrounding area.

#### Conclusion

The proposed store building complies with Town and Country Planning (General Permitted Development) England Order 2015 (as amended), Schedule 2, Part 6 Agricultural and Forestry Class A and the Council's prior approval is not required for the siting, design or external appearance of the development as proposed.

## **6. Recommendation**

Determination – Prior Approval Not required.



**7. Conditions**

- 1 The proposed store building complies with Town and Country Planning (General Permitted Development) England Order 2015 (as amended), Schedule 2, Part 6 Agricultural and Forestry Class A and the Council's prior approval is not required for the siting, design or external appearance of the development as proposed.

**8. Informatives**

Not applicable.