

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	WC	3/2/2020
Planning Development Manager authorisation:	AN	3/2/20
Admin checks / despatch completed	AN	3/2/20
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	3/2/2020

**Application:** 19/01860/FUL **Town / Parish:** Mistley Parish Council

**Applicant:** Mr King

**Address:** Kellys Farm Clacton Road Horsley Cross

**Development:** Farm meeting room and welfare facilities.

### 1. Town / Parish Council

### 2. Consultation Responses

### 3. Planning History

93/00484/FUL	(Land at Kelly's Farm, Clacton Road, Horsley Cross, Mistley) Retention of stationing of residential caravan for housing agricultural worker for two year period	Approved	22.06.1993
94/00482/FUL	(Land at Kellys Farm, Clacton Road, Mistley) Erection of agricultural workers dwelling	Approved	31.05.1994
94/00483/FUL	Erection of new poultry unit	Approved	08.06.1994
95/00903/FUL	(Land at Kelly's Farm, Clacton Road, Horsley Cross, Mistley) Continued temporary siting of residential caravan as accommodation for agricultural worker	Approved	31.08.1995
96/00412/FUL	Erection of new poultry unit	Approved	10.06.1996
96/01262/FUL	(Land at Kelly's Farm, Clacton Road, Horsley Cross, Mistley)	Approved	27.11.1996

	Erection of new poultry unit	
19/01860/FUL	Farm meeting room and welfare facilities.	Current

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

Tendring District Local Plan 2007

EN1 Landscape Character

EN4 Protection of the Best and Most Versatile Agricultural Land

EN16 Agricultural and Related Development

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

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

PPL3 The Rural Landscape

NPPF National Planning Policy Framework February 2019

#### **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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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.

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 (including Site Description and Proposal)**

Proposal:

The proposal is for a permanent staff/welfare room measuring 10.66 metres x 12.19 metres, totalling 129.94 sq.m.

Site Description:

The site is close to the entrance of Kelly Farm, a poultry farm just off Clacton Road, close to Horsley Cross.

Analysis:

The relevant policies concerning this site are EN16 (Agricultural and Related Development) of the adopted Local Plan, and PP13 of the emerging Local Plan.

Necessity of the the development:

Both policies require new development to be essential or 'reasonably necessary' for the purposes of agriculture being carried out. In this case, the applicant has submitted an Agricultural Justification Statement, which puts forward a detailed case for why the proposed building is necessary for the farm. It includes provision of bio security/quarantine area along with kitchen, toilet, and meeting space, replacing an existing temporary portacabin and arrangement that is considered unfit for purpose.

Impact on countryside / landscape

Policy EN16 requires agricultural development to not have an adverse impact on the local countryside, landscape character or to nature conservation interests.

The proposed building is a standard design, of brick construction with external black weatherboard cladding, measuring 10.6 x 12.19 metres. Eaves are 2.4 metres high with a shallow roof pitch (20 degrees). It is sited close to the entrance of the farm in order to ensure temporary staff are appropriately signed in and disinfected etc prior to entering the farm.

The building is sited close to existing agricultural buildings by the entrance to the farm. It would therefore be easily visible from the road. However it would follow the same building line as the existing farm dwelling. Furthermore the design, size and scale of the building is not considered to have an adverse impact on the countryside or to nature conservation interests.

Other considerations:

The site is not within an area with any special nature conservation or landscape value interest.

There are no representations or comments from the Parish Council

Conclusion

The proposed building is considered to be reasonably necessary for the purpose of the poultry farm, as explained in the submitted statement. Furthermore the siting and design of the proposal is considered to be in keeping with the existing agricultural buildings and would not cause an adverse visual impact on the landscape. Approval is recommended.

## 6. Recommendation

Approval - Full

## 7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans received 9th December 2019

Proposed elevations

Proposed Floor Plan (version with internal room annotation received on 29th January 2020)

Site Location Plan

Site Plan

Reason - For the avoidance of doubt and in the interests of proper planning.

## 8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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