

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	19/02/2020
Planning Development Manager authorisation:	TF	20/02/2020
Admin checks / despatch completed	CC	20/02/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DL	20/02/2020

Application: 20/00130/AGRIC **Town / Parish:** Great Bromley Parish Council

Applicant: T W Salmon Ltd.

Address: Land South of Carringtons Road Great Bromley

Development: Proposed excavation, formation and extension of existing irrigation reservoir

1. Town / Parish Council

Not Applicable

2. Consultation Responses

Not Applicable

3. Planning History

20/00130/AGRIC Proposed excavation, formation and extension of existing irrigation reservoir Current

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 site is land to the south of Normans Farm, which is located to the south of Ardleigh Road, within the parish of Little Bromley. The site currently forms a mixture of grassed and agricultural land, situated outside of a recognised Settlement Development Boundary in both the Saved Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft.

Proposal

This is a 'prior notification' under Part 6 of the Town and Country Planning (General Permitted Development) Order 2015. The applicant is seeking the Council's determination as to whether its 'prior approval' is required.

This application seeks prior notification for the excavation and formation of an irrigation reservoir to serve both Norman's Farm and Little Bromley Hall. The resultant reservoir would store water for irrigation purposes.

Appraisal

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.

The proposal may be considered as 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 development, as states in Condition A.2 (2) of Part 6, Class A.

The proposed agricultural irrigation reservoir is not permitted development if the criteria set out in Part 6 (Class A) cannot be met (see below).

Development is not permitted by Class A if:

- 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 is on a parcel of land more than 1 hectare.

- It would consists of, or include, the erection, extension or alteration of a dwelling;

The proposal does not involve the erection, extension or alteration of a dwelling.

- It would involve the provision of a building, structure or works not designed for agricultural purposes;

The proposal does not involve the provision of a building, structure or works not designed for agricultural purposes.

- The ground area which would be covered by any works or structure for accommodating livestock or any plant or machinery arising from engineering operations: or any building erected, extended or altered by virtue of Class A would exceed 465 square metres. This includes any development within 90 metres which occurred in the preceding two years.

The proposal does not include any works to any plant or machinery arising from engineering operations, and also does not include the erection, extension or alteration to a building.

- The height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres.

No part of the proposal will exceed 3 metres in height, and the application site is not within 3 kilometres of the perimeter of an aerodrome.

- 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.

No part of the proposal will exceed 12 metres in height and the application site is not within 3 kilometres of an aerodrome.

- 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 of a metalled part of a trunk road or classified road.

- 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; or it would involve excavations or engineering operations on land or over article 1(6) land which are connected with fish farming.

The proposal is not for the use of livestock, sewage sludge or fish farming.

- Any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system 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 is or would be within 400 metres of the curtilage of a protected building.

The proposal is not for the use of an anaerobic digestion system.

Further to the criteria noted above the proposal must satisfy conditions. One relevant condition is outlined at Condition A.2 (b) of Part 6 of the General Permitted Development Order which states that where the development involves;

- (i) the extraction of any mineral from the land; or
- (ii) the removal of any mineral from a mineral working deposit

the mineral shall not be moved off the unit.

The submitted planning statement confirms that the reservoir is designed to be a balanced cut and fill which means that all the materials that are to be excavated are to be used in the construction of the surrounding banks. As such no materials are to be removed from the site and no materials are to be imported.

This application is not for mineral extraction, no minerals will be extracted, removed, moved or worked in any way, other than in the construction of the reservoir as detailed in the drawings provided as part of this application.

Conclusion

As such prior approval is not required by the Local Planning Authority for the siting or design 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

Determination prior approval not reqred

7. Conditions / Reasons for Refusal

- 1 The proposed agricultural reservoir complies with Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 6 Agricultural Buildings and Operations Permitted Development, of the above mentioned order (as amended), 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

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