

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JD	29/05/2020
Planning Development Manager authorisation:	TF	29/05/2020
Admin checks / despatch completed	CC	01/06/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	01/06/2020

**Application:** 20/00567/AGRIC **Town / Parish:** Clacton Non Parished

**Applicant:** Mr Matthew Swain

**Address:** Land to The South of Progress Way Clacton On Sea Essex

**Development:** Proposed agricultural barn.

### 1. Town / Parish Council

Clacton Non Parished

### 2. Consultation Responses

Not applicable

### 3. Planning History

20/00346/AGRIC Proposed new barn. (Sited approximately 1km south of current proposal, on the western side of the A133) – Prior approval not required.

20/00567/AGRIC Proposed agricultural barn. Current

### 4. Relevant Policies / Government Guidance

Not applicable.

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

#### Site Description

The site is a portion of an agricultural field. The field is by the southeast corner of the junction of the A133 with the B1442, Progress Way.

The field has an area of some 1.4 Hectares.

To the west is the A133, the main road to Clacton. To the north is Progress Way. To the south is another agricultural field. To the east is open ground then the rear of properties onto London Road, part of the B1441.

A covering letter states that the applicant is an active agricultural business operating across

Clacton and Little Clacton with very substantially more than the minimum 5ha of land, i.e. with a holding of c.75ha. This is accepted as the case.

### Proposal

The proposal is for a storage barn 30.3m deep by 30.9m wide. The barn would be 6m in height to the eaves, with a maximum height of the very shallow pitched gable roof of 7.6m. External walls would be essentially of green coloured cladding on a brick plinth some 1m high. The roof would be of a light green colour. The elevation drawings show a single vehicular door some 5m in height by some 2m wide. The vehicular door is indicated as a vertical roller shutter type.

The barn would be at the rear boundary, the southern boundary, of the field.

### Appraisal

This is a “prior notification” under Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018; Statutory Instrument No. 343; the amendment came into force on 6th April 2018.

The applicant is seeking the Council’s determination as to whether “prior approval” is required.

The relevant legislation states as follows:

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.

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 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;

#### **The planning history of Cann Hall Farm has been consulted and the proposal complies.**

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

#### **The proposal 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;

#### **The proposal 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 1,000 square metres, calculated as described in paragraph D.1(2)(a) of this Part;

**The ground area of the building would be 935 sq m (with a internal floor area of 904 sq m).The proposal complies.**

(f) the height of any part of any building within 3km of the perimeter of an aerodrome would exceed 3 metres;

**The nearest aerodrome is at Great Oakley, some 11km to the north. Not applicable.**

(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 building form of the storage barn would have a maximum height of 7.6m. 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 building would be some 96m from the A133 and some 120m from Progress Way. 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 development would consist of the erection of a building but the building would not be used for the accommodation of livestock or for the storage of slurry or sewage sludge. The nearest protected building, the dwelling at Montanna Nurseries, would be some 190m to the east. 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.

**Not applicable/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.

**Not applicable.The use of the proposed building is not 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;

**The building would be for agricultural storage and not for the uses above; Condition A.2 (1) (a) 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;

**Not applicable; the development does not involve the extraction of any mineral from the land or the removal of any mineral from a mineral-working deposit.**

(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 would not necessitate the requirement for waste materials 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. Condition A.2 (1) (c) 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); or

(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 parcel of land has established hedgerow on its boundaries with roads and there is a belt of woodland, extending to the south of the parcel of land on the eastern side of the A133. The nearest part of Progress Way is set at a lower level being in shallow cutting. Dwellings to the east are generally some 370m away. There are fields and woodland to the south. There is no public footpath nearby. A country park is more than 600m to the south with hedgerows in the land between. Overall the proposed barn would be well screened and would assimilate well within its surroundings and would not create a negative impact upon the surrounding area. The proposed agricultural building would be essentially of green cladding; the roof would be of a light green colour, doubtless profile sheeting. The roof would be essentially flat, the pitch would be 6 degrees. It is considered that the prior approval as to the siting, design and external appearance of the building 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;

**The application is accompanied by a written description of the proposed development and of the materials to be used, contained within the responses to Question(s) 4 and 5 on the application form. Drawing PW/BN1A indicates the site and the fee was paid.**

(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 local planning authority will be notifying the applicant of the determination prior to the expiry of 28 days following the date on which the application under subparagraph (2)(ii) was received by the local planning authority.

(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;

**Not applicable; the prior approval is not required.**

(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

**Not applicable; the prior approval is not required.**

(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).

(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.

**6. Recommendation**

Determination prior approval not required.

**7. Conditions / Reasons**

The agricultural building complies with Schedule 2, Part 6, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the prior approval of the Local Planning Authority is not required.

**8. Informatives**

N/A

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