

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|---|----------|------------|
| File completed and officer recommendation: | JD | 11/08/2020 |
| Planning Development Manager authorisation: | AN | 11/08/2020 |
| Admin checks / despatch completed | CC | 11.08.2020 |
| Technician Final Checks/ Scanned / LC Notified / UU Emails: | CD | 11.08.2020 |

Application: 20/00769/FUL **Town / Parish:** Brightlingsea Town Council
Applicant: Mr J Blyth
Address: Lower Farm, Lower Farm Lane, Brightlingsea
Development: Continued use of an agricultural building and associated land as a workshop.

1. Town / Parish Council

Mrs Brightlingsea Town
Council
07.08.2020

Previous working time regulations to be adhered to.

2. Consultation Responses

ECC Highways Dept
05.08.2020

The information that was submitted in association with the application has been fully considered by the Highway Authority. It is noted that the proposed development would utilise the existing vehicle access at the site, which is located to the south east of the site. The access has been used in respect of the agricultural use of the site for several years, providing vehicular access to the site for HGVs as well as farm vehicles; the proposals also offers adequate parking and turning facilities, therefore:

The Highway Authority does not object to the proposals as submitted.
Informative:

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

Environmental Protection No response.

3. Planning History

| | | | |
|-----------------|--|---------------|------------|
| 10/01454/FUL | Change of use and conversion of redundant stables to 2 x 2 bedroom holiday lets. | Approved | 08.02.2011 |
| 11/00480/FUL | Removal of Condition 03 of planning permission TEN/591/74, to remove occupancy of dwelling for persons wholly or mainly employed in agriculture. | Refused | 14.06.2011 |
| 13/30116/PREAPP | Conversion of barn to new dwelling. | | 24.02.2014 |
| 13/01455/AGRIC | Grain store. | Determination | 14.01.2014 |
| 14/01642/FUL | Conversion of a redundant agricultural barn to form a new dwelling. | Approved | 06.02.2015 |
| 14/01744/AGRIC | Erection of new grain store. | Determination | 23.12.2014 |
| 14/01819/LUPROP | Stationing of a mobile home for a seasonal farm worker. | | 30.01.2015 |
| 17/01725/FUL | Variation of condition 2 of approved application 14/01642/FUL -To allow the proposed development to be carried out in accordance with the newly submitted plans. | | 28.11.2017 |
| 20/00478/EIASC | EIA screening request for winter storage reservoir. | | 13.05.2020 |
| 20/00686/AGRIC | Proposed excavation of approx. 1.7ha grassland to depth of approx. 4m and creation of bund surrounding excavation site using spoil to a height of approx. 3m (total depth 7m) for use as a winter storage reservoir for agricultural purposes. | Determination | 23.06.2020 |
| 20/00769/FUL | Continued use of an agricultural building and associated land as a workshop. | Current | |

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

NPPG National Planning Practice Guidance

Tendring District Local Plan 2007

- QL1 Spatial Strategy
- QL4 Supply of Land for Employment Development
- QL7 Rural Regeneration
- QL11 Environmental Impacts and Compatibility of Uses
- ER7 Business, Industrial and Warehouse Proposals
- ER11 Conversion and Reuse of Rural Buildings
- EN1 Landscape Character
- EN3 Coastal Protection Belt
- TR1A Development Affecting Highways
- TR7 Vehicle Parking at New Development

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

- SP1 Presumption in Favour of Sustainable Development
- SP2 Spatial Strategy for North Essex
- SP4 Providing for Employment & Retail
- SPL2 Settlement Development Boundaries
- PP6 Employment Sites
- PP13 The Rural Economy
- PPL2 Coastal Protection Belt
- PPL3 The Rural Landscape
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network
- LPG Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities ‘Garden Communities’ proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector’s advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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

Site Description

The site is occupied by two agricultural buildings with an area of concrete hardstanding in front, to the south. Immediately to the south of the hardstanding is a side boundary of a residential property, one of a pair of semi-detached houses known as the Hollies. On the opposite side of a track, which serves the Hollies and the site, is another pair of semi-detached houses, Lower Farm Cottages.

The application site is part of a large agricultural complex, the farmyard of Lower Farm. The rest of the farmyard is to the north.

The site is in an isolated location at the end of a rural road, Lower Farm Lane. The site is set to the east of Brightlingsea.

The site and its surroundings is designated as Coastal Protection Belt in the Proposals Map to the adopted Local Plan.

Proposal

Continued use of an agricultural building and associated land as a workshop.

The proposal is for the retention of the use of the site as a workshop carrying out mechanical and machinery repairs. The use also includes repairs, maintenance and fabrication of hydraulic hose and irrigation equipment. The use is currently unauthorised.

The application form makes clear that 568 sq m of floorspace is to be used for a B2 use.

Three full-time employees are employed at the site.

The application form states that hours of use would be 08:00 to 16:00 all the days of the week. A planning statement forming part of the application documentation provides what is perhaps a more accurate description in realistic terms referring to how hours of use are generally those of daylight hours, with some work outside these hours particularly during harvest.

Appraisal

The application appears to have followed an enforcement matter, 20/00017/ENFENQ. It has been alleged that the Lower Farm farmyard as a whole is used to store items such as marine vessels and telephone boxes. During a site inspection by an enforcement officer several vehicles were being stored in the open, some of which appeared to be associated with a business. It is understood that a business is run from a portacabin. The portacabin is not part of this planning application.

The main planning considerations are: principle of development; impact on residential amenity and landscape impact. The local highway authority, Essex County Council, has been consulted on the application and a response received in writing stating that the Highway Authority does not object to the proposals as submitted.

The site is outside any settlement development boundary but would not involve any new built form. The use would continue to be set amongst the activity of a very large farmyard and the site is served by a vehicular access used by farm machinery and other vehicles associated with a large farm. The use is considered acceptable in principle with regard to Policy QL1.

Policy QL4 seeks to ensure an adequate supply of land for employment development will be maintained. Policy QL7 is concerned with rural regeneration. The proposal is, in very broad terms, supported by both Policy QL4 and QL7.

Paragraphs 83 and 84 of the NPPF, a section titled "Supporting a prosperous rural economy", supports the proposed continued use in principle. It is also worth noting that relatively recent legislation in the form of the General Permitted Development Order, Schedule 2, Part 3, Class R shows Government support for agricultural buildings to come into a commercial use.

Policy ER7 is most relevant to this proposal to retain the business use of the application site. This policy states that in considering proposals for a change of use to business, industrial or warehousing sites the Council will need to consider a number of criteria. The first of these is that the scale and nature of the proposal is appropriate to the locality, including its relationship with adjacent uses. The second criterion is that there is no unacceptable impact on amenity in terms of appearance, noise, smell, dirt or other pollution. The nature of the proposal is considered appropriate to a large agricultural building where one would expect farm machinery to operate. Based on a visit to the setting of the site, there appeared to be no material impact to amenity. In the absence of any objection from Environmental Protection the proposal is considered acceptable. ER7 c) requires satisfactory vehicular access and car parking to be provided. No alterations are proposed to the existing access. The Highway Authority has no objection. ER7 e) confirms that the open storage of goods or waste will not be allowed where such activity is considered visually intrusive. A condition is recommended to meet this requirement and to preserve the rural character of the area.

The proposal is considered acceptable with regard to Policy ER7.

Policy QL11 is concerned with the environmental impacts and compatibility of uses. In the absence of any objection from Environmental Protection it is considered that any refusal based on reference to Policy QL11 would not be tenable.

The use would be based within existing buildings. This could be ensured by condition. Policy ER11 states that the re-use or conversion of rural buildings for business purposes will be permitted subject to the acceptability of a number of issues. The type and scale of the activity is thought to be compatible with the character of the surrounding area. The building would appear suitable in that it is in existing use. In the absence of an objection from the highway authority the level of traffic generated is thought to be acceptable. There would be no effect on the external appearance of the building. Open storage outside the building could be prevented by use of an appropriate condition. The building is existing and located at a farmyard and as such has no landscape impact and no material impact on the highway network. As referred to above, the impact on local amenity is considered to be acceptable. The building in question has no historical value.

The proposal is considered acceptable with regard to Policy ER11.

As the proposal is for the retention of a use, rather than a new building, the proposal is considered acceptable with regard to Policies EN1 and EN3.

The concrete hardstanding at the site would appear to provide ample parking. Letters were sent to occupiers of 6 neighbouring properties. The application was advertised by a site notice.

A comment has been received by email (11.7.20) expressing concerns regarding the B2 use as this covers a broad amount of activities. However, this is the nature of the legislation regarding use classes.

Brightlingsea Town Council comments that hours of use should be defined. This could be addressed by a condition.

6. Recommendation

Approval.

7. Conditions / Reasons for Approval

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; block plan at scale 1:500; and, Planning Statement.

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

2. The site shall be used for mechanical and machinery repairs and for no other purpose (including any other purposes in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the interests of amenity and to ensure the development is compatible with the character of the surrounding area.

3. The use of the site for mechanical and machinery repairs shall be restricted to the hours of 08.00 to 16.00 Monday to Saturday and at no times on Sundays and Public Holidays.

Reason - In the interests of amenity and to ensure the development is compatible with the character of the surrounding area.

4. There shall be no storage of any item or material outside any building.

Reason - In the interests of amenity and to ensure the development is compatible with the character of the surrounding area.

5 No work shall take place other than within the buildings as shown on the approved block plan at scale 1:500.

Reason - In the interests of amenity and to ensure the development is compatible with the character of the surrounding area in accordance with Policies ER7, QL10, QL11, EN1, EN3 and COM22 of the adopted Local Plan.

6 No waste shall be burned on site. No storage of waste shall exceed 1.5m in height.

Reason - In the interests of amenity and to ensure the development is compatible with the character of the surrounding area.

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.

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| 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 |