

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|---|----------|------------|
| File completed and officer recommendation: | JD | 19.08.2020 |
| Planning Development Manager authorisation: | AN | 20/08/2020 |
| Admin checks / despatch completed | CC | 20/08/2020 |
| Technician Final Checks/ Scanned / LC Notified / UU Emails: | BB | 20/08/2020 |

Application: 20/00958/AGRIC **Town / Parish:** Great Bentley Parish Council

Applicant: R MacDonald and Son

Address: Land South of Colchester Road Great Bentley

Development: Construction of an irrigation reservoir including ecological and landscaping enhancements.

1. Town / Parish Council

No response/not applicable.

2. Consultation Responses

Not applicable.

3. Planning History

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|-----------------|--|---------------|------------|
| 02/00514/OHL | Irrigation pump supply | Determination | 08.05.2002 |
| 03/01008/FUL | Single storey extension to form sitting room with en-suite shower room and kitchenette | Approved | 11.09.2003 |
| 03/01009/LBC | Single storey extension to form sitting room. | Approved | 11.09.2003 |
| 06/01711/FUL | Erection of general purpose agricultural building. | Approved | 06.02.2007 |
| 94/00007/AGRIC | Extension to onion store | Determination | 11.04.1994 |
| 13/00944/LBC | Repairs and alterations including insulation to external walls of Grade II listed farmhouse. | Approved | 07.10.2013 |
| 14/30080/PREAPP | Demolition of chimney stack at ground floor level and replace with | Refused | 23.04.2014 |

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| | inglenook fireplace to restore form of medieval fireplace. | | |
| 14/00680/LBC | Alterations to fireplace and surround. | Refused | 16.07.2014 |
| 14/00729/DISCON | Discharge of condition 03 (sketch and photos showing proposed replacement rainwater goods) of listed building consent 13/00944/LBC | Approved | 05.06.2014 |
| 14/00924/DISCON | Discharge of condition 03 (rainwater goods) of Listed Building Consent 13/00944/LBC. | Approved | 11.08.2014 |
| 16/00093/DISCON | Discharge of condition 02 (III) materials of listed building consent 14/00680/LBC allowed at appeal under APP/P1560/5/14/2222519. | Approved | 08.02.2016 |
| 16/01188/LBC | Remove existing cement render externally to part of the property and replace with lime based render. Include also for timber frame repairs and full replacement to sole plate through section of building being re-rendered. | Approved | 24.10.2016 |
| 18/00655/AGRIC | Extension to a steel-framed agricultural building. | Determination | 22.05.2018 |

4. Relevant Policies / Government Guidance

Not applicable.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The site is formed from part of an agricultural field, part of the agricultural holding of Crabtree Farm, Great Bentley.

The water course of Bentley Brook is to the west and there is an area of woodland, Alder Car, to the north.

The centre of Great Bentley is some 750m to the southeast.

A public footpath, Great Bentley no. 4, is set to the west and there is a bridleway, Great Bentley path no. 2 to the east.

Proposal

The proposal is for an agricultural irrigation reservoir.

The reservoir would be roughly rectangular in plan with its western edge some 20m from Bentley Brook. The reservoir would be some 130m long north to south by 80m wide east to west. The reservoir would have an embankment along its western edge and embankments, reducing in height and width moving east, along the northern and southern edges.

Shallows to the reservoir and wetland would be along the eastern edge of the reservoir.

The excavation and western embankment would create a body of water with a maximum depth of 5.5m. The embankment to the western edge of the excavation of the reservoir would have a height of some 2.5m.

Appraisal

This is a "prior notification" under the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2. Part 6, Class A.

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 application states that the total area of the entire agricultural unit is 240 Hectares and this is accepted. The parcel of land in question is a field of an area of some 26 Hectares. 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;

Not applicable; 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;

Not applicable; the proposal complies.

(f) the height of any structure or works within 3km of the perimeter of an aerodrome would exceed 3 metres;

No embankment would exceed 2.5m in height and the nearest aerodrome, Norwood Lodge Landing Strip, is some 4.6km to the southeast. The proposal complies.

(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;

There is no indication that any part of the works would exceed 12m in height from natural ground level. 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 reservoir would be some 460m from the metalled part of Sturrick Lane to the east, 600m from Thorrington Road to the south, and about 1km from School Lane to the west. 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 excavation would be for the storage of water, rainwater, for irrigation; not for the storage of slurry or sewage sludge. 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

The land is not part of a National Park or any other form of Article 2(4) land. The proposal is not connected to 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 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 structure is for water 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. The planning statement forming part of the application documentation indicates, at paragraph 1.9, that the construction method would essentially be cut and fill and this is supported by the profile drawings. The planning statement describes the geological conditions in detail and it is understood that clay from the site itself would be used to form a water retaining toe to the edge of the reservoir. 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 developer has applied to the local planning authority for the siting of the excavation through this application. The position of the proposal has been assessed remotely due to emergency restrictions related to Covid 19. However, there was no indication that the work had started. Due to significant isolation distances and essentially level ground around the vicinity of the site it is considered that the reservoir would not look out of place in the landscape. Aerial photography shows a similar reservoir to the west of Brook Farm and two reservoirs to the north of the woodland to the north of the position of the proposed reservoir. There are two public rights of way in the vicinity as referred to above though views of the reservoir from the footpath would be largely seen against the backdrop of the woodland to the north and the bridleway to the east is some 400m away. It is considered that the prior approval as to the siting of the reservoir 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;

A written description has been provided. A fee of £96 has been paid. The proposal complies.

(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

Prior approval – not required.

7. Conditions / Reasons for Refusal

Not applicable.

8. Informatives

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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 |