

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	6 <sup>th</sup> Oct 2020
Planning Development Manager authorisation:	SCE	13.10.2020
Admin checks / despatch completed	CC	19/10/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	19/10/2020

**Application:** 20/00908/FUL **Town / Parish:** Thorrington Parish Council

**Applicant:** Mr D Edwards - Jepco (Glebe) Ltd

**Address:** Whitehouse Farm Church Road Thorrington

**Development:** Proposed erection of a general agricultural building.

### 1. Town / Parish Council

No comments received

### 2. Consultation Responses

ECC Highways Dept            No comments received

Essex County Council        No comments received  
Heritage

### 3. Planning History

00/01733/AGRIC	General purpose agricultural building	Determination	01.11.2000
TRE/95/18	T.1 - Walnut fell	Current	23.05.1995
01/02141/FUL	Stationing of two mobile homes (Renewal of planning permission 98/01667/FUL)	Approved	17.01.2002
01/02142/FUL	Stationing of three mobile homes for agricultural workers	Approved	17.01.2002
02/01076/TELCOM	Installation of a 15m mast supporting 6 No. DBPP antennae, 4 No. 600mm dishes with equipment cabinet and ancillary equipment and cabling	Determination	31.07.2002
98/01667/FUL	Stationing of two mobile homes	Approved	24.02.1999
99/01093/AGRIC	Proposed reservoir	Determination	03.09.1999
03/01565/AGRIC	Creation of irrigation reservoir	Determination	08.10.2003
03/02401/AGRIC	Agricultural grading / storage extension.	Determination	17.03.2004

06/01736/FUL	Stationing of three mobile homes for agricultural workers	Approved	12.12.2006
06/01737/FUL	Stationing of 2 mobile homes.	Approved	18.12.2006
91/00085/OUT	Proposed House.	Approved	09.04.1991
92/00008/AGRIC	Agricultural Building	Determination	04.08.1992
90/00241/FUL	Proposed farmhouse.	Approved	01.05.1990
10/00331/FUL	Continued stationing of 5 no. mobile homes (to provide accommodation for agricultural workers between April and October (inclusive) each year, as originally approved under planning permissions 06/01736/FUL and 06/01737/FUL).	Refused	17.06.2010
11/01306/FUL	Erection of polytunnels.	Approved	22.12.2011
12/00095/FUL	Single storey extension and canopy over door.	Approved	13.03.2012
14/01000/FUL	Variation of condition 2 of planning permission 11/01306/FUL to vary the approved plans.	Approved	05.09.2014
14/01892/FUL	Replacement of existing polytunnels with a total area of 1.8ha with polyhouses.	Approved	05.06.2015
15/00192/AGRIC	An agricultural barn.	Determination	04.03.2015
16/00913/TELLIC	Installation of electronic communications.	Determination	05.07.2016
17/02170/COUNOT	Proposed conversion of barn into a habitable dwelling.	Determination	07.02.2018
18/01317/DISCON	Discharge of conditions 3 (soft landscaping), 5 (ecological management & mitigation plan), and 8 (construction method statement) of 14/01892/FUL.	Approved	04.09.2018
19/00543/FUL	Retrospective application for a commercial biomass boiler and associated chimney for supplying heat to commercial greenhouse.	Approved	17.06.2019
19/00741/AGRIC	Construction of a general agricultural building.	Determination	11.06.2019
20/00474/TELLIC	Proposed installation of 1 pole.	Determination	05.05.2020
20/00652/AGRIC	Construction of general agricultural building.	Turned Away	16.06.2020

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

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN16 Agricultural and Related Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PP13 The Rural Economy

Local Planning Guidance

Essex Design Guide

#### **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 (including Site Description and Proposal)**

### Site Description

The application site is part of an extensive farm operation based at Whitehouse Farm in Thorrington. The surrounding land is similarly used for agricultural purposes. Residential properties are located to the south-west of the application site and their rear boundaries are some 170m away from the proposed building.

The application site is located to the north-east of the main settlement of Thorrington, with vehicular access taken off Church Road.

### Relevant Planning History

In June 2020 a prior approval application for a new agricultural building was submitted. The Local Planning Authority turned the application away as the proposal failed to adhere to Schedule 2, Part 6, Class A, paragraph A.1 (b) of The Town and Country Planning (General Permitted Development) Order 2015 (as amended), which states the following:

*Development is not permitted by Class A if 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 the site indicates that development under Class Q was granted under application 17/02170/COUNOT. No evidence is available to me that development under the 2017 application has begun, the period for compliance of a Class Q application is three years - as such this could be implemented at any point up to February 2021. There is a buffer of 10 years before development under Class A can be applied for - this 10 years could conceivably run all the way to February 2031.

Consequently the submission could not be dealt with via the Prior Notification process and a separate full planning application was required.

### Proposal

The application proposes a second agricultural building to be sited relatively central to the extent of the land ownership and on the periphery of the cluster of existing buildings. The building has a typically functional appearance; being 8.8m high and having a footprint of 30m x 20m.

## Principle

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. The application site is located outside of any defined Development Boundary within the existing and the emerging Local Plan. Settlement development boundaries aim to restrict new development to the most sustainable sites and outside of the boundary the Local Plan generally seeks to conserve and enhance the countryside. The site is part of an existing much larger agricultural holding (circa 13 hectares) and for this reason the principle of an agricultural-orientated development on an agricultural site is considered acceptable, subject to the detailed consideration below.

## Design & Appearance

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

The building has a typically functional appearance and scale associated with the need to store large quantities of bales. Externally the walls would be partially clad in timber Yorkshire Boarding and the roof would be profiled metal roof sheeting, with flashings to match. The proposed building would be very similar to a number of other buildings within the unit.

## Agricultural Development

The Council recognises that agriculture is a vital part of the local economy, it is also acknowledged that the District's rural areas and countryside are used for certain activities that need to take place in these areas, some of which can bring about positive outcomes for the rural economy. The Council will support proposals for appropriate development in the countryside that would help strengthen the rural economy, provided detailed concerns about size, siting and design can be resolved. New buildings and associated development that is permitted on farm holdings must be of an appropriate design and scale and should not conflict with safeguarding the landscape and countryside character of the locality.

Policy EN16 states that permission will only be granted for agricultural buildings if the applicant demonstrates that the proposed development is reasonably necessary for the purposes of agriculture being carried, the design, siting, size and materials of construction, including hard surfacing, ensure that the development would not have an adverse visual impact on the local countryside, landscape character or to nature conservation interests.

In demonstrating that the barn is reasonably necessary for the purposes of agriculture the applicant has set out how the business has evolved in to hydroponic lettuce production. These salad vegetables are grown in the polyhouses which were approved against reference 14/01892/FUL.

The project utilises a biomass boiler to provide the heat source to provide heating to the polyhouses to enable a year round growing environment to reduce the requirement of fossil fuels in production. This ability to grow salad crops all year round reduces the food miles required to import salad crops from abroad. The biomass boiler is as retrospectively permitted under planning application reference 19/00543/FUL.

The fuel required for the biomass boiler is locally sourced straw and the project requires approximately 1000 bales per annum for which this application relates to the secure and dry storage of.

The proposed barn is for the storage of straw for the production of heat as part of the above outlined hydroponic growing operation. The building has been sized to accommodate the annual fuel requirement of 1000 bales measuring 1.2m x 1.2m x 2.4m.

A previous part Q permitted development of an agricultural building to residential conversion has been approved and implemented in accordance with 17/02170/COUNOT. This building was not suitable for the modern scale of the business and would not have been suitable for this identified use as it was a small open fronted barn measuring just 14m x 5.5m x 2m which would only be capable of storing approximately 40 bales.

## **6. Recommendation**

Approval - Full

## **7. Conditions / Reasons for Approval**

- 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: floorplan; front & rear elevations, left elevation; received 9th July 2020.

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

- 3 Notwithstanding the provisions of Article 3, Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), the Agricultural Storage Barn shall be used solely for the purposes of Agriculture and for no other purpose including any other purpose in Class Q, Class R or Class S of Article 3, Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification).

Reason - The area is considered to be the least sustainable settlement for growth and development should normally be restricted to small-scale development only that would not harm the amenities of the occupants of neighbouring properties.

## **8. Informatives**

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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?</b>		<b>NO</b>
<b>Are there any third parties to be informed of the decision?</b>		<b>NO</b>