

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	18/02/2021
Planning Development Manager authorisation:	SCE	19.02.2021
Admin checks / despatch completed	DB	19.02.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	19.02.2021

**Application:** 20/01818/AGRIC **Town / Parish:** Bradfield Parish Council

**Applicant:** John Jiggins - John Jiggins Ltd

**Address:** Bradfield Lodge Clacton Road Horsley Cross

**Development:** Proposed open fronted steel portal framed agricultural building for straw storage and machinery.

### 1. Town / Parish Council

Not Applicable

### 2. Consultation Responses

Not Applicable

### 3. Planning History

98/00090/FUL	To retain and continue use of two farm buildings as car body repair workshops	Approved	14.07.1998
99/01025/FUL	To retain and continue use of two farm buildings as car body repair workshops (Renewal of TEN/98/0090)	Approved	01.09.1999
02/02067/FUL	To retain and continue use of two farm buildings as car body repair workshops (Renewal of TEN/98/00090)	Approved	11.12.2002
08/00358/FUL	Continued use of 2 no. farm buildings as car body repair and dismantling workshops.	Approved	23.05.2008
12/01265/FUL	Installation of three micro scale wind turbines (14.97m to hub, 5.6m diameter blades).	Approved	14.01.2013
16/01983/AGRIC	Erection of an open fronted steel portal framed agricultural building for the storage of hay.	Prior Approval Not Required	22.12.2016

16/01984/AGRIC	Erection of an open fronted steel portal framed agricultural building for the storage of straw.	Prior Approval Not Required	21.12.2016
17/02030/FUL	Demolition of existing covered area, construction of new store/quality control room with farm office and meeting room above in roof space, undercroft covered parking for 3no. vehicles.	Approved	26.01.2018
18/02040/AGRIC	Proposed erection of open fronted steel portal framed agricultural building for straw & hay storage.	Prior Approval Not Required	15.01.2019

#### **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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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. In this latter regard, as of 26<sup>th</sup> January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10<sup>th</sup> December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26<sup>th</sup> January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

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

The Prior Approval relates to a proposed open fronted steel portal framed agricultural building for straw storage and machinery.

### 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 development would not 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 proposal would not consist of the erection of any agricultural building on an established agricultural unit 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 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 which would not be covered by any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations but would be covered by one building erected or extended or altered by virtue of Class A. The building does*

*not exceed 1,000 square metres, calculated as described in paragraph D.1(2)(a) of this Part. The proposal complies.*

- (f) the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metre;

*No part of any building, structure or works is within 3 kilometres of the perimeter of an aerodrome. 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;

*At 6.1m, the height of any part of any building, structure or works more than 3 kilometres of the perimeter of an aerodrome would not exceed 12 metres. 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 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, the building would not 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 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. 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.

*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;

*Development is not being carried out within 400 metres of the curtilage of a protected building. 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;

*The development does not involve the extraction of any mineral from the land or the removal of any mineral from a mineral-working deposit. Condition A.2 (1) (b) is met.*

- (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 proposed building is situated to the south west corner of the application site. The parcel of land already contains a number of buildings. Due to the number of existing buildings in the locale, the proposal will assimilate well within the surroundings and will not create a negative impact upon the surrounding area.*

*The proposed building will measure approximately 54.8 metres in length, by approximately 12.1 metres in width with an overall height of 6.09 metres. The building will be constructed from natural grey concrete and timber with timber Yorkshire boarding walls, with fibre cement roof in a natural grey. 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 on the application form. The Site Layout Plan scanned 22 Jan 2021 indicates the site and the fee was paid on the 14th December 2020.*

- (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**

- 1 The development must be carried out where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given
- 2 The development must not begin before the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required.

**8. Informatives**

Not Applicable

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