

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JR	19.08.2021
Planning Development Manager authorisation:	JJ	19/08/2021
Admin checks / despatch completed	DB	19.08.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	19.08.2021

**Application:** 21/01097/FUL **Town / Parish:** Thorpe Le Soken Parish Council

**Applicant:** Fiona Jacques - Strutt and Parker (Farms) Ltd

**Address:** Landermere Farm Landermere Thorpe Le Soken

**Development:** Proposed straw barn. (Phase 2)

### **1. Town / Parish Council**

Thorpe Le Soken Parish Council      No Comments Received

### **2. Consultation Responses**

None

### **3. Planning History**

06/01961/FUL	Change of use of land and buildings for lorry park and workshop.	Approved	16.05.2007
12/01290/FUL	Continued change of use of farm buildings for B8 use.	Approved	11.01.2013
13/00090/DISCON	Discharge of Condition 02 of planning permission 12/01290/FUL	Approved	05.02.2013
15/00279/FUL	Change of use of farm building for B8 use.	Approved	08.04.2015
15/01911/FUL	Erection of agricultural machinery and general purpose building (following demolition of existing building).	Approved	09.02.2016
17/01203/FUL	Retrospective application for the erection of a dust extraction unit plus biomass boiler system with associated storage silo.	Approved	17.11.2017
20/01522/AGRIC	Proposed straw barn building.	Determined	17.11.2020

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

NPPF National Planning Policy Framework July 2021  
National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses (part superseded)  
EN1 Landscape Character  
EN16 Agricultural and Related Development  
TR1A Development Affecting Highways

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

Relevant Section 1 Policies (adopted)

SP1 Presumption in Favour of Sustainable Development  
SP7 Place Shaping Principles

Relevant Section 2 Policies (emerging)

PP13 The Rural Economy  
PPL3 The Rural Landscape  
SPL3 Sustainable Design  
CP1 Sustainable Transport and Accessibility

### **Status of the Local Plan**

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26<sup>th</sup> January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. In this regard 'Proposed Modifications' to emerging Section 2 of the 2013-33 Local Plan which contains more specific policies and proposals for Tendring has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29<sup>th</sup> June 2021. The Council is holding a six week public consultation on the Main Modifications and associated documents, which began on 16th July 2021. The consultation will run for just over 6 weeks, closing at 5pm on 31<sup>st</sup> August 2021, following which adoption is expected later this year. Section 2 will join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

## **5. Officer Appraisal**

### **Site Description**

The application site is located on the north eastern side of Walton Road via an access road, adjacent to New Hall Cottages, in open countryside between the settlement boundaries of Kirby-Le-Soken and Thorpe-Le-Soken. The site measures 0.10ha and comprises of part of an existing arable field and a new access adjacent to the existing farm and commercial buildings. Landermere Farm cultivates around 685 hectares in the surrounding area, growing wheat, barley, potatoes, sugar, onions, turf and forage maize. A detailed cropping plan has been submitted with the application. The site is not within a conservation area and is sited within Flood zone 1.

## Proposal

The application seeks planning permission for the construction of a barn building (Phase 2) to be used as a store for straw produced on the farm. The barn measures 18.3m wide, 24m deep, with an eaves height of 7.6m and a maximum height of 10.1m. The proposed building has 4 bays and is of a steel framed construction open on all sides with fibre cement sheeting for the roof in natural grey.

## Principle of Development

The proposal is considered likely to be permitted development under Class A of Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and prior approval application 20/01522/AGRIC was granted for a barn of a similar design measuring 18.3m wide, 54m deep, with an eaves height of 7.6m and a maximum height of 10.1m.

However an application for full planning permission has been submitted as there are two phases proposed (Phase 1 is the subject of a separate application – 21/01098/FUL) and the combined development would likely exceed 1000sqm and therefore fall outside of the permitted development parameters. The applicants have also stated that Phase 1 and Phase 2 may be developed in different years, depending upon business requirements. The two phases will effectively create one building as the sites abut each other.

Saved Policy EN16 of the adopted Local Plan states that planning permission will only be granted for agricultural buildings if it is demonstrated that the proposed development is reasonably necessary for the purposes of agriculture being carried out on that holding and that 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.

Emerging Policy PP13 supports the growth of the rural economy by allowing the provision of buildings that are, amongst others, essential to support agriculture provided adverse impacts on the environment are kept to a minimum.

Therefore the principle of an agricultural building in this location is considered to be acceptable subject to the detailed planning considerations discussed below.

## Impact on Landscape Character

The proposed building is required for the storage of straw in association with the agricultural use of Landermere Farm. The proposed building under Phase 2 would constitute a large additional building in this rural countryside location and would abut the building under Phase 1. Due to the combined size of the buildings under Phase 1 and Phase 2, which are comparable to the building approved under Prior Approval Application 20/01522/AGRIC it is not considered necessary to restrict the timing of the building of Phase 2 in any regard. Therefore affording the applicant to be flexible with regard to the needs of the farm business now and in the future.

The building is located close to the existing group of buildings to the rear of New Hall Cottages, adjacent to the existing access way and well sited within the main clusters of residential properties and farm buildings to the east and west.

This ensures that when viewed from the wider countryside its impact is minimised and a relationship established between the proposed building and the existing farm operation. The design of the building is characteristic of an agricultural building and is similar to those seen in the locality. Views of the building from public vantage points along the B1414 would be screened to a certain degree by the existing vegetation and given the distances involved, would be viewed in context with the wider rural area.

Therefore the proposal is considered to be acceptable and policy compliant in these regards.

### Impact on Residential Amenity.

The NPPF, Paragraph 130 maintains that policies and decisions should result in new development that creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. In addition, saved Policy QL11 states that amongst other criteria 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Emerging Policy SPL3 states that 'buildings and structures are designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents'.

The proposed Phase 2 building is located to some 76m from the closest neighbouring properties, Nos 1 and 2 New Hall Cottages. The barn, whilst a large structure is open on all sides and is to be used in conjunction with the existing farm land which borders the rear boundary of these neighbouring dwellings. Given that the neighbouring dwellings are located close to a rural farm location and is it not considered that the proposed building would intensify the operations at the farm, it is not considered that the proposal would result in any significant loss of amenity to the occupiers of the neighbouring properties.

### Highways

It is not considered that the proposal would impact on Highway safety given that use of the current access is proposed.

### Consultation Responses

No representations have been received against this retrospective application following a public consultation which included a site notice posted at the site and neighbouring consultation letters sent out to the adjacent property.

### Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is recommended for approval

## **6. Recommendation**

Approval – Full

## **7. Conditions**

- 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 plan(s): 100\_02, MP/2021/02

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

## **8. Informatives**

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.

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