

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JR	20.10.2021
Planning Development Manager authorisation:	JJ	21/10/2021
Admin checks / despatch completed	ER	21/10/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	21/10/2021

**Application:** 21/01644/AGRIC **Town / Parish:** St Osyth Parish Council

**Applicant:** Ms Swanston-Murphy

**Address:** Land North of Oak Lodge Clay Lane St Osyth

**Development:** Proposed new agricultural storage barn.

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

St Osyth Parish Council      Not applicable

### **2. Consultation Responses**

Not applicable      No consultation is required to be undertaken for this type of permitted development prior approval application. It is noted that objections have been received regarding this application, however there is no requirement to consider any objections raised under the relevant permitted development criteria as outlined below.

### **3. Planning History**

None

### **4. Relevant Legislation**

Class A of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Class A of Part 6 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018; Statutory Instrument No. 343 which came into force on 6th April 2018

#### Relevant Policies with regard to siting, design and external appearance

Adopted Tendring District Local Plan 2007 (part superseded)

EN1 Landscape Character  
EN16 Agricultural and Related Development

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

#### Relevant Section 1 Policies (adopted)

SP7 Place Shaping Principles

#### Relevant Section 2 Policies (emerging)

PP13 The Rural Economy  
PPL3 The Rural Landscape

### **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 the 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 held a six-week public consultation on the Main Modifications and associated documents which began on 16<sup>th</sup> July 2021. The consultation closed at 5pm on 31<sup>st</sup> August 2021 and adoption is expected later this year. Section 2 will then 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 site forms part of an area of agricultural land of some 14.9 hectares which was formerly operated as part of Crosslands Farm. The supporting information states that this area of land has been acquired under a tenancy agreement by the applicant. The land is mainly grassland and used for the cropping of hay and is bordered by established hedgerow and trees to the south and west and also along its frontage with Clay Lane. The site area is located on the western side of Clays Lane, close to the shared boundary with Oak Lodge. Existing gated access is provided from Clays Lane.

### Proposal

The proposal is for the construction of an agricultural storage building, measuring 25m x 18m, with an eaves height of 6.5m and a maximum height of 8.5m. The area of the building would be 450 square metres and is to be of steel portal frame construction, clad with coated galvanized steel profile sheeting in Juniper green, with the roof finished in the same material.

### Appraisal

Class A of Part 6 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018; Statutory Instrument No. 343 and which came into force on 6th April 2018 allows for the erection, extension or alteration of a building or any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within an agricultural unit of 5 hectares or more providing that a number of criteria are met, which are related to the location, size and use of the building.

The key change of the 2018 amendment to the Order is that it increased the ground area which would be covered by, in this case, any building erected by virtue of Class A from 465 square metres to 1000 square metres. As the area of the agricultural holding is in excess of 5 hectares (some 14.9 hectares) the proposed building falls to be considered under Class A.

In order to comply with the permitted development criteria of Class A, details must be submitted to the Local Planning Authority for a determination as to whether the proposal would comply with the criteria set out in Class A and whether the prior approval of the authority will be required to the siting, design and external appearance of the building, as stated in Condition A.2 (2) of Part 6, Class A.

The proposed agricultural building is not permitted development if the criteria set out in Part 6 (Class A) cannot be met. This criterion is set out and addressed below:

(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 is on a parcel of land more than 1 hectare. 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:

***Class Q of Part 3 of the GPDO is concerned with agricultural buildings changing to dwellinghouses. Class S of Part 3 of the GPDO is concerned with agricultural buildings changing to a school or nursery. No development under Class Q or Class 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 therefore the proposal complies.***

(c) it would consist of, or include, the erection, extension or alteration of a dwelling:

***The proposal does not involve the erection, extension or alteration of a dwelling. Therefore the proposal complies.***

(d) it would involve the provision of a building, structure or works not designed for agricultural purposes:

***The proposal does not involve the provision of a building, structure or works not designed for agricultural purposes. Therefore 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 proposal does not involve any works or structure for accommodating livestock or any plant machinery arising from engineering operations and does not exceed 1000 square metres. Therefore 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 metres:

***The agricultural building is not within 3 kilometres of the perimeter of an aerodrome. Therefore 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:

***The agricultural building is not within 3 kilometres of the perimeter of an aerodrome and does not exceed 12 metres in height***

(h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road:

***Clay Lane is not classed as a trunk road or a classified road and therefore the development is not sited within 25 metres of a metalled part of a trunk road or classified road and therefore complies with this criteria***

(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:

Class A Part 6 of the GPDO defines a protected building as:

*any permanent building which is normally occupied by people or would be so occupied, if it were in use for purposes for which it is designed; but does not include—*

*(a) a building within the agricultural unit; or*

*(b) a dwelling or other building on another agricultural unit which is used for or in connection with agriculture;*

***The proposal is within 400m of the curtilage of Oak Lodge, which is not connected to an agricultural unit and is considered to be a private dwellinghouse, however the proposed building is not for the use of accommodation of livestock or for the storage of slurry or sewage sludge. Therefore the proposal complies***

(j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming;

***The land is not part of a National Park or any other form of Article 2(4) land nor is the proposal connected to fish farming. Therefore 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 proposal is within 400 metres of a protected building, however the proposed building is not for the use of storing fuel for or waste from a biomass boiler or an anaerobic digestion system. Therefore the proposal complies.***

### Siting

#### Relevant planning history

Application 18/00702/AGRIC related to the construction of an agricultural building of similar proportions, on land west of the application site, with access from Clay Lane. This was refused and dismissed at appeal (APP/P1560/W/18/3217476) due to the impact of the siting of the building in this open area due to the proposed buildings prominence and associated harm caused to the open landscape character.

*The Planning Inspector concluded that not only would the proposal's siting and design markedly erode the sense of openness at the appeal site, but it would also obscure long distance views of the surrounding countryside from certain vantage points along Clay Lane. Although set back and*

*partially screened by existing hedgerows, it would therefore appear unduly prominent and intrusive when viewed from this road.*

*Furthermore, the proposal would be seen in long distance views from the wider area, including the surrounding highway network. Consequently, it would also appear conspicuous and alien in this open, undeveloped, landscape setting when viewed from further afield. I am not persuaded that the proposal's harmful overall impact could be suitably mitigated through additional planting at the appeal site, which would only serve to draw the eye to its incongruous siting.*

### Assessment

Saved Policy EN16 states that the countryside will be protected from inappropriate forms of development. EN16 (b) states that planning permission for agricultural buildings will only be granted if the design, siting and size would not have an adverse impact on the local countryside or landscape character. Saved Policy EN1 states any development which would significantly harm landscape character or quality will not be permitted.

Emerging Policy PPL3 supports this view and states that the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character and appearance. The site is considered to lie within the Landscape Character Area of St Osyth/Great Bentley Heaths as detailed in the TDC Landscape Character Assessment (2001), as is the appeal site mentioned above. Volume Two: Guidance for Built Development describes the area as a highly productive open plateau of arable fields. The guidance states that the large scale open landscape means that particular care must be taken in the siting and design. Any new development therefore has the potential to be highly visible over long distances.

The proposed agricultural building would be accessed via the existing gated access from Clay Lane and is sited towards the southern boundary with Oak Lodge, which comprises of well-established hedgerow and trees. This established mature planting runs along the southern and western border of this part of the agricultural land. The application site is lower, with the land rising up towards the north and west.

Although the site is considered to be located in this same Landscape Character Area as the appeal site mentioned above, this area is not considered to be as open as the appeal site. The building would be screened from the south and west by the existing hedgerow and trees and is sited on land lower than that surrounding. Therefore the proposed building is not considered to have such a materially harmful impact on the character and appearance of this sensitive area. Sited close to the built form of Oak Lodge and the other residential properties in this run, views of the building looking north would be obscured and the building is not considered to be visible from a distance. Given the screening and the changing land levels, whilst the building would be visible, looking south and east it is not considered to be unduly prominent or intrusive in this countryside location or interrupt long range views of the area.

### Design

The proposed building would have the appearance of an agricultural building. The materials and design proposed are considered to relate acceptably to the rural area and would not appear inappropriate in this location, given its agricultural nature and the built form in the immediate locality.

### Conclusion

The proposed agricultural building complies with Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 6 Agricultural and Forestry Permitted Development, of the above mentioned order (as amended), and the Council's prior approval is not required for the siting, design or external appearance of the development as proposed.

## 6. Recommendation

Prior approval not required

## 7. Conditions

1. The proposed agricultural building complies with Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 6 Agricultural and Forestry Permitted Development, of the above mentioned order (as amended), and the Council's prior approval is not required for the siting, design or external appearance of the development as proposed.

## 8. Informative

Not applicable

<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